

## SCHEDULES

### SCHEDULE 1

Transitional provisions relation to planning functions exercised by borough planning authorities prior to the commencement date

#### **Transitional provision: local development orders**

7.—(1) Any local development order adopted by a borough planning authority under section 61A of the 1990 Act<sup>(1)</sup> before the commencement date shall have effect on and after that date as if it had been made—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which that local development order relates, by the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which that local development order relates, by the borough planning authority.

(2) Nothing in paragraph (1) affects any power of the Secretary of State, the LLDC or the borough planning authorities to revoke a document to which paragraph (1) relates.

(3) Where before the commencement date a borough planning authority has taken or started any step in relation to the preparation of a local development order (“the draft order”) pursuant to article 34(1)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2010<sup>(2)</sup>, paragraph (4) shall apply.

(4) Any step mentioned in paragraph (3) shall be treated on and after the commencement date as a step taken—

- (a) in relation to such of the development area as corresponds to the area, or part of the area, to which the draft order relates, by the LLDC; and
- (b) in relation to such of its area outside of the development area as corresponds to the area, or part of the area, to which the draft order relates, by the borough planning authority.

(5) Where paragraph 4(a) applies to a draft order the borough planning authority must send a copy of any representations received concerning that draft order to the LLDC.

(6) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to the draft order referred to in paragraph (3) before the commencement date, no further planning document shall be required to be issued by the LLDC solely as a result of the transfer of functions to the LLDC by this Order.

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(1) Section 61A was inserted by section 40 of the 2004 Act, and amended by sections 188 and 238 of, and Schedule 13 to, the 2008 Act.

(2) S.I. 2010/2184, amended by S.I. 2011/1824 and S.I. 2012/636.