

Changes to legislation: Planning Act 2008, Paragraph 2 is up to date with all changes known to be in force on or before 20 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) View outstanding changes

SCHEDULES

SCHEDULE 6 **E+W+S**

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)

Non-material changes

- 2 (1) The [^{F1}Secretary of State] may make a change to a development consent order if [^{F2}the Secretary of State] is satisfied that the change is not material.

This is subject to sub-paragraph (13).

[^{F3}(1A) The Secretary of State may by regulations make provision about—

- (a) the decision-making process in relation to the exercise of the power conferred by sub-paragraph (1);
- (b) the making of the decision as to whether to exercise that power;
- (c) the effect of a decision to exercise that power.

This is subject to sub-paragraph (2).

(1B) The power to make regulations under sub-paragraph (1A) includes power to allow a person to exercise a discretion.]

(2) In deciding whether a change is material, the [^{F1}Secretary of State] 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effect of the change, together with any previous changes made under this paragraph, on the development consent order as originally made.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 [^{F4}Secretary of State] 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.

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- (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 [^{F1}Secretary of State][^{F5}and the person who has made the application under sub-paragraph (4)] 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).
- [^{F6}(8A) The power to make regulations under sub-paragraph (8) includes power to allow the Secretary of State or the person who has made the application under sub-paragraph (4) to exercise a discretion.]
- (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.
- [^{F7}(10)]
- (11) As soon as practicable after the instrument [^{F8}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.
- (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 [^{F1}Secretary of State] 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 [^{F9}paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009).]

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** Words in Sch. 6 para. 2(1) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 72\(4\)](#); [S.I. 2012/628, art. 7\(a\)](#)
- F3** [Sch. 6 para. 2\(1A\)\(1B\)](#) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), ss. 128, 255\(3\)\(a\)](#) (with s. 247)
- F4** Words in Sch. 6 para. 2(4) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 72\(5\)](#); [S.I. 2012/628, art. 7\(a\)](#)

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- F5** Words in Sch. 6 para. 2(8) 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(2)(a), 57(5)(b)**; S.I. 2015/758, reg. 3 (with reg 4(3))
- F6** Sch. 6 para. 2(8A) 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(2)(b), 57(5)(b)**; S.I. 2015/758, reg. 3 (with reg 4(3))
- F7** Sch. 6 para. 2(10) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 13 para. 72(6), **Sch. 25 Pt. 20**; S.I. 2012/628, art. 7
- F8** Words in Sch. 6 para. 2(11) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 72(7)**; S.I. 2012/628, art. 7(a)
- F9** Words in Sch. 6 para. 2(13) substituted (6.4.2011) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), s. 324(3), **Sch. 8 para. 4(6)(a)** (with s. 111); S.I. 2011/556, art. 3(2)(a)

Commencement Information

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

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A inserted by [2023 c. 55 Sch. 12 para. 1](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 37(3A) inserted by [2021 c. 30 Sch. 15 para. 7](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 103(1A) inserted by [2021 c. 30 Sch. 15 para. 2](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 104(3)-(3B) substituted for s. 104(3) by [2021 c. 30 Sch. 15 para. 3\(2\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 105(3)(4) inserted by [2021 c. 30 Sch. 15 para. 4\(1\)](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 120(2)(c) inserted by [2021 c. 30 Sch. 15 para. 8](#)
- s. 223(1)(za) inserted by [2023 c. 55 s. 139\(6\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- s. 232(5)(f) inserted by [2021 c. 30 Sch. 15 para. 9\(2\)](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)
- Sch. 2A inserted by [2021 c. 30 Sch. 15 para. 5](#)