

# GREATER LONDON AUTHORITY

## REQUEST FOR MAYORAL DECISION – MD3449

### Proposed additional Old Oak and Park Royal Development Corporation planning powers

#### Executive summary:

The Old Oak and Park Royal Development Corporation's (OPDC's) complement of planning powers is incomplete. Some key planning enforcement and development management powers rest with the "host boroughs" and not with the OPDC. A list of planning powers that are not conferred on the OPDC are set out in Appendix 1 ("the relevant planning powers").

The Ministry of Housing, Communities and Local Government (MHCLG) is planning to make the relevant planning powers available to newly created Mayoral Development Corporations (MDCs) by commencing section 174 of the Levelling-up and Regeneration Act (LURA) 2023. However, for the relevant planning powers to be conferred on the OPDC, as an existing MDC, a different legislative mechanism is required.

The MHCLG is proposing that, when the Secretary of State is asked to approve the Commencement Order commencing section 174 of LURA, he is also asked to approve a Consequential Instrument – a legal mechanism that would update the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015, and allow the relevant planning powers to be conferred on the OPDC. At the MHCLG's request, the GLA has undertaken engagement to understand stakeholder views on the relevant planning powers being conferred on the OPDC through the legislative process identified above.

#### Decision:

That the Mayor:

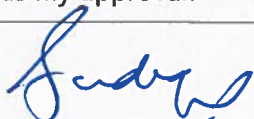
- notes the response to the GLA's engagement (see paragraphs 1.11-1.13, below) on the OPDC obtaining the planning powers set out in Appendix 1
- delegates authority to the Deputy Mayor for Planning Regeneration and Fire Service to write to the Secretary of State for Housing, Communities and Local Government, on the Mayor's behalf, to:
  - inform him of the outcome of the engagement exercise
  - request (for the reasons set out at paragraphs 1.4-1.7, below) that he confers the relevant planning powers on the OPDC, via the proposed legislative process identified above.

#### Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:



## **PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. The Old Oak and Park Royal Development Corporation (OPDC) was initially conferred planning powers through a legislative order in 2015: the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 (the Planning Functions Order). These powers include a wide range of day-to-day planning powers that are typically held by local councils, including powers to enforce planning controls. However, the OPDC's complement of planning powers is incomplete. Some key planning enforcement and development management powers (the relevant planning powers) rest with the host boroughs, and not with the OPDC. This arose because of how the Localism Act 2011 (the legislation used to create the OPDC as a Mayoral Development Corporation (MDC)) is worded (see Section 6, below).
- 1.2. The Ministry of Housing, Communities and Local Government (MHCLG) is proposing to make the relevant planning powers available to newly created MDCs by commencing section 174 of the Levelling-up and Regeneration Act 2023 (LURA). However, to enable the relevant planning powers to be conferred on the OPDC, as an existing MDC, a different legislative mechanism is required. To do this, the MHCLG is proposing that, when the Secretary of State is asked to approve the Commencement Order commencing section 174 of LURA, he is also asked to approve a Consequential Instrument (CI) – a legal mechanism that would update the Planning Functions Order, and allow the relevant planning powers to be conferred on the OPDC. This would effectively allow the OPDC to begin using some sections of existing planning legislation not previously available to it, and make use of new ones. A list of the relevant planning powers that would be conferred on the OPDC is set out in Appendix 1.
- 1.3. It is expected that both the Commencement Order and the CI will be submitted to the Parliamentary Business and Legislation Committee of Cabinet for review in early 2026.
- 1.4. Conferring the relevant planning powers on the OPDC, as proposed, would allow the OPDC to:
  - ensure its planning enforcement 'tools' are consolidated
  - operate in the same way as most local authority planning departments.
- 1.5. Additionally, the OPDC would be able to better manage its heritage assets and tackle unauthorised advertising. It would also acquire the power to determine Certificates of Lawfulness for existing and proposed development in its area. This would ensure the OPDC can rigorously assess the history of development that may have never had planning permission.
- 1.6. The OPDC would also acquire the power to determine Certificates of Appropriate Alternative Development (CAADs). This will assist the OPDC's compulsory purchase programmes on matters relating to compensation. A landowner can make an application for a CAAD if their site is acquired through a Compulsory Purchase Order. CAADs inform the compensation to be paid to a landowner.
- 1.7. All the additional planning powers the OPDC would acquire are routine. They would not confer any specific or unique powers on the OPDC that are not already held by most local planning authorities (LPAs) in the UK.

#### *Stakeholder engagement*

- 1.8. To support the legislative processes for the Commencement Order and the CI (noted above), the MHCLG requested the Mayor of London undertake an engagement exercise to seek the views of relevant stakeholders about the proposal for the OPDC to obtain relevant planning powers.
- 1.9. This engagement occurred between 26 September and 7 November 2025. The engagement was not a statutory consultation; but, as requested by the MHCLG, reflected the provisions of section 202 of the

Localism Act 2011, and engaged the bodies listed in that section of the Act (identified at paragraph 1.10, below). These were the same bodies that were consulted when the OPDC was established as an MDC. A copy of the engagement letter from the GLA's Executive Director, Good Growth is at Appendix 3.

1.10. That letter was sent to the following stakeholders by way of engagement about the proposed changes:

- the London Assembly (referred to the Planning and Regeneration Committee following consultations with the party groups)
- Krupesh Hirani – Assembly Member, Brent and Harrow
- Bassam Mahfouz – Assembly Member, Ealing and Hillingdon
- James Small-Edwards – Assembly Member, Hammersmith & Fulham; Kensington and Chelsea; City of Westminster

London Boroughs in the OPDC area:

- Councillor Peter Mason – Leader, London Borough of Ealing
- Councillor Muhammed Butt – Leader, London Borough of Brent
- Councillor Stephen Cowan – Leader, London Borough of Hammersmith and Fulham.

Members of Parliament in the OPDC area

- Dawn Butler MP
- Rupa Huq MP
- Georgia Gould MP.

*Stakeholder response to engagement*

- 1.11. A single response to consultation was received from James Small-Edwards, the Chair of the London Assembly's Planning and Regeneration Committee (see Appendix 4). The letter noted that the Committee raised no objection to the proposal. No other stakeholders responded to engagement.
- 1.12. For the reasons set out in paragraphs 1.4 to 1.7, above, the OPDC supports obtaining the relevant planning powers via the legislative mechanism proposed by the MHCLG.
- 1.13. Noting the response to the engagement, and the reasons the OPDC supports obtaining the relevant planning powers, the Mayor is asked to delegate authority to the Deputy Mayor for Planning, Regeneration and the Fire Service to write to the Secretary of State for Housing, Communities and Local Government, on the Mayor's behalf to inform the Secretary of State of the outcome of the engagement exercise; and to request, for the reasons set out in paragraphs 1.4 to 1.7 (above), that the Secretary of State confers the relevant planning powers on the OPDC via the proposed legislative process identified above.

## **2. Objectives and expected outcomes**

- 2.1. The key objective of the legislative changes proposed is to migrate planning powers that rest with the host boroughs to the OPDC; and to enable the OPDC to incorporate new planning powers, that will be available to all LPAs. This is important because it will allow the OPDC, as an LPA, to function more efficiently; and undertake specific development management and enforcement functions that it currently cannot effect. The powers will also assist in achieving the OPDC's compulsory purchase

objectives. These changes will contribute to delivering the outcomes of the OPDC's Local Plan – in particular, around maximising the regeneration potential of the OPDC as an MDC area.

- 2.2. Regarding development management powers, the new powers will allow the OPDC to determine Certificates of Lawfulness. The ability to take decisions on these Certificate applications will allow the OPDC to more fully manage the development management process, where the site history is complex and may link to prior enforcement issues.
- 2.3. The changes will also allow the OPDC to issue Temporary Enforcement Notices (TENs). TENs allow resolution of new breaches of planning control in a low-risk manner, before unauthorised uses, without planning permission become entrenched or works progress, and result in fewer officer inputs to secure compliance. Powers relating to control of adverts and heritage planning will also assist the OPDC in these areas. Lastly, the ability to determine CAADs will allow the OPDC to better manage the compulsory purchase process.
- 2.4. The overall impact of the legislative changes on the build environment within the OPDC area would be more coordinated planning enforcement and development management functions. This, in turn, would improve the OPDC's ability, as an LPA, to deliver the Local Plan efficiently and ensure high-quality development outcomes.

### **3. Equality comments**

- 3.1. Under section 149 of the Equality Act 2010, as a public authority, the Mayor and GLA must comply with the Public Sector Equality Duty (PSED) when exercising GLA functions. This is a duty to have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation, and any conduct that is prohibited by or under the Equality Act 2010
  - advance equality of opportunity, and foster good relations, between people who share a relevant 'protected characteristic' as defined in the Equality Act 2010 and those who do not
  - foster good relations between people who share a relevant protected characteristic and those who do not.
- 3.2. The 'protected characteristics' are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership status (but only in respect of the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.3. Consideration of the PSED is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken, to ensure that equalities impacts are kept under ongoing review.
- 3.4. There are no equality implications arising directly from the decisions the Mayor is asked to approve in this Mayoral Decision.
- 3.5. The OPDC will be required to comply with the PSED when exercising any of the relevant planning powers, should they be conferred upon the OPDC.

### **4. Other considerations**

#### *Key risks and issues*

- 4.1. The migration of planning enforcement powers to the OPDC carries the risk that formal action may disproportionately impact specific communities. However, this risk is present regardless of whether the

OPDC, or its host boroughs, hold the specific powers proposed for migration. The risk to communities can be mitigated with a case-by-case assessment of relevant legal and human rights issues when planning enforcement action is being contemplated by the LPA. The approach to this is always consistent with national guidance and relevant legislation.

- 4.2. In the context of the specific powers that will be conferred on the OPDC, the risk to communities is low. The powers concerning advertising, heritage planning and compulsory purchase are less likely to impact people who have protected characteristics, given the contexts in which they are applied. The powers concerning planning enforcement may have a higher probability of impact; but these impacts can be mitigated by adherence to the legal and human rights assessments noted above.

#### *Links to Mayoral strategies and priorities*

- 4.3. The delivery of the OPDC's Local Plan is key to the Mayor's vision for the OPDC area to drive forward the delivery of high-quality homes and jobs. This will facilitate London and UK growth and global competitiveness, capitalising on the significant HS2 and Elizabeth Line (Crossrail) investment. A full complement of planning powers for the OPDC will ensure that robust development management and enforcement options are available to secure the delivery of Local Plan policies (supporting the Mayor's Mandate Delivery Plans, specifically Making Best Use of Land) and assist with the OPDC compulsory purchase requirements.

#### *Impact assessment and consultation*

- 4.4. The GLA has engaged with relevant stakeholders on the OPDC's behalf, in a manner that is consistent with advice from the MHCLG. There are no specific data protection, health or safeguarding issues associated with this proposal.
- 4.5. The OPDC is the only MDC impacted by this issue; the London Legacy Development Corporation no longer has planning powers, and the Oxford Street Development Corporation (OSDC) has yet to be granted planning powers (with these additional powers expected to be granted to OSDC at the same time as it receives planning powers).
- 4.6. There are no conflicts of interest from any officer involved in the drafting or clearance of this decision form.

## **5. Financial comments**

- 5.1. There are no direct financial implications for the GLA arising from this decision. The OPDC has confirmed that, should any additional workload arise from these new planning powers, it will be managed within the OPDC's existing budgets.

## **6. Legal comments**

- 6.1. The OPDC was established by the OPDC (Establishment) Order 2015. The Planning Functions Order confers certain planning powers and functions on the OPDC. These include the functions listed in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 (the 1980 Act). These cover a range of planning functions listed in the Town and Country Planning Act 1990 (the 1990 Act) and the Planning (Listed Buildings and Conservation Areas) Act 1990, including enforcement functions.
- 6.2. Section 202(3) of the Localism Act 2011 enables the planning powers contained in Part 1 to Schedule 29 of the 1980 Act to be conferred on MDCs. Part 1 to Schedule 29 confers various enforcement powers in Parts 7 and 8 in the 1990 Act. A list of the OPDC's current Part 1 Schedule 29 powers, as conferred in the OPDC Functions Order, is set out in Appendix 2.

- 6.3. However, Schedule 29, in its current version, does not include the relevant planning powers, which include a range of enforcement and other powers, including the power to determine CAADs and Certificates of Lawful Development.
- 6.4. It is proposed that section 174(4)(c) of LURA will insert a new “Paragraph 3” into Schedule 29. Once section 174(4)(c) is commenced, it would confer the relevant planning powers on MDCs. However, due to the way in which the Localism Act 2011 is drafted, they would only be conferred on future MDCs. The list of powers that future MDCs will acquire upon the commencement of section 174(4)(c) of LURA (the relevant planning powers) is set out in Appendix 1.
- 6.5. For the relevant planning powers to be conferred on existing MDCs, the MHCLG has proposed that, when the Secretary of State is asked to approve the Commencement Order commencing section 174 of LURA, he is also asked to approve a legal mechanism – the CI – that would update the Planning Functions Order; and allow the relevant planning powers to be conferred on the OPDC. It is anticipated that the Commencement Order and the CI will be progressed via an application to the Parliamentary Business and Legislation Committee of Cabinet in early 2026.
- 6.6. Section 149 of the Equality Act 2010 (the PSED) requires the GLA and the Mayor to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and any other conduct prohibited by or under the Act; and to advance equality of opportunity, and foster good relations, between people who share a protected characteristic and those who do not (see section 3, above).
- 6.7. Under section 38(1) of the GLA Act, the Mayor may delegate the exercise of any functions exercisable on behalf of the Authority by the Mayor to, amongst others, any GLA member of staff.

## **7. Planned delivery approach and next steps**

- 7.1. An approximate timetable of next steps is set out below.

<b>Activity</b>	<b>Timeline</b>
Referral of MD and Mayor’s request to the MHCLG	December 2025
MHCLG submission of Commencement Order and CI to the Parliamentary Business and Legislation Committee of Cabinet	Early 2026
Additional planning powers conferred on the OPDC	April 2026

### **Appendices and supporting papers:**

- Appendix 1 – Proposed OPDC planning powers
- Appendix 2 – OPDC Current ‘Schedule 29’ Planning Powers
- Appendix 3 – Engagement Letter
- Appendix 4 – London Assembly Planning and Regeneration Committee – Response to Engagement



**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will be published either within one working day after it has been approved or on the defer date.

**Part 1 – Deferral**

**Is the publication of Part 1 of this approval to be deferred? NO**

**Part 2 – Sensitive information**

Only the facts or advice that would be exempt from disclosure under the FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form? NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to  
confirm the  
following (✓)

**Drafting officer:**

Matt Ruddy has drafted this report in accordance with GLA procedures and confirms the following:

✓

**Sponsoring Director:**

Philip Graham has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

**Mayoral Adviser:**

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

**Advice:**

The Finance and Legal teams have commented on this proposal.

✓

**Mayoral Delivery Board**

This decision was agreed by the Mayoral Delivery Board on 15 December 2025.

**CHIEF FINANCE OFFICER:**

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

**Date:** 15 December 2025

*Fay Hammond*

**Signature:**

**CHIEF OF STAFF:**

I am satisfied that this is an appropriate request to be submitted to the Mayor.

**Date:** 15 December 2025

*D. Bellamy*

**Signature:**

