STATUTORY INSTRUMENTS

2015 No. 748

URBAN DEVELOPMENT

The Ebbsfleet Development Corporation (Planning Functions) Order 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*1st July 2015*

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

Citation and commencement

1. This Order may be cited as the Ebbsfleet Development Corporation (Planning Functions) Order 2015 and comes into force on 1st July 2015.

Interpretation

2. In this Order—

"the 1980 Act" means the Local Government, Planning and Land Act 1980;

"the 1990 Act" means the Town and Country Planning Act 1990(**2**);

"the commencement date" means 1st July 2015;

"the development area" means the area designated as an urban development area by article 2(1) of the Ebbsfleet Development Corporation (Area and Constitution) Order 2015(**3**);

"the development corporation" means the urban development corporation named the Ebbsfleet Development Corporation established by article 3(1) of the Ebbsfleet Development Corporation (Area and Constitution) Order 2015;

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990(**4**);

(**1**) 1980 c. 65; section 149 was amended by Schedule 1 to, 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 section 7 of the 1990 Act.
(**2**) 1990 c. 8.
(**3**) S.I. 2015/747.
(**4**) 1990 c. 9.

"planning document" means any notice, certificate, publicity, consultation or other document relating to the exercise of functions under the 1990 Act, the Listed Buildings Act or any order or regulation having effect under those Acts; and

"previous authority" means a local planning authority which ceases by virtue of section 7 of the 1990 Act and article 3 of this Order to be the local planning authority for the development area (or part of it) for the purposes, and in relation to the kinds of development, specified in article 3.

Planning functions of the development corporation

3. Subject to article 6, the development corporation is the local planning authority for the development area—

(a) for all purposes, except those of sections 61E to 61Q (neighbourhood planning)(**5**), of Part 3 of the 1990 Act; and

(b) in relation to all kinds of development, except development by a previous authority, or of land of a previous authority, of a kind described in regulation 2 of the Town and Country Planning General Regulations 1992(**6**).

Additional functions conferred on the development corporation

4. In the development area the development corporation has the functions conferred by the provisions of the 1990 Act and the Listed Buildings Act which are specified in Part 1 of Schedule 29 to the 1980 Act(**7**).

Modification of the 1990 Act and the Listed Buildings Act

5. The provisions of the 1990 Act and the Listed Buildings Act specified in Part 2 of Schedule 29 to the 1980 Act(**8**) have effect in relation to the development corporation and in the development area with the modifications specified in that Part.

Transitional provisions

6. The Schedule makes transitional provision in relation to functions exercised by previous authorities prior to the commencement date.

(**5**) Sections 61E to 61Q of the 1990 Act were inserted by section 116 of, and Part 1 of Schedule 9 to, the Localism Act 2011 (c. 20) and make provision to allow planning permission to be granted through neighbourhood development orders. Sections 61E and 61Q respectively provide for new Schedules 4B and 4C to the 1990 Act to have effect. Responsibility for the exercise of these functions remains with the local planning authority and is not transferred to the development corporation by this Order.

(**6**) S.I. 1992/1492; relevant amendments were made by S.I. 1997/3006, 1999/1892 and 2011/1589.

(**7**) Part 1 of Schedule 29 was amended by paragraph 44(12) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11) and by paragraph 17 of Schedule 3 to, and paragraph 5 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

(**8**) Part 2 of Schedule 29 was amended by paragraph 44(13) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).

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

Lord Ahmad
Parliamentary Under Secretary of State
Department for Communities and Local Government

26th March 2015