

Status: Point in time view as at 15/10/2020.

Changes to legislation: Planning Act 2008, Cross Heading: Changes to, and revocation of, orders granting development consent is up to date with all changes known to be in force on or before 14 July 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)

SCHEDULES

SCHEDULE 6

CHANGES TO, AND REVOCATION OF, ORDERS GRANTING DEVELOPMENT CONSENT

Modifications etc. (not altering text)

- C1** Sch. 6 modified (31.1.2017) by [Wales Act 2017 \(c. 4\)](#), s. 71(1)(b), **Sch. 7 para. 8(3)** (with Sch. 7 paras. 1, 6)

Changes to, and revocation of, orders granting development consent

- 3 (1) The [^{F1}Secretary of State] may by order make a change to, or revoke, a development consent order.
- (2) The power conferred by sub-paragraph (1) may be exercised only in accordance with—
- (a) the following provisions of this paragraph, and
 - (b) paragraphs 4 and 5.
- (3) The power may be exercised without an application being made if the [^{F1}Secretary of State] is satisfied that—
- (a) the development consent order contains a significant error, and
 - (b) it would not be appropriate for the error to be corrected by means of the power conferred by paragraph 1 of Schedule 4 or paragraph 2 of this Schedule.
- (4) The power may be exercised on an application made 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) The power may be exercised on an application made by a local planning authority if the [^{F1}Secretary of State] is satisfied that—
- (a) the development consent order grants development consent for development on land all or part of which is in the local planning authority's area,
 - (b) the development has begun but has been abandoned, and
 - (c) the amenity of other land in the local planning authority's area or an adjoining area is adversely affected by the condition of the land.
- [^{F2}(5A) The Secretary of State may refuse to exercise the power on an application made under sub-paragraph (4) or (5) if, in particular, the Secretary of State considers that the development that would be authorised as a result of the change should properly be the subject of an application under section 37 for a development consent order.]

^{F3}(6)

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- (7) ^{F4}The power may be exercised without an application being made if the Secretary of State is satisfied that—
- (a) if the development were carried out in accordance with the development consent order, there would be a contravention of ^{F5}EU law or any of the Convention rights, or
 - (b) there are other exceptional circumstances that make it appropriate to exercise the power.
- (8) In this paragraph—
- “^{F5}EU law” means—
- (a) all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the ^{F5}EU Treaties, and
 - (b) all the remedies and procedures from time to time provided for by or under the ^{F5}EU Treaties;
- “the Convention rights” has the same meaning as in the Human Rights Act 1998 (c. 42).

Textual Amendments

- F1** Words in Sch. 6 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 72\(3\)](#); [S.I. 2012/628](#), art. 7(a)
- F2** Sch. 6 para. 3(5A) inserted (14.7.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 28\(3\)](#), 57(5)(b); [S.I. 2015/758](#), [reg. 3](#) (with [reg. 4\(3\)](#))
- F3** Sch. 6 para. 3(6) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 72\(8\)](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7
- F4** Word in Sch. 6 para. 3(7) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 72\(9\)](#); [S.I. 2012/628](#), art. 7(a)
- F5** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [arts. 2, 3, 6](#) (with [art. 3\(2\)\(3\)4\(2\)6\(4\)\(5\)](#))

Commencement Information

- I1** Sch. 6 para. 3 in force at 1.10.2011 by [S.I. 2011/2054](#), [art. 2\(b\)](#)

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