



# Planning Act 2008

## 2008 CHAPTER 29

### PART 7

#### ORDERS GRANTING DEVELOPMENT CONSENT

### CHAPTER 3

#### GENERAL

#### **154 Duration of order granting development consent**

- (1) Development for which development consent is granted must be begun before the end of—
  - (a) the prescribed period, or
  - (b) such other period (whether longer or shorter than that prescribed) as is specified in the order granting the consent.
- (2) If the development is not begun before the end of the period applicable under subsection (1), the order granting development consent ceases to have effect at the end of that period.
- (3) Where an order granting development consent authorises the compulsory acquisition of land, steps of a prescribed description must be taken in relation to the compulsory acquisition before the end of—
  - (a) the prescribed period, or
  - (b) such other period (whether longer or shorter than that prescribed) as is specified in the order.
- (4) If steps of the prescribed description are not taken before the end of the period applicable under subsection (3), the authority to compulsorily acquire the land under the order ceases to have effect.

*Status: Point in time view as at 01/09/2020.*

*Changes to legislation: Planning Act 2008, Chapter 3 is up to date with all changes known to be in force on or before 22 May 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)*

#### Commencement Information

- I1** S. 154 partly in force; s. 154 in force for certain purposes at Royal Assent see s. 241  
**I2** S. 154 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

### 155 When development begins

- (1) For the purposes of this Act (except Part 11) development is taken to begin on the earliest date on which any material operation comprised in, or carried out for the purposes of, the development begins to be carried out.
- (2) “Material operation” means any operation except an operation of a prescribed description.

#### Modifications etc. (not altering text)

- C1** S. 155 modified (1.3.2010) by [The Infrastructure Planning \(Miscellaneous Prescribed Provisions\) Regulations 2010 \(S.I. 2010/105\)](#), regs. 1(1), 4

#### Commencement Information

- I3** S. 155 partly in force; s. 155 in force for certain purposes at Royal Assent see s. 241  
**I4** S. 155 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

### 156 Benefit of order granting development consent

- (1) If an order granting development consent is made in respect of any land, the order has effect for the benefit of the land and all persons for the time being interested in the land.
- (2) Subsection (1) is subject to subsection (3) and any contrary provision made in the order.
- (3) To the extent that the development for which development consent is granted is development within section 17(3), the order granting the consent has effect for the benefit of a person for the time being interested in the land only if the person is a gas transporter.

#### Modifications etc. (not altering text)

- C2** [S. 156\(1\)](#) applied (20.2.2013) by [The Kentish Flats Extension Order 2013 \(S.I. 2013/343\)](#), arts. 1, [7\(1\)](#) (with arts. 13, 14)  
**C3** [S. 156\(1\)](#) applied (28.2.2013) by [The Rookery South \(Resource Recovery Facility\) Order 2011 2013 \(S.I. 2013/680\)](#), [art. 7\(1\)](#)

#### Commencement Information

- I5** S. 156 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

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## 157 Use of buildings in respect of which development consent granted

- (1) If development consent is granted for development which includes the erection, extension, alteration or re-erection of a building, the order granting consent may specify the purposes for which the building is authorised to be used.
- (2) If no purpose is so specified, the consent is taken to authorise the use of the building for the purpose for which it is designed.

### Commencement Information

**I6** S. 157 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

## 158 Nuisance: statutory authority

- (1) This subsection confers statutory authority for—
  - (a) carrying out development for which consent is granted by an order granting development consent;
  - (b) doing anything else authorised by an order granting development consent.
- (2) Statutory authority under subsection (1) is conferred only for the purpose of providing a defence in civil or criminal proceedings for nuisance.
- (3) Subsections (1) and (2) are subject to any contrary provision made in any particular case by an order granting development consent.

### Modifications etc. (not altering text)

- C4** S. 158 modified (2.10.2014) by [The Clocaenog Forest Wind Farm Order 2014 \(S.I. 2014/2441\)](#), [arts. 1, 9\(4\)](#) (with [art. 33](#))
- C5** S. 158(1) excluded (24.7.2014) by [The Daventry International Rail Freight Interchange Alteration Order 2014 \(S.I. 2014/1796\)](#), [arts. 1, 9](#) (with [art. 24\(2\)](#), [Sch. 6 para. 3](#))
- C6** S. 158(1)(2) excluded (25.5.2020) by [The West Midlands Rail Freight Interchange Order 2020 \(S.I. 2020/511\)](#), [arts. 1, 44\(6\)](#) (with [art. 44\(8\)](#))
- C7** S. 158(2) excluded (24.7.2014) by [The Daventry International Rail Freight Interchange Alteration Order 2014 \(S.I. 2014/1796\)](#), [arts. 1, 9](#) (with [art. 24\(2\)](#), [Sch. 6 para. 3](#))
- C8** S. 158(2) applied (29.3.2017) by [The Glyn Rhonwy Pumped Storage Generating Station Order 2017 \(S.I. 2017/330\)](#), [arts. 1, 19\(1\)](#) (with [art. 31](#))
- C9** S. 158(2) applied (10.10.2019) by [The Abergelli Power Gas Fired Generating Station Order 2019 \(S.I. 2019/1268\)](#), [arts. 1, 20\(1\)](#)
- C10** S. 158(2) applied (14.4.2020) by [The Reinforcement to the North Shropshire Electricity Distribution Network Order 2020 \(S.I. 2020/325\)](#), [arts. 1, 19\(1\)](#) (with [art. 7](#))
- C11** S. 158(2) applied (1.9.2020) by [The Immingham Open Cycle Gas Turbine Order 2020 \(S.I. 2020/847\)](#), [arts. 1, 19\(1\)](#) (with [Sch. 9 para. 144](#))

### Commencement Information

**I7** S. 158 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

## 159 Interpretation: land and rights over land

- (1) This section applies for the purposes of this Part.

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- (2) “Land” includes any interest in or right over land.
- (3) Acquiring a right over land includes acquiring it by the creation of a new right as well as by the acquisition of an existing one.

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**Commencement Information**

**18** S. 159 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(i\)](#) (with [art. 6](#))

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