

Planning Act 2008

CHAPTER 29

PLANNING ACT 2008

PART 1

INFRASTRUCTURE PLANNING: FEES

- 1 The Infrastructure Planning Commission
- 2 Code of conduct
- 3 Register of Commissioners' interests
- 4 Fees

PART 2

NATIONAL POLICY STATEMENTS

- 5 National policy statements
- 6 Review
- 6A Interpretation of sections 5(4) and 6(7)
- 6B Extension of consideration period under section 5(4A) or 6(7A)
- 7 Consultation and publicity
- 8 Consultation on publicity requirements
- 9 Parliamentary requirements
- 10 Sustainable development
- 11 Suspension pending review
- 12 Pre-commencement statements of policy, consultation etc.
- 13 Legal challenges relating to national policy statements

PART 3

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

General

14 Nationally significant infrastructure projects: general

Energy

- 15 Generating stations
- 16 Electric lines
- 17 Underground gas storage facilities
- 18 LNG facilities
- 19 Gas reception facilities
- 20 Gas transporter pipe-lines
- 21 Other pipe-lines

Transport

- 22 Highways
- 23 Airports
- 24 Harbour facilities
- 25 Railways
- 26 Rail freight interchanges

Water

- 27 Dams and reservoirs
- 28 Transfer of water resources
- 28A Desalination plants

Waste water

Waste water treatment plants

Waste

- 30 Hazardous waste facilities
- 30A Radioactive waste geological disposal facilities

PART 4

REQUIREMENT FOR DEVELOPMENT CONSENT

- 31 When development consent is required
- 32 Meaning of "development"
- 33 Effect of requirement for development consent on other consent regimes
- 34 Welsh offshore generating stations
- 35 Directions in relation to projects of national significance
- 35ZA Directions under sections 35: procedural matters
 - 35A Timetable for deciding request for direction under section 35
 - 36 Amendments consequential on development consent regime

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 5

APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

APPLICATIONS

- 37 Applications for orders granting development consent
- 38 Model provisions
- 39 Register of applications
- 40 Applications by the Crown for orders granting development consent

CHAPTER 2

PRE-APPLICATION PROCEDURE

- 41 Chapter applies before application is made
- 42 Duty to consult
- 43 Local authorities for purposes of section 42(1)(b)
- 44 Categories for purposes of section 42(1)(d)
- 45 Timetable for consultation under section 42
- 46 Duty to notify Secretary of State of proposed application
- 47 Duty to consult local community
- 48 Duty to publicise
- 49 Duty to take account of responses to consultation and publicity
- 50 Guidance about pre-application procedure

CHAPTER 3

ASSISTANCE FOR APPLICANTS AND OTHERS

- 51 Advice for potential applicants and others
- 52 Obtaining information about interests in land
- 53 Rights of entry
- 54 Rights of entry: Crown land

CHAPTER 4

FEES

Power to provide for fees for certain services in relation to nationally significant infrastructure projects

PART 6

DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

HANDLING OF APPLICATION BY COMMISSION

- 55 Acceptance of applications
- Notifying persons of accepted application

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 56A Local authorities for the purposes of sections 56(2)(b) and 60(2)(a)
 - 57 Categories for purposes of section 56(2)(d)
 - 58 Certifying compliance with section 56
 - 59 Notice of persons interested in land to which compulsory acquisition request relates
 - 60 Local impact reports
 - 61 Initial choice of Panel or single appointed person
 - 62 Switching from single appointed person to Panel
 - 63 Delegation of functions by person appointed to chair Commission

CHAPTER 2

THE PANEL PROCEDURE

Panels

- 64 Panel for each application to be handled under this Chapter
- 65 Appointment of members, and lead member, of Panel
- 66 Ceasing to be member, or lead member, of Panel
- 67 Panel member continuing though ceasing to be Commissioner
- 68 Additional appointments to Panel
- 69 Replacement of lead member of Panel
- 70 Membership of Panel where application relates to land in Wales
- 71 Supplementary provision where Panel replaces single appointed person
- 72 Panel ceasing to have any members
- 73 Consequences of changes in Panel

Panel's role in relation to application

- 74 Panel to decide, or make recommendation in respect of, application
- 75 Decision-making by the Panel
- 76 Allocation within Panel of Panel's functions
- 77 Exercise of Panel's powers for examining application

CHAPTER 3

THE SINGLE-APPOINTED-PERSON PROCEDURE

The single appointed person

- 78 Single appointed person to handle application
- 79 Appointment of single appointed person
- 80 Ceasing to be the single appointed person
- 81 Single Commissioner continuing though ceasing to be Commissioner
- 82 Appointment of replacement single appointed person

Single appointed person's role in relation to application

- 83 Single appointed person to examine and report on application
- 84 Report from single Commissioner to be referred to Council
- 85 Decisions made by the Council on the application

 \mathbf{v}

Document Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

CHAPTER 4

EXAMINATION OF APPLICATIONS UNDER CHAPTER 2 OR 3

86	Chapter applies to examination by Panel or single appointed person
87	Examining authority to control examination of application
88	Initial assessment of issues, and preliminary meeting
88A	Local authorities for the purposes of section 88(3)(d)
89	Examining authority's decisions about how application is to be
	examined
90	Written representations
91	Hearings about specific issues
92	Compulsory acquisition hearings
93	Open-floor hearings
94	Hearings: general provisions

- 95 Hearings: disruption, supervision and costs
- 95A Hearings: defence and national security
- 96 Representations not made orally may be made in writing
- 97 Procedure rules
- 98 Timetable for examining, and reporting on, application
- 99 Completion of Examining authority's examination of application
- 100 Assessors
- 101 Legal advice and assistance
- 102 Interpretation of Chapter 4: "interested party" and other expressions
- 102A Persons in certain categories may ask to become interested parties etc
- 102B Categories for the purposes of section 102A

CHAPTER 5

DECISIONS ON APPLICATIONS

103	Secretary of State is to decide applications
104	Decisions in cases where national policy statement has effect
105	Decisions in cases where no national policy statement has effect
106	Matters that may be disregarded when deciding application
107	Timetable for decisions

CHAPTER 6

SUSPENSION OF DECISION-MAKING PROCESS

108 Suspension during review of national policy statement

CHAPTER 7

INTERVENTION BY SECRETARY OF STATE

109	Intervention: significant change in circumstances
110	Intervention: defence and national security
111	Intervention: other circumstances
112	Power of Secretary of State to intervene

113 Effect of intervention

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

CHAPTER 8

GRANT OR REFUSAL

114	Grant or refu	sal of develo	pment consent

- Development for which development consent may be granted
- Reasons for decision to grant or refuse development consent
- 117 Orders granting development consent: formalities

CHAPTER 9

LEGAL CHALLENGES

Legal challenges relating to applications for orders granting development consent

CHAPTER 10

CORRECTION OF ERRORS

119 Correction of errors in development consent decisions

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

General

- 120 What may be included in order granting development consent
- 121 Proposed exercise of powers in relation to legislation

Compulsory acquisition

- 122 Purpose for which compulsory acquisition may be authorised
- Land to which authorisation of compulsory acquisition can relate
- 124 Guidance about authorisation of compulsory acquisition
- 125 Application of compulsory acquisition provisions
- 126 Compensation for compulsory acquisition
- 127 Statutory undertakers' land
- 128 Local authority and statutory undertakers' land: general
- 129 Local authority and statutory undertakers' land: acquisition by public body
- 130 National Trust land
- 131 Commons, open spaces etc: compulsory acquisition of land
- 132 Commons, open spaces etc: compulsory acquisition of rights over land
- 133 Rights in connection with underground gas storage facilities
- Notice of authorisation of compulsory acquisition

Miscellaneous

135 Orders: Crown land

Document Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

vii

- 136 Public rights of way
- 137 Public rights of way: statutory undertakers' apparatus etc.
- Extinguishment of rights, and removal of apparatus, of statutory undertakers etc.
- 139 Common land and rights of common
- 140 Operation of generating stations
- 141 Keeping electric lines installed above ground
- 142 Use of underground gas storage facilities
- 143 Diversion of watercourses
- 144 Highways
- 145 Harbours
- 146 Discharge of water
- 147 Development of Green Belt land
- 148 Deemed consent under section 34 of the Coast Protection Act 1949
- Deemed licences under Part 2 of the Food and Environment Protection Act 1985
- 149A Deemed consent under a marine licence
 - 150 Removal of consent requirements
 - 151 Liability under existing regimes
 - 152 Compensation in case where no right to claim in nuisance

CHAPTER 2

CHANGES TO, AND REVOCATION OF, ORDERS

153 Changes to, and revocation of, orders granting development consent

CHAPTER 3

GENERAL

- 154 Duration of order granting development consent
- 155 When development begins
- 156 Benefit of order granting development consent
- 157 Use of buildings in respect of which development consent granted
- 158 Nuisance: statutory authority
- 159 Interpretation: land and rights over land

PART 8

ENFORCEMENT

Offences

- 160 Development without development consent
- 161 Breach of terms of order granting development consent
- 162 Time limits

Rights of entry

- 163 Right to enter without warrant
- 164 Right to enter under warrant
- 165 Rights of entry: supplementary provisions
- 166 Rights of entry: Crown land

181

Planning Act 2008 (c. 29) Document Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

	Information notices
167 168	Power to require information Offences relating to information notices
	Notices of unauthorised development
169 170	Notice of unauthorised development Execution of works required by notice of unauthorised development
	Injunctions
171	Injunctions
	Isles of Scilly
172	Isles of Scilly
	The relevant local planning authority
173	The relevant local planning authority
	Part 9
	CHANGES TO EXISTING PLANNING REGIMES
	CHAPTER 1
	CHANGES RELATED TO DEVELOPMENT CONSENT REGIME
	Planning obligations
174	Planning obligations
	Blighted land
175 176	Blighted land: England and Wales Blighted land: Scotland
	Grants
177 178	Grants for advice and assistance: England and Wales Grants for advice and assistance: Scotland
	CHAPTER 2
	OTHER CHANGES TO EXISTING PLANNING REGIMES
	Regional functions
179	Delegation of functions of regional planning bodies
	Local development
180	Local development documents
	Climate change

Regional spatial strategies: climate change policies

Planning Act 2008 (c. 29) Document Generated: 2024-04-26 ix

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

182	Development plan documents: climate change policies
	Good design
183	Good design
	Correction of errors
184	Correction of errors in decisions
	Validity of strategies, plans and documents
185 186	Power of High Court to remit strategies, plans and documents Power of High Court to remit unitary development plans in Wales
	Determination of applications
187	Power to decline to determine applications: amendments
	Planning permission
188	Local development orders: removal of requirement to implement
189	policies Compensation where development order or local development order withdrawn
190	Power to make non-material changes to planning permission
	Validity of planning decisions
191	Validity of orders, decisions and directions
	Trees
192 193	Tree preservation orders Existing tree preservation orders: transitional provision
	Use of land
194	Use of land: power to override easements and other rights
	Statutory undertakers
195	Applications and appeals by statutory undertakers
	Determination of procedure
196	Determination of procedure for certain proceedings
	Appeals
197 198	Appeals: miscellaneous amendments Appeals relating to old mining permissions
	Fees
199 200	Fees for planning applications Fees for appeals

Meaning o	of "local	authority"
-----------	-----------	------------

201 Meaning of "local authority" in planning Acts

PART 10

WALES

202	Powers of National Assembly for Wales
203	Power to make provision in relation to Wales
204	Wales: transitional provision in relation to blighted land

PART 11

COMMUNITY INFRASTRUCTURE LEVY

	Commenti i i i i i i i i i i i i i i i i i i
205	The levy
206	
207	\mathcal{C}
208	Liability
209	Liability: interpretation of key terms
210	Charities
211	Amount
212	Charging schedule: examination
212A	Charging schedule: examiner's recommendations
213	Charging schedule: approval
214	Charging schedule: effect
214A	Secretary of State: power to require review of certain charging
	schedules
215	Appeals
216	Application
216A	Duty to pass receipts to other persons
216B	Use of CIL in an area to which section 216A(1) duty does not relate
217	Collection
218	Enforcement
219	Compensation
220	Community Infrastructure Levy: procedure
221	Secretary of State
222	Regulations and orders: general
223	Relationship with other powers
224	Community Infrastructure Levy: amendments
225	Community Infrastructure Levy: repeals

PART 12

FINAL PROVISIONS

The Crown and Parliament

226	The Crown
227	"Crown land" and "the appropriate Crown authority"
228	Enforcement in relation to the Crown and Parliamen

Service of notices and other documents

- 229 Service of notices: general
- 230 Service of documents to persons interested in or occupying premises

хi Document Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

231 Service of notices on the Crown and Parliament

General

- 232 Orders and regulations
- 233 Directions
- 234 Abbreviated references to Acts
- 235 Interpretation
- 236 Application of Act to Scotland: modifications
- Supplementary and consequential provision 237
- Variation and replacement of section 33 consents: transitional provision 237A
- 238 Repeals
- 239 Financial provisions
- 240 Extent
- Commencement 241
- 242 Short title

SCHEDULES

SCHEDULE 1 — The Infrastructure Planning Commission

Membership, chair and deputies

(1) The members of the Commission ("Commissioners") are to be—... 1

Terms of appointment

Subject to the other provisions of this Schedule, the chair,...

Tenure

- (1) The chair, or a deputy or other Commissioner, must...
- (1) A person may resign as the chair, or as...

Remuneration etc. of Commissioners

(1) The Commission must pay the Commissioners such remuneration and...

Council

- (1) There is to be a body of Commissioners to...
- (1) The chair may appoint a Commissioner not within paragraph...
- 8 (1) Sub-paragraphs (2) and (3) apply to any function conferred...
- (1) Before making or ending an appointment under paragraph 7,...
- 10 (1) This paragraph applies where an application referred to the...

Chief executive and staff

- 11 (1) The Secretary of State must appoint a person as...
- 12 (1) The Commission may appoint such other staff as it...
- 13 The terms and conditions of service of the chief executive...

Arrangements for assistance

14 (1) The Commission may make arrangements with such persons as... Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Delegation

- 15 (1) The Commission may delegate, to any one or more...
- 16 (1) The chief executive may authorise (generally or specifically) any...

Reports

- 17 (1) In respect of each financial year the Commission must...
- 18 (1) Sub-paragraph (2) applies if the Secretary of State asks...

Funding

19 (1) The Secretary of State may make such payments to...

Accounts

20 (1) The Commission must keep accounts in such form as...

Status

21 (1) The Commission is not to be regarded—

Validity of proceedings

22 The validity of proceedings of the Commission or the Council...

Application of seal and proof of instruments

23 (1) The application of the Commission's seal is authenticated by...

Parliamentary Commissioner

24 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

Disqualification

25 (1) In Part 2 of Schedule 1 to the House...

Public records

26 In Schedule 1 to the Public Records Act 1958 (c....

Freedom of information

27 In Part 6 of Schedule 1 to the Freedom of...

SCHEDULE 2 — Amendments consequential on development consent regime

Green Belt (London and Home Counties) Act 1938 (c. xciii)

- 1 The Green Belt (London and Home Counties) Act 1938 is...
- 2 In section 10 (restriction on erection of buildings) after subsection...
- 3 In section 11 (saving for lines, pipes, sewers etc.) after...
- 4 In section 12 (erection of buildings for certain statutory purposes)...

Pipe-lines Act 1962 (c. 58)

- 5 The Pipe-lines Act 1962 is amended as follows.
- 6 (1) Section 1 (cross-country pipe-lines not to be constructed without...

xiii

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

In section 66(1) (general interpretation provisions) in the definition of...

Harbours Act 1964 (c. 40)

- The Harbours Act 1964 is amended as follows.
- In section 14 (harbour revision orders) after subsection (1) insert—...
- 10 In section 16 (harbour empowerment orders) after subsection (3) insert

Gas Act 1965 (c. 36)

- 11 The Gas Act 1965 is amended as follows.
- In section 4 (storage authorisation orders) after subsection (2) insert—...
- 13 In section 5 (control of mining and other operations in...
- 14 (1) Section 6 (controlled operations: carrying out of works to...

Energy Act 1976 (c. 76)

15

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 16 The Ancient Monuments and Archaeological Areas Act 1979 is amended...
- 17 In section 2(1) (offence of executing works affecting scheduled monuments...
- 18 In section 28(2) (offence of damaging ancient monuments: exception
- 19 In section 37 (exemptions from offence under section 35) after...
- 20 In section 61(1) (interpretation of Act) at the appropriate place...

Highways Act 1980 (c. 66)

- 21 The Highways Act 1980 is amended as follows.
- 22 In section 10 (general provision as to trunk roads) after...
- 23 In section 14 (powers as respects roads that cross or...
- 24 In section 16 (general provision as to special roads) after...
- 25 In section 18 (supplementary orders relating to special roads) after...
- 26 In section 106 (orders and schemes providing for construction of...
- In section 108 (power to divert navigable watercourses) after subsection...
- 28 In section 110 (power to divert non-navigable watercourses and to...
- 29 (1) Section 329(1) (further provision as to interpretation of Act)...
- For section 337 (saving for obligation to obtain planning permission)...

Electricity Act 1989 (c. 29)

- The Electricity Act 1989 is amended as follows. 31
- 32 (1) Section 36 (consent for construction etc. of generating stations)...
- 33 (1) Section 37 (consent for overhead lines) is amended as...

Town and Country Planning Act 1990 (c. 8)

- 34 TCPA 1990 is amended as follows.
- 35 In section 57 (planning permission required for development) after subsection...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 36 (1) Section 211 (preservation of trees in conservation areas) is...
- In section 336(1) (interpretation) at the appropriate place insert—"development...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 38 The Listed Buildings Act is amended as follows.
- 39 (1) Section 7 (restriction on works affecting listed buildings) is...
- 40 In section 59(3) (offence relating to acts causing or likely...
- 41 In section 74 (control of demolition in conservation areas) after...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 42 The Hazardous Substances Act is amended as follows.
- 43 In section 9(2)(c) (determination of applications for hazardous substances consent:...
- 44 In section 10(1) (conditions on grant of hazardous substances consent)...
- 45 (1) Section 12 (deemed hazardous substances consent: government authorisation) is...
- 46 In section 14(2)(b) (power to revoke or modify hazardous substances...
- 47 In section 39(1) (interpretation) at the appropriate place insert—"development...

New Roads and Street Works Act 1991 (c. 22)

- 48 The New Roads and Street Works Act 1991 is amended...
- 49 In section 6 (toll orders) after subsection (1) insert—

Water Industry Act 1991 (c. 56)

50 In section 167(1) of the Water Industry Act 1991 (compulsory...

Transport and Works Act 1992 (c. 42)

- 51 The Transport and Works Act 1992 is amended as follows....
- 52 In section 1 (orders as to railways, tramways etc.) after...
- 53 In section 3 (orders as to inland waterways etc.) after...

Town and Country Planning (Scotland) Act 1997 (c. 8)

- 54 The Town and Country Planning (Scotland) Act 1997 is amended...
- 55 In section 28 (planning permission required for development) after subsection...
- In section 160(6) (tree preservation orders: exemptions) after paragraph (b)...
- 57 (1) Section 172 (preservation of trees in conservation areas) is...
- In section 277(1) (interpretation) at the appropriate place insert—"development...

Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10)

- 59 The Planning (Hazardous Substances) (Scotland) Act 1997 is amended as...
- In section 7(2)(c) (determination of applications for hazardous substances consent:...
- 61 In section 8(1) (conditions on grant of hazardous substances consent)...

xvDocument Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (1) Section 10 (deemed hazardous substances consent: government authorisation) is...
- 63 In section 12(2)(b) (power to revoke or modify hazardous substances...
- In section 38(1) (interpretation) at the appropriate place insert— "development...

Housing and Regeneration Act 2008 (c. 17)

65 In section 13(5) of the Housing and Regeneration Act 2008...

Crossrail Act 2008 (c. 18)

(1) Section 48 of the Crossrail Act 2008 (application of...

SCHEDULE 3 — Examination of applications by Secretary of State

Examination of matters by Commission: procedure

(1) This paragraph applies if— (a) the Secretary of State... 1

Examination of matters by Secretary of State: procedure

(1) This paragraph applies if— (a) the Secretary of State...

Rules

3 (1) The Lord Chancellor or (if sub-paragraph (2) applies) the...

Appointed representatives

(1) Sub-paragraph (2) applies if the Secretary of State gives...

SCHEDULE 4 — Correction of errors in development consent decisions

Correction of errors

(1) This paragraph applies if— (a) the Secretary of State...

Correction notice

(1) If paragraph 1(5)(a) or (b) applies the Secretary of...

Effect of a correction

(1) If a correction is made in pursuance of paragraph...

Interpretation

In this Schedule— "the applicant" means the person who made...

SCHEDULE 5 — Provision relating to, or to matters ancillary to, development Part 1 — THE MATTERS

- The acquisition of land, compulsorily or by agreement.
- The creation, suspension or extinguishment of, or interference with, interests...
- The abrogation or modification of agreements relating to land.
- Carrying out specified excavation, mining, quarrying or boring operations in...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 5 The operation of a generating station.
- 6 Keeping electric lines installed above ground.
- 7 The use of underground gas storage facilities.
- 8 The sale, exchange or appropriation of Green Belt land.
- 9 Freeing land from any restriction imposed on it by or...
- 10 The protection of the property or interests of any person....
- 11 The imposition or exclusion of obligations or liability in respect...
- 12 Carrying out surveys or taking soil samples.
- 13 Cutting down, uprooting, topping or lopping trees or shrubs or...
- 14 The removal, disposal or re-siting of apparatus.
- 15 Carrying out civil engineering or other works.
- 16 The diversion of navigable or non-navigable watercourses.
- 17 The stopping up or diversion of highways.
- 18 Charging tolls, fares (including penalty fares) and other charges.
- 19 The designation of a highway as a trunk road or...
- 20 The specification of the classes of traffic authorised to use...
- 21 The appropriation of a highway for which the person proposing...
- 22 The transfer to the person proposing to construct or improve...
- 23 The specification of the highway authority for a highway.
- 24 The operation and maintenance of a transport system.
- 25 Entering into an agreement for the provision of police services....
- 26 The discharge of water into inland waters or underground strata....
- 27 Deeming consent under section 34 of the Coast Protection Act...
- 28 Deeming any such conditions to have been imposed by the...
- 29 Deeming a licence under Part 2 of the Food and...
- 30 Deeming any such provisions to have been included in the...
- 30A Deeming a marine licence under Part 4 of the Marine...
- 30B Deeming any such conditions to have been attached to the...
 - 31 The creation of a harbour authority.
 - 32 Changing the powers and duties of a harbour authority.
- 32A The making of byelaws by any person and their enforcement....
- 32B (1) The creation of offences within sub-paragraph (2) in connection...
 - 33 The transfer of property, rights, liabilities, or functions.
 - 34 The transfer, leasing, suspension, discontinuance and revival of undertakings.
 - 35 The payment of contributions.
 - 36 The payment of compensation.
 - 37 The submission of disputes to arbitration.
 - 38 The alteration of borrowing limits.

Part 2 — INTERPRETATION

39 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 6 — Changes to, and revocation of, orders granting development consent

Preliminary

1 (1) This paragraph applies for the purposes of this Schedule....

Non-material changes

2 (1) The Secretary of State may make a change to...

Document Generated: 2024-04-26

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Changes to, and revocation of, orders granting development consent

3 (1) The Secretary of State may by order make a...

Changes to, and revocation of, orders: supplementary

- 4 (1) An application under paragraph 3 must be—
- 5 (1) This paragraph applies in relation to the power conferred...

Compensation

- 6 (1) This paragraph applies if— (a) in exercise of the...
- 7 (1) In this paragraph "compensation for depreciation" means compensation payable...

SCHEDULE 7 — Power to decline to determine applications: amendments

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
- 2 (1) Section 70A (power of local planning authority to decline...
- 3 (1) Section 70B (power of local planning authority to decline...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 4 The Listed Buildings Act is amended as follows.
- 5 In section 81A (power of local planning authority to decline...
- 6 (1) Section 81B (power of local planning authority to decline...

Planning and Compulsory Purchase Act 2004 (c. 5)

7 In section 121 of PCPA 2004 (commencement) after subsection (3)...

SCHEDULE 8 — Tree preservation orders: further amendments

Forestry Act 1967 (c. 10)

- 1 The Forestry Act 1967 is amended as follows.
- 2 (1) Section 15 (trees subject to preservation orders under Planning...
- 3 In section 18 (felling directions), in subsection (5) for the...
- 4 In section 21 (courses open to person adversely affected by...
- 5 In section 35 (interpretation of Part 2) at the appropriate...
- 6 (1) Schedule 3 (proceedings under Town and Country Planning Acts...

Town and Country Planning Act 1990 (c. 8)

- 7 TCPA 1990 is amended as follows.
- 8 In section 198(7) (provisions subject to which section has effect),...
- 9 In section 200(1) (tree preservation orders do not affect things...
- 10 In section 202(2) (effect of order made by Secretary of...
- 11 In section 206(1) (duty to plant replacement tree)—
- 12 In section 207(1) (enforcement of duties to replace trees), in...
- 13 (1) Section 210 (penalties for non-compliance with tree preservation order)...
- 14 In section 211 (preservation of trees in conservation areas)—
- 15 In section 212 (power to disapply section 211) omit subsection...
- 16 In section 213(1)(b) (duty to plant replacement tree in conservation...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- In section 284(3)(h)(i) (decision relating to an application for consent...
- In section 329(3B)(i) (section 329(1)(cc) does not apply to things...
- 19 In section 336(1) (interpretation) at the appropriate place insert—"tree...

Planning and Compensation Act 1991 (c. 34)

20 (1) Part 1 of Schedule 18 to the Planning and...

SCHEDULE 9 — Use of land: power to override easements and other rights

Local Government, Planning and Land Act 1980 (c. 65)

1 (1) Paragraph 6 of Schedule 28 to the Local Government,...

New Towns Act 1981 (c. 64)

2 (1) Section 19 of the New Towns Act 1981 (power...

Housing Act 1988 (c. 50)

3 (1) Paragraph 5 of Schedule 10 to the Housing Act...

Town and Country Planning Act 1990 (c. 8)

4 (1) Section 237 of TCPA 1990 (power to override easements...

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

5 (1) Paragraph 5 of Schedule 20 to the Leasehold Reform,...

Regional Development Agencies Act 1998 (c. 45)

SCHEDULE 10 — Further provisions as to the procedure for certain proceedings

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
- 2 In section 77 (reference of applications to Secretary of State)...
- 3 In section 78(5) (appeals against failure to take planning decisions)—...
- 4 In section 79 (determination of appeals under section 78) for...
- 5 In section 175 (supplementary provisions about appeals against enforcement notices)...
- 6 In section 176(4) (determination of appeals: disapplication of section 175(3))—...
- 7 In section 195(5) (appeals against failure to give decision on...
- 8 (1) Amend section 196 (further provision as to appeals to...
- 9 (1) Amend section 208 (appeals against notices under section 207)...
- 10 In section 322 (orders as to costs of parties where...
- 11 In section 322A (orders as to costs: supplementary) after subsection...
- 12 (1) Amend section 323 (procedure on certain appeals and applications)...
- 13 (1) Amend section 333 (regulations and orders) as follows.
- 14 (1) Amend Schedule 6 (determination of certain appeals by person...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

- 15 The Listed Buildings Act is amended as follows.
- 16 In section 12 (reference of applications to Secretary of State)...
- 17 In section 20(4) (right of appeal in case of failure...
- 18 (1) Amend section 22 (determination of appeals under section 20)...
- 19 In section 40 (supplementary provisions about appeals against listed building...
- 20 In section 41(4) (determination of appeals: disapplication of section 40(2))—...
- 21 In section 74(3) (application of certain provisions in relation to...
- In section 89 (application of certain general provisions of TCPA...
- 23 (1) Amend section 93 (regulations and orders) as follows.
- 24 (1) Amend Schedule 3 (determination of certain appeals by person...

Planning (Hazardous Substances) Act 1990 (c. 10)

- 25 The Hazardous Substances Act is amended as follows.
- 26 In section 20 (reference of applications to Secretary of State)...
- 27 In section 21 (appeals against decisions or failure to take...
- 28 In section 25(1) (appeals against hazardous substances contravention notices)—
- 29 In section 37 (application of certain general provisions of TCPA...
- 30 (1) Amend the Schedule (determination of appeals by person appointed...

SCHEDULE 11 — Appeals: miscellaneous amendments

Town and Country Planning Act 1990 (c. 8)

- 1 TCPA 1990 is amended as follows.
- 2 In section 78 (appeals against planning decisions and failure to...
- 3 In section 195 (appeals against refusal or failure to give...
- 4 (1) Section 208 (appeals against notices under section 207) is...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

5 In section 21 of the Listed Buildings Act (appeals: supplementary...

Planning (Hazardous Substances) Act 1990 (c. 10)

6 In section 21 of the Hazardous Substances Act (appeals against...

SCHEDULE 12 — Application of Act to Scotland: modifications

- 1 Section 5(10) applies as if the reference to Part 11...
- 2 Section 14 applies as if—(a) in subsection (1)—
- 3 Section 32 applies as if— (a) in subsection (1)—
- 4 Section 33 applies as if—(a) in subsection (1)—
- 5 Section 44 applies as if— (a) in subsection (2)(b), the...
- 6 Section 52 applies as if— (a) in subsection (2)(c), the...
- 7 Section 53 applies as if—(za) in subsection (1A), the...
- 8 Section 57 applies as if— (a) in subsection (2)(b), the...
- 9 Section 58 applies as if—(a) for subsection (6) there...
- 9A Section 102B applies as if—(a) in subsection (2)(b), the...
- 10 Section 120(6) applies as if the references to an Act...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

11 Section 127(8) applies as if, for the definition of "statutory... 12 Section 128(5) applies as if— (a) in the definition of... 13 Section 130 applies as if—(a) in subsection (4), the... 14 Section 131 applies as if— (a) in subsection (1), for... 15 Section 132 applies as if— (a) in subsection (1), for... Section 134 applies as if— (a) for subsection (4) there... 16 17 Section 138(4A) applies as if the reference to Part 11... 18 19 Section 151 applies as if— (a) for paragraph (c), there... 20 Section 152 applies as if—(a) in subsection (4), the... 21 Section 164 applies as if the references to a justice... 22 Section 165 applies as if— (a) in subsection (4), the... Section 170 applies as if— (a) in subsection (3)— Section 171 applies as if— (a) the references to an... 23 24 Section 229(5) applies as if the reference to section 233... 25 26 Section 235 applies as if— (a) for the definition of...

Part 1 of Schedule 5 applies as if paragraphs 4...

SCHEDULE 13 — Repeals

27

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Planning Act 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to:

- Pt. 11 heading words inserted by 2023 c. 55 s. 139(2)
- s. 32 words substituted by 2023 c. 55 Sch. 12 para. 6(a)
- s. 33(1)(f) excluded by S.I. 2020/1297 art. 2(a) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- s. 33(1)(f) excluded by S.I. 2020/1297 art. 2(a) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- s. 104(4) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(4) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(5) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(5) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(6) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(6) words substituted by 2021 c. 30 Sch. 15 para. 3(3)
- s. 104(8) words substituted by 2021 c. 30 Sch. 15 para. 3(4)
- s. 104(8) words substituted by 2021 c. 30 Sch. 15 para. 3(4)
- s. 155(1) words substituted by 2023 c. 55 Sch. 12 para. 6(b)
- s. 196 coming into force by S.I. 2024/452 reg. 2(a)
 s. 205(1) words inserted by 2023 c. 55 s. 139(3)(a)
- s. 205(3) Table words omitted by 2023 c. 55 s. 139(3)(b)
- s. 206(1) words inserted by 2023 c. 55 s. 139(4)(a)
- s. 206(3) substituted by 2023 c. 55 s. 139(4)(b)
- s. 206(4) words omitted by 2023 c. 55 s. 139(4)(c)(ii)
- s. 206(4) words substituted by 2023 c. 55 s. 139(4)(c)(i)
- s. 206(4)(a) words inserted by 2023 c. 55 s. 139(4)(c)(iii)
- s. 206(4)(c)-(e) omitted by 2023 c. 55 s. 139(4)(c)(iv)
- s. 206(5)(a) omitted by 2023 c. 55 s. 139(4)(d)(i)
- s. 206(5)(b) words omitted by 2023 c. 55 s. 139(4)(d)(ii)
- s. 206(6) omitted by 2023 c. 55 s. 139(4)(e)
- s. 207 omitted by 2023 c. 55 s. 139(5)
- s. 208 excluded by S.I. 2020/1297 art. 47(4) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save Stonehenge World Heritage Site) v. Secretary of State for Transport Case No. CO/4844/2020))
- s. 208 excluded by S.I. 2020/1297 art. 47(4) (This amendment not applied to legislation.gov.uk. S.I. 2020/1297 was withdrawn following a request from the Department of Transport dated 9th August 2021 which followed the decision of the High Court of Justice to quash this Order in the judgement dated 2nd August 2021 (High Court of Justice Planning Court The Queen (on the application of Save

```
Stonehenge World Heritage Site) v. Secretary of State for Transport — Case No.
CO/4844/2020))
s. 232(1)(d) words inserted by 2023 c. 55 Sch. 12 para. 7
s. 232(7) words inserted by 2021 c. 30 Sch. 15 para. 9(3)
s. 232(7) words inserted by 2021 c. 30 Sch. 15 para. 9(3)
s. 235(1) words substituted by 2023 c. 55 Sch. 12 para. 6(c)
Sch. 2 para. 41 omitted by 2023 asc 3 Sch. 13 para. 187
Sch. 10 para. 1 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 7 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 8 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 10 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 11 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 12 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 13 coming into force by S.I. 2024/452 reg. 2(b)
Sch. 10 para. 14 coming into force by S.I. 2024/452 reg. 2(b)
```

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):
      Pt. 10A inserted by 2023 c. 55 Sch. 12 para. 1
      s. 37(3A) inserted by 2021 c. 30 Sch. 15 para. 7
      s. 37(3A) inserted by 2021 c. 30 Sch. 15 para. 7
      s. 103(1A) inserted by 2021 c. 30 Sch. 15 para. 2
      s. 103(1A) inserted by 2021 c. 30 Sch. 15 para. 2
      s. 104(3)-(3B) substituted for s. 104(3) by 2021 c. 30 Sch. 15 para. 3(2)
      s. 104(3)-(3B) substituted for s. 104(3) by 2021 c. 30 Sch. 15 para. 3(2)
      s. 105(3)(4) inserted by 2021 c. 30 Sch. 15 para. 4(1)
      s. 105(3)(4) inserted by 2021 c. 30 Sch. 15 para. 4(1)
      s. 120(2)(c) inserted by 2021 c. 30 Sch. 15 para. 8
      s. 120(2)(c) inserted by 2021 c. 30 Sch. 15 para. 8
      s. 223(1)(za) inserted by 2023 c. 55 s. 139(6)
      s. 232(5)(f) inserted by 2021 c. 30 Sch. 15 para. 9(2)
      s. 232(5)(f) inserted by 2021 c. 30 Sch. 15 para. 9(2)
      Sch. 2A inserted by 2021 c. 30 Sch. 15 para. 5
      Sch. 2A inserted by 2021 c. 30 Sch. 15 para. 5
```