



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 8

#### DEVELOPMENT CORPORATIONS

##### *Planning functions*

PROSPECTIVE

#### **174 Planning functions of urban development corporations**

- (1) The Local Government, Planning and Land Act 1980 is amended as follows.
- (2) In section 149 (urban development corporation as planning authority)—
  - (a) after subsection (1) insert—

“(1A) If the Secretary of State so provides by order, an urban development corporation for an area in England shall be the local planning authority for the whole or any portion of its area for such purposes of Part 2 or 3 of the Planning and Compulsory Purchase Act 2004 as may be prescribed.”;
  - (b) in subsection (2), for “The order” substitute “An order under subsection (1) or (1A)”;
  - (c) after subsection (2) insert—

“(2A) If the Secretary of State so provides by order, an urban development corporation, other than a locally-led urban development corporation, for an area in England shall be the minerals and waste planning authority for the whole or any portion of its area for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004.”;
  - (d) in subsection (3)—
    - (i) in paragraph (a), omit “of the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990”;

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 174. (See end of Document for details)*

- (ii) in paragraph (b), omit “of those Acts”;
- (e) after subsection (3) insert—
- “(3A) A provision mentioned in paragraph 1, 3 or 5 of Part 1 of Schedule 29 may be specified under subsection (3)(a) only in relation to an urban development corporation for an area in England.”;
- (f) after subsection (4) insert—
- “(4A) If the Secretary of State so provides by order, an urban development corporation for an area in England shall have, in the whole or any portion of its area, the functions conferred on the relevant planning authority by Schedule 8 to the Electricity Act 1989 so far as it applies to applications for consent under section 37 of that Act.”
- (3) After section 149 insert—
- “149A Arrangements for discharge of, or assistance with, planning functions in England**
- (1) Subsection (2) applies in relation to any function that an urban development corporation has by virtue of an order under section 149(1).
- (2) The corporation may make arrangements for the discharge of the function by the council (if any) which would have the function but for the order.
- (3) Where arrangements are in force under sub-paragraph (2) for the discharge of a function by a council—
- (a) the council may arrange for the discharge of the function by a committee, sub-committee or officer of the council, and
- (b) section 101(2) of the Local Government Act 1972 (delegation by committees and sub-committees) applies in relation to the function as it applies in relation to functions of the council.
- (4) Arrangements under subsection (2) for the discharge of a function do not prevent the urban development corporation from exercising the function.
- (5) Subsection (6) applies in relation to any function that an urban development corporation has by virtue of an order under section 149(1A) or (2A).
- (6) The corporation may seek assistance in connection with the discharge of the function from the council (if any) which would have the function but for the order; and that council may give such assistance.
- (7) In this section, “council” means a county council, district council or London borough council or the Common Council.”
- (4) In Part 1 of Schedule 29 (planning enactments conferring functions capable of being assigned to urban development corporations)—
- (a) at the beginning insert—
- “1 Section 17 of the Land Compensation Act 1961.”;
- (b) the paragraph referring to enactments in TCPA 1990 becomes paragraph 2;
- (c) after that paragraph insert—
- “3 Sections 171BA, 171E, 172ZA, 172A, 191, 192, 225, 225A, 225C, 225F to 225H, 225J and 225K of the 1990 Act.”;

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 174. (See end of Document for details)*

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- (d) the paragraph referring to enactments in the Listed Buildings Act becomes paragraph 4;
- (e) after that paragraph insert—
  - “5 Section 44AA of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

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**Commencement Information**

**II** S. 174 not in force at Royal Assent, see [s. 255\(7\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 174.