STATUTORY INSTRUMENTS

2015 No. 442

URBAN DEVELOPMENT, ENGLAND

The Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015

Made - - - -	*2nd March 2015*
Laid before Parliament	*4th March 2015*
Coming into force - -	*1st April 2015*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 198(2)(c) and 235(2) of the Localism Act 2011(**1**), makes the following Order.

The Mayor of London has notified the Secretary of State under section 202(8)(b) of the Localism Act 2011 of the functions in relation to town and country planning which the Mayor has decided the Old Oak and Park Royal Development Corporation is to have.

Citation and commencement

1. This Order may be cited as the Old Oak and Park Royal Development Corporation (Planning Functions) Order 2015 and shall come into force on 1st April 2015.

Interpretation

2. In this Order—

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

"the Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990(**3**);

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004(**4**);

"borough planning authority" means a London borough council which ceases, by virtue of section 7A(2) of the 1990 Act(**5**) and article 3 of this Order, to be the local planning authority for a part of the development area;

"commencement date" means 1st April 2015;

(**1**) 2011 c. 20.
(**2**) 1990 c. 8.
(**3**) 1990 c. 9.
(**4**) 2004 c. 5.
(**5**) 1990 c. 8. Section 7A was inserted by paragraphs 30 and 32 of Schedule 22 to the Localism Act 2011 (c. 20).

"the development area" means the area of land described as the Mayoral development area in article 2 of, and in relation to which a Mayoral development corporation is established by article 3 of, the Old Oak and Park Royal Development Corporation (Establishment) Order 2015(**6**);

"joint local development document" has the meaning in section 28(10) of the 2004 Act;

"local development document" has the meaning in section 37(2) of the 2004 Act(**7**);

"the Corporation" means the body corporate known as the Old Oak and Park Royal Development Corporation established by article 3 of the Old Oak and Park Royal Development Corporation (Establishment) Order 2015;

"planning document" means any notice, certificate, publicity, consultation or other document pertaining to the exercise of functions under the 1990 Act, the 2004 Act, the Listed Buildings Act or any order or regulation having effect under those Acts; and

"the Tree Preservation Regulations" means the Town and Country Planning (Tree Preservation) (England) Regulations 2012(**8**).

Planning functions of the Corporation

3. Subject to article 8, the Corporation is the local planning authority for the development area for the purposes of—

(a) Part 3 of the 1990 Act; and

(b) Parts 2 and 3 of the 2004 Act.

Additional functions conferred on the Corporation

4. In the development area the 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 Local Government, Planning and Land Act 1980 Act(**9**).

5. In the development area the Corporation has the functions conferred by Schedule 8 to the Electricity Act 1989 so far as applying to applications for consent under section 37 of that Act(**10**).

Modification of references to urban development corporations

6.—(1) For the purpose of exercising functions transferred by this Order, any reference in a statutory instrument to an urban development corporation must, so far as is required for giving effect to the enactment, be construed as including a reference to the Corporation.

(2) In paragraph (1), "statutory instrument" means any statutory instrument to which the Statutory Instruments Act 1946(**11**) applies (whenever the instrument is passed or made).

(3) In particular, for the purposes of exercising functions transferred by this Order, regulation 9AA of the Town and Country Planning General Regulations 1992(**12**) must, so far as

(**6**) S.I. 2015/53.
(**7**) 2004 c. 5. Section 37(2) was amended by section 180(6)(a) of the Planning Act 2008 (c. 29).
(**8**) S.I. 2012/605.
(**9**) 1980 c. 65. Part 1 of Schedule 29 was substituted by paragraph 44(12) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), and amended by paragraph 17 of Schedule 3 to, and paragraph 5 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).
(**10**) 1989 c. 29. Section 37 was amended by paragraph 33 of Schedule 2 to the Planning Act 2008 (c. 29). Schedule 8 was amended by sections 3 and 4 of, Part 2 of Schedule 1 to, and paragraph 83(1) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by paragraph 30(3) of Schedule 10 to, and paragraph 1 of Schedule 24 to, the Environment Act 1995 (c. 25), and by section 182(1) of the Energy Act 2004 (c. 20). Other amendments have been made to Schedule 8 which are not relevant to this Order.
(**11**) 1946 c. 36.
(**12**) S.I. 1992/1492. Regulation 9AA was inserted by regulation 2 of the Town and Country Planning General (Amendment) (England) Regulations 2011 (S.I. 2011/1589).

is required for giving effect to that regulation, be read as if the reference to an urban development corporation includes a reference to the Corporation.

Modification of the 1990 Act and the Listed Buildings Act

7. The provisions of the 1990 Act and Listed Buildings Act which are specified in Part 2 of Schedule 29 to the Local Government, Planning and Land Act 1980(**13**) have effect in relation to the development area and in relation to the Corporation with the modifications specified in that Part.

Transitional provisions

8. The Schedule makes transitional provision in relation to functions exercised by borough planning authorities prior to the commencement date.

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

Brandon Lewis
Minister of State
Department for Communities and Local Government

2nd March 2015

(**13**) 1980 c. 65. Part 2 of Schedule 29 was substituted by paragraph 44(13) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).

SCHEDULE Article 8

Transitional provisions in relation to functions exercised by borough planning authorities prior to the commencement date

Transitional provisions in connection with planning functions

1.—(1) Subject to paragraphs 2 to 9, this paragraph applies as respects any functions which are transferred to the Corporation by virtue of this Order and in respect of which a borough planning authority ceases to be the local planning authority responsible for exercising those functions.

(2) Anything which before the commencement date was in the process of being done by, to or in relation to the borough planning authority in connection with any of the functions mentioned in sub-paragraph (1) may be continued after that date by, to or in relation to the Corporation and, if continued, must be treated as having been done by, to or in relation to the Corporation.

(3) Nothing in sub-paragraph (2) requires the Corporation to continue with any step mentioned in that paragraph.

Transitional arrangements: planning applications

2.—(1) This paragraph applies as respects any application for planning permission or for a consent, approval or determination under the 1990 Act, or the Listed Buildings Act, or under any order or regulation made or having effect under those Acts which—

(a) relates in whole or in part to any land in the development area;

(b) was made before the commencement date to a borough planning authority; and

(c) has not been determined by that date.

(2) The borough planning authority must transmit any application referred to in sub-paragraph (1) to the Corporation for determination.

(3) Where the borough planning authority transmits an application to the Corporation for determination, the borough planning authority must notify the applicant that the Corporation is to be the local planning authority for the application.

(4) Where the borough planning authority transmits an application to the Corporation for determination, the application must be accompanied by a copy of any representations received by the borough planning authority concerning the application.

(5) Where any planning document has been, or is in the process of being, issued by the borough planning authority in relation to an application before the day on which it is transmitted to the Corporation, no further planning document is required to be issued by the Corporation solely because the application has been transmitted.

Transitional provision: enforcement action

3.—(1) This paragraph applies where a borough planning authority has before the commencement date in relation to any land in the development area—

(a) issued an enforcement notice under section 172 of the 1990 Act(**14**);

(b) served a stop notice under section 173 of the 1990 Act(**15**);

(c) served a breach of condition notice under section 187A of the 1990 Act(**16**); or

(**14**) 1990 c. 8. Section 172 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).
(**15**) 1990 c. 8. Section 183 was amended by section 9(1) of the Planning and Compensation Act 1991 (c. 34).
(**16**) 1990 c. 8. Section 187A was inserted by section 2 of the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 187A which are not relevant to this Order.