



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 6

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

#### **131 Power to alter effect of requirement for development consent on other consent regimes**

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 33 (effect of requirement for development consent on other consent regimes) after subsection (4) insert—
  - “(5) The Secretary of State may by order—
    - (a) amend subsection (1) or (2)—
      - (i) to add or remove a type of consent, or
      - (ii) to vary the cases in relation to which a type of consent is within that subsection;
    - (b) make further provision, or amend or repeal provision, about—
      - (i) the types of consent that are, and are not, within subsection (1) or (2), or
      - (ii) the cases in relation to which a type of consent is, or is not, within either of those subsections.
- (6) In this section “consent” means—
  - (a) a consent or authorisation that is required, under legislation, to be obtained for development,
  - (b) a consent, or authorisation, that—
    - (i) may authorise development, and

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**Changes to legislation:** Localism Act 2011, Section 131 is up to date with all changes known to be in force on or before 21 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

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- (ii) is given under legislation, or
  - (c) a notice that is required by legislation to be given in relation to development.
- (7) In subsection (6) “legislation” means an Act or an instrument made under an Act.
- (8) An order under subsection (5) may not affect—
- (a) a requirement for a devolved consent to be obtained for, or given in relation to, development, or
  - (b) whether development may be authorised by a devolved consent.
- (9) A consent is “devolved” for the purposes of subsection (8) if—
- (a) provision for the consent would be within the legislative competence of the National Assembly for Wales if the provision were contained in an Act of the Assembly,
  - (b) provision for the consent is, or could be, made by the Welsh Ministers in an instrument made under an Act,
  - (c) the consent is not within subsection (6)(c) and the Welsh Ministers have a power or duty—
    - (i) to decide, or give directions as to how to decide, whether the consent is given,
    - (ii) to decide, or give directions as to how to decide, some or all of the terms on which the consent is given, or
    - (iii) to revoke or vary the consent, or
  - (d) the consent is within subsection (6)(c) and the notice has to be given to the Welsh Ministers or otherwise brought to their attention.
- (10) An order under subsection (5)(b) may amend this Act.”
- (3) In section 232 (orders and regulations)—
- (a) in subsection (5)(d) (orders not subject to annulment by either House of Parliament) after “14(3),” insert “ 33(5), ”, and
  - (b) in subsection (6) (orders that must be approved in draft by both Houses of Parliament before being made) after “14(3),” insert “ 33(5), ”.
- (4) In paragraph 4 of Schedule 12 (application of section 33 to Scotland: modifications)—
- (a) in sub-paragraph (a) for paragraph (i) substitute—
    - “(i) for “none of the following is” there were substituted “ the following are not ”, and”,
  - (b) omit the “and” at the end of sub-paragraph (a),
  - (c) in sub-paragraph (b) for “subsections (2) to (4)” substitute “ paragraphs (a) to (c) of subsection (2), and subsections (3) and (4), ”, and
  - (d) after sub-paragraph (b) insert “, and
    - (c) in subsection (7) “Act” includes an Act of the Scottish Parliament.”

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**Commencement Information**

**II** S. 131 in force at 1.4.2012 by S.I. 2012/628, art. 7(a)

**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):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)