

2009 No. 1304

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2009

<i>Made</i> - - - -	<i>20th May 2009</i>
<i>Laid before Parliament</i>	<i>27th May 2009</i>
<i>Coming into force</i> - -	<i>23rd June 2009</i>

The Secretary of State, in exercise of the powers conferred by section 59 of, and paragraph 1 of Schedule 4A to, the Town and Country Planning Act 1990(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Amendment) (No. 2) (England) Order 2009 and shall come into force on 23rd June 2009.

(2) This Order applies in relation to England only.

Amendment of the Town and Country Planning (General Development Procedure) Order 1995

2.—(1) The Town and Country Planning (General Development Procedure) Order 1995(b) is amended as follows.

(2) In article 2B (local development orders) omit—

- (a) sub-paragraph (b) of paragraph (2); and
- (b) paragraphs (10) and (11).

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

20th May 2009

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

(a) 1990 c.8. Schedule 4A was inserted by the Planning and Compulsory Purchase Act 2004 (c.5). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the 1990 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2000 (c.32), they were transferred to the Welsh Ministers.

(b) S.I. 1995/419. Relevant amendments were made by S.I. 2006/1062 and S.I. 2009/453.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Development Procedure) Order 1995 (“GDPO”).

Sections 61A to 61D of the Town and Country Planning Act 1990 (“the 1990 Act”) provide for local planning authorities to have the power to make local development orders (“LDOs”).

Section 188 of the Planning Act 2008 removes section 61A(1) of the 1990 Act, which required any LDO the local planning authority made to implement a policy in the local development plan or in a development plan document.

Article 2B of the GDPO makes provision in relation to the procedure for making LDOs.

In consequence of the change in the 1990 Act, article 2 of this Order amends article 2B of the GDPO to remove those provisions which relate to LDOs implementing policies in local development plans or development plan documents.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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