
STATUTORY INSTRUMENTS

2018 No. 1128

The Local Government (Boundary Changes) Regulations 2018

PART 9

Functions relating to town and country planning

Interpretation of Part 9

25. In this Part—

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(1); and

“joint committee” means a committee established by an order under section 29(2) of the 2004 Act.

Local development documents

26.—(1) A local development document adopted by a predecessor council under section 23 of the 2004 Act (adoption of local development documents) before the reorganisation date shall have effect on and after that date as if it had been adopted by the successor council for such part of its area as corresponds to the area to which the document relates.

(2) Nothing in paragraph (1) affects any power of the Secretary of State to revoke, or the successor council to revise, a document to which paragraph (1) relates.

(3) A successor council must adopt a local development document under section 23 of the 2004 Act to apply to the whole of its area within a period of five years starting with the reorganisation date.

(4) On or after the reorganisation date and prior to adoption of a document to apply to the whole of its area as required by paragraph (3) a successor council may revise or replace a document referred to in paragraph (1) for a part of its area which was the area of a predecessor council.

(5) In revising or replacing a document in accordance with paragraph (4), a successor council may adopt, with or without modification, a document which was prepared but not adopted by a predecessor council before the reorganisation date.

(6) Where—

(a) a predecessor council has not, before the reorganisation date, prepared or adopted a local development document under section 23 of the 2004 Act; and

(b) the successor council has not yet adopted such a document for the whole of its area as required by paragraph (3),

the successor council may prepare and adopt such a document for the part of its area which was the area of the predecessor council.

Continuity relevant to section 29 committees

27.—(1) An order under section 29 of the 2004 Act establishing a joint committee of which a predecessor council is a constituent member shall continue to have effect on and after the reorganisation date as if—

- (a) references to a predecessor council were references to the successor council;
- (b) references to the area of a predecessor council were references to such part of the area of the successor council as is coterminous with the area of the predecessor council.

(2) A successor council to which paragraph (1) applies shall be treated for the purposes of section 29(9) of the 2004 Act as a constituent authority of the joint committee.

(3) Anything which is in the process of being done by or in relation to a joint committee before the reorganisation date may be continued on and after the reorganisation date—

- (a) to the extent that it relates to a predecessor council or its area, by or in relation to the successor council referred to in paragraph (1)(a) or the part of its area referred to in paragraph (1)(b);
- (b) to any other extent, by or in relation to any other authority (other than a predecessor council) whose functions under Part 2 of the 2004 Act have been delegated to the joint committee.

(4) Anything done by or in relation to a joint committee before the reorganisation date shall, so far as is necessary for continuing its effect on or after the reorganisation date, have effect as if done—

- (a) to the extent that it relates to a predecessor council or its area, by or in relation to the successor council referred to in paragraph (1)(a) or the part of its area referred to in paragraph (1)(b);
- (b) to any other extent, by or in relation to any other authority (other than a predecessor council) whose functions under Part 2 of the 2004 Act have been delegated to the joint committee.

(5) Paragraphs (1) to (3) shall cease to have effect as regards an area on whichever is the earlier of—

- (a) the date on which the last of such of the documents mentioned or referred to in the agreement under section 29(1) of the 2004 Act to which the order under that section gives effect (being documents required under any provision of Part 2 of the 2004 Act to be adopted) is adopted; and
- (b) the third anniversary of the reorganisation date,

and the date so ascertained is referred to in the following paragraph as the relevant date.

(6) On the date that is the relevant date as regards an area, the order under section 29 relevant to that area shall be treated as revoked; and section 29 of the 2004 Act shall have effect as if—

- (a) the reference in subsection (5) to annulment in pursuance of a resolution of either House of Parliament were a reference to this paragraph; and
- (b) the reference in subsection (5)(a) to the date of the resolution were a reference to the relevant date.