
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.