

Changes to legislation: Localism Act 2011, Cross Heading: Grant or refusal is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

SCHEDULES

SCHEDULE 13

INFRASTRUCTURE PLANNING COMMISSION: TRANSFER OF FUNCTIONS TO SECRETARY OF STATE

PART 1

AMENDMENTS OF THE PLANNING ACT 2008

Grant or refusal

- 55 (1) Section 114 (decision-maker to grant or refuse consent) is amended as follows.
- (2) In subsection (1)—
- (a) for “it” substitute “ the Secretary of State ”, and
 - (b) for “decision-maker” substitute “ Secretary of State ”.
- (3) In subsection (2) for “decision-maker” substitute “ Secretary of State ”.

Commencement Information

I1 Sch. 13 para. 55 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 56 Omit section 115(6) (Panel or Council to have regard to Secretary of State's guidance in deciding whether development is associated).

Commencement Information

I2 Sch. 13 para. 56 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 57 (1) Amend section 116 (reasons) as follows.
- (2) In subsection (1)—
- (a) for “decision-maker” substitute “ Secretary of State ”, and
 - (b) for “its” substitute “the Secretary of State's”.
- (3) In subsection (2) for “appropriate authority” substitute “ Secretary of State ”.
- (4) In subsection (3)—
- (a) for “appropriate authority” substitute “ Secretary of State ”, and
 - (b) for “the authority” substitute “ the Secretary of State ”.
- (5) Omit subsection (4) (meaning of “appropriate authority”).

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Commencement Information

I3 Sch. 13 para. 57 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 58 (1) Amend section 117 (orders granting consent: formalities) as follows.
- (2) Omit subsections (2) and (5) (orders made by Panel or Council).
- (3) In subsection (3) (duty to publish order)—
- (a) for “appropriate authority” substitute “ Secretary of State ”, and
 - (b) for “the authority” substitute “ the Secretary of State ”.
- (4) For subsection (4) (order exercising powers under section 120(5)(a) or (b) must be in statutory instrument) substitute—
- “(4) If the order includes provision—
- (a) made under section 120(3) for or relating to any of the matters listed in paragraphs 32A and 32B of Schedule 5, or
 - (b) made in the exercise of any of the powers conferred by section 120(5)(a) or (b),
- the order must be contained in a statutory instrument.”
- (5) In subsection (6) for “is made, the appropriate authority” substitute “ containing the order is made, the Secretary of State ”.
- (6) Omit subsection (7) (meaning of “appropriate authority”).

Commencement Information

I4 Sch. 13 para. 58 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

- 59 (1) Amend section 118 (legal challenges) as follows.
- (2) In subsection (3) (challenges to Commission decision not to accept application) for “Commission” (in both places) substitute “ Secretary of State ”.
- (3) In subsection (7) (other challenges to things done by Secretary of State or Commission) omit “or the Commission”.

Commencement Information

I5 Sch. 13 para. 59 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)