
STATUTORY INSTRUMENTS

1997 No. 1738

URBAN DEVELOPMENT

**The London Docklands Development Corporation
(Alteration of Boundaries) Order 1997**

<i>Made</i>	- - - -	<i>21st July 1997</i>
<i>Laid before Parliament</i>		<i>28th October 1997</i>
<i>Coming into force</i>	- -	<i>10th October 1997</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 134(3A) and (5) of the Local Government, Planning and Land Act 1980⁽¹⁾, and of all other powers enabling him in that behalf, after consultation with the council of the London borough of Tower Hamlets, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the London Docklands Development Corporation (Alteration of Boundaries) Order 1997 and shall come into force on 10th October 1997.

Interpretation

2. In this Order—

“the authority” means the council of the London borough of Tower Hamlets;

“the development area” means the area designated as an urban development area by the London Docklands Development Corporation (Area and Constitution) Order 1980⁽²⁾;

“the development corporation” means the London Docklands Development Corporation;

“the excluded area” means the area shown on the maps bounded externally by a red line;

“the maps” means the eight maps respectively labelled “Map 1”, “Map 2”, “Map 3”, “Map 4”, “Map 5”, “Map 6”, “Map 7” and “Map 8” which are collectively entitled “Maps referred to in the London Docklands Development Corporation (Alteration of Boundaries) Order 1997”, one set of which, signed by an Under Secretary in the Government Office for London, has been deposited and is available for inspection at the offices of each of the Secretary of State

(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).

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

for the Environment, the London Docklands Development Corporation and the councils of the London boroughs of Newham, Southwark and Tower Hamlets;

“private road” means a road, within the meaning of section 142 of the Road Traffic Regulation Act 1984(3), other than any length of highway; and

“the 1990 Act” means the Town and Country Planning Act 1990(4).

Alteration of development area

3. Subject to the following provisions of this Order, the boundaries of the development area shall be altered so as to exclude the excluded area and, as regards any matter arising after the date of the coming into force of this Order, any reference in an enactment to the development area shall be a reference to that area as it has been altered by this Order.

Transitional provisions in connection with article 3

4. The development corporation may continue to exercise the powers conferred on it by section 136 of the Local Government, Planning and Land Act 1980—

- (a) to hold, manage, reclaim and dispose of—
 - (i) any land in the excluded area owned by it at the date of the coming into force of this Order; and
 - (ii) any other property owned by it, at that date, in connection with any land in the excluded area;
- (b) without prejudice to paragraph (a), where the freehold interest of any land in the excluded area is owned by the development corporation, to acquire, hold, manage, reclaim and dispose of a leasehold interest in such land;
- (c) without prejudice to paragraph (a), to acquire, hold, manage, reclaim and dispose of—
 - (i) any land in the excluded area in, on, over or under which a private road, or part of a private road, has been built prior to the date of the coming into force of this Order in exercise of the powers in section 136, or
 - (ii) any land adjacent to any part of that private road, where the acquisition of that land is for the purpose of the subsequent disposal of that road or that part of the road;
- (d) to discharge any obligation, exercise any right, power or privilege or assign any benefit under any agreement entered into by it in connection with the excluded area before the date of the coming into force of this Order; and
- (e) to commence, defend or carry on any proceedings in connection with any matter arising under or in relation to any such agreement as is mentioned in paragraph (d) above and to take such further steps as may be expedient in connection with any such proceedings;

and such powers shall be exercised as if the excluded area continued to form part of the development area.

Liability for compensation

5.—(1) Where a right to compensation arises, in consequence of the acquisition or vesting of any land within the excluded area by or in the development corporation under Part XVI of the Local Government, Planning and Land Act 1980 (urban development), the development corporation shall be liable for any compensation which is payable.

(3) 1984 c. 27; the definition of “road” was substituted by paragraph 78(4) of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22).

(4) 1990 c. 8.

(2) Where a right to compensation arises under Part I of the Land Compensation Act 1973⁽⁵⁾ (compensation for depreciation caused by use of public works) in relation to any land within the excluded area, in consequence of any action taken by the development corporation in the development area, the development corporation shall be liable for any compensation which is payable.

Transitional provisions in connection with planning functions

6.—(1) Subject to articles 7 and 8, this article applies as respects any planning functions which were transferred to the development corporation by the London Docklands Development Corporation (Planning Functions) Order 1990⁽⁶⁾ and in respect of which the development corporation ceased, by virtue of the preceding provisions of this Order, to be the local planning authority responsible for exercising those functions.

(2) 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 mentioned in paragraph (1) above may be continued after that date by, to or in relation to the authority.

Transitional provisions in connection with planning applications

7.—(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⁽⁷⁾, 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 on or 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⁽⁸⁾ (reference of application to Secretary of State), to be the local planning authority responsible for determining the application.

(2) Except where the development corporation transmits the application to the authority for determination in accordance with paragraph (3), subject to paragraph (6) 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 development corporation shall transmit to the authority for determination—

- (a) any application which it has resolved with the agreement of the applicant to transmit to the authority; and
- (b) any other application which it has not determined before 5th December 1997,

other than any application in respect of which a direction has been made under section 77 of the 1990 Act.

(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 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

⁽⁵⁾ 1973 c. 26.

⁽⁶⁾ S.I. 1990/1567.

⁽⁷⁾ 1990 c. 9.

⁽⁸⁾ Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) (“the 1991 Act”).

authority, paragraph (4) 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.

(6) Where an appeal is made to the Secretary of State under section 78 of the 1990 Act⁽⁹⁾ or section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹⁰⁾ in relation to an application to which this article applies, the authority shall be the local planning authority for the purposes of the appeal.

(7) 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 5th December 1997 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 and planning obligations

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

(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⁽¹²⁾ in respect of a matter arising before the date of the coming into force of this Order, which relates to land within the excluded area, the development corporation 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⁽¹³⁾ in relation to land within the excluded area which identifies the development corporation as the local planning authority by whom the obligation is enforceable shall be enforceable by the authority.

Signed by authority of the Secretary of State for the Environment

Angela Eagle
Minister of State,
Department of the Environment, Transport and
the Regions

21st July 1997

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

(10) 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).

(11) Section 107 was amended by paragraph 8 of Schedule 1 and paragraph 13 of Schedule 6 to the 1991 Act; section 108 was amended by section 13(4) of that Act; section 186 was amended by section 9(3) of, and paragraph 29 of Schedule 7 and Part I of Schedule 19 to, that Act.

(12) Section 100 was amended by paragraph 5 of Schedule 1 to the 1991 Act.

(13) Section 106 was substituted by section 12 of the 1991 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order removes from the London Docklands urban development area an area of approximately 575 hectares comprising part of the London borough of Tower Hamlets. The area is shown edged with a black line and hatched on the map below.

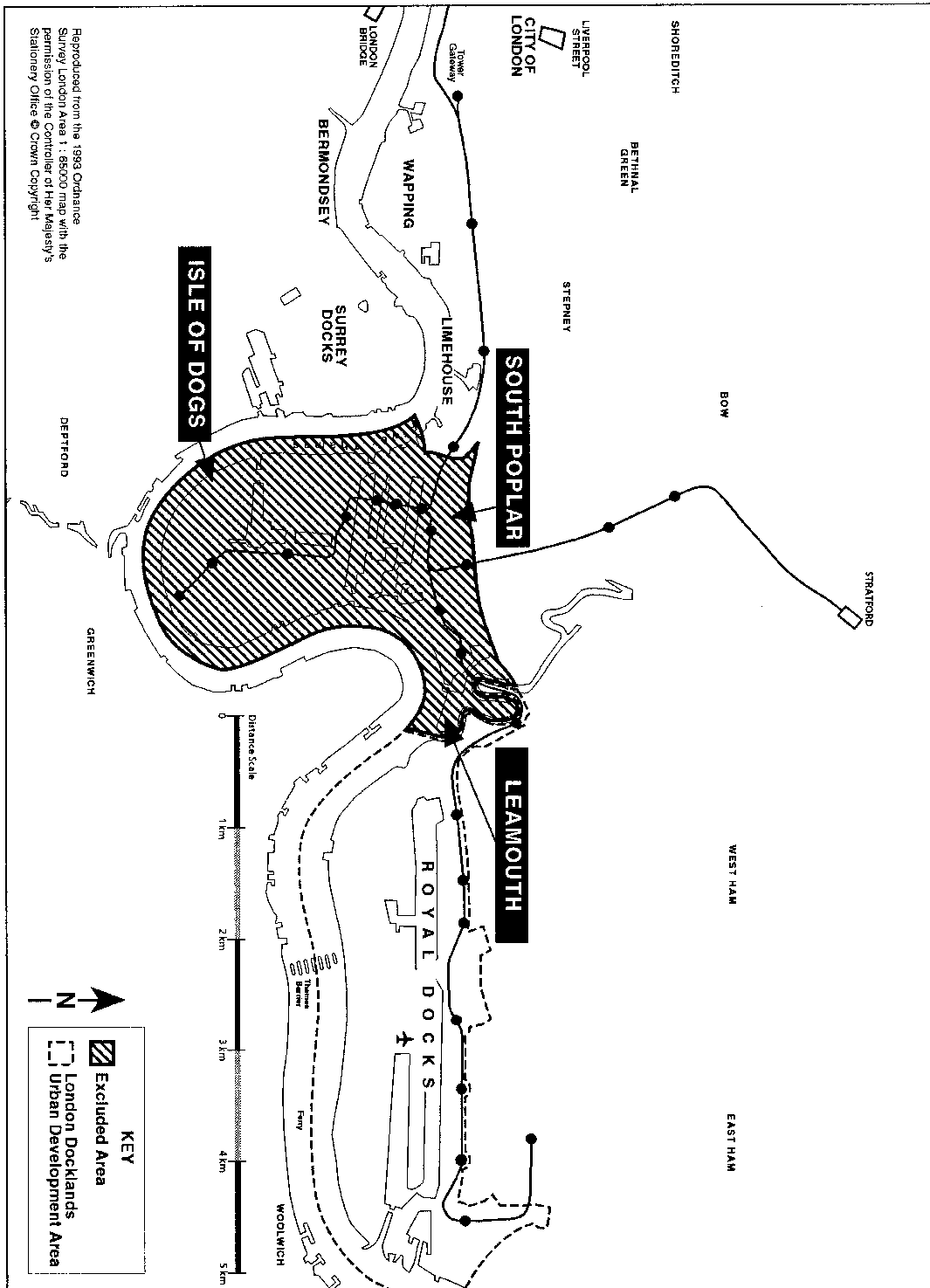
The London Docklands Development Corporation is the local planning authority for the urban development area in place of any other authority which would be the local planning authority. By virtue of this Order, the council of the London borough of Tower Hamlets becomes the local planning authority for the excluded area.

The Order contains transitional provisions concerning the powers of the development corporation in the excluded area, its liability for compensation and its planning functions.

The maps referred to in the Order may be inspected during normal office hours at the following offices:

- (a) The Department of the Environment, Transport and the Regions, 2 Marsham Street, London SW1P 3EB;
- (b) The London Docklands Development Corporation, Thames Quay, 191 Marsh Wall, London E14 9TJ;
- (c) The council of the London borough of Newham, Town Hall, Barking Road, East Ham, London E6 2RP;
- (d) The council of the London borough of Southwark, Council Offices, Chiltern House, Portland Street, London SE17 2ES;
- (e) The council of the London borough of Tower Hamlets, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG.

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