

2013 No. 1124 (C. 49)

INFRASTRUCTURE PLANNING

SPECIAL PARLIAMENTARY PROCEDURE

TOWN AND COUNTRY PLANNING, ENGLAND

**The Growth and Infrastructure Act 2013 (Commencement No. 1
and Transitional and Saving Provisions) Order 2013**

Made - - - -

8th May 2013

The Secretary of State, in exercise of the powers conferred by section 35(1) and (6) of the Growth and Infrastructure Act 2013(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Growth and Infrastructure (Commencement No.1 and Transitional and Saving Provisions) Order 2013.

(2) In this Order—

“the 1945 Act” means the Statutory Orders (Special Procedure) Act 1945(b);

“the 2008 Act” means the Planning Act 2008(c);

“the Act” means the Growth and Infrastructure Act 2013”;

“development consent” means an order granting development consent under section 37(d) of the Planning Act 2008; and

“Examining authority” has the same meaning as set out in section 86(e) to the 2008 Act.

Provisions coming into force in relation to England on the day after the day on which this Order is made

2. Section 1 and Schedule 1, to the extent that the provisions inserted into the Town and Country Planning Act 1990(f) by that section and Schedule enable the Secretary of State to make regulations or orders, come into force on the day after the day on which this Order is made.

(a) 2013 c. 27.

(b) 1945 c.18.

(c) 2008 c.29.

(d) Section 37 was amended by sections 128 and 137(5) of, and paragraph 5 of Schedule 13 to, the Localism Act 2011 (c. 20).

(e) Section 86 was amended by section 128 of, and paragraphs 1 and 37 of Schedule 13 to, the Localism Act 2011 (c.20).

(f) 1990 c. 8.

Provisions coming into force in relation to England on 25th June 2013

3. Section 8 of the Act comes into force on 25th June 2013.

Provisions coming into force in relation to England and Wales and Scotland on 25th June 2013

4. Subject to articles 5 to 8, the following provisions of the Act come into force on 25th June 2013—

- (a) section 22;
- (b) section 23;
- (c) section 24; and
- (d) section 25(1) to (6) and (10) insofar as it relates to an order which is subject to the provisions of the 1945 Act by virtue of section 130(a), 131 or 132 of the 2008 Act.

Transitional and savings provisions

5. The following transitional and savings provisions have effect.

6. The amendments made to the 2008 Act by section 23 of the Act shall apply only in respect of applications for development consent made on or after 25th June 2013.

7.—(1) Subject to paragraphs (2) to (3), the repeals and amendments of the 2008 Act made by section 24 of the Act shall apply only in respect of applications for development consent made on or after 19th October 2012.

(2) Where the Examining authority has completed its examination of an application referred to in paragraph (1) for the purposes of section 99 of the 2008 Act on or before 25th June 2013, the 2008 Act shall apply without any of the repeals or amendments in section 24.

(3) Except where paragraph (2) applies, where an application for development consent referred to in paragraph (1) is made on or after 19th October 2012 but on or before 24th June 2013 the 2008 Act shall apply subject to the repeals and amendments made by section 24 as modified as follows—

- (a) section 131(3)(b) is to be read as if it said “the Secretary of State issues a certificate to that effect”,
- (b) section 131(6) to (10) (provision about certificates under section (3)(b)) is to apply as if the repeal in section 24(2)(c) were omitted,
- (c) section 132(2)(b) is to be read as if it said “the Secretary of State issues a certificate to that effect”, and
- (d) section 132(6) to (10) (provision about certificates under section (2)(b)) is to apply as if the repeal in section 24(3)(c) were omitted.

8.—(1) Subject to paragraph (2), the amendments to the 1945 Act made by section 25(1) to (6) and (10) shall apply only in respect of applications for development consent made on or after 19 October 2012.

(2) Where the Examining authority has completed its examination of an application for the purposes of section 99 of the 2008 Act on or before 25 June 2013 then any order made in respect of that application shall be subject to the provisions of the 1945 Act without any of the amendments made by section 25 of the Act.

Provisions coming into force in relation to England and Wales on 25th June 2013

9. Subject to articles 10 and 11, section 27 of the Act comes into force on 25 June 2013.

(a) Section 130 was amended by section 141(3) of the Localism Act.

Transitional provisions

10. The following transitional provisions have effect.

11. The amendments made by section 27 of the Act shall apply only in respect of applications for development consent made to the Secretary of State on or after 25 June 2013.

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

Nick Boles

Parliamentary under Secretary of State

8th May 2013

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force (in relation to England) on the day after the date on which the Order is made section 1 of, and Schedule 1 to, the Growth and Infrastructure Act 2013 for the purposes of enabling the Secretary of State to make subordinate legislation under the provisions which that section and Schedule insert into the Town and Country Planning Act 1990.

This Order brings into force (in relation to England) on 25th June 2013 section 8 of the Act, enabling the Secretary of State to give general consent to local authorities to dispose of land held for planning purposes.

This Order brings into force (in relation to England, Wales and Scotland) on 25th June 2013—

- (a) section 22 of the Act, which provides that development consent under the Planning Act 2008 (“the 2008 Act”) is not required when any of the forms of authorisation for development listed in section 33 of that Act are varied or replaced (regardless of when the application that led to the variation or replacement was made).
- (b) section 23 of the Act, which removes certain consent and certification requirements in the 2008 Act relating to statutory undertakers and electronic communications network operators. Transitional provision is made so that the amendments made by section 23 will only apply where an application for development consent under the 2008 Act is made after on or after 25th June 2013.
- (c) section 24 of the Act, which amends the circumstances in which an order granting development consent under the 2008 Act which authorises the compulsory acquisition of certain types of land will be subject to special parliamentary procedure, and removes provisions relating to certification requirements where the Secretary of State is satisfied that an order authorising the acquisition of land, or rights over land, forming part of a common, fuel or field garden allotment, or open space is not to be subject to special parliamentary procedure. Transitional provision is made so that section 24 will apply where an application for development consent under the 2008 Act is made on or after 19th October 2012, unless the examination of that application is completed on or before 25th June 2013. The transitional provisions also ensure that where an application for development consent is made on or after 19th October 2012 but on or before 24th June 2013, the provisions relating to certification requirements removed by section 24 of the Act will be applicable.
- (d) section 25 of the Act insofar as it modifies the provisions of the Statutory Orders (Special Procedures) Act 1945 where an order granting development consent under the 2008 Act is subject to special parliamentary procedure under sections 130, 131 or 132 of the 2008 Act. Transitional provision is made so that the section will apply in circumstances where an application for development consent under the 2008 Act was made on or after 19th October 2012, unless the examination of that application has been completed on or before 25 June 2013.

This Order brings into force (in relation to England and Wales) on 25th June 2013 section 27 of the Act. Section 27 amends section 144 of the 2008 Act which makes provision in respect of

orders granting development consent for nationally significant highways projects. The amendments provide that section 144(2) applies only to provisions in such orders authorising the charging of tolls and not to provisions authorising other road user charges. It also deletes an existing limitation on the ability of development consent order under the 2008 Act to provide for the transfer and appropriation of roads. Transitional provision is made so that the amendments made by section 27 of the Act will only apply to applications for development consent under the 2008 Act made on or after 25th June 2013.