



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 8

DEVELOPMENT CORPORATIONS

Planning functions

174 Planning functions of urban development corporations

- (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 149 (urban development corporation as planning authority)—
 - (a) after subsection (1) insert—

“(1A) If the Secretary of State so provides by order, an urban development corporation for an area in England shall be the local planning authority for the whole or any portion of its area for such purposes of Part 2 or 3 of the Planning and Compulsory Purchase Act 2004 as may be prescribed.”;
 - (b) in subsection (2), for “The order” substitute “An order under subsection (1) or (1A)”;
 - (c) after subsection (2) insert—

“(2A) If the Secretary of State so provides by order, an urban development corporation, other than a locally-led urban development corporation, for an area in England shall be the minerals and waste planning authority for the whole or any portion of its area for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004.”;
 - (d) in subsection (3)—
 - (i) in paragraph (a), omit “of the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990”;
 - (ii) in paragraph (b), omit “of those Acts”;
 - (e) after subsection (3) insert—

“(3A) A provision mentioned in paragraph 1, 3 or 5 of Part 1 of Schedule 29 may be specified under subsection (3)(a) only in relation to an urban development corporation for an area in England.”;

(f) after subsection (4) insert—

“(4A) If the Secretary of State so provides by order, an urban development corporation for an area in England shall have, in the whole or any portion of its area, the functions conferred on the relevant planning authority by Schedule 8 to the Electricity Act 1989 so far as it applies to applications for consent under section 37 of that Act.”

(3) After section 149 insert—

“149A Arrangements for discharge of, or assistance with, planning functions in England

(1) Subsection (2) applies in relation to any function that an urban development corporation has by virtue of an order under section 149(1).

(2) The corporation may make arrangements for the discharge of the function by the council (if any) which would have the function but for the order.

(3) Where arrangements are in force under sub-paragraph (2) for the discharge of a function by a council—

(a) the council may arrange for the discharge of the function by a committee, sub-committee or officer of the council, and

(b) section 101(2) of the Local Government Act 1972 (delegation by committees and sub-committees) applies in relation to the function as it applies in relation to functions of the council.

(4) Arrangements under subsection (2) for the discharge of a function do not prevent the urban development corporation from exercising the function.

(5) Subsection (6) applies in relation to any function that an urban development corporation has by virtue of an order under section 149(1A) or (2A).

(6) The corporation may seek assistance in connection with the discharge of the function from the council (if any) which would have the function but for the order; and that council may give such assistance.

(7) In this section, “council” means a county council, district council or London borough council or the Common Council.”

(4) In Part 1 of Schedule 29 (planning enactments conferring functions capable of being assigned to urban development corporations)—

(a) at the beginning insert—

“1 Section 17 of the Land Compensation Act 1961.”;

(b) the paragraph referring to enactments in TCPA 1990 becomes paragraph 2;

(c) after that paragraph insert—

“3 Sections 171BA, 171E, 172ZA, 172A, 191, 192, 225, 225A, 225C, 225F to 225H, 225J and 225K of the 1990 Act.”;

(d) the paragraph referring to enactments in the Listed Buildings Act becomes paragraph 4;

(e) after that paragraph insert—

“5 Section 44AA of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

175 Planning functions of new town development corporations

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

(2) After section 7 insert—

“7A Development corporation as planning authority in England

- (1) This section applies in relation to a development corporation established for the purposes of a new town in England.
- (2) The Secretary of State may provide by order for the corporation to be the local planning authority for the specified area—
 - (a) for such purposes of Part 3 of the Town and Country Planning Act 1990, and in relation to such kinds of development, as are specified, or
 - (b) for such purposes of Part 2 or 3 of the Planning and Compulsory Purchase Act 2004 as are specified.
- (3) An order under subsection (2) may provide—
 - (a) that any enactment relating to local planning authorities is not to apply to the corporation, or
 - (b) that any such enactment which applies to the corporation is to apply to it subject to such modifications as are specified.
- (4) The Secretary of State may provide by order—
 - (a) for the corporation to have, in the specified area, the functions conferred by such of the enactments mentioned in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980 as are specified;
 - (b) for such of the enactments mentioned in Part 2 of that Schedule as are specified in the order to have effect, in relation to the corporation and to land in the specified area, subject to the modifications set out in that Part;
 - (c) for such of the provisions of that Part 2 as apply for the purposes of the order to be read, for those purposes, as if—
 - (i) any reference to an urban development corporation were a reference to a development corporation established under section 3 of this Act, and
 - (ii) any reference to regenerating an area were a reference to developing a new town.
- (5) An order under subsection (4) may provide—
 - (a) that any enactment relating to local planning authorities applies to the corporation for the purposes of any enactment specified in Schedule 29 to the Local Government, Planning and Land Act 1980 which relates to land in the specified area by virtue of the order;
 - (b) that any enactment so applied to the corporation applies to it subject to modifications specified in the order.

Status: This is the original version (as it was originally enacted).

- (6) The Secretary of State may, if the corporation is not a locally-led development corporation, provide by order for the corporation to be the minerals and waste planning authority for the specified area for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004.
- (7) The Secretary of State may provide by order that the corporation is to have, in the specified area, the functions conferred on the relevant planning authority by Schedule 8 to the Electricity Act 1989 so far as it applies to applications for consent under section 37 of that Act.
- (8) The area specified under any of the preceding subsections must be the whole, or part, of the area of the new town.
- (9) An order under this section may include supplementary or transitional provision or savings.
- (10) In this section “specified” means specified in an order under this section.

7B Arrangements for discharge of, or assistance with, planning functions in England

- (1) Subsection (2) applies in relation to any function that a development corporation has by virtue of an order under section 7A(2)(a).
 - (2) The corporation may make arrangements for the discharge of the function by the council (if any) which would have the function but for the order.
 - (3) Where arrangements are in force under subsection (2) for the discharge of a function by a council—
 - (a) the council may arrange for the discharge of the function by a committee, sub-committee or officer of the council, and
 - (b) section 101(2) of the Local Government Act 1972 (delegation by committees and sub-committees) applies in relation to the function as it applies in relation to functions of the council.
 - (4) Arrangements under subsection (2) for the discharge of a function do not prevent the development corporation from exercising the function.
 - (5) Subsection (6) applies in relation to any function that a development corporation has by virtue of an order under section 7A(2)(b) or (6).
 - (6) The corporation may seek assistance in connection with the discharge of the function from the council (if any) which would have the function but for the order; and that council may give such assistance.
 - (7) In this section, “council” means a county council, district council or London borough council.”
- (3) In Schedule 3 (constitution and proceedings of development corporations), after paragraph 10 insert—

“Delegation of planning functions

- 10A (1) This paragraph applies in relation to any function conferred on the corporation by virtue of an order under section 7A (planning functions of corporations in England).
- (2) The corporation may appoint committees and such committees may appoint sub-committees.
- (3) Anything which is authorised or required to be done by the corporation—
- (a) may be done by any member of the corporation or of its staff who is authorised for the purpose either generally or specifically;
 - (b) may be done by a committee or sub-committee which is so authorised.
- (4) The corporation may—
- (a) determine the quorum of a committee or sub-committee;
 - (b) make such arrangements as it thinks appropriate relating to the meetings and procedure of a committee or sub-committee.
- (5) Anything done for the purposes of sub-paragraph (4) is subject to directions given by the Secretary of State.
- (6) The validity of anything done by a committee or sub-committee is not affected by—
- (a) any vacancy among its members;
 - (b) any defect in the appointment of any of its members.
- 10B (1) This paragraph has effect in relation to the membership of committees and sub-committees appointed under paragraph 10A.
- (2) A committee may consist of—
- (a) such members of the corporation as it appoints;
 - (b) such other persons as the corporation (with the consent of the Secretary of State) appoints.
- (3) A sub-committee of a committee may consist of—
- (a) such members of the committee as it appoints;
 - (b) such persons who are members of another committee of the corporation (whether or not they are members of the corporation) as the committee appoints;
 - (c) such other persons as the corporation (with the consent of the Secretary of State) appoints.
- (4) The membership of a committee or sub-committee—
- (a) must always include at least one person who is a member of the corporation;
 - (b) must not include any person who is a member of the staff of the corporation.”

176 Mayoral development corporation as minerals and waste planning authority

- (1) The Localism Act 2011 is amended as follows.

- (2) In section 202 (functions in relation to Town and Country Planning), after subsection (3) insert—
- “(3A) The Mayor may decide that the MDC is to be the minerals and waste planning authority, for the whole or any portion of the area, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004.”
- (3) In section 203 (arrangements for discharge of, or assistance with, planning functions), in subsection (4), after “2004” insert “, or the minerals and waste planning authority for the purposes of Part 2 of that Act,”.
- (4) In section 204 (removal or restriction of planning functions), in subsection (2), after “(3)” insert “, (3A)”.

177 Minor and consequential amendments

[Schedule 17](#) makes amendments consequential on sections [174](#) and [175](#), and other minor amendments in connection with the planning functions of development corporations.