EXPLANATORY MEMORANDUM TO

THE MILTON KEYNES (URBAN AREA AND PLANNING FUNCTIONS) (REVOCATION) ORDER 2012

2012 No. 3099

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This order revokes the Milton Keynes (Urban Area and Planning Functions) Order 2004 "the 2004 Order". The effect of the change will be that the Homes and Communities Agency will no longer exercise planning functions in the area designated by the 2004 Order, which will henceforth be exercised by the Milton Keynes Council.

2.2 The Order makes transitional provision in relation to matters being carried out at the time it comes into force.

3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

4. Legislative Context

4.1 The Milton Keynes (Urban Areas and Planning Functions) Order 2004 (SI 2004/932) ("the 2004 Order") was made under sections 170 and 171 of the Leasehold Reform, Housing and Urban Development Act 1993. It provided that the Urban Regeneration Agency (commonly known as "English Partnerships") was to be the local planning authority in designated areas of Milton Keynes for specific purposes.

4.2 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.

4.3 This Order revokes the 2004 Order in order to provide that the Homes and Communities Agency will no longer exercise planning functions in those areas. These functions will revert to Milton Keynes Council by virtue of section 1 of the Town and Country Planning Act 1990.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Under the "Sustainable Communities: Building for the Future" plan, launched in 2003, four areas were identified as being the focus for the growth agenda in the wider south east. One of the areas identified was Milton Keynes and the South Midlands. A challenge identified in this area was the creation of a strategic focus for growth in and around Milton Keynes.

7.2 As part of the strategy set out in the plan, in June 2004 the Milton Keynes (Urban Area and Planning Functions) Order 2004 (SI No. 932) came in to force. This meant that planning matters falling within scope of the Order would be decided by the Urban Regeneration Agency (commonly known as "English Partnerships"). This was to provide an integrated approach to sustainable growth in these areas. Since 2008 the Homes and Communities Agency has exercised functions under the 2004 Order.

7.3 This position continued until June 2010 when the Milton Keynes Council approached the Homes and Communities Agency to seek a return of development control functions.

7.4 The Department for Communities and Local Government and the Homes and Communities Agency have agreed to transfer development control functions previously undertaken by the Homes and Communities Agency in this area. Milton Keynes Council are better placed than an arm of central government to know and understand what growth is needed in their area and, more importantly, deliver it. This Statutory Instrument revokes the Homes and Communities Agency's current planning powers in this area and therefore, by default, returns them to Milton Keynes Council. Milton Keynes Council will have full control of planning functions in their area.

8. Consultation outcome

8.1 A 4 week consultation exercise was undertaken in October 2012 with interested parties contacted directly by the Department for Communities and Local Government. The consultation document was also published on both the Homes and Communities Agency and Milton Keynes Council's websites to ensure as wide as possible coverage for views on the proposal.

8.2 The consultation paper was sent to 73 identified individuals representing 66 bodies, organisations, businesses or individual interests. 10 responses were received from 9 respondents including Milton Keynes Council. One respondent submitted two responses.

8.3 None of the 10 responses received objected to the proposed transfer and five actively supported the proposal. Other comments were made about associated matters to the proposed transfer. These were addressed in the Department for Communities and Local Government's response to the consultation exercise, which can be found at the following address:

https://www.gov.uk/government/consultations/proposed-transfer-of-homes-and-communities-agency-functions-and-assets-to-milton-keynes-council

8.4 Overall, the Department for Communities and Local Government agrees that it is important for locally elected bodies to be responsible for planning matters in their areas. By removing the Homes and Communities Agency's planning functions in Milton Keynes and returning them to Milton Keynes Council, Government is ensuring that the Council is responsible for and has control over development matters in its area.

9. Guidance

9.1 No guidance on this Order will be issued

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 With regard to the public sector, the Order revokes the planning functions of the Home and Communities Agency in relation to a number of areas in Milton Keynes. These functions will revert to Milton Keynes Council.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not place any additional burdens on small businesses.

12. Monitoring & review

12.1 There will be no formal monitoring or review of the effect of this Order.

13. Contact

Matthew Pye at the Department of Communities and Local Government 0303 444 3583 (matthew.pye@communities.gsi.gov.uk) can answer any queries regarding the instrument.