

2012 No. 3099

URBAN DEVELOPMENT, ENGLAND

**The Milton Keynes (Urban Area and Planning Functions)
(Revocation) Order 2012**

<i>Made</i>	- - - -	<i>13th December 2012</i>
<i>Laid before Parliament</i>		<i>18th December 2012</i>
<i>Coming into force</i>	- -	<i>14th January 2013</i>

The Secretary of State, having consulted the Council of the borough of Milton Keynes part of whose area was included in the designated area, in exercise of the powers conferred by section 170(4) of the Leasehold Reform, Housing and Urban Development Act 1993(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Milton Keynes (Urban Area and Planning Functions) (Revocation Order) 2012 and shall come into force on 14th January 2013.

(2) In this Order—

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

“the 2004 Order” means the Milton Keynes (Urban Area and Planning Functions) Order 2004(c);

“the authority” means the Council of the borough of Milton Keynes; and

“the HCA” means the Homes and Community Agency(d).

Revocation of planning functions order

2. The 2004 Order is revoked.

Transitional provisions in connection with planning functions

3. Subject to articles 4 and 5, 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 HCA in connection with any of

(a) 1993 (c.28). Section 170(4) of the Leasehold Reform, Housing and Urban Development Act 1993 was repealed by paragraph 63(2) of Schedule 8 to the Housing and Regeneration Act 2008 (c.17). Article 11(1) of the Housing and Regeneration Act 2008 (Commencement No.2 and Transitional, Saving and Transitory Provisions) Order 2008 (No.3068 (C.132)) saved section 170 for the purposes of orders made under that section.

(b) 1990 (c.8).

(c) S.I. 2004/932.

(d) The Homes and Community Agency was established under section 1 of the Housing and Regeneration Act 2008 (c.17).

the functions transferred to it under the 2004 Order, may be continued after that date by, to or in relation to the authority(a).

Transitional provisions in connection with planning applications

4.—(1) This article applies as respects any application for planning permission or approval of reserved matters or for any other approval, consent or determination under the 1990 Act or under any order or regulations made or having effect under that Act—

- (a) which, before the date of the coming into force of this Order, was duly made to the HCA and which has not been determined before that date, and
- (b) in respect of which the HCA ceases, by virtue of the preceding provisions of this Order or by virtue of a direction made under section 77 of the 1990 Act (b) to be the local planning authority responsible for determining the application.

(2) The HCA shall transmit any application to which this article applies to the authority for determination.

(3) Subject to paragraph (4), where the HCA transmits an application to the authority for determination, the application shall be accompanied by a copy of any representation received by the HCA concerning the application and shall be treated as received by the authority from the applicant on the day on which it is transmitted to the authority.

(4) Where notices, certificates, publicity or consultations have been, or are in the process of being, given or carried out in relation to an application before the day on which it is transmitted to the authority, paragraph (3) shall not be construed as requiring further notices, certificates, publicity or consultations solely because the application has been transmitted.

(5) Where an appeal is made to the Secretary of State under section 78 of the 1990 Act (c) in relation to an application to which this article applies, the authority shall be the local planning authority for the purposes of the appeal.

(6) The authority shall be the local planning authority in relation to any application in respect of which a direction has been made under section 77 of the 1990 Act—

- (a) where the HCA has resolved with the agreement of the authority that the authority shall be the local planning authority in relation to that application; and
- (b) in any other case, where the application has not been determined before the date of the coming into force of this Order or has not been finally determined before that date following an application to the High Court under section 288 of the 1990 Act.

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

5.—(1) Where a right to compensation arises under section 107, 108 or 115 of the 1990 Act(d) in consequence of action taken in relation to land designated under the 2004 Order(a), the authority shall be liable for any compensation which is payable.

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- (a) The Milton Keynes (Urban Area and Planning Functions) Order 2004 S.I. No 2004/932 conferred specified planning functions on the Urban Regeneration Agency (“the URA”). The URA was abolished on 1st April 2009 by section 49 of the Housing and Regeneration Act 2008 (c.17). With effect from 1st December 2008 article 11 (2) to (4) of the Housing and Regeneration Act 2008 (Commencement No.2 and Transitional, Saving and Transitory Provisions) Order 2008 (No.3068 (c.132) provided that the HCA should be substituted for the URA as regards sections 170 and 171 of the Leasehold Reform, Housing and Urban Development Act 1993 and anything done pursuant to those sections.
 - (b) Section 77 was amended by paragraph 18 of Schedule 7 to the Planning and Compensation Act 1991 (c.34) (the “1991 Act”), section 40(2) of the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”), paragraphs 1 and 2 of Schedule 10 to the Planning Act 2008 (c. 29) (“the 2008 Act”), and section 121 of, and paragraphs 1 and 10 of Schedule 12 to, the Localism Act 2011 (c.20) (“the Localism Act”).
 - (c) Section 78 was amended by section 17(2) of the 1991 Act, sections 40(2)(e) and 43(2) of the 2004 Act, sections 196 and 197 of, and paragraphs 1 and 3 of Schedule 10 (for certain purposes) and paragraphs 1 and 2 of Schedule 11 to, the 2008 Act (c.29), and sections 121 and 123 of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act.
 - (d) Section 107 was amended by paragraph 8 of Schedule 1 to, and paragraph 13 of Schedule 6 to, the 1991 Act; section 108 was amended by section 13(3) of that Act, section 40(2) of, and paragraph 6 of Schedule 6 to, the 2004 Act, section 189 of

(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 or 104 of the 1990 Act^(b) in respect of a matter arising before that date, which relates to land designated under the 2004 Order, 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^(c) before the date of the coming into force of this Order which identifies the HCA as the local planning authority by whom the obligation is enforceable shall after that date be enforceable by the authority.

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

Mark Prisk
Minister of State

13th December 2012

Department for Communities and Local Government

the 2008 Act (c.29), section 121 of, and paragraphs 1 and 15 to Schedule 12 to, the Localism Act, and article 5 of S.I. 2006/1281.

- (a) Article 3 of the 2004 Order designated a number of areas in Milton Keynes under section 170 of the Leasehold Reform, Housing and Urban Development Act 1993.
- (b) Section 100 was amended by paragraph 5 of Schedule 1 to the 1991 Act.
- (c) Section 106 was substituted by section 12 of the 1991 Act, and is amended by section 33 of the Greater London Authority Act 2007 (c.24) and section 174 of the Planning Act 2008.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order revokes the Milton Keynes (Urban Area and Planning Functions) Order 2004 (“the 2004 Order”).

The effect of revoking the 2004 Order is that the Homes and Communities Agency ceases to be the local planning authority, in relation to the kinds of development and for the purposes specified in that Order, for the designated area. The planning functions concerned revert to the Council of the borough of Milton Keynes which, but for the 2004 Order, would be the local planning authority.

This Order makes transitional provisions in connection with the transfer of planning functions and planning applications from the Homes and Communities Agency to the local authority and the payment of compensation (articles 3, 4 and 5).

An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

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£4.00

E5236 12/2012 125236T 19585

ISBN 978-0-11-153250-8



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