

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sections 46 and 47: Urban development areas and urban development corporations

217. These sections form a group, modifying sections 134 (urban development areas) and 135 (urban development corporations) of the Local Government, Planning and Land Act 1980. Section 134 confers a power by order to designate land as an urban development area. Section 135 confers a power by order to establish an urban development corporation for an urban development area.
218. [Section 46](#) modifies the application of section 134 of the Local Government, Planning and Land Act 1980 in respect of any area of land in England designated as an urban development area by an order contained in an instrument laid before Parliament on or before 31 March 2016.
219. The first modification is made by *subsection (2)*. It is to be as if there were a new subsection (1A) after section 134(1) of the Local Government, Planning and Land Act 1980 which provides that, before the Secretary of State can make an order designating an area as an urban development area, he must consult: persons representing those living within or in the vicinity of the proposed urban development area; persons representing businesses with premises within or in the vicinity of the proposed urban development area; local authorities for an area falling within the proposed urban development area; and any other person considered appropriate.
220. The second modification (made by *subsection (3)*) provides for it to be as if there were substituted a new subsection (4) for section 134(4) of the Local Government, Planning and Land Act 1980. This provides for the instrument to be subject to the negative resolution procedure (instead of the affirmative resolution procedure).
221. *Subsection (4)* provides that the consultation duty under the modified section 134(1A) of the Local Government, Planning and Land Act 1980 may be satisfied by consultation before the modification comes into force.
222. [Section 47](#) makes equivalent provision in respect of the establishment of urban development corporations for urban development areas.
223. It modifies the application of section 135 of the Local Government, Planning and Land Act 1980 in respect of an order establishing an urban development corporation for an urban development area in England that is contained in an instrument laid before Parliament on or before 31 March 2016.
224. The first modification (made by *subsection (2)*) provides for it to be as if there were inserted a new subsection (1A) after section 135(1) of the Local Government, Planning and Land Act 1980. New subsection (1A) provides that, before the Secretary of State can make an order under subsection (1) establishing an urban development corporation, he must consult: persons representing those living within or in the vicinity of the proposed urban development area; persons representing businesses with premises within or in the vicinity of the proposed urban development area; local authorities

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

for an area falling within the proposed urban development area; and any other person considered appropriate.

225. The second modification (made by *subsection (3)*) provides for it to be as if there were substituted a new subsection (3) for section 135(3) of the Local Government, Planning and Land Act 1980. This provides for the instrument to be subject to the negative resolution procedure (instead of the affirmative resolution procedure).
226. *Subsection (4)* of the new section provides that the consultation duty under section 134(1A) of the Local Government, Planning and Land Act 1980 may be satisfied by consultation before the modification comes into force.
227. The 1980 Act forms part of the law of England and Wales and Scotland but the modifications made by the two new sections apply only to orders relating to areas in England.
228. These sections come into force on the day on which the Act is passed. The modifications made by the two new sections do not affect orders contained in instruments laid before Parliament after 31 March 2016.