

Status: Point in time view as at 14/07/2015.

Changes to legislation: Planning Act 2008, Cross Heading: Changes to, and revocation of, orders: supplementary is up to date with all changes known to be in force on or before 23 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

Changes to, and revocation of, orders: supplementary

- 4 (1) An application under paragraph 3 must be—
- (a) made in the prescribed form and manner, and
 - (b) accompanied by information of a prescribed description.
- (2) Sub-paragraph (3) applies in relation to an application under paragraph 3(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.
- (3) 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.
- (4) The Secretary of State may by regulations make provision about—
- (a) the procedure to be followed before an application under paragraph 3 is made;
 - (b) the making of such an application;
 - (c) the decision-making process in relation to the exercise of the power conferred by paragraph 3(1);
 - (d) the making of the decision as to whether to exercise that power;
 - (e) the effect of a decision to exercise that power.
- (5) Paragraphs (c) to (e) of sub-paragraph (4) apply in relation to the exercise of the power conferred by paragraph 3(1)—
- (a) on an application under paragraph 3, or
 - (b) on the initiative of the [^{F1}Secretary of State] under paragraph 3(3) or (7).
- [^{F2}(5A) The power to make regulations under sub-paragraph (4) includes power to allow a person to exercise a discretion.]
- (6) If a development consent order is changed or revoked in the exercise of the power conferred by paragraph 3(1), the [^{F1}Secretary of State] must give notice of the change or revocation to such persons as may be prescribed.
- (7) If a development consent order was required to be contained in a statutory instrument, an order changing or revoking the development consent order made in the exercise of the power conferred by paragraph 3(1) must also be contained in a statutory instrument.
- ^{F3}(8)

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- (9) As soon as practicable after the instrument [^{F4}containing the order] is made, the [^{F1}Secretary of State] must deposit a copy of it in the office of the Clerk of the Parliaments.

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. 4(5A) inserted (12.2.2015 for specified purposes, 14.7.2015 in so far as not already in force) by [Infrastructure Act 2015 \(c. 7\), ss. 28\(4\), 57\(5\)\(b\)](#); [S.I. 2015/758, reg. 3 \(with reg. 4\(3\)\)](#)
- F3** Sch. 6 para. 4(8) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 72\(10\), Sch. 25 Pt. 20](#); [S.I. 2012/628, art. 7](#)
- F4** Words in Sch. 6 para. 4(9) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 13 para. 72\(11\)](#); [S.I. 2012/628, art. 7\(a\)](#)

Commencement Information

- I1** Sch. 6 para. 4 in force at 1.10.2011 by [S.I. 2011/2054, art. 2\(b\)](#)

- 5 (1) This paragraph applies in relation to the power conferred by paragraph 3(1) to make a change to, or revoke, a development consent order.
- (2) The power may not be exercised after the end of the period of 4 years beginning with the date on which the relevant development was substantially completed.
- (3) Sub-paragraph (2) does not prevent the exercise of the power—
- (a) in relation to requirements imposed by the development consent order in connection with the relevant development, or
 - (b) to revoke the development consent order.
- (4) The power includes power—
- (a) to require the removal or alteration of buildings or works;
 - (b) to require the discontinuance of a use of land;
 - (c) to impose specified requirements in connection with the continuance of a use of land;
 - (d) to impose new requirements in connection with the relevant development;
 - (e) to remove or alter existing requirements.
- (5) Subject to sub-paragraph (4)(a), the exercise of the power does not affect any building or other operations carried out in pursuance of the development consent order before the power is exercised.
- (6) The power may not be exercised in relation to provision included in an order granting development consent by virtue of [^{F5}paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009)].
- (7) “The relevant development” is the development for which consent is granted by the development consent order.

Textual Amendments

- F5** Words in Sch. 6 para. 5(6) substituted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\), s. 324\(3\), Sch. 8 para. 4\(6\)\(b\)](#) (with s. 111); [S.I. 2011/556, art. 3\(2\)\(a\)](#)

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Commencement Information

I2 Sch. 6 para. 5 in force at 1.10.2011 by [S.I. 2011/2054](#), [art. 2\(b\)](#)

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