



Housing and Planning Act 2016

2016 CHAPTER 22

PART 6

PLANNING IN ENGLAND

New towns

169 Designation of new town areas and establishment of corporations: procedure

(1) The New Towns Act 1981 is amended as follows.

(2) In section 1 (designation of areas)—

(a) after subsection (3) insert—

“(3A) Before making an order under this section designating an area of land in England as the site of a proposed new town, the Secretary of State must consult the following persons (as well as the local authorities mentioned in subsection (1))—

- (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the site;
- (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the site;
- (c) any other person whom the Secretary of State considers it appropriate to consult.”

(b) in subsection (4), after “section” insert “designating areas of land in Wales”.

(3) In section 3 (establishment of development corporations for new towns), after subsection (2) insert—

“(2A) Before making an order under this section in relation to a site in England, the Secretary of State must consult the following persons—

- (a) persons who appear to the Secretary of State to represent those living within, or in the vicinity of, the site;

Changes to legislation: Housing and Planning Act 2016, Section 169 is up to date with all changes known to be in force on or before 11 August 2023. 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) [View outstanding changes](#)

- (b) persons who appear to the Secretary of State to represent businesses with any premises within, or in the vicinity of, the site;
 - (c) every county or district council for an area which falls wholly or partly within the site;
 - (d) any other person whom the Secretary of State considers it appropriate to consult.”
- (4) In section 77 (regulations and orders)—
 - (a) after subsection (3) insert—

“(3ZA) The power of the Secretary of State to make orders under section 3 is also exercisable by statutory instrument.”;
 - (b) after subsection (3A) insert—

“(3B) A statutory instrument containing an order made by the Secretary of State under section 1, 2 or 3 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(3C) If a draft of an instrument containing an order of the Secretary of State under section 1, 2 or 3 would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”;
 - (c) in subsection (4), for the words before paragraph (a) substitute “ A statutory instrument that is made by the Welsh Ministers (by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006) under any of the following provisions of this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales— ”;
 - (d) in subsection 4(a)(ii), omit “a county planning authority or, where the order is one designating an area in Wales, by”.
- (5) In Schedule 1 (procedure for designating area), before paragraph 1 (and before the italic heading before that paragraph) insert—

“Application of Schedule: Wales only

- A1 This Schedule applies only in relation to an order under section 1 designating an area of land in Wales as the site of a proposed new town.”

Commencement Information

II [S. 169](#) in force at 13.7.2016 by [S.I. 2016/733](#), [reg. 3\(g\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 172(1)(a) words renumbered as s. 172(1)(a) by [2017 c. 20 s. 26\(8\)\(a\)\(i\)](#)
- s. 172(1)(b) inserted by [2017 c. 20 s. 26\(8\)\(a\)\(ii\)](#)