

SCHEDULES

SCHEDULE 6

CHANGES TO, AND REVOCATION OF, ORDERS GRANTING DEVELOPMENT CONSENT

Non-material changes

- 2 (1) The appropriate authority may make a change to a development consent order if it is satisfied that the change is not material.

This is subject to sub-paragraph (13).

- (2) In deciding whether a change is material, the appropriate authority must have regard to the effect of the change, together with any previous changes made under this paragraph, on the development consent order as originally made.
- (3) The power conferred by sub-paragraph (1) includes power—
- (a) to impose new requirements in connection with the development for which consent is granted by the development consent order;
 - (b) to remove or alter existing requirements.
- (4) The power conferred by sub-paragraph (1) may be exercised only on an application made to the Commission by or on behalf of—
- (a) the applicant or a successor in title of the applicant,
 - (b) a person with an interest in the land, or
 - (c) any other person for whose benefit the development consent order has effect.
- (5) An application under sub-paragraph (4) must be made in the prescribed form and manner.
- (6) Sub-paragraph (7) applies in relation to an application under sub-paragraph (4) made by or on behalf of a person with an interest in some, but not all, of the land to which the development consent order relates.
- (7) The application may be made only in respect of so much of the order as affects the land in which the person has an interest.
- (8) The appropriate authority must comply with such requirements as may be prescribed as to consultation and publicity in relation to the exercise of the power conferred by sub-paragraph (1).

This is subject to sub-paragraphs (9) to (11).

- (9) If the development consent order was required to be contained in a statutory instrument, the power conferred by sub-paragraph (1) may be exercised only by order contained in a statutory instrument.
- (10) If the instrument containing the order is made by the Commission, the Statutory Instruments Act 1946 (c. 36) applies in relation to the instrument as if it had been made by a Minister of the Crown.

Status: This is the original version (as it was originally enacted).

- (11) As soon as practicable after the instrument is made, the appropriate authority must deposit a copy of it in the office of the Clerk of the Parliaments.
- (12) If a change is made to a development consent order under the power conferred by sub-paragraph (1)—
 - (a) the order continues in force,
 - (b) the appropriate authority must give notice of the change to the order to such persons as may be prescribed, and
 - (c) the change to the order takes effect from the date on which the notice is issued, or, if the change to the order is required to be made by order contained in a statutory instrument, the date specified in the order making the change.
- (13) The power conferred by sub-paragraph (1) may not be exercised in relation to provision included in an order granting development consent by virtue of any of paragraphs 27 to 30 of Schedule 5 (deemed consent under Coast Protection Act 1949 (c. 74) and deemed licences under Food and Environment Protection Act 1985 (c. 48)).