



Planning Act 2008

2008 CHAPTER 29

PART 4

REQUIREMENT FOR DEVELOPMENT CONSENT

[^{F1}35] Directions in relation to projects of national significance

- (1) The Secretary of State may give a direction for development to be treated as development for which development consent is required.

This is subject to the following provisions of this section and section 35ZA.

- (2) The Secretary of State may give a direction under subsection (1) only if—
- (a) the development is or forms part of—
 - (i) a project (or proposed project) in the field of energy, transport, water, waste water or waste, or
 - (ii) a business or commercial project (or proposed project) of a prescribed description,
 - (b) the development will (when completed) be wholly in one or more of the areas specified in subsection (3), and
 - (c) the Secretary of State thinks the project (or proposed project) is of national significance, either by itself or when considered with—
 - (i) in a case within paragraph (a)(i), one or more other projects (or proposed projects) in the same field;
 - (ii) in a case within paragraph (a)(ii), one or more other business or commercial projects (or proposed projects) of a description prescribed under paragraph (a)(ii).
- (3) The areas are—
- (a) England or waters adjacent to England up to the seaward limits of the territorial sea;
 - (b) in the case of a project for the carrying out of works in the field of energy, a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions.

Changes to legislation: Planning Act 2008, Section 35 is up to date with all changes known to be in force on or before 22 May 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

- (4) The Secretary of State may give a direction under subsection (1) only with the consent of the Mayor of London if—
- (a) all or part of the development is or will be in Greater London, and
 - (b) the development is or forms part of a business or commercial project (or proposed project) of a description prescribed under subsection (2)(a)(ii).
- (5) Regulations under subsection (2)(a)(ii) may not prescribe a description of project which includes the construction of one or more dwellings.]

Textual Amendments

- F1** Ss. 35, 35A substituted for s. 35 (25.4.2013) by [Growth and Infrastructure Act 2013 \(c. 27\)](#), **ss. 26(2), 35(2)**

Commencement Information

- I1** S. 35 in force at 1.3.2010 by [S.I. 2010/101](#), **art. 3(e)** (with [art. 6](#))

Changes to legislation:

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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](#)