
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

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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.