

## STATUTORY INSTRUMENTS

1981 No. 561

**URBAN DEVELOPMENT**  
**The Merseyside Development Corporation**  
**(Planning Functions) Order 1981**

<i>Made</i> - - - -	<i>7th April 1981</i>
<i>Laid before Parliament</i>	<i>15th April 1981</i>
<i>Coming into Operation</i>	<i>6th May 1981</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 149(1), (3)(a) and (b), (11) and (12) of the Local Government, Planning and Land Act 1980(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Merseyside Development Corporation (Planning Functions) Order 1981 and shall come into operation on 6th May 1981.

*Interpretation*

2. In this order—

“the 1971 Act” means the Town and Country Planning Act 1971(b):

“the development area” means the area of land designated as an urban development area by the Merseyside Development Corporation (Area and Constitution) Order 1980(c) and “the development corporation” means the Merseyside Development Corporation established by that order.

*Planning functions of the development corporation*

3. Subject to the provisions of article 5—

(a) the development corporation shall be the local planning authority for the development area, in place of any other authority which would otherwise be the local planning authority in relation to all kinds of development for all purposes of the provisions of Part III of the 1971 Act;

(b) the development corporation shall have in the development area, in place of any authority (except the Secretary of State) which would otherwise have them, the functions conferred by the provisions of the 1971 Act mentioned in Schedule 1 to this order.

(a) 1980 c. 65.

(b) 1971 c. 78.

(c) S.I. 1981/481.

*Modifications of provisions of the 1971 Act*

4. The provisions of the 1971 Act specified in Schedule 2 to this order shall have effect in relation to the development corporation and to the development area subject to the modifications there specified.

*Transitional provisions*

5.—(1) Where prior to the date on which this order comes into operation an authority received in relation to land in the development area any application for planning permission or for any consent or approval or determination under the 1971 Act or any order or regulations made, or having effect as if made, under that Act and that authority by virtue of this order ceases to be the local planning authority having the function of determining that application, that authority may within the period of 8 weeks commencing on the date (determined where appropriate in accordance with the provisions of article 7 of the Town and Country Planning General Development Order 1977(a)) on which the application was received by that authority, determine such application and shall make any requisite entry relating to such determination in the register kept by them under the provisions of section 34 of the 1971 Act; and the authority shall be deemed to be the local planning authority for those purposes.

(2) The authority shall pass any such application which they do not determine within the period of 8 weeks referred to in paragraph (1) to the development corporation.

(3) For the purposes of this article any period within which a local planning authority are required to give notice of their decision or determination on any such application or of the reference of any such application to the Secretary of State shall be treated as commencing on the date on which the application was received (determined where appropriate in accordance with the provisions of article 7 of the Town and Country Planning General Development Order 1977) by the authority to whom it was made.

(4) Where an appeal is made to the Secretary of State under section 36 of the 1971 Act, or under any provision of that Act to which that section is applied, against a decision or determination made in relation to land within the development area by an authority which ceased to be the local planning authority for the purposes of any such decision or determination by virtue of this order that authority shall be deemed to be the local planning authority for the purposes of the appeal and they shall notify the development corporation of the appeal and transmit to the Secretary of State any representations received from the development corporation.

## Article 3(b)

## SCHEDULE 1

Section 55 (control of works of demolition, alteration or extension of listed buildings).

Section 58 (building preservation notice in respect of building not listed).

Section 59 (planning permission to include appropriate provision for preservation and planting of trees).

Section 60 (tree preservation orders).

Section 61 (provisional tree preservation orders).

Section 61A (trees in conservation areas).

Section 62 (replacement of trees).

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(a) S.I. 1977/289; relevant amending instrument is S.I. 1980/1946.

- Section 63 (control of advertisements).  
 Section 65 (proper maintenance of waste land).  
 Section 87 (power to serve enforcement notice).  
 Section 90 (stop notices).  
 Section 91 (execution and cost of works required by enforcement notice).  
 Section 96 (power to serve listed building enforcement notice).  
 Section 99 (execution and cost of works required by listed building enforcement notice).  
 Section 101 (urgent works for preservation of certain unoccupied buildings).  
 Section 103 (enforcement of duties as to replacement of trees).  
 Section 107 (execution and cost of works required by notice as to waste land).  
 Section 109 (enforcement of control as to advertisements).  
 Section 114 (compulsory acquisition of listed building in need of repair).  
 Section 115 (repairs notice as preliminary to compulsory acquisition under S. 114).  
 Section 117 (minimum compensation in case of listed building deliberately left derelict).  
 Section 126 (management etc. of listed buildings acquired by local authority or Secretary of State).  
 Section 271 (application to local planning authorities of provisions as to listed buildings).  
 Section 277 (designation of conservation area).  
 Section 277A (control of demolition in conservation area).  
 Section 277B (formulation and publication of proposals for preservation and enhancement of conservation area).  
 Schedule 11 (control of works for demolition, alteration or extension of listed buildings).

## SCHEDULE 2

## Article 4

1. Section 181 (action by council on whom purchase notice is served) shall have effect as if—
  - (a) after “undertakers” there were inserted—
    - (i) in paragraph (b) of subsection (1), “or an urban development corporation”;
    - (ii) in paragraph (c) of that subsection, “or any urban development corporation”; and
    - (iii) in subsection (2), “or urban development corporation”; and
  - (b) at the end of subsection (4), there were added “or, in the case of an urban development corporation, section 142 of the Local Government, Planning and Land Act 1980, and “urban development corporation” means a corporation established by an order under section 135 of that Act”.
2. Section 182 (procedure on reference to purchase notice to Secretary of State) shall have effect as if—
  - (a) in subsection (2)(d)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”; and
    - (ii) after that word, in the second place where it occurs, there were inserted “or that corporation”; and
  - (b) there were added after subsection (4):—
 

“(5) In subsection (3) and (4) of this section any reference to persons, authorities or statutory undertakers includes a reference to an urban develop-

- ment corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
3. Section 183 (action by Secretary of State in relation to purchase notice) shall have effect as if after “undertakers”, in subsection (4), there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
4. Section 186 (effect of Secretary of State’s action in relation to purchase notice) shall have effect as if—
- (a) in subsection (1)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”; and
    - (ii) after that word, in the second place where it occurs, there were inserted “or that corporation”; and
  - (b) the following subsection were inserted after that subsection:—
    - “(1A) In subsection (1) of this section ‘urban development corporation’ means an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
5. Section 212 (order extinguishing right to use vehicles on highway) shall have effect as if—
- (a) in subsection (1), for “The provisions” there were substituted “Subject to subsection (1A) of this section, the provision”; and
  - (b) the following subsection were inserted after that subsection:—
    - “(1A) Any reference in this section to a local planning authority is to be construed as a reference to an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.
6. Section 213 (provision of amenity for highway reserved to pedestrians) shall have effect as if after “boroughs” in subsection (5)(b) there were inserted “and
- (c) in an area designated as an urban development area by an order under section 134 of the Local Government, Planning and Land Act 1980, the urban development corporation established for that area by an order under section 135 of that Act;”.
7. Section 214 (extinguishing of public rights of way over land held for planning purposes) shall have effect as if—
- (a) in subsection (1), for “Where” there were substituted “Subject to subsection (1A) of this section, where”; and
  - (b) the following subsection were inserted after that subsection:—
    - “(1A) Where any land has been acquired by an urban development corporation or has vested in such a corporation and is for the time being held by them for the purpose of regenerating their area—
      - (a) the Secretary of State may by order extinguish any public right of way over the land if he is satisfied that an alternative right of way has been or will be provided or that the provision of an alternative right of way is not required;
      - (b) subject to section 217 of this Act, the urban development corporation may by order extinguish any such right over the land being a footpath or bridleway, if they are satisfied as aforesaid.”; and
  - (c) at the end of subsection (2) there were added “and any reference to an urban development corporation is a reference to an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980.”.

8. Section 284 (power to require information as to interests in land) shall have effect as if in subsection (1)—
- (a) after the words “local authority”, in the first place where they occur, there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”; and
  - (b) after those words in the second and third places where they occur, there were inserted “or corporation”.
9. Schedule 19 (proceedings on listed building purchase notice) shall have effect as if—
- (a) in paragraph 1
    - (i) in sub-paragraph (1)(b), after “undertakers” there were inserted “or an urban development corporation established by an order under section 135 of the Local Government, Planning and Land Act 1980”;
    - (ii) in sub-paragraph (1)(c), after “undertakers” there were inserted “or an urban development corporation”;
    - (iii) in sub-paragraph (2), after “undertakers”, there were inserted “or corporation”;
  - (b) in paragraph 2(7), after “undertakers” there were inserted “or an urban development corporation”; and
  - (c) in paragraph 3(1)—
    - (i) after “undertakers”, in the first place where it occurs, there were inserted “or an urban development corporation”;
    - (ii) after that word, in the second place where it occurs, there were inserted “or that corporation”.

7th April 1981.

*Michael R. D. Heseltine,*  
Secretary of State for the Environment.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The Merseyside Development Corporation was established by the Merseyside Development Corporation (Area and Constitution) Order 1980 (S.I. 1981/481) for the purpose of regenerating the Merseyside urban development area. This Order makes the corporation the local planning authority for that area for the following purposes of the Town and Country Planning Act 1971, that is, for all purposes of Part III (general planning control) (article 3(a)), for the purposes specified in the order of Part IV (additional control in special cases) and Part V (enforcement of control under Parts III and IV) and of other provisions specified in the order relating to listed buildings and conservation areas (article 3(b) and schedule 1). The order applies other specified provisions of the Act to the corporation and to the area, subject to the modifications which are specified in Part II of Schedule 29 to the Local Government, Planning and Land Act 1980 (article 4 and schedule 2). Transitional provisions provide for the former local planning authorities to determine applications received by them prior to the date on which this order comes into operation during the period of 8 weeks from the date on which such applications were received (article 5).

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