



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Other infrastructure provisions

22 Variation and replacement of pre-Planning Act 2008 consents

(1) After section 237 of the Planning Act 2008 insert—

“237A Variation and replacement of section 33 consents: transitional provision

- (1) This section applies where a section 33 consent (“the original consent”) has been granted or made as a result of an application made before Part 4 came into force.
- (2) Nothing in section 33 prevents the original consent, or a section 33 consent that replaces it, from being varied or replaced.
- (3) If the original consent, or a section 33 consent that replaces it, is varied or replaced, section 31 does not apply to the development to which the consent as varied, or the replacement consent, relates (and so development consent is not required for that development).
- (4) A section 33 consent replaces an earlier section 33 consent for the purposes of this section if (but only if)—
 - (a) it is granted or made on an application for consent for development without complying with conditions subject to which the earlier section 33 consent was granted or made, and
 - (b) it is granted subject to, or made on, different conditions, or unconditionally.
- (5) In this section “section 33 consent” means a consent, authorisation, order, notice or scheme mentioned in section 33(1), (2) or (4).”

(2) This section is deemed to have had effect since Part 4 of the Planning Act 2008 came into force.