
STATUTORY INSTRUMENTS

2005 No. 2721

The London Thames Gateway Development Corporation (Planning Functions) Order 2005

Transitional provision: applications to local planning authorities

7.—(1) Paragraphs (2) to (4) apply as respects any application for planning permission under the 1990 Act 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) is for a 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 section 7 of the 1990 Act and the preceding provisions of this Order to be the local planning authority responsible for determining the application (“the previous authority”); and
 - (c) has not been determined when this Order comes into force.
- (2) Subject to paragraph (3), the previous authority may—
- (a) determine any application referred to in paragraph (1); or
 - (b) with the written agreement of the applicant, transmit any such application to the development corporation for determination.

(3) If any such application is subject to a direction made under article 14 of the GDPO (directions by the Secretary of State), the previous authority shall transmit it to the development corporation no later than 10 days after the day on which the direction is made.

(4) Where the previous authority transmits an application to the development corporation for determination, the application shall be treated as received by the development corporation from the applicant on the day on which it is transmitted to the corporation.

- (5) 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 development corporation for determination.

(6) Where an appeal is made to the Secretary of State under section 78(1) of the 1990 Act or section 20 of the Listed Buildings Act against a decision or determination made in relation to land within the planning functions area by an authority which ceased by virtue of section 7 of the 1990 Act and the preceding provisions of this Order to be the local planning authority responsible for making such decisions or determinations, that authority shall—

- (a) continue to be the local planning authority for the purposes of the appeal; and
- (b) shall notify the development corporation of the appeal and transmit to the First Secretary of State any representation received from the development corporation.

Status: This is the original version (as it was originally made).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