STATUTORY INSTRUMENTS

2009 No. 454

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Determination of Appeal Procedure) (Prescribed Period) (England) Regulations 2009

Made - - - -	*4th March 2009*
Laid before Parliament	*11th March 2009*
Coming into force - -	*6th April 2009*

The Secretary of State, in exercise of the powers conferred by sections 319A and 333 of the Town and Country Planning Act 1990(**a**), makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) The Regulations may be cited as the Town and Country Planning (Determination of Appeal Procedure) (Prescribed Period) (England) Regulations 2009, and shall come into force on 6th April 2009.

(2) These Regulations shall apply in relation to England only.

(3) In these Regulations "the 1990 Act" means the Town and Country Planning Act 1990.

Prescribed period

2.—(1) For the purposes of section 319A(3) of the 1990 Act the prescribed period is seven working days from the date of receipt of a valid appeal.

(2) In paragraph (1)—

"working day" means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday;

"receipt of a valid appeal" means—

(a) in relation to an appeal under section 78 of the 1990 Act, receipt by the Secretary of State of the completed form and the documents mentioned in article 23(1) of the Town and Country Planning (General Development Procedure) Order(**b**); and

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(**a**) 1990 c.8; section 319A was inserted by section 196 of the Planning Act 2008, c. 29. See section 336 of the Town and Country Planning Act 1990 for the meaning of "prescribed". The powers of the Secretary of State under the Town and Country Planning Act 1990, with specified exemptions, were transferred to the National Assembly for Wales, so far as they were exercisable in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672: *see* the entry in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000, S.I. 2000/253. These powers, including those in section 319A, are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales, by virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006, (c. 32). Relevant amendments were made to section 174 by section 6(1) of the Planning and compensation Act 1991 c.34 and SI 2003/956.

(**b**) S.I. 1995/419. Relevant amendments were made by S.I. 2003/956 and S.I. 2009/453.

(b) in relation to an appeal under section 174 of the 1990 Act, receipt by the Secretary of State of a notice of appeal under section 174(3) together with the statement of appeal submitted in accordance with regulation 6 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002(**a**).

Signed by authority of the Secretary of State

Kay Andrews
Parliamentary Under Secretary of State
Department for Communities and Local Government

4th March 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 196 of the Planning Act 2008 inserted a new section 319A into the Town and Country Planning Act 1990, giving the Secretary of State the power to determine the procedure for specified appeals. Under the new provision the Secretary of State must make a determination before the end of the prescribed period. These regulations prescribe that period as seven working days from receipt of a valid appeal, and "receipt of a valid appeal" is defined for these purposes.

Section 196 has been commenced in respect of determinations in relation to appeals under sections 78 and 174 of the Town and Country Planning Act 1990 by the Planning Act 2008 (Commencement No. 1 and Savings) Order 2009 (S.I. 2009/400 (c. 22)) which includes transitional provisions.

A full impact assessment on the provisions of the Planning Bill, which became the Planning Act 2008 and amends the Town and Country Planning Act 1990, has been prepared and a copy placed in the Library of each House of Parliament. This is available at www.communities.gov.uk/documents/planningandbuilding/pdf/561912.pdf. A full and final impact assessment on the provisions of the Planning Act 2008 is due to be published shortly. No further assessment has been carried out in relation to these Regulations.

(**a**) S.I. 2002/2682.

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