



# Planning Act 2008

## 2008 CHAPTER 29

### PART 5

#### APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

#### CHAPTER 1

#### APPLICATIONS

### 37 Applications for orders granting development consent

- (1) An order granting development consent may be made only if an application is made for it.
- (2) An application for an order granting development consent must be made to the [<sup>F1</sup>Secretary of State].
- (3) An application for an order granting development consent must<sup>F2</sup>, so far as necessary to secure that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory ]—
  - (a) specify the development to which it relates,
  - (b) be made in the prescribed form,
  - (c) be accompanied by the consultation report, and
  - (d) be accompanied by documents and information of a prescribed description.
- (4) The [<sup>F1</sup>Secretary of State] may give guidance about how the requirements under subsection (3) are to be complied with.
- (5) The [<sup>F1</sup>Secretary of State] may set standards for—
  - (a) the preparation of a document required by subsection (3)(d);
  - (b) the coverage in such a document of a matter falling to be dealt with in it;
  - (c) all or any of the collection, sources, verification, processing and presentation of information required by subsection (3)(d).

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Planning Act 2008, Chapter 1 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)*

- (6) The [<sup>F1</sup>Secretary of State] must publish, in such manner as [<sup>F3</sup>the Secretary of State] thinks appropriate, any guidance given under subsection (4) and any standards set under subsection (5).
- (7) In subsection (3)(c) “the consultation report” means a report giving details of—
- (a) what has been done in compliance with sections 42, 47 and 48 in relation to a proposed application that has become the application,
  - (b) any relevant responses, and
  - (c) the account taken of any relevant responses.
- (8) In subsection (7) “relevant response” has the meaning given by section 49(3).

#### Textual Amendments

- F1** Words in s. 37 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 5\(2\)](#); [S.I. 2012/628](#), art. 7(a)
- F2** Words in s. 37(3) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 137\(5\)](#), 240(2) (with s. 144); [S.I. 2012/628](#), art. 7(a)
- F3** Words in s. 37(6) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 5\(3\)](#); [S.I. 2012/628](#), art. 7(a)

#### Commencement Information

- I1** S. 37 in force at 1.10.2009 by [S.I. 2009/2260](#), [art. 2\(b\)](#)

### <sup>F4</sup>38 Model provisions

.....

#### Textual Amendments

- F4** S. 38 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 13 para. 6](#), [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

### 39 Register of applications

- (1) The [<sup>F5</sup>Secretary of State] is to maintain a register of applications received by [<sup>F6</sup>the Secretary of State] for orders granting development consent (“the register”).
- (2) Where the [<sup>F5</sup>Secretary of State] receives an application for an order granting development consent, [<sup>F7</sup>the Secretary of State] must cause details of the application to be entered in the register.
- (3) The [<sup>F5</sup>Secretary of State] must publish the register or make arrangements for inspection of the register by the public.
- (4) The [<sup>F5</sup>Secretary of State] must make arrangements for inspection by the public of—
- (a) applications received by the [<sup>F5</sup>Secretary of State] for orders granting development consent,
  - (b) consultation reports received by the [<sup>F5</sup>Secretary of State] under section 37(3)
  - (c), and

*Status: Point in time view as at 22/04/2014.*

*Changes to legislation: Planning Act 2008, Chapter 1 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)*

- (c) accompanying documents and information received by the [<sup>F5</sup>Secretary of State] under section 37(3)(d).

#### Textual Amendments

- F5** Words in s. 39 substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 7\(2\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F6** Words in s. 39(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 7\(3\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F7** Words in s. 39(2) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 7\(3\)](#); [S.I. 2012/628, art. 7\(a\)](#)

#### Commencement Information

- I2** S. 39 in force at 1.10.2009 by [S.I. 2009/2260, art. 2\(b\)](#)

## 40 Applications by the Crown for orders granting development consent

- (1) This section applies to an application for an order granting development consent made by or on behalf of the Crown.
- (2) The Secretary of State may by regulations modify or exclude any statutory provision relating to—
- the procedure to be followed before such an application is made;
  - the making of such an application;
  - the decision-making process for such an application.
- (3) A statutory provision is a provision contained in or having effect under this Act or any other enactment.

#### Commencement Information

- I3** S. 40 in force at 1.10.2009 in so far as not already in force by [S.I. 2009/2260, art. 2\(b\)](#)

**Status:**

Point in time view as at 22/04/2014.

**Changes to legislation:**

Planning Act 2008, Chapter 1 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.