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STATUTORY INSTRUMENTS

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**1998 No. 84**

**URBAN DEVELOPMENT  
TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Urban Development Corporations in  
England (Planning Functions) Order 1998**

<i>Made</i>	- - - -	<i>19th January 1998</i>
<i>Laid before Parliament</i>		<i>27th January 1998</i>
<i>Coming into force</i>	- -	<i>25th March 1998</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 148(2) and 149(1), (3) and (11) of the Local Government, Planning and Land Act 1980<sup>(1)</sup> and sections 59 and 333(7) of the Town and Country Planning Act 1990<sup>(2)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Urban Development Corporations in England (Planning Functions) Order 1998 and shall come into force on 25th March 1998.

(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;

“the authority” means in relation to each Corporation the authority which, but for an order made under section 149 of the 1980 Act, would be the local planning authority, within the meaning of section 336(1) of the 1990 Act;

“Corporation” means any of the following, namely—

(a) the Birmingham Heartlands Development Corporation;

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(1) 1980 c. 65; subsections (1) and (3) of section 149 were amended by Part I of Schedule 1 and paragraph 44(6) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11). Section 149(1) enables the Secretary of State to provide that an urban development corporation shall be the local planning authority for the whole or any portion of its area for such purposes of Part III of the 1990 Act, and in relation to such kinds of development, as may be prescribed; *see* section 149(13) for the definition of “prescribed”.

(2) 1990 c. 8.

- (b) the Black Country Development Corporation;
- (c) the Merseyside Development Corporation;
- (d) the Plymouth Development Corporation;
- (e) the Teesside Development Corporation;
- (f) the Trafford Park Development Corporation; and
- (g) the Tyne and Wear Development Corporation; and

“development area” in relation to a Corporation means an area for which the Corporation was established, or in relation to which the Corporation was directed by order to perform the functions of an urban development corporation, and which was designated as an urban development area by an order made under section 134 of the 1980 Act<sup>(3)</sup>.

### **Revocation of planning functions and special development orders**

2. The Orders listed in the Schedule to this Order are hereby revoked.

### **Transitional provisions in connection with planning functions**

3. Anything which before the date of the coming into force of this Order was in the process of being done by, to or in relation to the Corporation in connection with any of the functions transferred to it under an order made under section 149 of the 1980 Act may be continued after that date by, to or in relation to the authority.

### **Liability for compensation in connection with planning functions; section 106 planning obligations**

- 4.—(1) Where a right to compensation arises under section 107, 108, 115, 186, 203 or 204 of the 1990 Act<sup>(4)</sup> or section 28 or 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(5)</sup> in consequence of action taken in relation to land within a development area by a Corporation, that Corporation shall be liable for any compensation which is payable<sup>(6)</sup>.

- (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<sup>(7)</sup> in respect of a matter arising before that date, which relates to land within a development area, the Secretary of State 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<sup>(8)</sup> before the date of the coming into force of this Order which identifies the Corporation as the local planning authority by whom the obligation is enforceable shall after that date be enforceable by the authority.

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(3) The relevant orders are S.I.1981/481, S.I. 1987/179, S.I. 1987/922, S.I. 1987/923, S.I. 1987/924, S.I. 1988/1147, S.I. 1988/1967, S.I. 1992/584 and S.I. 1993/911.

(4) Section 107 was amended by paragraph 8 of Schedule 1 and paragraph 13 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34); section 108 was amended by section 13(4) of that Act; and section 186 was amended by sections 9(3) and 84(6) of, and paragraph 29 of Schedule 7 and Part I of Schedule 19 to, that Act.

(5) 1990 c. 9.

(6) The residual property, rights and liabilities of the Corporation are to be transferred to the Commission for the New Towns by an order made under section 165B of the 1980 Act which is intended to come into force on 1st April 1998. Section 165B was inserted by section 143 of the Housing Grants, Construction and Regeneration Act 1996 (c. 53).

(7) Section 100 was amended by paragraph 5 of Schedule 1 to the Planning and Compensation Act 1991.

(8) Section 106 was substituted by section 12 of the Planning and Compensation Act 1991.

Signed by authority of the Secretary of State for the Environment

19th January 1998

*R. G. Caborn*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

## SCHEDULE

Article 2

### Revocation of planning functions and special development orders

#### Planning functions orders

1. The Birmingham Heartlands Development Corporation (Planning Functions) Order 1992**(9)**.
2. The Black Country Development Corporation (Planning Functions) Order 1987**(10)**.
3. The Black Country Development Corporation (Planning Functions) (Wolverhampton) Order 1988**(11)**.
4. The Merseyside Development Corporation (Planning Functions) (Liverpool and Wirral) Order 1988**(12)**.
5. The Merseyside Development Corporation (Planning Functions) Order 1990**(13)**.
6. The Plymouth Development Corporation (Planning Functions) Order 1993**(14)**.
7. The Teesside Development Corporation (Planning Functions) Order 1987**(15)**.
8. The Trafford Park Development Corporation (Planning Functions) Order 1987**(16)**.
9. The Tyne and Wear Development Corporation (Planning Functions) Order 1987**(17)**.

#### Special development orders

10. The Town and Country Planning (Black Country Urban Development Area) Special Development Order 1987**(18)**.
11. The Town and Country Planning (Wolverhampton Urban Development Area) Special Development Order 1988**(19)**.
12. The Town and Country Planning (Merseyside Urban Development Area) Special Development Order 1981**(20)**.
13. The Town and Country Planning (Liverpool and Wirral Urban Development Area) Special Development Order 1989**(21)**.
14. The Town and Country Planning (Teesside Urban Development Area) Special Development Order 1987**(22)**.
15. The Town and Country Planning (Trafford Park Urban Development Area) Special Development Order 1987**(23)**.

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(9) S.I. 1992/621.  
(10) S.I. 1987/1340.  
(11) S.I. 1988/1399.  
(12) S.I. 1988/1968.  
(13) S.I. 1990/1568.  
(14) S.I. 1993/1075.  
(15) S.I. 1987/1341.  
(16) S.I. 1987/739.  
(17) S.I. 1987/1342.  
(18) S.I. 1987/1343.  
(19) S.I. 1988/1400.  
(20) S.I. 1981/560.  
(21) S.I. 1989/2454.  
(22) S.I. 1987/1344.  
(23) S.I. 1987/738.

16. The Town and Country Planning (Tyne and Wear Urban Development Area) Special Development Order 1987(24).

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes the planning functions orders and special development orders relating to the following urban development corporations—

- (a) the Birmingham Heartlands Development Corporation;
- (b) the Black Country Development Corporation;
- (c) the Merseyside Development Corporation;
- (d) the Plymouth Development Corporation;
- (e) the Teesside Development Corporation;
- (f) the Trafford Park Development Corporation; and
- (g) the Tyne and Wear Development Corporation.

The Order also makes transitional provisions in connection with the transfer of planning functions from those urban development corporations to local authorities.