

**2010 No. 101 (C. 11)**

**INFRASTRUCTURE PLANNING**

**The Planning Act 2008 (Commencement No.4 and Saving)  
Order 2010**

*Made* - - - -

*25th January 2010*

The Secretary of State, in exercise of the powers conferred by sections 241(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.4 and Saving) Order 2010.

(2) In this Order, “the Act” means the Planning Act 2008.

**Provisions coming into force on 1st March 2010 in relation to England, Wales, Scotland and Northern Ireland**

**2.** Section 36 of and Schedule 2 to the Act (amendments consequential on development consent regime) shall come into force on 1st March 2010.

**Provisions coming into force on 1st March 2010 in relation to England and Wales and, to the extent specified in section 240(4) of the Act, to Scotland**

**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 and, to the extent specified in section 240(4) of the Act, to Scotland, on 1st March 2010—

- (a) section 14(1) (a) to (l) and (2) to (7);
- (b) section 21;
- (c) sections 31 to 35;
- (d) sections 55 and 60 to 119, and Schedules 3 and 4;
- (e) sections 120 to 121 and Schedule 5;
- (f) sections 122 to 132 and section 134;
- (g) sections 135 to 138;
- (h) sections 150 to 152;
- (i) sections 154 to 159;
- (j) sections 160 to 173; and

(k) section 174.

**Provisions coming into force on 1st March 2010 in relation to England and Wales**

4. 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 1st March 2010—

- (a) sections 15 to 20;
- (b) sections 22 to 26;
- (c) section 118;
- (d) section 133;
- (e) sections 139 to 149; and
- (f) section 175.

**Provisions coming into force on 1st March 2010 in relation to Scotland**

5. Section 176 (so far as not yet in force) shall come into force, in relation to Scotland, on 1st March 2010.

**Saving**

6. The provisions of the Act brought into force by this Order shall have no effect in relation to an application made before 1st March 2010 for any such consent or authorisation as is mentioned in section 33 of the Act (effect of requirement for development consent on other consent regimes)

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

25th January 2010

*Ian Austin*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 2 of this Order brings into force, on 1st March 2010, section 36 of and Schedule 2 to the Planning Act 2008 (“the Act”) in relation to the United Kingdom (amendments consequential on the development consent regime).

Article 3 of this Order brings into force, on 1st March 2010, the following provisions of 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—

section 14 (nationally significant infrastructure projects: general) except for section 14(1)(m) to (p) (dams or reservoirs, water resources, waste water treatment plants and hazardous waste );

section 21 (other gas pipelines);

sections 31 to 35 (requirement for development consent);

in Part 6 (deciding applications for orders granting development consent), sections 55 and 60 to 119, and Schedules 3 and 4;

sections 120 to 121 and Schedule 5 (general);  
sections 122 to 132 and section 134 (compulsory acquisition);  
sections 135 to 138 and sections 150 to 152 (miscellaneous);  
sections 154 to 159 (general);  
sections 160 to 173 (enforcement); and  
section 174 (planning obligations).

Article 4 of this Order brings into force, on 1st March 2010, the following provisions of the Act, in relation to England and Wales, so far as they are not already in force—

sections 15 to 20 (energy: generating stations, electric lines, underground gas storage facilities, LNG facilities, gas reception facilities and gas transporter pipe-lines);  
sections 22 to 26 (transport);  
section 118 (legal challenges);  
section 133 (rights in connection with underground waste storage facilities);  
sections 139 to 149 (miscellaneous); and  
section 175 (blighted land England and Wales).

Article 5 of this Order brings into force, on 1st March 2010, in relation to Scotland, section 176 of the Act (blighted land: Scotland), so far as it is not already in force.

Article 6 provides a saving in respect of applications for consents or authorisations under existing consent regimes made before 1st March 2010.

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 4 and Schedule 1 (so far as not already in force)	1st October 2009	2009/2260
Paragraphs 24 to 27 of Schedule 1	1st October 2009	2009/2573
Sections 5 to 12 (so far as not already in force)	6th April 2009	2009/400
Section 13	6th April 2009	2009/400
Sections 37 to 40 (so far as not already in force)	1st October 2009	2009/2260
Sections 41 to 50 (so far as not already in force)	1st October 2009	2009/2260
Sections 51 to 54 (so far as not already in force)	1st October 2009	2009/2260
Sections 56 to 59 (so far as not already in force)	1st October 2009	2009/2260
Section 175 partially as to England and Wales, (so far as it is not already in force)	6th April 2009	2009/400
Section 176 partially as to Scotland	6th April 2009	2009/400
Section 177 as to England and Wales	6th April 2009	2009/400
Section 178 as to Scotland	6th April 2009	2009/400
Section 179 as to England and Wales	6th April 2009	2009/400
Section 180 to 182 as to England and Wales (so far as not already in force)	6th April 2009	2009/400

Section 183 as to England	6th April 2009	2009/400
Section 184 as to England and Wales	6th April 2009	2009/400
Section 185 as to England	6th April 2009	2009/400
Section 187 and paragraphs 1, 2(1) and (2), 3(1), (2) and (4) and 4 to 6 of Schedule 7 as to England	6th April 2009	2009/400
Paragraphs 2(3) and (4) and 3(3) of Schedule 7 as to England and Wales	6th April 2009	2009/400
Section 188 as to England	23rd June 2009	2009/1303
Section 190 partially as to England and Wales	1st October 2009	2009/2260
Section 191(1) and (3) as to England	6th April 2009	2009/400
Section 191(2) as to Wales	6th April 2009	2009/400
Section 194 and paragraphs 1 to 4 and paragraph 6 of Schedule 9 as to England and Wales	6th April 2009	2009/400
Section 195 as to England and Wales	6th April 2009	2009/400
Section 196 and paragraphs 1, 3 to 6, and 10 to 14 of Schedule 10 partially as to England and Wales	6th April 2009	2009/400
Section 197 and Schedule 11, section 198 and 199 as to England	6th April 2009	2009/400
Section 200, as to England (so far as not already in force)	1st October 2009	2009/2260
Section 206 partially as to England and Wales	6th April 2009	2009/400
Section 211(7) as to England and Wales	6th April 2009	2009/400
Section 224(1) and (4) as to England and Wales	6th April 2009	2009/400
Section 224(1) and (4) as to England and Wales	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England and Wales	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England	6th April 2009	2009/400
Section 238 and Schedule 13 partially as to England	23rd June 2009	2009/1303

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