



# Local Government, Planning and Land Act 1980

## 1980 CHAPTER 65

### PART XVI

#### URBAN DEVELOPMENT

##### *Planning functions*

#### 148 **Planning control.**

- (1) An urban development corporation may submit to the Secretary of State proposals for the development of land within the urban development area, and the Secretary of State, after consultation with the local planning authority within whose area (or in Scotland the [<sup>F1</sup>planning authority within whose area]) the land is situated and with any other local authority which appears to him to be concerned, may approve any such proposals either with or without modification.
- (2) Without prejudice to the generality of the powers conferred by [<sup>F2</sup>section 59 of the 1990 Act] or [<sup>F3</sup>sections 30 and 31 of the 1997 Act], a special development order made by the Secretary of State under that section with respect to an urban development area may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority, or in Scotland the planning authority [<sup>F4</sup> . . . within the meaning of section 172 of the <sup>M1</sup>Local Government (Scotland) Act 1973, as may be specified in the order.
- (3) The Secretary of State shall give to an urban development corporation such directions with respect to the disposal of land vested in or acquired by it under this Act and with respect to the development by it of such land, as appear to him to be necessary or expedient for securing, so far as practicable, the preservation of any features of special architectural or historic interest, and in particular of buildings included in any list compiled or approved or having effect as if compiled or approved under [<sup>F5</sup>section 1

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of the Planning (Listed Buildings and Conservation Areas) Act 1990] (which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest) or under [<sup>F3</sup>section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] (which makes similar provision for Scotland).

- (4) [<sup>F6</sup>Except in relation to land in Wales, references] in this section to the local planning authority are—
- (a) in relation to land outside Greater London, references to the district planning authority and also (in relation to proposals for any development which is a county matter, as defined in [<sup>F7</sup>paragraph 1 of Schedule 1 to the 1990 Act]) to the county planning authority; and
  - (b) in relation to land in Greater London, references to the authority which is the local planning authority as ascertained in accordance with [<sup>F8</sup>Part I of the 1990 Act].

#### Textual Amendments

- F1** Words in s. 148(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 120(6)(a)**; S.I. 1996/323, **art. 4**
- F2** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(a)**
- F3** Words in s. 148(2)(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(5)**
- F4** Words in s. 148(2) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 120(6)(b), **Sch. 14**; S.I. 1996/323, **art. 4**
- F5** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(b)**
- F6** Word in s. 148(4) substituted (1.4.1996) by 1994 c. 19, s. 20(4), **Sch. 6 Pt. II para. 16(1)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F7** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(i)**
- F8** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 44(5)(c)(ii)**

#### Marginal Citations

- M1** 1973 c. 65 (81:2).

### 149 Corporation as planning authority.

- (1) If the Secretary of State so provides by order, an urban development corporation shall be the local planning authority for the whole or any portion of its area <sup>F9</sup> for such purposes of [<sup>F10</sup>Part III of the 1990 Act], and in relation to such kinds of development, as may be prescribed.
- (2) The order may provide—
  - (a) that any enactment relating to local planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (3) If the Secretary of State so provides by order—

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- (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and <sup>F9</sup>, the functions conferred by such of the provisions of [<sup>F11</sup>the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990] mentioned in Part I of Schedule 29 to this Act as are specified in the order;
  - (b) such of the provisions of [<sup>F12</sup>those Acts] specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (4) An order under subsection (3) above may provide—
- (a) that any enactment relating to local planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 29 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (5)
- <sup>F13</sup>(6) In Scotland, if the Secretary of State so provides by order, an urban development corporation shall be the planning authority for the whole or any portion of its area <sup>F14</sup>. . . for such purposes of [<sup>F15</sup>Part III of the 1997 Act]), and in relation to such kinds of development, as may be prescribed.
- (7) An order under subsection (6) above may provide—
- (a) that any enactment relating to planning authorities shall not apply to the corporation; and
  - (b) that any such enactment which applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- (8) If the Secretary of State so provides by order—
- (a) an urban development corporation specified in the order shall have, in the whole or any portion of its area and <sup>F14</sup>. . . , the functions conferred by such of the provisions of [<sup>F15</sup> the 1997 Act and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997] mentioned in Part I of Schedule 30 to this Act as are specified in the order;
  - (b) such of the provisions of [<sup>F15</sup>those Acts] specified in Part II of that Schedule as are mentioned in the order shall have effect, in relation to an urban development corporation specified in the order and to land in that corporation's area, subject to the modifications there specified.
- (9) An order under subsection (8) above may provide—
- (a) that any enactment relating to planning authorities shall apply to the urban development corporation specified in the order for the purposes of any of the provisions specified in Schedule 30 to this Act which relate to land in the urban development area by virtue of the order; and
  - (b) that any such enactment which so applies to the corporation shall apply to it subject to such modifications as may be specified in the order.
- <sup>F16</sup>(10) . . . . .
- (11) An order under this section shall have effect subject to such savings and transitional and supplementary provisions as may be specified in the order.

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- (12) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) In this section “prescribed” means prescribed by an order under this section.

#### Textual Amendments

- F9** Words repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(a)**
- F11** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(b)**
- F12** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 44(6)(c)**
- F13** Ss. 119, 149(5), 150 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**
- F14** Words in s. 149(6)(8)(a) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F15** Words in s. 149(6)(8)(a)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 31(6)**
- F16** S. 149(10) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

#### Modifications etc. (not altering text)

- C1** S. 149 applied (with modifications) (E.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), **ss. 5(1)(a)(3)(a)(6)**, 40(1)(b)
- C2** S. 149(3)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 36(8), **Sch. 8 para. 8(2)(a)** (with s. 112(3), **Sch. 17 para. 35(1)**)
- C3** S. 149(3)(a) extended by [Housing and Planning Act 1986 \(c. 63, SIF 123:1\)](#), **s. 44(3)**
- C4** S. 149(8)(a) extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 36(8), **Sch. 8 para. 8(2)(b)**, (with s. 112(3), **Sch. 17 para. 35(1)**)

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- <sup>F17</sup>(1) The reference to the local planning authority in paragraph 17 of Schedule 16 to the <sup>M2</sup>Local Government Act 1972 (duty to include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by the local planning authority of planning permission for certain descriptions of development) shall not be construed as including a reference to an urban development corporation who are the local planning authority by virtue of an order under section 149 above, and no provision of a development order which is included in it by virtue of that paragraph is to be construed as applying to such a corporation.
- (2) The Secretary of State may include in a development order under section 24 of the 1971 Act provision enabling a local highway authority to impose restrictions on the grant by an urban development corporation who are the local planning authority of planning permission under the 1971 Act for such descriptions of development as may be specified in the order.

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**Textual Amendments**

**F17** Ss. 119, 149(5), 150 repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 3, [Sch. 1 Pt. I](#)

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**Marginal Citations**

**M2** 1972 c. 70.(81:1).

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