



# Housing and Regeneration Act 2008

## 2008 CHAPTER 17

### PART 1

#### THE HOMES AND COMMUNITIES AGENCY

### CHAPTER 2

#### LAND AND INFRASTRUCTURE

#### *Planning*

### 13 Power of Secretary of State to make designation orders

- (1) The Secretary of State may by order designate an area in England [<sup>F1</sup>outside Greater London] if the Secretary of State considers that—
  - (a) the area is suitable for development, and
  - (b) it is appropriate for the HCA to be the local planning authority for the whole or any part of the area—
    - (i) for particular permitted purposes, and
    - (ii) in relation to particular kinds of development.
- (2) In deciding whether it is appropriate for the HCA to be the local planning authority as mentioned in subsection (1)(b), the Secretary of State must, in particular, be satisfied that making the designation order is likely to improve the effectiveness with which the functions of the local planning authority for the area or part are discharged.
- (3) The Secretary of State must, before making a designation order—
  - (a) publish—
    - (i) a draft of the order, and
    - (ii) the Secretary of State's reasons for making the order, and
  - (b) consult the persons mentioned in subsection (4).

*Status: Point in time view as at 03/08/2012. This version of this provision has been superseded.*

*Changes to legislation: Housing and Regeneration Act 2008, Section 13 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) The persons are—

- (a) every local authority any part of whose area is intended to be included in the proposed designated area,
- (b) any person, other than a local authority, who is the local planning authority for the proposed designated area or any part of it,
- (c) such persons which appear to the Secretary of State to represent the interests of local authorities as the Secretary of State considers appropriate, and
- (d) persons who reside or carry on business in the proposed designated area.

(5) In this Part—

“designated area” means an area designated by a designation order,

“designation order” means an order under this section,

“local planning authority”, in relation to a designation order or proposed designation order, means—

- (a) so far as the order relates to permitted purposes under Part 2 [<sup>F2</sup>or 3] of the Planning and Compulsory Purchase Act 2004 (c. 5), the local planning authority within the meaning of that Part of that Act, and
- (b) in any other case, the local planning authority within the meaning of Part 1 of the Town and Country Planning Act 1990 (c. 8),

“permitted purposes” means any purposes of—

- (a) the Town and Country Planning Act 1990 (other than section 137A, Parts 9 and 13, and sections 325A, 329A and 330A, of that Act),
- (b) the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (other than section 32A, Chapter 5 of Part 1, and sections 82A to 82F and 88C, of that Act), and
- (c) Part 2 [<sup>F3</sup>or 3] of the Planning and Compulsory Purchase Act 2004 [<sup>F4</sup>, and
- (d) Part 8 of the Planning Act 2008,]

and references to a designated area, in the case of an area whose boundaries have been amended by an order made under this section by virtue of section 14 of the Interpretation Act 1978 (c. 30), are to be read as references to the designated area as so amended.

(6) In this section “local authority” means a county council in England [<sup>F5</sup>or], a district council<sup>F6</sup>....

#### Textual Amendments

- F1** Words in s. 13(1) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 189(4)**, 240(2); S.I. 2012/628, [art. 6\(f\)](#) (with [arts. 911141517](#))
- F2** Words in s. 13(5) inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes and 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), [s.240\(5\)\(j\)](#), **Sch. 12 para. 31(a)**; S.I. 2012/628, [art. 8\(a\)](#) (with [arts. 912 13 1618-20](#) (as amended (3.8.2012) by [S.I. 2012/2029](#), [art. 4](#))); S.I. 2012/2029, [arts. 2, 3\(a\)](#); S.I. 2013/797, [arts. 1\(2\), 2](#)
- F3** Words in s. 13(5) inserted (15.11.2011 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes and 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), [s.240\(5\)\(j\)](#), **Sch. 12 para. 31(b)**; S.I. 2012/628, [art. 8\(a\)](#) (with [arts. 912 13 1618-20](#) (as amended (3.8.2012) by [S.I. 2012/2029](#), [art. 4](#))); S.I. 2012/2029, [arts. 2, 3\(a\)](#); S.I. 2013/797, [arts. 1\(2\), 2](#)
- F4** Words in s. 13(5) inserted (1.3.2010) by [Planning Act 2008 \(c. 29\)](#), [s. 241\(8\)](#), **Sch. 2 para. 65** (with [s. 226](#)); S.I. 2010/101, [art. 2](#) (with [art. 6](#))

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- F5** Word in s. 13(6) inserted (1.4.2012) by Localism Act 2011 (c. 20), **ss. 189(5)(a)**, 240(2); S.I. 2012/628, art. 6(f) (with arts. 911141517)
- F6** Words in s. 13(6) repealed (1.4.2012) by Localism Act 2011 (c. 20), ss. 189(5)(b), 240(2), **Sch. 25 Pt. 31**; S.I. 2012/628, arts. 6(f)(j)(ii) (with arts. 911141517)

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**Commencement Information**

- I1** S. 13 in force at 1.12.2008 by S.I. 2008/3068, **art. 2(1)(h)** (with arts. 6-13)

**Status:**

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**Changes to legislation:**

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