

## STATUTORY INSTRUMENTS

1986 No. 435

TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**The Town and Country Planning  
(Local Government Reorganisation)  
(Miscellaneous Amendments) Order 1986**

<i>Made</i>	- - - -	7th March 1986
<i>Laid before Parliament</i>		11th March 1986
<i>Coming into Operation</i>		1st April 1986

The Secretary of State, in exercise of the powers conferred on him by sections 24, 25, 31, 34, 36, 37, 42, 53, 92A and 287 of and Schedule 14 to the Town and Country Planning Act 1971(a), section 20 of the Land Compensation Act 1961(b), paragraph 20 of Schedule 16 to the Local Government Act 1972(c), sections 148 to 150 of the Local Government, Planning and Land Act 1980(d) and section 7 of the New Towns Act 1981(e) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and commencement*

1. This order may be cited as the Town and Country Planning (Local Government Reorganisation) (Miscellaneous Amendments) Order 1986 and shall come into operation on 1st April 1986.

*Amendment of orders*

2. The Town and Country Planning General Development Order 1977(f) shall have effect subject to the amendments mentioned in Schedule 1.

3. The Land Compensation Development Order 1974(g) shall have effect subject to the amendments mentioned in Schedule 2.

4. The orders mentioned in Schedule 3 (which relate to planning in new towns and urban development areas) shall have effect subject to the relevant amendments mentioned in that schedule.

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(a) 1971 c.78.  
(b) 1961 c.33.  
(c) 1972 c.70.  
(d) 1980 c.65.  
(e) 1981 c.64.  
(f) S.I. 1977/289; relevant amending instruments are S.I. 1980/1946, 1981/1569, 1983/1615, 1985/1981.  
(g) S.I. 1974/539.

## SCHEDULE 1

## Article 2

AMENDMENT OF THE TOWN AND COUNTRY PLANNING  
GENERAL DEVELOPMENT ORDER 1977

1. In article 2(1),—
  - (i) in the definition of “local authority”, the words “the Greater London Council,” shall be omitted; and
  - (ii) the definition of “local planning authority” shall be omitted.
  
2. In article 4, for paragraphs (10) and (11) there shall be substituted—

“(10) In this article “appropriate local planning authority” means—

  - (a) in relation to a conservation area in a non-metropolitan county, either the county planning authority or the district planning authority; and
  - (b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction under this article relates or is proposed to relate.

(11) On making a direction under this article or submitting such a direction to the Secretary of State for approval—

  - (a) a county planning authority shall give notice thereof to the district planning authority in whose area the land to which the direction relates is situated; and
  - (b) a district planning authority shall give notice thereof to the county planning authority.”.
  
3. In article 5, in the proviso to paragraph (2) for the words from the beginning to “opinion” there shall be substituted—

“Provided that where—

  - (a) the local planning authority, or
  - (b) where the application is made to one authority but falls to be determined by another, either of those authorities,

are of the opinion”.
  
4. In article 7, for paragraphs (1) and (2) there shall be substituted—

“(1) Any application made under article 5 or 6 shall—

  - (a) where the land is in Greater London or a metropolitan county, be made to the local planning authority;
  - (b) where the land is situated elsewhere, be made to the district planning authority.”.
  
5. In article 11, in paragraphs (1)(v) and (2B)(a), after “Greater London” in each place where those words occur there shall be inserted the words “or a metropolitan county”.

6. In article 12, there shall be added at the end of paragraph (4) the words “or (except within a National Park) to a metropolitan county”.

7. In article 15—

(i) for sub-paragraph (a) of paragraph (1) there shall be substituted—

“(a) where it appears to that authority that the development is likely to affect land outside their area—

(i) where that land is outside Greater London or a National Park, with the district council;

(ii) where that land is in Greater London, with the Common Council or the council of the London borough, as the case may be;

(iii) where that land is in a National Park, with the county planning authority or, in a metropolitan county, with the local planning authority;”;

(ii) there shall be added at the end of paragraph (1)—

“(j) where the development is of land in Greater London and would, in the opinion of the local planning authority, involve the demolition, in whole or in part, or the material alteration, of a building which is on a list of buildings of special architectural or historic interest compiled in pursuance of section 54 of the Act, with the Historic Buildings and Monuments Commission for England.”; and

(iii) paragraph (3) shall be omitted.

8. In article 17,—

(i) for paragraph (1) there shall be substituted—

“(1) A district planning authority or, in a metropolitan county, a local planning authority, on receiving any application of which the council of a parish or community are entitled to be informed, shall as soon as practicable notify that council of the application. In the case of a district planning authority, that authority shall at the same time notify that council of the name of the local planning authority who will determine the application and shall notify that authority, if not the district planning authority, of the date on which they give such notification.”; and

(ii) in paragraph (4), after the words “district planning authority” there shall be inserted the words “or, in a metropolitan county, the local planning authority”.

9. In article 21(1), for sub-paragraph (a) there shall be substituted—

“(a) “the local planning register authority” means—

(i) the district planning authority (except in Greater London, a metropolitan county or a National Park);

(ii) in Greater London or a metropolitan county, the local planning authority; and

(iii) in a National Park (except in a metropolitan county), the county planning authority;”.

10. In article 21A,—
- (i) in paragraph (1) after the words “every council of” there shall be inserted the words “a metropolitan district or”; and
  - (ii) paragraph (5) shall be omitted.
11. In article 22, in paragraphs (6) and (7), after the words “Greater London” there shall be inserted the words “or a metropolitan county”.
12. In Schedule 1,—
- (i) in the proviso in the entry for Class XII and in the condition against each of paragraphs D(v) and E(vi) in the entry for Class XVIII—
    - (a) after the words “Greater London” in the first place where they occur there shall be inserted the words “, a metropolitan county”;
    - (b) after the words “Greater London” in the second place where they occur there shall be inserted the words “or a metropolitan county”; and
    - (c) after the words “National Park” in the second place where they occur there shall be inserted the words “outside a metropolitan county”;
  - (ii) in the entry for Class XIV (and in its title), the words “or the Greater London Council” shall be omitted;
  - (iii) in the entry for Class XIX, in the proviso to paragraph 2 for the words from “local planning authority” to “county planning authority” there shall be substituted the words “minerals planning authority”; and
  - (iv) in the entry for Class XX, for the words “county planning authority” in each place where they occur there shall be substituted the words “minerals planning authority”.

## Article 3

## SCHEDULE 2

AMENDMENT OF THE LAND COMPENSATION  
DEVELOPMENT ORDER 1974

1. For article 3(4), there shall be substituted—

“(4) Where a certificate is—

(a) issued by a county planning authority, they shall send a copy to the district planning authority for the area in which the land is situated;

(b) issued by a district planning authority and specifies a class or classes of development relating to a county matter, they shall send a copy to the county planning authority.”.

2. In article 6, for the words after “public inspection at reasonable hours” there shall be substituted—

“at their office and—

(a) where the issuing authority is a district planning authority, at the office of the county planning authority;

(b) where the issuing authority is a county planning authority, at the office of the district planning authority in whose area the land is situated.”.

## SCHEDULE 3

## Article 4

## AMENDMENT OF OTHER ORDERS

1. In the Town and Country Planning (New Towns) Special Development Order 1977(a) there shall be inserted after “district planning authority” in articles 3(2)(c) and 8(1)(d) and (e), the words “or, where the land is in a metropolitan county, the local planning authority”.

2. In the Town and Country Planning (Merseyside Urban Development Area) Special Development Order 1981(b)—

- (i) in article 7(1)(f), for “council” there shall be substituted the words “planning authority”; and
- (ii) articles 9 to 12 shall be omitted.

3. In the London Docklands Development Corporation (Planning Functions) Order 1981(c) there shall be omitted article 7 and the number “7” in article 3.

4. In the Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981(d)—

- (i) for article 9 there shall be substituted—

“9. Article 4 of the General Development Order (directions restricting permitted development) shall apply to the development area as if for paragraph (11) there were substituted:—

“(11) On making a direction under this article or submitting such a direction to the Secretary of State for approval, the appropriate local planning authority shall:—

(a) in the case of the development corporation, notify the London borough council in whose area the land to which the direction relates is situated;

(b) in the case of a London borough council, notify the development corporation.”;

- (ii) for article 12 there shall be substituted—

“12. Article 21 of the General Development Order (register of applications) shall apply to the development area as if in paragraph (5) the words “the development corporation” were added after the words “register kept by”.”; and

- (iii) articles 10, 11 and 13 shall be omitted.

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(a) S.I. 1977/665.  
(b) S.I. 1981/560.  
(c) S.I. 1981/1081.  
(d) S.I. 1981/1082.

*Kenneth Baker,*  
Secretary of State for the Environment.

7th March 1986.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order amends various planning orders to take account of the abolition of the Greater London Council and the metropolitan county councils on 1st April 1986 by the Local Government Act 1985 and of the provision made by that Act for planning in Greater London and the metropolitan counties.

Article 2 provides for the amendment of the Town and Country Planning General Development Order 1977.

Article 3 provides for the amendment of the Land Compensation Development Order 1974.

Article 4 provides for the amendment of the Town and Country Planning (New Towns) Special Development Order 1977, the Town and Country Planning (Merseyside Urban Development Area) Special Development Order 1981, the London Docklands Development Corporation (Planning Functions) Order 1981 and the Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981.

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