

2009 No. 400 (C. 22)

INFRASTRUCTURE PLANNING

TOWN AND COUNTRY PLANNING

COMMUNITY INFRASTRUCTURE LEVY

**The Planning Act 2008 (Commencement No. 1 and Savings)
Order 2009**

Made - - - - *25th February 2009*

The Secretary of State, in exercise of the powers conferred by sections 241(3), (8) and (10) of the Planning Act 2008(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Planning Act 2008 (Commencement No. 1 and Savings) Order 2009.

(2) In this Order—

“the Act” means the Planning Act 2008; and

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

Provisions coming into force on 6th April 2009 in relation to England and Wales and, to the extent specified in section 240(4) of the Act, to Scotland

2. Sections 5 to 12 of the Act (so far as they are not yet in force) shall come into force, in relation to England and Wales and, to the extent specified in section 240(4) of the Act, to Scotland, on 6th April 2009.

Provisions coming into force on 6th April 2009 in relation to England and Wales

3. The following provisions of the Act (so far as they are not yet in force) shall come into force, in relation to England and Wales, on 6th April 2009—

(a) section 13;

(b) section 175(1) to (2) and (4) to (8), so far as it relates to land identified in a national policy statement;

(c) section 177;

(d) section 179;

(a) 2008 c. 29.
(b) 1990 c. 8.

- (e) section 180 to 182;
- (f) section 184;
- (g) 191(2);
- (h) section 194(1) and paragraphs 1 to 4 and 6 of Schedule 9;
- (i) section 195;
- (j) section 196 and paragraphs 1, 3 to 6, and 10 to 14 of Schedule 10 so far as they relate to—
 - (i) any appeal under section 78 of the 1990 Act against a decision of a local planning authority; or
 - (ii) any appeal under section 174 of the 1990 Act against an enforcement notice;
- (k) section 206, for the purposes of section 211(7);
- (l) section 211(7);
- (m) section 224(1) and (4);
- (n) paragraphs 2(3) and (4) and 3(3) of Schedule 7; and
- (o) section 238, and Schedule 13 so far as they give effect to the repeals specified in Part 1 of the Schedule to this Order.

Provisions coming into force on 6th April 2009 in relation to Scotland

4. The following provisions of the Act shall come into force on 6th April 2009, in relation to Scotland—

- (a) section 176(1) to (3) and (5) to (9), so far as it relates to land identified in national policy statements;
- (b) section 178; and
- (c) section 236 and paragraph 1 of Schedule 12.

Provisions coming into force on 6th April 2009 in relation to England

5. Subject to article 6 and so far as they are not yet in force, the following provisions of the Act shall come into force on 6th April 2009, in relation to England—

- (a) sections 183 and 185;
- (b) section 187 and paragraphs 1, 2(1) and (2), 3 (1), (2) and (4) and 4 to 6 of Schedule 7;
- (c) section 191(1) and (3);
- (d) section 197 and Schedule 11;
- (e) section 198;
- (f) section 199; and
- (g) section 238, and Schedule 13 so far as they give effect to the repeals specified in Part 2 of the Schedule to this Order.

Savings

6.—(1) The coming into force of section 191 of the Act shall have no effect in relation to legal proceedings, commenced before 6th April 2009, questioning the validity of any decision on an application referred to the Secretary of State under section 76A of the 1990 Act..

(2) The coming into force of section 196 of the Act shall have no effect in relation to any appeal of which notice was given to the Secretary of State before 6th April 2009.

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

25th February 2009

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

PART 1

Article 3

REPEALS (ENGLAND & WALES)

<i>Reference</i>	<i>Extent of repeal</i>
Planning and Compulsory Purchase Act 2004 (c.5)	Section 15(2)(a) and (c). Section 17(1) and (2). Section 18(4) to (6).

PART 2

Article 5

REPEALS (ENGLAND)

<i>Reference</i>	<i>Extent of repeal</i>
Town and Country Planning Act 1990 (c.8)	In section 284(3)(a), “for planning permission”.
Environmental Protection Act 1990 (c.43)	In Schedule 13, paragraph 10.
Planning and Compensation Act 1991 (c.34)	Section 6(6).
Planning and Compulsory Purchase Act 2004 (c.5)	Section 53.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force, on 6th April 2009, the following provisions of the Planning Act 2008 (“the Act”), in relation to England, and Wales, and to the extent specified in section 240(4) of the Act to Scotland, so far as they are not already in force —

Sections 5 to 12 (national policy statements).

Article 3 of this Order brings into force on 6th April 2009, in relation to England and Wales, the following provisions of the Act, so far as they are not already in force—

Section 13 (legal challenges to national policy statements);

Section 175 (blighted land: England and Wales, so far as it relates to land identified in national policy statements);

Section 177 (grants for advice and assistance: England and Wales);

Section 179 (delegation of functions to regional development agencies);

Section 180 (local development documents);

Section 181 and 182 (climate change);

Section 184 (correction of errors);

Paragraphs 2(3) and (4) and 3(3) of Schedule 7 (power to decline to determine applications:amendments);

Section 191(2) (validity of orders, decisions and directions);

Section 194 and paragraphs 1 to 4 and paragraph 6 of Schedule 9 (use of land: power to override easements and other rights);

Section 195 (applications and appeals by statutory undertakers);

Section 196 and paragraphs 1, 3 to 6, and 10 to 14 of Schedule 10 (so far as they relate to appeals under section 78 of the Town and Country Planning Act 1990 or appeals under section 174 of that Act);

Section 206 (community infrastructure levy: the charge) for the purposes of section 211(7);

Section 211(7) (community infrastructure levy: amount);

Section 224(1) and (4) (community infrastructure levy: amendments) and

Section 238 and Schedule 13 so far as they give effect to the repeals specified in Part I of the Schedule to this Order.

Article 4 of this Order brings into force on 6th April 2009, in relation to Scotland, the following provisions of the Act—

Section 176 (blighted land: Scotland so far as it relates to land identified in national policy statements);

Section 178 (grants for advice and assistance: Scotland); and

Section 236 and paragraph 1 of Schedule 12 (application of Act to Scotland; modifications).

Article 5 of this Order brings into force, on 6th April 2009, in relation to England, the following provisions of the Act, so far as they are not already in force—

Section 183 (good design);

Section 185 (power of High Court to remit strategies, plans and documents);

Section 187 and paragraphs 1, 2(1) and (2), 3(1), (2) and (4) and 4 to 6 of Schedule 7;

Section 191(1) and (3) (validity of orders, decisions or directions);

Section 197 and Schedule 11 (appeals: miscellaneous amendments);

Section 198 (appeals relating to old mining permissions);

Section 199 (fees for planning applications); and

Section 238 and Schedule 13 so far as they give effect to the repeals specified in Part 2 of the Schedule to this Order.

Article 6 of this Order makes savings in relation to the commencement of sections 191 and 196.

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STATUTORY INSTRUMENTS

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