

SCHEDULE 1

Regulation 6

Modification of the 1981 Act

1. In relation to locally-led new towns, the 1981 Act is modified in accordance with the following provisions.

2. Section 3 (establishment of development corporations for new towns)(1) has effect as if for paragraph (c) of subsection (2) there were substituted—

“(c) such number of other members as may be prescribed by the order.”.

3. Section 4 (objects and general powers of development corporations)(2) has effect as before subsection (1) there were inserted—

“(A1) The aim of the oversight authority in overseeing the development of an area as a new town is—

- (a) to plan for the creation of a high quality settlement which is a sustainable community;
- (b) to support sustainable development and good design; and
- (c) to plan from the outset for—
 - (i) the long-term stewardship of the assets of the new town for the benefit of the community;
 - (ii) the participation of the community; and
 - (iii) the legacy arrangements following the dissolution of the new town development corporation.”.

4. Section 7 (planning control)(3) has effect as if for subsection (2) there were substituted—

“(2) Where the oversight authority is the local planning authority (or is authorised to act on behalf of the local planning authority) for the whole or part of the area of the new town, the oversight authority may, in addition to approving proposals under subsection (1)—

- (a) adopt them as a local development document (within the meaning of section 17 of the Planning and Compulsory Purchase Act 2004)(4);
- (b) make a local development order under section 61A of the Town and Country Planning Act 1990(5), which grants planning permission for any development of land in accordance with proposals approved under subsection (1), and such permission shall be subject to such conditions, if any (including conditions requiring details of any proposed development to be submitted to the authority), as may be specified in the order.

(2A) Subsection (2) is without prejudice to the generality of—

- (a) Part 2 of the Planning and Compulsory Purchase Act 2004; and
- (b) the powers conferred by section 61A of the Town and Country Planning Act 1990.”.

5. Section 41 (transfer of property and dissolution of corporation)(6) has effect as if—

- (a) in subsection (1) for “shall by order direct” substitute “may, with the consent of the oversight authority for the new town in question, by order direct”;

(1) 1981 c. 64. There are amendments to section 3 not relevant to this instrument.

(2) 1981 c. 64. There are amendments to section 4 not relevant to this instrument.

(3) 1981 c.64. Section 7 was amended by Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11).

(4) 2004 c.5.

(5) 1990 c.8. Section 61A was inserted by Section 40(1) of the Planning and Compulsory Purchase Act 2004 (c.5).

(6) 1981 c.64. Section 41 was amended by Schedule 5 to the Housing and Regeneration Act 2008 (c.17).

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(b) after subsection (2) there were inserted—

“(2A) Where the oversight authority is comprised of more than one local authority an order under subsection (1) shall provide for the corporation’s property, rights, liabilities and obligations to vest in the relevant transferee—

(a) in such proportions as those local authorities which were designated as the oversight authority have agreed provided the details of the agreement have been notified to the Secretary of State before the order is made; or

(b) in the absence of such notification, in such proportions as the Secretary of State considers appropriate.”.

6. Section 41A (Part 2: interpretation)(7) has effect as if for the definition of “the relevant transferee” there were substituted—

““relevant transferee” means the local authority, or local authorities, designated as the oversight authority for the new town; and”.

7. Section 59 (other borrowing powers of the development corporation) has effect as if for that section there were substituted—

“59. A development corporation may borrow (temporarily or otherwise) with the consent of the oversight authority, or in accordance with any general authority given by the oversight authority, in any currency from any person, such sums as the development corporation may require for meeting its obligations or performing its functions.”.

8. Section 67 (accounts of development corporations) has effect as if for that section there were substituted—

“Accounts and audit

67. The Local Audit and Accountability Act 2014 applies to a locally-led new town development corporation as if the development corporation were a “relevant authority” (as defined in section 2 of, and Schedule 2 to, the Local Audit and Accountability Act 2014).”.

9. Section 68 (audit), section 69 (Secretary of State’s accounts) and section 70 (reports) have effect as if they were omitted.

10. Section 80(1) (general interpretation provisions)(8) has effect as if the following definition were inserted in the appropriate place—

““oversight authority” means one or more local authorities appointed by the Secretary of State to oversee the development of a new town pursuant to section 1A(2) of the 1981 Act (local authority to oversee development of new town);”.

11. Schedule 3 (constitution and proceedings of development corporation)(9) has effect as if—

(a) for paragraph 1 there were substituted—

“Appointment of members and tenure of office

1.—(1) The members of a development corporation (in this Schedule referred to as “the corporation”) shall be appointed by the oversight authority and the authority must ensure it appoints a majority of independent members.

(7) 1981 c. 64. Section 41A was inserted by paragraph 9 of Schedule 5 to the Housing and Regeneration Act 2008 (c.17).

(8) 1981 c.64. There are amendments to section 80(1) not relevant to this instrument.

(9) 1981 c.64. There are amendments to Schedule 3 not relevant to this instrument.

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(2) In appointing members, the oversight authority must have regard to the desirability of appointing one or more persons resident in or having special knowledge of the locality in which the new town will be situated.

(3) In appointing a member, the oversight authority—

- (a) must have regard to the desirability of appointing a person who has experience of, and has shown some capacity in, a matter relevant to the carrying-out of the development corporation's functions, and
- (b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person's functions as member.

(4) The oversight authority—

- (a) shall request nominations for members from each local authority which appear to the oversight authority to be concerned with the development of the new town (including any local authority which is, or forms part of, the oversight authority), and
- (b) must appoint at least one member of the corporation from each relevant authority.

(5) The oversight authority must appoint two of the independent members to be chairman and deputy chairman of the corporation.

(6) On ceasing to be an elected member of a local authority a local authority nominated member also ceases to be a member of the corporation.

(7) In this paragraph—

“independent member” means any person who is appointed to be a member of the corporation who is not a local authority nominated member;

“local authority nominated member” means an elected member of a local authority who is appointed to be a member of the corporation following a nomination by a local authority under sub-paragraph (4); and

“relevant authority” means a local authority where any part of the designated area of the new town is within the authority's area.”.

(b) for paragraphs 7 to 9 there were substituted—

“Remuneration

7. The corporation shall pay to their members, in respect of their office as such, such remuneration and such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the oversight authority, and shall pay to the chairman and deputy chairman, in respect of their office as such, such additional remuneration as may be so determined.

Pension benefits for chairmen

8. In the case of any person who is or has been the chairman of the corporation, the oversight authority may direct the corporation—

- (a) to pay to or in respect of that person on retirement from office or death such pension, allowance or gratuity as may be so determined; or
- (b) to make payments towards the provision of such a pension, allowance or gratuity.”.

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12. Schedule 10 (additional provisions as to transfer of property of development corporation)(**10**) has effect as if for paragraph 3(3)(a) there were substituted—

“(a) any permission for development in the new town granted by order made, or having effect as if made, under section 59 or 61A of the Town and Country Planning Act 1990 and in force on the transfer date shall continue in force as if references in the order to the development corporation included the relevant transferee;”.

(10) 1981 c.64. Schedule 10 was amended by Schedule 5 to the Housing and Regeneration Act 2008 (c.17).