

2012 No. 535

URBAN DEVELOPMENT

**The Urban Development Corporations (Planning Functions)
Order 2012**

<i>Made</i> - - - -	<i>27th February 2012</i>
<i>Laid before Parliament</i>	<i>2nd March 2012</i>
<i>Coming into force</i> - -	<i>31st March 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 149(1), (3) and (11) of the Local Government, Planning and Land Act 1980(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Urban Development Corporations (Planning Functions) Order 2012 and shall come into force on 31st March 2012.

(2) In this Order—

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“the 1990 Act” means the Town and Country Planning Act 1990(b);

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(c);

“the authority” means, in relation to each Corporation the authority which but for an order made under section 149 of the 1980 Act would be the local planning authority for the development area (or part of it), within the meaning of section 336(1) of the 1990 Act;

“Corporation” means either of the following—

(a) the Thurrock Development Corporation; and

(b) the West Northamptonshire Development Corporation; and

“development area” in relation to a Corporation means the area for which the Corporation was established and which was designated as an urban development area by an order made under section 134 of the 1980 Act(d).

(a) 1980 c. 65; section 149 was amended by Schedule 1 to, and paragraph 44(6) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments not relevant to this Order. 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 the purposes of Part 3 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”. *See* also, in relation to urban development corporations, section 7 of the 1990 Act.

(b) 1990 c.8.

(c) 1990 c.9.

(d) The relevant orders are S.I. 2003/2896 and S.I. 2004/3370.

Revocation of planning functions orders

2. The following Orders are revoked—
- (a) the Thurrock Development Corporation (Planning Functions) Order 2005(a);
 - (b) the West Northamptonshire Development Corporation (Planning Functions) Order 2006(b); and
 - (c) the West Northamptonshire Development Corporation (Planning Functions) (Amendment) Order 2011.

Transitional provisions in connection with planning functions

3. Subject to articles 4 and 5, 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 Corporation in connection with any of the functions transferred to it under the Orders revoked by this 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 Listed Buildings Act, or under any order or regulations made or having effect under either of those Acts—

- (a) 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 before that date, and
- (b) in respect of which the development corporation ceases, by virtue of the preceding provisions of this Order or by virtue of a direction made under section 77 of the 1990 Act(c) to be the local planning authority responsible for determining the application.

(2) The development corporation shall transmit any application to which this article applies to the authority for determination.

(3) Subject to paragraph (4), 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 received by the authority from the applicant on the day on which it is transmitted to the authority.

(4) 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 (3) shall not be construed as requiring further notices, certificates, publicity or consultations solely because the application is treated as received by the authority from the applicant on that day.

(5) Where an appeal is made to the Secretary of State under section 78 of the 1990 Act(d) or section 20 of the Listed Buildings Act(e) in relation to an application to which this article applies, the authority shall be the local planning authority for the purposes of the appeal.

(a) S.I. 2005/2572.

(b) S.I. 2006/616, amended by the West Northamptonshire Development Corporation (Planning Functions) (Amendment) Order S.I.2011/560.

(c) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c.34) (the “1991 Act”), section 40(2) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”) and is to be amended by paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) on a date to be appointed.

(d) Section 78 was amended by section 17(2) of the 1991 Act and sections 40(2)(e) and 43(2) of the 2004 Act and by sections 196 and 197 of, and paragraphs 1 and 3 of Schedule 10 (for certain purposes) and paragraphs 1 and 2 of Schedule 11 to, the Planning Act 2008 (c.29).

(e) 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 Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519).

(6) The authority shall be the local planning authority in relation to any application in respect of which a direction has been made under section 77 of the 1990 Act—

- (a) where 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; and
- (b) in any other case, where the application has not been determined before the date of the coming into force of this Order or has not been finally determined before that date following an application to the High Court under section 288 of the 1990 Act.

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

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

(2) 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 (b) in respect of a matter arising before that date, which relates to land within a 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(c) before the date of the coming into force of this Order which identifies the 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 Communities and Local Government

Bob Neill

Parliamentary Under Secretary of State

Department for Communities and Local Government

27th February 2012

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- (a) Section 107 was amended by paragraph 8 of Schedule 1 to, and paragraph 13 of Schedule 6 to, the 1991 Act; section 108 was amended by section 13(3) of that Act, section 40(2) of, and paragraph 6 of Schedule 6 to, the 2004 Act, section 189 of the Planning Act 2008 (c.29) and article 5 of S.I. 2006/1281; section 186 was amended by section 9(3) of, and paragraph 29 of Schedule 7 to, and Part 1 of Schedule 19 to, the 1991 Act and paragraph 206 of Schedule 1 to S.I. 2009/1307; sections 203 and 204 are repealed by section 192(6) of that Act on a date to be appointed.
 - (b) Section 100 was amended by paragraph 5 of Schedule 1 to the 1991 Act; section 202 is amended by paragraph 10 of Schedule 8 to the Planning Act 2008, and section 202(3) is repealed by section 192(5) of that Act, on a date to be appointed].
 - (c) Section 106 was substituted by section 12 of the 1991 Act, and is amended by section 33 of the Greater London Authority Act 2007 (c.24) and section 174 of the Planning Act 2008.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order revokes the following planning functions orders—

- (a) the Thurrock Development Corporation (Planning Functions) Order 2005;
- (b) the West Northamptonshire Development Corporation (Planning Functions) Order 2006;
and
- (c) the West Northamptonshire Development Corporation (Planning Functions) (Amendment) Order 2011.

The effect of revoking the Orders is that the development corporations cease to be the local planning authorities, in relation to the kinds of development and for the purposes specified in those Orders, for their areas. The planning functions concerned revert to the local planning authorities which, but for the Orders, would be the local planning authorities.

The Order makes transitional provisions in connection with the transfer of planning functions and planning applications from those urban development corporations to local authorities and the payment of compensation (articles 3, 4 and 5).

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

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