



Planning Act 2008

2008 CHAPTER 29

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 7

INTERVENTION BY SECRETARY OF STATE

113 Effect of intervention

- (1) This section applies if the Secretary of State gives a direction under section 112(1) in relation to an application.
- (2) The Secretary of State has the functions of—
 - (a) examining the application, and
 - (b) deciding the application.
- (3) The Secretary of State may discharge the function of examining the application by—
 - (a) directing the Commission to examine such matters as may be specified by the Secretary of State;
 - (b) conducting an examination of any matters in relation to which a direction under paragraph (a) is not given.
- (4) Schedule 3 makes provision in relation to the Secretary of State's function of examining an application under this section.
- (5) An examination under subsection (3)(a) is to be conducted in accordance with paragraph 1 of Schedule 3.
- (6) An examination under subsection (3)(b) is to be conducted in accordance with paragraph 2 of Schedule 3.

Status: Point in time view as at 01/03/2010. This version of this provision has been superseded.

Changes to legislation: Planning Act 2008, Section 113 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) Rules under paragraph 3 of Schedule 3 must provide for a deadline for the completion by the Secretary of State of—
- (a) the examination of the application under subsection (2)(a);
 - (b) the examination of any matters under subsection (3)(b).
- (8) The Secretary of State's examination of the application is a statutory inquiry for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) (functions etc. of Administrative Justice and Tribunals Council).
- (9) Subsection (5) of section 250 of the Local Government Act 1972 (c. 70) (provisions about costs applying where Minister causes a local inquiry to be held) applies in relation to the Secretary of State's examination of the application as it applies in relation to an inquiry under that section, but with references to the Minister causing the inquiry to be held being read as references to the Secretary of State.
- This is subject to subsection (10).
- (10) Subsections (6) to (8) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) (provisions about expenses applying where Minister causes a local inquiry to be held) apply in relation to the Secretary of State's examination of the application in so far as relating to a hearing held in Scotland as they apply in relation to an inquiry under that section, but with references to the Minister causing the inquiry to be held being read as references to the Secretary of State.
- (11) In subsection (10) “hearing” means—
- (a) any meeting or hearing that the Secretary of State causes to be held for the purposes of the Secretary of State's examination of the application, or
 - (b) a site visit.

Commencement Information

II S. 113 in force at 1.3.2010 by S.I. 2010/101, art. 3(d) (with art. 6)

Status:

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