
STATUTORY INSTRUMENTS

1997 No. 2946

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

**The London Docklands Development
Corporation (Planning Functions) Order 1997**

Made - - - - *11th December 1997*
Laid before Parliament *16th December 1997*
Coming into force - - *28th January 1998*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 134(3A) and (5), 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, after consultation with the councils of the London boroughs of Newham, Southwark and Tower Hamlets, hereby makes the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the London Docklands Development Corporation (Planning Functions) Order 1997 and shall come into force on 28th January 1998.

(2) In this Order—

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

“the 1990 Order” means the London Docklands Development Corporation (Planning Functions) Order 1990(3);

“the authority” means the authority which, but for the 1990 Order, would be the local planning authority, within the meaning of section 336(1) of the 1990 Act;

(1) 1980 c. 65; subsections (3A) and (5) of section 134 were inserted by section 179 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). Subsections (1) and (3) of section 149 were amended 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. 1990/1567.

“development area” means the area which, at the date of the coming into force of this Order, is designated as an urban development area by the London Docklands Development Corporation (Area and Constitution) Order 1980(4); and

“development corporation” means the London Docklands Development Corporation.

Revocation of planning functions and special development orders

2. Subject to the following provisions of this Order, the 1990 Order and the Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981(5) are hereby revoked.

Transitional provisions in connection with planning functions

3. Subject to the following provisions of this Order, 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 the 1990 Order may be continued after that date by, to or in relation to the authority.

Transitional provisions in connection with planning applications

4.—(1) This article applies as respects any application for planning permission or approval of reserved matters or for any other approval, consent or determination under the 1990 Act, or the Planning (Listed Buildings and Conservation Areas) Act 1990(6), or under any order or regulations made or or having effect under either of those Acts which, before the date of the coming into force of this Order, was duly made to the development corporation and which has not been determined on or before that date.

(2) Subject to paragraph (3), the development corporation shall have in relation to an application the same powers and duties as it would have had if this Order had not come into force.

(3) The authority shall be the local planning authority in relation to any application which—

- (a) the development corporation has resolved with the agreement of the applicant to transmit to the authority;
- (b) has not been determined by the development corporation before 25th March 1998;
- (c) is an application in respect of which a direction has been made under section 77 of the 1990 Act(7) (reference of application to Secretary of State) and—
 - (i) the development corporation has resolved with the agreement of the authority that the authority shall be the local planning authority in relation to that application; or
 - (ii) the application has not been determined before 25th March 1998;
- (d) is the subject of an appeal to the Secretary of State under section 78 of the 1990 Act(8) or section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990(9); or
- (e) has not been finally determined before 25th March 1998 following an application to the High Court under section 288 of the 1990 Act,

(4) S.I. 1981/936, amended by S.I. 1981/937, S.I. 1994/2578, S.I. 1995/3098, S.I. 1996/2986, S.I. 1996/3148 and S.I. 1997/1738.

(5) S.I. 1981/1082.

(6) 1990 c. 9.

(7) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) (“the 1991 Act”).

(8) Section 78 was amended by section 17(2) of the 1991 Act.

(9) Section 20 has effect in relation to buildings in conservation areas as it has effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations (see section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519)).

and the development corporation shall transmit an application referred to in sub-paragraph (a) or (b) to the authority for determination.

(4) Subject to paragraph (5), where the development corporation transmits an application to the authority for determination, the application shall be accompanied by a copy of any representation received by the development corporation concerning the application and shall be treated as if received by the authority from the applicant on the day on which it is transmitted to the authority.

(5) Where notices, certificates, publicity or consultations have been, or are in the process of being, given or carried out in relation to an application before the day on which it is transmitted to the authority, paragraph (4) shall not be construed as requiring further notices, certificates, publicity or consultations solely because the application is treated as if received by the authority from the applicant on that day.

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

5.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act(10) or section 28 or 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990(11) in consequence of action taken in relation to land within the development area by the development corporation, the development corporation shall be liable for any compensation which is payable(12).

(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(13), which relates to land within the development area, and which is either in respect of a matter arising before 28th January 1998, or in respect of a matter arising in consequence of any determination made by the development corporation by virtue of article 4 above,—

- (a) if the order is made or the notice is served before 25th March 1998, the development corporation shall be liable to pay any compensation arising from the order or notice; or
- (b) if the order is made or the notice is served on or after 25th March 1998, the Secretary of State shall be so liable.

(3) A planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act(14) in relation to land within the development area which identifies the development corporation as the local planning authority by whom the obligation is enforceable shall be enforceable by the authority.

Alteration of boundaries orders—transitional provisions and liability for compensation

6.—(1) In this article—

- “Alteration of Boundaries Order” means any of the Orders listed in the Schedule to this Order;
- “excluded area” has the same meaning as in the Alteration of Boundaries Order; and
- “transitional provisions” means the transitional provisions in connection with planning functions or planning applications in the Alteration of Boundaries Order.

(10) 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.

(11) 1990 c. 9.

(12) The residual property, rights and liabilities of the development corporation are to be transferred to the Commission for New Towns by an order made under section 165B of the Local Government, Planning and Land Act 1980 which is intended to come into force on 1st April 1998. Section 165B was inserted by section 143 of the Housing Grants, Construction and Regeneration Act 1996(c. 53).

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

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

(2) Article 4 of each of the Orders listed in the Schedule to this Order shall be revoked on 3rd April 1998.

(3) Article 6(2) of the London Docklands Development Corporation (Alteration of Boundaries) Order 1994(15) (“the 1994 Order”), and article 8(2) of each of the Orders listed in the Schedule to this Order other than the 1994 Order, are hereby revoked.

(4) Where, on or after the date of the coming into force of this Order, 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, which relates to land within the excluded area, and which is either in respect of a matter arising before the date on which the Alteration of Boundaries Order came into force, or in respect of a matter arising in consequence of any determination made by the development corporation by virtue of the transitional provisions,—

- (a) if the order is made or the notice is served before 25th March 1998, the development corporation shall be liable to pay any compensation arising from the order or notice; or
- (b) if the order is made or the notice is served on or after 25th March 1998, the Secretary of State shall be so liable.

Signed by authority of the Secretary of State for the Environment

Richard Caborn
Minister of State,
Department of the Environment, Transport and
the Regions

11th December 1997

SCHEDULE

Article 6

Alteration of Boundaries Orders

1. The London Docklands Development Corporation (Alteration of Boundaries) Order 1994.
 2. The London Docklands Development Corporation (Alteration of Boundaries) Order 1995**(16)**.
 3. The London Docklands Development Corporation (Alteration of Boundaries) (Surrey Docks) Order 1996**(17)**.
 4. The London Docklands Development Corporation (Alteration of Boundaries) (Limehouse and Wapping) Order 1996**(18)**.
 5. The London Docklands Development Corporation (Alteration of Boundaries) Order 1997**(19)**.
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EXPLANATORY NOTE

(This note is not part of the Order)

The London Docklands Development Corporation (“the development corporation”) is the local planning authority for the London Docklands urban development area in place of any other authority which would be the local planning authority. This Order revokes the London Docklands Development Corporation (Planning Functions) Order 1990 so that the development corporation ceases to be the local planning authority. It also revokes the Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981 (article 2). The council of the London borough of Newham becomes the local planning authority for the urban development area.

The Order also makes transitional provision in relation to the transfer of planning functions and liability for compensation (articles 3, 4 and 5).

The Order amends the transitional provisions in the alteration of boundaries orders which dedesignated former parts of the urban development area (article 6 and the Schedule).

(16) S.I. 1995/3098.

(17) S.I. 1996/2986.

(18) S.I. 1996/3148.

(19) S.I. 1997/1738.