
EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 6th April 2009 as the day on which paragraphs 3 to 16 of Schedule 4 to the Planning (Consequential Provisions) Act 1990 partially cease to have effect. Those paragraphs made transitory modifications to various provisions of the principal planning legislation. The effect is that on the appointed day, section 322 of the Town and Country Planning Act 1990 (c. 8) (orders as to costs of parties where no local inquiry held) and paragraph 6 of Schedule 6 to that Act (amongst other provisions) come further partially into force. The latter provision gives inspectors the same power to award costs as the Secretary of State has under section 322. The provisions are specifically commenced in this Order for the purposes of awards of costs by the Secretary of State or inspectors in relation to proceedings which are dealt with on the basis of representations in writing.

The Order also makes corresponding provision in relation to the equivalent powers to award costs in the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) and in the Planning (Hazardous Substances) Act 1990 (c. 10).

The commencement does not apply where proceedings under section 259 of the Town and Country Planning Act 1990 are dealt with on the basis of representations in writing.

The transitional provisions in article 3 of the Order ensure that the new power to award costs in a case where the matter is dealt with on the basis of representations in writing is not available where the matter which gave rise to the proceedings was initiated before 6th April 2009, or in the case of a referred application, was not called in before that date.

An impact assessment has been prepared in relation to this Order. This will be available on the Communities and Local Government website at www.communities.gov.uk and copies may be obtained from PSID, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (telephone 020 7944 6530).