
STATUTORY INSTRUMENTS

1997 No. 13

**URBAN DEVELOPMENT
TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Sheffield Development Corporation
(Planning Functions) Order 1997**

Made - - - - - *6th January 1997*
Laid before Parliament *14th January 1997*
Coming into force - - - *20th March 1997*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 148(2) and 149(1), (3) and (11) of the Local Government, Planning and Land Act 1980(1) and sections 59 and 333(7) of the Town and Country Planning Act 1990(2), and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sheffield Development Corporation (Planning Functions) Order 1997 and shall come into force on 20th March 1997.

(2) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990;

“the authority” means the authority which, but for the Sheffield Development Corporation (Planning Functions) Order 1988(3), would be the local planning authority, within the meaning of section 336(1) of the 1990 Act;

“the development area” means the area designated as an urban development area by the Sheffield Development Corporation (Area and Constitution) Order 1988(4); and

(1) 1980 c. 65; subsections (1) and (3) of section 149 were amended, respectively, by Part I of Schedule 1 and paragraph 44(6) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11). Section 149(1) enables the Secretary of State to provide that an urban development corporation shall be the local planning authority for the whole or any portion of its area for such purposes of Part III of the 1990 Act, and in relation to such kinds of development, as may be prescribed; see section 149(13) for the definition of “prescribed”.

(2) 1990 c. 8.

(3) S.I.1988/1553.

(4) S.I. 1988/1146.

“the development corporation” means the Sheffield Development Corporation.

Revocation of the planning functions and special development orders

2. The Sheffield Development Corporation (Planning Functions) Order 1988 and the Town and Country Planning (Sheffield Urban Development Area) Special Development Order 1989(5) are hereby revoked.

Transitional provisions in connection with planning functions

3. Anything which before the date of the coming into force of this Order was in the process of being done by, to or in relation to the development corporation in connection with any of the functions transferred to it under article 3 of the Sheffield Development Corporation (Planning Functions) Order 1988 (planning functions of the development corporation) may be continued after that date by, to or in relation to the authority.

Liability for compensation in connection with planning functions; section 106 planning obligations

4.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act(6) or section 28 or 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990(7) in consequence of action taken in relation to land within the development area by the development corporation, the Secretary of State shall be liable for any compensation which is payable.

(2) Where the Secretary of State makes an order or serves a notice, as the case may be, under section 100, 104, 185 or 202 of, or paragraph 11 of Schedule 9 to, the 1990 Act(8) in respect of a matter arising before the date of the coming into force of this Order, which relates to land within the development area, the Secretary of State shall be liable to pay any compensation arising from the order or notice.

(3) A planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act(9) before the date of the coming into force of this Order which identifies the development corporation as the local planning authority by whom the obligation is enforceable shall after that date be enforceable by the authority.

Signed by authority of the Secretary of State for the Environment

6th January 1997

David Curry
Minister of State,
Department of the Environment

(5) S.I. 1989/2204.

(6) Section 107 was amended by paragraph 8 of Schedule 1 and paragraph 13 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34); section 108 was amended by section 13(4) of that Act; and section 186 was amended by sections 9(3) and 84(6) of, and paragraph 29 of Schedule 7 and Part I of Schedule 19 to, that Act.

(7) 1990 c. 9.

(8) Section 100 was amended by paragraph 5 of Schedule 1 to the Planning and Compensation Act 1991.

(9) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Sheffield Development Corporation (Planning Functions) Order 1988 and the Town and Country Planning (Sheffield Urban Development Area) Special Development Order 1989 and makes transitional provisions in connection with the transfer of planning functions from the Sheffield Development Corporation to the council of the City of Sheffield.