

2013 No. 2878 (C. 116)

TOWN AND COUNTRY PLANNING, ENGLAND

**The Growth and Infrastructure Act 2013 (Commencement No. 5
and Transitional and Saving Provisions) Order 2013**

Made - - - -

7th November 2013

The Secretary of State, in exercise of the powers conferred by section 35 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 Act 2013 (Commencement No. 5 and Transitional and Saving Provisions) Order 2013.

(2) In this Order—

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

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

“the Development Management Procedure Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(c);

“draft local development order” means a local development order which has been prepared by a local planning authority in England in accordance with article 34(1) of the Development Management Procedure Order, but has not yet been adopted by the local planning authority;

“local development order” has the meaning given in section 61A of, and Schedule 4A to, the 1990 Act.

Provisions coming into force on 9th December 2013

2. Subject to article 3, section 5 of the Act (local development orders: repeal of pre-adoption intervention powers) comes into force on 9th December 2013.

Transitional and saving provisions

3.—(1) Where consultation on a draft local development order in accordance with article 34(5) of the Development Management Procedure Order begins on or after 9th December 2013 the amendments in section 5(1) to (5) of the Act shall apply to that order.

(2) Where consultation on a draft local development order in accordance with article 34(5) of the Development Management Procedure Order begins before 9th December 2013, section 61B of, and Schedule 4A to, the 1990 Act shall apply to that order without the amendments in section 5(1) to (5) of the Act.

(a) 2013 c. 27.

(b) 1990 c. 8, sections 61A and 61B and Schedule 4A were inserted by section 40 of, and Schedule 1 to, the Planning and Compulsory Purchase Act 2004 (c. 5).

(c) S.I. 2010/2184, as amended by S.I. 2011/1824. There are other amendments which are not relevant to this Order.

7th November 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 9th December 2013, section 5 of the Growth and Infrastructure Act 2013 (“the Act”), and makes transitional and saving provisions.

Section 5 of the Act amends the Secretary of State’s intervention powers in respect of local development orders in England. Section 61B of the Town and Country Planning Act 1990 (“the 1990 Act”) is amended to remove the Secretary of State’s powers to direct that a local development order be submitted for approval before adoption, to reject an order or part of an order, and to direct that a local development order be modified before it is adopted. A new section 61B(7A) is inserted into the 1990 Act, which requires local planning authorities to submit a copy of a local development order to the Secretary of State after the order is adopted. Schedule 4A to the 1990 Act is amended to remove the Secretary of State’s power to prescribe a procedure for submitting local development orders for approval and replace it with a power to prescribe a procedure for submitting orders to the Secretary of State after adoption. Schedule 4A is further amended to remove the requirement for local planning authorities to report on the extent to which local development orders are achieving their purpose.

Although section 5 of the Act applies in both England and Wales, it has no substantive effect in Wales. To the extent that provisions in section 5 refer to Wales, they do so merely to preserve the existing legal position in Wales while changing the law in England.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Growth and Infrastructure Act 2013 have been brought into force or will be brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 and Schedule 1, except in relation to new section 62A(3) and (4) (connected applications)	9th May 2013 1st October 2013	2013/1124 2013/2143
Section 2	25th June 2013 1st October 2013	2013/1488 2013/2143
Section 3	25th June 2013	2013/1488
Section 6	25th June 2013	2013/1488
Section 8	25th June 2013	2013/1124
Section 10 and Schedule 3	25th June 2013	2013/1488
Section 13	25th June 2013 1st October 2013	2013/1488 2013/1766
Section 14	1st October 2013	2013/1488
Section 15	25th June 2013 1st October 2013	2013/1488 2013/1766
Section 20	19th June 2013 31st July 2013 1st December 2013	2013/1488
Section 21(1) to (3)	31st July 2013	2013/1488
Section 21(4) to (6)	1st December 2013	S.S.I. 2013/303
Section 22	25th June 2013	2013/1124

Section 23	25th June 2013	2013/1124
Section 24	25th June 2013	2013/1124
Section 25	25th June 2013	2013/1124
		2013/1488
Section 27	25th June 2013	2013/1124
Section 28	1st October 2013	2013/2143
Section 31	1st September 2013	2013/1766

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