



Planning Act 2008

2008 CHAPTER 29

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

General

120 What may be included in order granting development consent

- (1) An order granting development consent may impose requirements in connection with the development for which consent is granted.
- (2) The requirements may in particular include ^{F1}—
 - (a) requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation, or the giving of any notice, which (but for section 33(1)) would have been required for the development^{F2};
 - (b) requirements to obtain the approval of the Secretary of State or any other person, so far as not within paragraph (a)].
- (3) An order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.
- (4) The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5.
- (5) An order granting development consent may—
 - (a) apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order;

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- (b) make such amendments, repeals or revocations of statutory provisions of local application as appear to the [^{F3}Secretary of State] to be necessary or expedient in consequence of a provision of the order or in connection with the order;
 - (c) include any provision that appears to the [^{F4}Secretary of State] to be necessary or expedient for giving full effect to any other provision of the order;
 - (d) include incidental, consequential, supplementary, transitional or transitory provisions and savings.
- (6) In subsection (5) “statutory provision” means a provision of an Act or of an instrument made under an Act.
- (7) Subsections (3) to (6) are subject to subsection (8) and the following provisions of this Chapter.
- [^{F5}(8) With the exception of provision made under subsection (3) for or relating to any of the matters listed in paragraph 32B of Schedule 5, an order granting development consent may not include—
- (a) provision creating offences,
 - (b) provision conferring power to create offences, or
 - (c) provision changing an existing power to create offences.]
- (9) To the extent that provision for or relating to a matter may be included in an order granting development consent, none of the following may include any such provision—
- (a) an order under section 14 or 16 of the Harbours Act 1964 (c. 40) (orders in relation to harbours, docks and wharves);
 - (b) an order under section 4(1) of the Gas Act 1965 (c. 36) (order authorising storage of gas in underground strata);
 - (c) an order under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders as to railways, tramways, inland waterways etc.).

Textual Amendments

- F1** Words in s. 120(2) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 140(a)**, 240(2) (with s. 144); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F2** S. 120(2)(b) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 140(b)**, 240(2) (with s. 144); [S.I. 2012/628](#), [art. 7\(a\)](#)
- F3** Words in s. 120(5)(b) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 60(2)**; [S.I. 2012/628](#), [art. 7\(a\)](#)
- F4** Words in s. 120(5)(c) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 60(2)**; [S.I. 2012/628](#), [art. 7\(a\)](#)
- F5** S. 120(8) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 13 para. 60(3)**; [S.I. 2012/628](#), [art. 7\(a\)](#)

Commencement Information

- I1** S. 120 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

^{F6}121 Proposed exercise of powers in relation to legislation

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Changes to legislation: *Planning Act 2008, Cross Heading: General is up to date with all changes known to be in force on or before 25 April 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*

Textual Amendments

F6 S. 121 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 13 para. 61, [Sch. 25 Pt. 20](#); [S.I. 2012/628](#), art. 7

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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](#)