
 STATUTORY INSTRUMENTS

1981 No. 560

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
**The Town and Country Planning (Merseyside Urban
Development Area) Special Development Order 1981**

<i>Made - - -</i>	<i>7th April 1981</i>
<i>Laid before Parliament</i>	<i>15th April 1981</i>
<i>Coming into Operation</i>	<i>6th May 1981</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24, 31, 34 and 287 of the Town and Country Planning Act 1971(a) and sections 148(2) and 150(1) of the Local Government, Planning and Land Act 1980(b), and of all other powers enabling him in that behalf, hereby makes the following order:—

Application, citation and commencement

1.—(1) This order shall apply to land within the Merseyside urban development area.

(2) Subject to the provisions of this order, the General Development Order shall apply to the land to which this order applies.

(3) This order may be cited as the Town and Country Planning (Merseyside Urban Development Area) Special Development Order 1981 and shall come into operation on 6th May 1981.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

“the 1971 Act” means the Town and Country Planning Act 1971;

“the 1980 Act” means the Local Government, Planning and Land Act 1980;

“development area” means the Merseyside urban development area;

“development corporation” means the Merseyside Development Corporation;

“the General Development Order” means the Town and Country Planning General Development Order 1977(c); and expressions used in this order shall have, unless the contrary intention appears, the meaning which they bear in the General Development Order;

“the Merseyside urban development area” means the area of land designated as an urban development area by the Merseyside Development Corporation (Area and Constitution) Order 1980(d) and “the Merseyside

(a) 1971 c. 78.

(b) 1980 c. 65.

(c) S.I. 1977/289, amended by S.I. 1980/1946, 1981/245.

(d) S.I. 1981/481.

Development Corporation” means the corporation established by that order;

“new street” has the same meaning as in Part X of the Highways Act 1980(a);

“unapproved means of access” means a means of access which is not shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act.

(2) In the General Development Order “local planning authority”, in relation to the development of land in the development area, where the development corporation are the local planning authority in place of any other local planning authority in relation to that land and to such development by virtue of an order made under section 149 of the 1980 Act, shall be construed as meaning the development corporation.

Permitted development

3. Subject to the following provisions of this order, development within the development area of the following class, namely, development in accordance with proposals approved by the Secretary of State under section 148(1) of the 1980 Act (not being development for which permission under Part III of the 1971 Act is granted or deemed to be granted otherwise than by this order) is hereby permitted subject to such of the limitations and conditions set out in articles 4 to 7 of this order as are applicable to the development and subject—

- (a) to the development being commenced within the period of five years beginning with the date on which the proposal for such development is approved by the Secretary of State under section 148(1) of the 1980 Act or such other period (whether longer or shorter) beginning with the said date as is specified in the proposal as approved by the Secretary of State; and
- (b) where the development consists of or includes the erection, extension or alteration of any buildings, and the development is not to be carried out by the development corporation, to the approval by the development corporation of the siting, design, external appearance, means of access, provision for vehicle parking and for loading, unloading and storage of vehicles and containers, storage of materials in the open and landscaping of the site; and
- (c) where the development consists of or includes the formation, laying out or alteration of a means of access to any highway used by vehicular traffic or the laying out of a new street, and the development is not to be carried out by the development corporation, to the approval by the development corporation of detailed plans thereof.

Exceptions from permitted development

4. Nothing in this order shall operate so as to permit any development in respect of which an industrial development certificate issued under section 67 of the 1971 Act would be required if an application had to be made to the local planning authority under Part III of the 1971 Act, unless the Secretary of State has issued an industrial development certificate in respect of such development; and any planning permission granted under article 3 of this order in respect of such development shall be deemed to have been granted subject to any conditions which may have been attached to such certificate.

5. Where planning permission for development has been granted on an application made under Part III of the 1971 Act and that permission has subsequently been revoked by an order made under section 45 of the 1971 Act, nothing in this order shall operate so as to permit the carrying out of development of the same description as that which was authorised by the revoked permission on the land to which the revoked permission applied.

6. Where, by virtue of an order under section 51 of the 1971 Act, the use or land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or where, by virtue of any such order, any buildings or works are required to be altered or removed, nothing in this order shall operate to permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order under section 51 of the 1971 Act took effect.

Consultation before development

7.—(1) In any of the following cases, before commencing to carry out any development permitted by this order or granting any approval required by the provisions of article 3(b) or (c) of this order, the development corporation shall consult with the following authorities or persons, namely:—

- (a) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, with the Secretary of State at such office or address as he may appoint;
- (b) where it appears to the development corporation that the development is likely to create or attract traffic which would result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, with the Secretary of State at such office or address as he may appoint;
- (c) in the case of development involving the formation, laying out or alteration of any means of access to a highway, or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the development corporation (other than to a trunk road or to a highway shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act and not being so shown as a highway, access to which is required to be the subject of such consultation), with the local highway authority;
- (d) in the case of development which appears to the development corporation to be likely to result in a material increase in the volume of traffic entering or leaving a classified road or proposed road, the route of which has been adopted by resolution of the local highway authority and notified as such to the development corporation, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering or leaving or using such a road, with the local highway authority;
- (e) in the case of development consisting of the laying out or construction of a new street, with the local highway authority;
- (f) in the case of development which appears to the development corporation likely to affect land outside their area, with the district planning authority for the area in which the land is situated, unless that authority have already been formally consulted;

(g) where the development consists of or includes:—

- (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
- (ii) the carrying out of building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;
- (iii) the use of land for the deposit of any kind of refuse or waste;
- (iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single buildings in which not more than ten people will normally reside, work or congregate and works ancillary thereto) on land, or use of land, for the retention, treatment or disposal of sewage, trade waste or sludge; or
- (v) the use of land as a cemetery;

with the water authority exercising functions in the area in which the development is to take place;

- (h) where the development is of land in an area of special interest notified to the development corporation by the Nature Conservancy Council in accordance with section 23 of the National Parks and Access to the Countryside Act 1949(a), with the Nature Conservancy Council, except where the Nature Conservancy Council dispense with this requirement;
- (i) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976(b), with the Theatres Trust;
- (j) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which the development corporation are required to consult with any authority or person in respect of applications for planning permission, with that authority or person.

(2) When required by this order to consult with any authority or other person the development corporation shall give to such authority or person not less than 28 days' notice in writing, specifying the site of, and giving particulars sufficient to describe, the proposed development and, where applicable, particulars of the proposed approval under article 3(b) or (c) of this order; and shall not commence to carry out the development or grant the proposed approval until the expiration of the period of such notice; and the development corporation shall take into account any objections or other representations received from such authority or person.

(3) Where any objection or representation has been made by an authority or other person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(b) or (c), and of the objection or representation to the Secretary of State in writing, and shall not commence to carry out the development or grant any approval under article 3(b) or (c) of this order until the Secretary of State has notified the development corporation that he does not intend to give a direction under article 8 of this order in respect of the development.

Directions restricting development permitted by this order

8.—(1) If the Secretary of State is satisfied that it is expedient that any development of the class specified in article 3 of this order should not be under-

(a) 1949 c. 97.

(b) 1976 c. 27.

taken unless permission is granted on an application in that behalf, the Secretary of State may direct that the permission granted by article 3 of this order shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

Application of General Development Order

9. Article 4 of the General Development Order (directions restricting permitted development) shall apply to the development area subject to the modification that "appropriate local planning authority" shall be construed as meaning the development corporation.

10. Article 7 of the General Development Order (general provisions relating to applications) shall apply to the development area as if for paragraph (1) the following were substituted:—

"(1) Any application made under article 5 or 6 shall where the land is in the Merseyside urban development area be made to the Merseyside Development Corporation."

11. Article 11 of the General Development Order (special provisions as to permission for development affecting certain existing and proposed highways) shall apply in relation to the development area as if in paragraph (2), for the requirement for the district planning authority, elsewhere than in Greater London, to notify the Secretary of State of certain applications and, in the case of an application which falls to be determined by the county planning authority to notify the county planning authority, there were substituted the requirement that the development corporation shall notify the Secretary of State.

12. Article 21 of the General Development Order (register of applications) shall have effect in relation to the development area as if for paragraph (1) there were substituted the following:—

"(1) In this article—

- (a) "the local planning register authority" in relation to the Merseyside urban development area means the Merseyside Development Corporation;
- (b) references to the Secretary of State shall be construed as including references to a person appointed by the Secretary of State under Schedule 9 to the Act to determine an appeal."

7th April 1981.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is a special development order made under section 24 of the Town and Country Planning Act 1971 applying to land within the Merseyside Urban Development Area.

Under section 148(1) of the Local Government, Planning and Land Act 1980 the Secretary of State, after consultation with the appropriate local planning authority and with any other local authority which appears to him to be concerned, may approve proposals submitted to him by the Merseyside Development Corporation for the development of land within the urban development area. Section 148(2) of that Act provides that a special development order may grant permission for any development of land in accordance with proposals so approved.

This order grants permission for the carrying out of any development in accordance with proposals approved by the Secretary of State (article 3). The permission is subject to limitations in relation to industrial development which would require an industrial development certificate if an application for permission had to be made to the local planning authority and does not apply to the carrying out of development of the same description as development which has been made the subject of an order under section 45 (power to revoke or modify planning permission) or section 51 (orders requiring discontinuance of use or alteration or removal of buildings or works) of the 1971 Act. It is also subject to conditions relating to the period within which the development must commence, requiring approval of certain details by the development corporation (where the development is being carried out other than by the development corporation) and requiring consultations in certain cases (articles 3 to 7). The permission may be withdrawn by the Secretary of State by direction in relation to any particular development (article 8).

The following articles of the General Development Order 1977 are modified in relation to the development area and to the development corporation:—

Article 4 (directions restricting permitted development), the development corporation to be the “appropriate local planning authority” (article 9);

Article 7 (general provisions relating to applications) applications relating to planning permission to be made to the development corporation (article 10);

Article 11 (special provisions as to permission for development affecting certain existing and proposed highways), the development corporation to notify the Secretary of State of such applications (article 11);

Article 21 (register of applications), the development corporation to be the “local planning register authority” for the development area (article 13).

Article 12 of the General Development Order (power of local highway authority to issue directions restricting the grant of planning permission) does not apply to the development corporation by virtue of section 150(1) of the Local Government, Planning and Land Act 1980.

THE UNIVERSITY OF CHICAGO PRESS

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SI 1981/560
ISBN 0-11-016560-8



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