



Leasehold Reform, Housing and Urban Development Act 1993

1993 CHAPTER 28

PART III

DEVELOPMENT OF URBAN AND OTHER AREAS

Designation orders and their effect

170 Power to make designation orders.

- (1) Where, as respects any area in England which is an urban area or which, in the opinion of the Secretary of State, is suitable for urban development, it appears to the Secretary of State—
 - (a) that all or any of the provisions authorised by section 171 should be made in relation to the whole or any part of it; or
 - (b) that either or both of sections 172 and 173 should apply in relation to it,the Secretary of State may by order designate that area and either so make the provision or provisions, or direct that the section or sections shall so apply, or (as the case may require) do both of those things.
- (2) In this Part “designation order” means an order under this section and “designated area” means, subject to subsection (5), an area designated by a designation order.
- (3) Before making a designation order the Secretary of State shall consult every local authority any part of whose area is intended to be included in the proposed designated area.
- (4) A designation order—
 - (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
 - (b) may contain such savings and transitional and supplementary provisions as may be specified in the order.

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Changes to legislation: Leasehold Reform, Housing and Urban Development Act 1993, Cross Heading: Designation orders and their effect is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The power to amend a designation order conferred by section 14 of the ^{M1}Interpretation Act 1978 includes power to amend the boundaries of the designated area; and where any such amendment is made, any reference in this Part to a designated area is a reference to the designated area as so amended.
- (6) In this section “local authority” means a county council, a district council, a London borough council or the Common Council of the City of London.

Marginal Citations

M1 1978 c. 30.

171 Agency as local planning authority.

- (1) If a designation order so provides, the Agency shall be the local planning authority for the whole or any part of the designated area—
- (a) for such purposes of Part III of the ^{M2}Town and Country Planning Act 1990 and sections 67 and 73 of the ^{M3}Planning (Listed Buildings and Conservation Areas) Act 1990 as may be specified in the order; and
 - (b) in relation to such kinds of development as may be so specified.
- (2) A designation order making such provision as is mentioned in subsection (1) may also provide—
- (a) that any enactment relating to local planning authorities shall not apply to the Agency; and
 - (b) that any such enactment which applies to the Agency shall apply to it subject to such modifications as may be specified in the order.
- (3) If a designation order so provides—
- (a) subject to any modifications specified in the order, the Agency shall have, in the whole or any part of the designated area, such of the functions conferred by the provisions mentioned in subsection (4) as may be so specified; and
 - (b) such of the provisions of Part VI and sections 249 to 251 and 258 of the Town and Country Planning Act 1990 and sections 32 to 37 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as are mentioned in the order shall have effect, in relation to the Agency and to land in the designated area, subject to the modifications there specified.
- (4) The provisions referred to in subsection (3)(a) are—
- (a) sections 171C, 171D, 172 to 185, 187 to 202, 206 to 222, 224, 225, 231 and 320 to 336 of, and paragraph 11 of Schedule 9 to, the ^{M4}Town and Country Planning Act 1990;
 - (b) Chapters I, II and IV of Part I and sections 54 to 56, 59 to 61, 66, 68 to 72, 74 to 76 and 88 of the ^{M5}Planning (Listed Buildings and Conservation Areas) Act 1990; and
 - (c) sections 4 to 15, 17 to 21, 23 to 26AA, 36 and 36A of the ^{M6}Planning (Hazardous Substances) Act 1990.
- (5) A designation order making such provision as is mentioned in subsection (3) may also provide that, for the purposes of any of the provisions specified in the order, any

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enactment relating to local planning authorities shall apply to the Agency subject to such modifications as may be so specified.

Marginal Citations

- M2 1990 c. 8.
- M3 1990 c. 9.
- M4 1990 c. 8.
- M5 1990 c. 9.
- M6 1990 c. 10.

172 Adoption of private streets.

- (1) Where—
 - (a) this section applies in relation to a designated area; and
 - (b) any street works have been executed on any land in the designated area which was then or has since become a private street (or part of a private street),the Agency may serve a notice (an “adoption notice”) on the street works authority requiring the authority to declare the street (or part) to be a highway which for the purposes of the ^{M7}Highways Act 1980 is a highway maintainable at the public expense.
- (2) Within the period of two months beginning with the date on which the adoption notice was served, the street works authority may appeal against the notice to the Secretary of State.
- (3) After considering any representations made to him by the Agency and the street works authority, the Secretary of State shall determine an appeal under subsection (2) by setting aside or confirming the adoption notice (with or without modifications).
- (4) Where, under subsection (3), the Secretary of State confirms the adoption notice—
 - (a) he may at the same time impose conditions (including financial conditions) upon the Agency with which it must comply in order for the notice to take effect; and
 - (b) with effect from such date as the Secretary of State may specify, the street (or part) shall become a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (5) Where a street works authority neither complies with the adoption notice, nor appeals under subsection (2), the street (or part) shall become, upon the expiry of the period of two months referred to in subsection (2), a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense.
- (6) In this section “street works” and “street works authority” have the same meanings as in Part XI of the ^{M8}Highways Act 1980.

Marginal Citations

- M7 1980 c. 66.
- M8 1980 c. 66.

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173 Traffic regulation orders for private streets.

(1) Where—

- (a) this section applies in relation to a designated area;
- (b) the Agency submits to the Secretary of State that an order under this section should be made in relation to any road in the designated area which is a private street; and
- (c) it appears to the Secretary of State that the traffic authority do not intend to make an order under section 1 or, as the case may be, section 6 of the ^{M9}Road Traffic Regulation Act 1984 (orders concerning traffic regulation) in relation to the road,

the Secretary of State may by order under this section make in relation to the road any such provision as he might have made by order under that section if he had been the traffic authority.

- (2) The Road Traffic Regulation Act 1984 applies to an order under this section as it applies to an order made by the Secretary of State under section 1 or, as the case may be, section 6 of that Act in relation to a road for which he is the traffic authority.
- (3) In this section “road” and “traffic authority” have the same meanings as in the Road Traffic Regulation Act 1984.

Marginal Citations

M9 1984 c. 27.

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Changes to legislation:

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