
STATUTORY INSTRUMENTS

2004 No. 932

**The Milton Keynes (Urban Area
and Planning Functions) Order 2004**

Citation and commencement

1. This Order may be cited as the Milton Keynes (Urban Area and Planning Functions) Order 2004, and shall come into force on 7th June 2004.

Interpretation

2. In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(1);

“the Agency” means the Urban Regeneration Agency;

“designated area” means an area designated by article 3.

Designated areas

3.—(1) Each of the areas shown on the maps bounded externally by a black line and edged internally with a stippled band is hereby designated for the purposes of this Order.

(2) In paragraph (1), “the maps” means the “the set of maps numbered 1 to 4 entitled “Maps referred to in the Milton Keynes (Urban Area and Planning Functions) Order 2004”, of which prints, signed by a Director in the Office of the Deputy Prime Minister, are deposited and available for inspection at the offices of the First Secretary of State, the Council of the borough of Milton Keynes and the Milton Keynes offices of the Agency.

Planning functions of the Urban Regeneration Agency

4.—(1) Subject to paragraphs (2) to (6) and articles 6 and 7, the Agency shall be the local planning authority for each designated area for the purposes of Part 3 of the 1990 Act in relation to the following kinds of development—

- (a) development which comprises or includes the provision of 10 or more houses, flats, or houses and flats;
- (b) development which comprises or includes 1,000 or more square metres of floorspace for a use falling within any or all of the following Classes in the Town and Country Planning (Use Classes) Order 1987(2)—
 - (i) class A1 (retail);
 - (ii) class A2 (financial and professional);
 - (iii) class A3 (food and drink);

(1) 1990 c. 8.

(2) S.I.1987/764: relevant amending instruments are the Town and Country Planning (Use Classes) (Amendment) Order 1991 (S.I. 1991/1567); the Town and Country Planning (Use Classes) (Amendment) Order 1992 (S.I. 1992/610); and the Town and Country Planning (Use Classes) (Amendment) Order 1995 (S.I. 1995/297).

- (iv) class B1 (business);
 - (v) class B2 (general industrial);
 - (vi) class B8 (storage and distribution);
 - (c) development which occupies 1 hectare or more of land; and
 - (d) development which is not of a kind specified in sub-paragraph (a), (b) or (c), but which forms part of more substantial proposed development of such a kind on the same land or adjoining land in a designated area.
- (2) Paragraph (1) does not apply to—
- (a) development which comprises or includes the winning and working of minerals in, on or under land, whether by surface or underground working; or
 - (b) operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.
- (3) In deciding whether development forms part of more substantial development, there shall be taken into account other development of the same land or adjoining land in a designated area—
- (a) in respect of which an application for planning permission has been made but not finally determined on the date the relevant application is received;
 - (b) in respect of which planning permission has been granted within the period of five years immediately preceding that date; or
 - (c) which has been substantially completed within the period of five years immediately preceding that date.
- (4) Paragraph (1) does not apply to development in respect of which—
- (a) an application under section 73 of the 1990 Act, or
 - (b) an application for renewal of planning permission,
- has been made and where the previous planning permission was granted pursuant to an application for planning permission which was received on or before 6th June 2004 by an authority which ceases by virtue of the preceding provisions of this Order to be the local planning authority responsible for determining planning applications for the kinds of development specified in paragraph (1).
- (5) In paragraph (4), “previous planning permission” means the planning permission in respect of which the application referred to in paragraph (4)(a) or (b) is made.
- (6) For the purposes of this article—
- (a) development occupies that area in respect of which the application for planning permission for the development seeks planning permission; and
 - (b) “floorspace” shall be calculated by external measurement.

Modifications of provisions of the 1990 Act and the Listed Buildings Act

5. The provisions of the 1990 Act and the Planning (Listed Buildings and Conservation Areas) Act 1990(3) specified in the Schedule to this Order shall have effect in relation to the Agency and each designated area with the modifications specified in that Schedule.

Transitional provision: planning applications

6.—(1) Paragraphs (2) and (3) of this article apply as respects any application for planning permission, or for a consent, approval or determination under the 1990 Act or any order or regulation made or having effect under that Act which—

- (a) is for development of a kind specified in article 4(1);
- (b) was duly made before this Order came into force to an authority which ceases by virtue of the preceding provisions of this Order to be the planning authority responsible for determining the application (“the previous authority”); and
- (c) has not been determined when this Order comes into force.

(2) The previous authority shall transmit any application to which paragraph (1) applies to the Agency for determination.

(3) Where the previous authority transmits an application to the Agency, the application shall be treated as received by the Agency from the applicant on the day on which it is transmitted to the Agency.

(4) If, after this Order comes into force,—

- (a) an application is made to an authority which has ceased by virtue of the preceding provisions of this Order to be the local planning authority in relation to the kinds of development specified in article 4(1); and
- (b) that authority consider that the application is for development of a kind specified in article 4(1),

that authority shall transmit the application to the Agency for determination.

(5) Where an appeal is made to the Secretary of State under section 78 of the 1990 Act against a decision, determination made or failure to make such decision or determination in relation to land within a designated area by an authority which ceased by virtue of the preceding provisions of this Order to be the local planning authority responsible for making such decisions or determinations, that authority—

- (a) shall continue to be the local planning authority for the purposes of the appeal; but
- (b) shall notify the Agency of the appeal and transmit to the Secretary of State any representations received from the Agency.

Transitional provision: compensation

7.—(1) Where a right to compensation arises under Part 4 of the 1990 Act in consequence of action taken in relation to land within a designated area by an authority which ceases by virtue of this Order to be the local planning authority in relation to that matter, the liability to pay compensation shall lie with that authority.

(2) Where the Secretary of State makes a determination of an appeal against action taken by such authority as is mentioned in paragraph (1), or on a reference made to him by such authority, and that determination gives rise to a right to compensation, that authority shall be liable to pay the compensation.

(3) Where the Secretary of State makes an order under sections 100 or 104 of the 1990 Act in respect of a matter arising before this Order comes into force, which relates to land in a designated area, the authority which was the local planning authority in relation to that land when the matter arose shall remain liable to pay any compensation arising from the order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the First Secretary of State

25th March 2004

Jeff Rooker
Minister of State
Office of the Deputy Prime Minister