

2011 No. 549

URBAN DEVELOPMENT

**The London Thames Gateway Development Corporation
(Planning Functions) (Amendment) Order 2011**

Made - - - - *28th February 2011*

Laid before Parliament *7th March 2011*

Coming into force - - *1st April 2011*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 149(1),(3),(11) and (13) of the Local Government, Planning and Land Act 1980(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011 and shall come into force on 1st April 2011.

Interpretation

2. In this Order—

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990(b);

“the development corporation” means the London Thames Gateway Development Corporation;

“the relevant authority” means the authority which, but for the London Thames Gateway Development Corporation (Planning Functions) Order 2005(c), as unamended by this Order would be the local planning authority in accordance with Part 1 of the 1990 Act.

Amendment of Order

3. The London Thames Gateway Development Corporation (Planning Functions) Order 2005 is amended as follows.

Amendment relating to planning functions area

4. For article 3 substitute—

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- (a) 1980 c.65; section 149 was amended by Schedule 1 and paragraph 44(6) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments not relevant to this Order. See also, as to urban development corporations, section 7 of the Town and Country Planning Act 1990 (c.8)
- (b) 1990 c.9.
- (c) S.I. 2005/2721; amended by S.I. 2006/2186.

“3.—(1) The planning functions area is the development area excluding the area shaded grey on the maps.

(2) In paragraph (1), “the maps” means the set of maps numbered 1 and 2 entitled “Maps referred to in the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011(a), of which prints, signed by a Director in the Department for Communities and Local Government, are deposited and available for inspection at the offices of the Secretary of State, the development corporation and the London boroughs of Barking and Dagenham, Hackney, Havering, Newham and Tower Hamlets.”.

Transitional provisions in connection with planning functions

5.—(1) Subject to articles 6 and 7, this article applies as respects any planning functions which were transferred to the development corporation by the London Thames Gateway Development Corporation (Planning Functions) Order 2005 as unamended by this Order and in respect of which the development corporation ceases, by virtue of the preceding provisions of this Order, to be the local planning authority responsible for exercising those functions.

(2) Anything which before the date of coming into force of this Order was in the process of being done by, to or in relation to the development corporation in connection with any of the functions mentioned in paragraph (1) above may be continued after that date by, to or in relation to the relevant authority.

Transitional provisions in connection with planning applications

6.—(1) This article applies as respects any application for planning permission or approval of reserved matters or for any other approval, consent or determination under the 1990 Act, or the Listed Buildings Act, or under any order or regulations made or having effect under either of those Acts—

- (a) which, before the date of the coming into force of this Order, was duly made to the development corporation and which has not been determined on or before that date, and
- (b) in respect of which the development corporation ceases, by virtue of the preceding provisions of this Order or by virtue of a direction made under section 77 of the 1990 Act(b) (reference of application to Secretary of State), to be the local planning authority responsible for determining the application.

(2) Except where the development corporation transmits the application to the relevant authority for determination in accordance with paragraph (3), subject to paragraph (6) the development corporation shall have in relation to an application the same powers and duties as it would have had if this Order had not come into force.

(3) The development corporation shall transmit to the relevant authority for determination—

- (a) any application which it has resolved with the agreement of the applicant to transmit to the relevant authority; and
- (b) any other application which it has not determined before 1st April 2011.

(4) Subject to paragraph (5), where the development corporation transmits an application to the relevant authority for determination, the application shall be accompanied by a copy of any representation received by the development corporation concerning the application and shall be treated as received by the authority from the applicant on the day on which it is transmitted to the authority.

(5) Where notices, certificates, publicity or consultations have been, or are in the process of being, given or carried out in relation to an application before the day on which it is transmitted to

(a) S.I.2011/550.

(b) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c.34) (the “1991 Act”), and section 40(2) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”).

the relevant authority, paragraph (4) shall not be construed as requiring further notices, certificates, publicity or consultations solely because the application is treated as received by the authority from the applicant on that day.

(6) Where an appeal is made to the Secretary of State under section 78 of the 1990 Act^(a) or section 20 of the Listed Buildings Act^(b) in relation to an application to which this article applies, the relevant authority shall be the local planning authority for the purposes of the appeal.

(7) The relevant authority shall be the local planning authority in relation to any application in respect of which a direction has been made under section 77 of the 1990 Act—

- (a) where the development corporation has resolved with the agreement of the authority that the authority shall be the local planning authority in relation to that application; and
- (b) in any other case, where the application has not been determined before 1st April 2011 or has not been finally determined before that date following an application to the High Court under section 288 of the 1990 Act.

Liability for compensation in connection with planning functions and planning obligations

7.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act^(c) or section 28 or 29 of the Listed Buildings Act in consequence of action taken in relation to land within the planning functions area by the development corporation, the development corporation shall be liable for any compensation which is payable.

(2) Where, on or after the date of the coming into force of this Order, the Secretary of State makes an order or serves a notice, as the case may be, under section 100, 104, 185 or 202 of, or paragraph 11 of Schedule 9 to, the 1990 Act^(d) in respect of a matter arising before that date, which relates to land within the planning functions area, the development corporation shall be liable to pay any compensation arising from the order or notice.

(3) A planning obligation entered into by agreement or otherwise under section 106 of the 1990 Act^(e) in relation to land within the planning functions area which identifies the development corporation as the local planning authority by whom the obligation is enforceable shall be enforceable by the relevant authority.

Signed by authority of the Secretary of State for Communities and Local Government

Bob Neill

Parliamentary Under Secretary of State

28th February 2011

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

The London Thames Gateway Development Corporation (the development corporation) was established by the London Thames Gateway Development Corporation (Area and Constitution) Order 2004 (S.I. 2004/1642) for the purpose of regenerating the London Thames Gateway urban development area. The London Thames Gateway Development Corporation (Planning Functions)

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- (a) Section 78 was amended by section 17(2) of the 1991 Act and section 40(2)(e) and 43(2) of the 2004 Act.
 - (b) Section 20 has effect in relation to buildings in conservation areas as it has effect in relation to listed buildings subject to such exceptions and modifications as may be prescribed by regulations (*see* section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519).
 - (c) Section 107 was amended by paragraph 8 of Schedule 1 to and paragraph 13 of Schedule 6 to the 1991 Act, section 108 was amended by section 13(4) of that Act, section 40(2) of the 2004 Act and section 189 of the Planning Act 2008 (c.29); section 186 was amended by section 9(3) of, and paragraph 29 of Schedule 7 to the 1991 Act and Part 1 of Schedule 19 to that Act
 - (d) Section 100 was amended by paragraph 5 of Schedule 1 to the 1991 Act.
 - (e) Section 106 was substituted by section 12 of the 1991 Act, section 33 of the Greater London Authority Act 2007 (c.24) and section 174 of the Planning Act 2008.

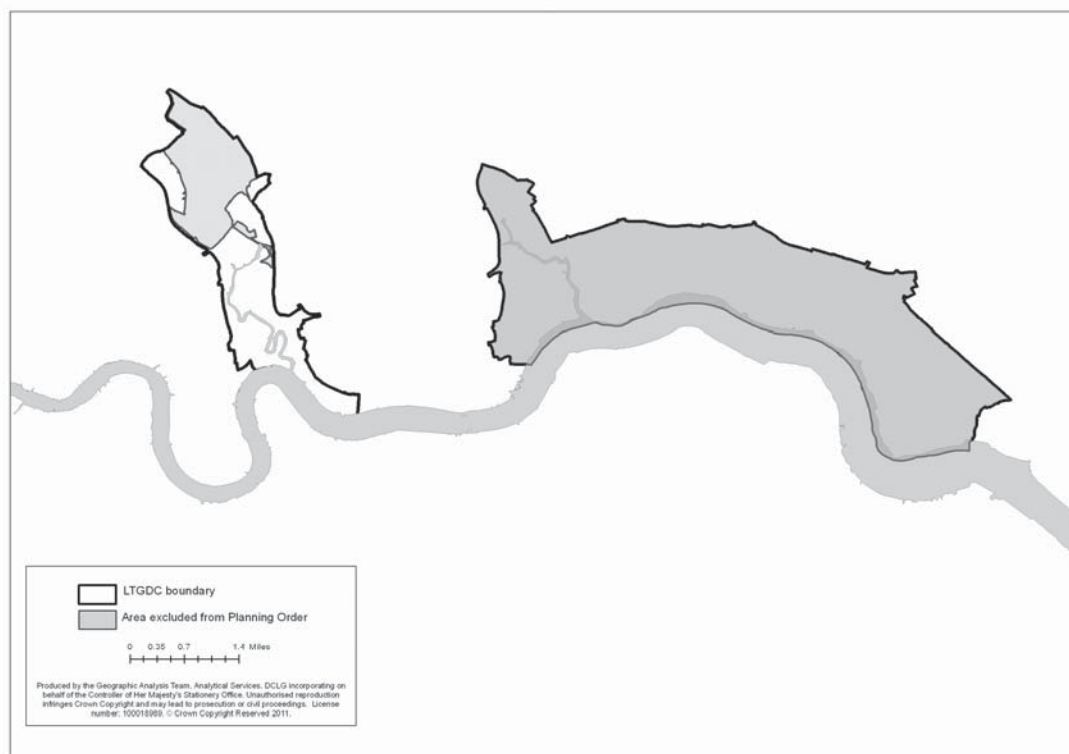
Order 2005 (S.1.) 2005/272 as amended by S.1.2006/2186 describes, with the use of maps, the portions of the urban development area in which the development corporation exercises planning functions (“the planning functions area”).

This Order amends the portions of the urban development area in which the development corporation exercises planning functions and replaces those maps. The effect is to remove the areas of the London Boroughs of Barking and Dagenham, Havering and part of the area of the London Borough of Newham. The councils of the boroughs will resume responsibility as local planning authorities for the planning functions in those areas (articles 3 and 4).

Prints of the maps referred to in article 4 of this Order are available for inspection at all reasonable hours in the library of the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU. The maps are also available at the offices of the London Borough of Barking, Planning and Transportation Department, Municipal Offices, 127 Ripple Road, Barking, IG1 1 7PB; the London Borough of Hackney, Planning Department, Dorothy Hodgkin House, 12 Reading Lane, London E8 1 HJ; the London Borough of Havering, Planning Department, Mercury House, Mercury Gardens, Romford, RM1 3S1; the London Borough of Newham, Development Control, Town Hall Annexe, Barking Road, East Ham, London E6 6EH; the London Borough of Tower Hamlets, Planning Department, Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG.

There are transitional provisions relating to the transfer of planning functions and planning applications from the development corporation to the London boroughs and the payment of compensation (articles 5, 6 and 7).

An impact assessment was prepared in relation to the London Thames Gateway Development Corporation (Area and Constitution) Order 2004. It is available on the internet at www.communities.gov.uk. Alternatively, copies may be obtained from the Planning Directorate, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU. An additional impact assessment has not been prepared for this instrument as it has no additional impact on business, charity or voluntary bodies.



STATUTORY INSTRUMENTS

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£4.00