



# Planning Act 2008

## 2008 CHAPTER 29

### PART 5

#### APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

### CHAPTER 2

#### PRE-APPLICATION PROCEDURE

VALID FROM 01/10/2009

#### **49 Duty to take account of responses to consultation and publicity**

- (1) Subsection (2) applies where the applicant—
  - (a) has complied with sections 42, 47 and 48, and
  - (b) proposes to go ahead with making an application for an order granting development consent (whether or not in the same terms as the proposed application).
- (2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.
- (3) In subsection (2) “relevant response” means—
  - (a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,
  - (b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or

---

**Status:** Point in time view as at 06/04/2009. This version of this provision is not valid for this point in time.

**Changes to legislation:** Planning Act 2008, Section 49 is up to date with all changes known to be in force on or before 08 August 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) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.

**Status:**

Point in time view as at 06/04/2009. This version of this provision is not valid for this point in time.

**Changes to legislation:**

Planning Act 2008, Section 49 is up to date with all changes known to be in force on or before 08 August 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.