Planning Act 2008

CHAPTER 29

PLANNING ACT 2008

PART 1

INFRASTRUCTURE PLANNING: FEES

1 The Infrastructure Planning Commission
2 Code of conduct
3 Register of Commissioners’ interests
4 Fees

PART 2

NATIONAL POLICY STATEMENTS

5 National policy statements
6 Review
6A Interpretation of sections 5(4) and 6(7)
6B Extension of consideration period under section 5(4A) or 6(7A)
7 Consultation and publicity
8 Consultation on publicity requirements
9 Parliamentary requirements
10 Sustainable development
11 Suspension pending review
12 Pre-commencement statements of policy, consultation etc.
13 Legal challenges relating to national policy statements

PART 3

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS
General

14 Nationally significant infrastructure projects: general

Energy

15 Generating stations
16 Electric lines
17 Underground gas storage facilities
18 LNG facilities
19 Gas reception facilities
20 Gas transporter pipe-lines
21 Other pipe-lines

Transport

22 Highways
23 Airports
24 Harbour facilities
25 Railways
26 Rail freight interchanges

Water

27 Dams and reservoirs
28 Transfer of water resources
28A Desalination plants

Waste water

29 Waste water treatment plants

Waste

30 Hazardous waste facilities
30A Radioactive waste geological disposal facilities

PART 4

REQUIREMENT FOR DEVELOPMENT CONSENT

31 When development consent is required
32 Meaning of “development”
33 Effect of requirement for development consent on other consent regimes
34 Welsh offshore generating stations
35 Directions in relation to projects of national significance
35ZA Directions under sections 35: procedural matters
35A Timetable for deciding request for direction under section 35
36 Amendments consequential on development consent regime
PART 5
APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1
APPLICATIONS

37 Applications for orders granting development consent
38 Model provisions
39 Register of applications
40 Applications by the Crown for orders granting development consent

CHAPTER 2
PRE-APPLICATION PROCEDURE

41 Chapter applies before application is made
42 Duty to consult
43 Local authorities for purposes of section 42(1)(b)
44 Categories for purposes of section 42(1)(d)
45 Timetable for consultation under section 42
46 Duty to notify Secretary of State of proposed application
47 Duty to consult local community
48 Duty to publicise
49 Duty to take account of responses to consultation and publicity
50 Guidance about pre-application procedure

CHAPTER 3
ASSISTANCE FOR APPLICANTS AND OTHERS

51 Advice for potential applicants and others
52 Obtaining information about interests in land
53 Rights of entry
54 Rights of entry: Crown land

PART 6
DECIDING APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1
HANDLING OF APPLICATION BY COMMISSION

55 Acceptance of applications
56 Notifying persons of accepted application
56A Local authorities for the purposes of sections 56(2)(b) and 60(2)(a)
57 Categories for purposes of section 56(2)(d)
58 Certifying compliance with section 56
59 Notice of persons interested in land to which compulsory acquisition request relates
60 Local impact reports
61 Initial choice of Panel or single appointed person
CHAPTER 2

THE PANEL PROCEDURE

Panels

- Switching from single appointed person to Panel
- Delegation of functions by person appointed to chair Commission

Panel's role in relation to application

- Panel to decide, or make recommendation in respect of, application
- Decision-making by the Panel
- Allocation within Panel of Panel's functions
- Exercise of Panel's powers for examining application

CHAPTER 3

THE SINGLE-APPOINTED-PERSON PROCEDURE

The single appointed person

- Single appointed person to handle application
- Appointment of single appointed person
- Ceasing to be the single appointed person
- Single Commissioner continuing though ceasing to be Commissioner
- Appointment of replacement single appointed person

Single appointed person's role in relation to application

- Single appointed person to examine and report on application

CHAPTER 4

EXAMINATION OF APPLICATIONS UNDER CHAPTER 2 OR 3

- Chapter applies to examination by Panel or single appointed person
- Examining authority to control examination of application
- Initial assessment of issues, and preliminary meeting
- Local authorities for the purposes of section 88(3)(d)
Planning Act 2008 (c. 29)

Chapter 5

Decisions on Applications

103 Secretary of State is to decide applications
104 Decisions in cases where national policy statement has effect
105 Decisions in cases where no national policy statement has effect
106 Matters that may be disregarded when deciding application
107 Timetable for decisions

Chapter 6

Suspension of Decision-Making Process

108 Suspension during review of national policy statement

Chapter 7

Intervention by Secretary of State

109 Intervention: significant change in circumstances
110 Intervention: defence and national security
111 Intervention: other circumstances
112 Power of Secretary of State to intervene
113 Effect of intervention

Chapter 8

Grant or Refusal

114 Grant or refusal of development consent
115 Development for which development consent may be granted
116 Reasons for decision to grant or refuse development consent
117 Orders granting development consent: formalities
CHAPTER 9

LEGAL CHALLENGES

118 Legal challenges relating to applications for orders granting development consent

CHAPTER 10

CORRECTION OF ERRORS

119 Correction of errors in development consent decisions

PART 7

ORDERS GRANTING DEVELOPMENT CONSENT

CHAPTER 1

CONTENT OF ORDERS

General

120 What may be included in order granting development consent
121 Proposed exercise of powers in relation to legislation

Compulsory acquisition

122 Purpose for which compulsory acquisition may be authorised
123 Land to which authorisation of compulsory acquisition can relate
124 Guidance about authorisation of compulsory acquisition
125 Application of compulsory acquisition provisions
126 Compensation for compulsory acquisition
127 Statutory undertakers' land
128 Local authority and statutory undertakers' land: general
129 Local authority and statutory undertakers' land: acquisition by public body
130 National Trust land
131 Commons, open spaces etc: compulsory acquisition of land
132 Commons, open spaces etc: compulsory acquisition of rights over land
133 Rights in connection with underground gas storage facilities
134 Notice of authorisation of compulsory acquisition

Miscellaneous

135 Orders: Crown land
136 Public rights of way
137 Public rights of way: statutory undertakers' apparatus etc.
138 Extirpation of rights, and removal of apparatus, of statutory undertakers etc.
139 Common land and rights of common
140 Operation of generating stations
141 Keeping electric lines installed above ground
142 Use of underground gas storage facilities
143 Diversion of watercourses
Chapter 2

Changes to, and revocation of, orders

153 Changes to, and revocation of, orders granting development consent

Chapter 3

General

154 Duration of order granting development consent
155 When development begins
156 Benefit of order granting development consent
157 Use of buildings in respect of which development consent granted
158 Nuisance: statutory authority
159 Interpretation: land and rights over land

Part 8

Enforcement

Offences

160 Development without development consent
161 Breach of terms of order granting development consent
162 Time limits

Rights of entry

163 Right to enter without warrant
164 Right to enter under warrant
165 Rights of entry: supplementary provisions
166 Rights of entry: Crown land

Information notices

167 Power to require information
168 Offences relating to information notices

Notices of unauthorised development

169 Notice of unauthorised development
170 Execution of works required by notice of unauthorised development
Injunctions

171 Injunctions

Isles of Scilly

172 Isles of Scilly

The relevant local planning authority

173 The relevant local planning authority

PART 9

CHANGES TO EXISTING PLANNING REGIMES

CHAPTER 1

CHANGES RELATED TO DEVELOPMENT CONSENT REGIME

Planning obligations

174 Planning obligations

Blighted land

175 Blighted land: England and Wales
176 Blighted land: Scotland

Grants

177 Grants for advice and assistance: England and Wales
178 Grants for advice and assistance: Scotland

CHAPTER 2

OTHER CHANGES TO EXISTING PLANNING REGIMES

Regional functions

179 Delegation of functions of regional planning bodies

Local development

180 Local development documents

Climate change

181 Regional spatial strategies: climate change policies
182 Development plan documents: climate change policies

Good design

183 Good design

Correction of errors

184 Correction of errors in decisions
Validity of strategies, plans and documents
185  Power of High Court to remit strategies, plans and documents
186  Power of High Court to remit unitary development plans in Wales

Determination of applications
187  Power to decline to determine applications: amendments

Planning permission
188  Local development orders: removal of requirement to implement policies
189  Compensation where development order or local development order withdrawn
190  Power to make non-material changes to planning permission

Validity of planning decisions
191  Validity of orders, decisions and directions

Trees
192  Tree preservation orders
193  Existing tree preservation orders: transitional provision

Use of land
194  Use of land: power to override easements and other rights

Statutory undertakers
195  Applications and appeals by statutory undertakers

Determination of procedure
196  Determination of procedure for certain proceedings

Appeals
197  Appeals: miscellaneous amendments
198  Appeals relating to old mining permissions

Fees
199  Fees for planning applications
200  Fees for appeals

Meaning of “local authority”
201  Meaning of “local authority” in planning Acts

PART 10
WALES

202  Powers of National Assembly for Wales
203  Power to make provision in relation to Wales
204  Wales: transitional provision in relation to blighted land
PART 11
COMMUNITY INFRASTRUCTURE LEVY

205 The levy
206 The charge
207 Joint committees
208 Liability
209 Liability: interpretation of key terms
210 Charities
211 Amount
212 Charging schedule: examination
212A Charging schedule: examiner’s recommendations
213 Charging schedule: approval
214 Charging schedule: effect
215 Appeals
216 Application
216A Duty to pass receipts to other persons
216B Use of CIL in an area to which section 216A(1) duty does not relate
217 Collection
218 Enforcement
219 Compensation
220 Community Infrastructure Levy: procedure
221 Secretary of State
222 Regulations and orders: general
223 Relationship with other powers
224 Community Infrastructure Levy: amendments
225 Community Infrastructure Levy: repeals

PART 12
FINAL PROVISIONS

The Crown and Parliament

226 The Crown
227 “Crown land” and “the appropriate Crown authority”
228 Enforcement in relation to the Crown and Parliament

Service of notices and other documents

229 Service of notices: general
230 Service of documents to persons interested in or occupying premises
231 Service of notices on the Crown and Parliament

General

232 Orders and regulations
233 Directions
234 Abbreviated references to Acts
235 Interpretation
236 Application of Act to Scotland: modifications
237 Supplementary and consequential provision
237A Variation and replacement of section 33 consents: transitional provision
238 Repeals
239 Financial provisions
240 Extent
241 Commencement
242 Short title

SCHEDULES

SCHEDULE 1 — The Infrastructure Planning Commission

Membership, chair and deputies
1 (1) The members of the Commission (“Commissioners”) are to be—...

Terms of appointment
2 Subject to the other provisions of this Schedule, the chair,...

Tenure
3 (1) The chair, or a deputy or other Commissioner, must...
4 (1) A person may resign as the chair, or as...

Remuneration etc. of Commissioners
5 (1) The Commission must pay the Commissioners such remuneration and...

Council
6 (1) There is to be a body of Commissioners to...
7 (1) The chair may appoint a Commissioner not within paragraph...
8 (1) Sub-paragraphs (2) and (3) apply to any function conferred...
9 (1) Before making or ending an appointment under paragraph 7,....
10 (1) This paragraph applies where an application referred to the...

Chief executive and staff
11 (1) The Secretary of State must appoint a person as...
12 (1) The Commission may appoint such other staff as it...
13 The terms and conditions of service of the chief executive...

Arrangements for assistance
14 (1) The Commission may make arrangements with such persons as...

Delegation
15 (1) The Commission may delegate, to any one or more...
16 (1) The chief executive may authorise (generally or specifically) any...

Reports
17 (1) In respect of each financial year the Commission must...
18 (1) Sub-paragraph (2) applies if the Secretary of State asks...

Funding
19 (1) The Secretary of State may make such payments to...
Accounts

20  (1) The Commission must keep accounts in such form as...

Status

21  (1) The Commission is not to be regarded—

Validity of proceedings

22  The validity of proceedings of the Commission or the Council...

Application of seal and proof of instruments

23  (1) The application of the Commission's seal is authenticated by...

Parliamentary Commissioner

24  In Schedule 2 to the Parliamentary Commissioner Act 1967 (c....

Disqualification

25  (1) In Part 2 of Schedule 1 to the House...

Public records

26  In Schedule 1 to the Public Records Act 1958 (c....

Freedom of information

27  In Part 6 of Schedule 1 to the Freedom of...

SCHEDULE 2 — Amendments consequential on development consent regime

Green Belt (London and Home Counties) Act 1938 (c. xciii)

1  The Green Belt (London and Home Counties) Act 1938 is...
2  In section 10 (restriction on erection of buildings) after subsection...
3  In section 11 (saving for lines, pipes, sewers etc.) after...
4  In section 12 (erection of buildings for certain statutory purposes)...

Pipe-lines Act 1962 (c. 58)

5  The Pipe-lines Act 1962 is amended as follows.
6  (1) Section 1 (cross-country pipe-lines not to be constructed without...
7  In section 66(1) (general interpretation provisions) in the definition of...

Harbours Act 1964 (c. 40)

8  The Harbours Act 1964 is amended as follows.
9  In section 14 (harbour revision orders) after subsection (1) insert—...
10  In section 16 (harbour empowerment orders) after subsection (3) insert —...

Gas Act 1965 (c. 36)

11  The Gas Act 1965 is amended as follows.
12  In section 4 (storage authorisation orders) after subsection (2) insert—...
13  In section 5 (control of mining and other operations in...
(1) Section 6 (controlled operations: carrying out of works to...)

Energy Act 1976 (c. 76)

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

The Ancient Monuments and Archaeological Areas Act 1979 is amended...

In section 2(1) (offence of executing works affecting scheduled monuments...

In section 28(2) (offence of damaging ancient monuments: exception for...

In section 37 (exemptions from offence under section 35) after...

In section 61(1) (interpretation of Act) at the appropriate place...

Highways Act 1980 (c. 66)

The Highways Act 1980 is amended as follows.

In section 10 (general provision as to trunk roads) after...

In section 14 (powers as respects roads that cross or...

In section 16 (general provision as to special roads) after...

In section 18 (supplementary orders relating to special roads) after...

In section 106 (orders and schemes providing for construction of...

In section 108 (power to divert navigable watercourses) after subsection...

In section 110 (power to divert non-navigable watercourses and to...

(1) Section 329(1) (further provision as to interpretation of Act)...

For section 337 (saving for obligation to obtain planning permission)... 

Electricity Act 1989 (c. 29)

The Electricity Act 1989 is amended as follows.

(1) Section 36 (consent for construction etc. of generating stations)...

(1) Section 37 (consent for overhead lines) is amended as...

Town and Country Planning Act 1990 (c. 8)

TCPA 1990 is amended as follows.

In section 57 (planning permission required for development) after subsection...

(1) Section 211 (preservation of trees in conservation areas) is...

In section 336(1) (interpretation) at the appropriate place insert—“development...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

The Listed Buildings Act is amended as follows.

(1) Section 7 (restriction on works affecting listed buildings) is...

In section 59(3) (offence relating to acts causing or likely...

In section 74 (control of demolition in conservation areas) after...

Planning (Hazardous Substances) Act 1990 (c. 10)

The Hazardous Substances Act is amended as follows.
43 In section 9(2)(c) (determination of applications for hazardous substances consent):

44 In section 10(1) (conditions on grant of hazardous substances consent):

45 (1) Section 12 (deemed hazardous substances consent: government authorisation) is:

46 In section 14(2)(b) (power to revoke or modify hazardous substances:

47 In section 39(1) (interpretation) at the appropriate place insert—

“development...

New Roads and Street Works Act 1991 (c. 22)

48 The New Roads and Street Works Act 1991 is amended...

49 In section 6 (toll orders) after subsection (1) insert—

Water Industry Act 1991 (c. 56)

50 In section 167(1) of the Water Industry Act 1991 (compulsory...

Transport and Works Act 1992 (c. 42)

51 The Transport and Works Act 1992 is amended as follows....

52 In section 1 (orders as to railways, tramways etc.) after...

53 In section 3 (orders as to inland waterways etc.) after...

Town and Country Planning (Scotland) Act 1997 (c. 8)

54 The Town and Country Planning (Scotland) Act 1997 is amended...

55 In section 28 (planning permission required for development) after subsection...

56 In section 160(6) (tree preservation orders: exemptions) after paragraph (b)...

57 (1) Section 172 (preservation of trees in conservation areas) is...

58 In section 277(1) (interpretation) at the appropriate place insert—

“development...

Planning (Hazardous Substances) (Scotland) Act 1997 (c. 10)

59 The Planning (Hazardous Substances) (Scotland) Act 1997 is amended as...

60 In section 7(2)(c) (determination of applications for hazardous substances consent:...

61 In section 8(1) (conditions on grant of hazardous substances consent)... 

62 (1) Section 10 (deemed hazardous substances consent: government authorisation) is...

63 In section 12(2)(b) (power to revoke or modify hazardous substances... 

64 In section 38(1) (interpretation) at the appropriate place insert—

“development...

Housing and Regeneration Act 2008 (c. 17)

65 In section 13(5) of the Housing and Regeneration Act 2008...

Crossrail Act 2008 (c. 18)

66 (1) Section 48 of the Crossrail Act 2008 (application of...
SCHEDULE 3 — Examination of applications by Secretary of State

Examination of matters by Commission: procedure

1 (1) This paragraph applies if— (a) the Secretary of State...

Examination of matters by Secretary of State: procedure

2 (1) This paragraph applies if— (a) the Secretary of State...

Rules

3 (1) The Lord Chancellor or (if sub-paragraph (2) applies) the...

Appointed representatives

4 (1) Sub-paragraph (2) applies if the Secretary of State gives...

SCHEDULE 4 — Correction of errors in development consent decisions

Correction of errors

1 (1) This paragraph applies if— (a) the Secretary of State...

Correction notice

2 (1) If paragraph 1(5)(a) or (b) applies the Secretary of...

Effect of a correction

3 (1) If a correction is made in pursuance of paragraph...

Interpretation

4 In this Schedule— “the applicant” means the person who made...

SCHEDULE 5 — Provision relating to, or to matters ancillary to, development

Part 1 — THE MATTERS

1 The acquisition of land, compulsorily or by agreement.

2 The creation, suspension or extinguishment of, or interference with, interests...

3 The abrogation or modification of agreements relating to land.

4 Carrying out specified excavation, mining, quarrying or boring operations in...

5 The operation of a generating station.

6 Keeping electric lines installed above ground.

7 The use of underground gas storage facilities.

8 The sale, exchange or appropriation of Green Belt land.

9 Freeing land from any restriction imposed on it by or...

10 The protection of the property or interests of any person....

11 The imposition or exclusion of obligations or liability in respect...

12 Carrying out surveys or taking soil samples.

13 Cutting down, uprooting, topping or lopping trees or shrubs or...

14 The removal, disposal or re-siting of apparatus.

15 Carrying out civil engineering or other works.

16 The diversion of navigable or non-navigable watercourses.

17 The stopping up or diversion of highways.
18 Charging tolls, fares (including penalty fares) and other charges.
19 The designation of a highway as a trunk road or...
20 The specification of the classes of traffic authorised to use...
21 The appropriation of a highway for which the person proposing...
22 The transfer to the person proposing to construct or improve...
23 The specification of the highway authority for a highway.
24 The operation and maintenance of a transport system.
25 Entering into an agreement for the provision of police services....
26 The discharge of water into inland waters or underground strata....
27 Deeming consent under section 34 of the Coast Protection Act...
28 Deeming any such conditions to have been imposed by the...
29 Deeming a licence under Part 2 of the Food and...
30 Deeming any such provisions to have been included in the...
30A Deeming a marine licence under Part 4 of the Marine...
30B Deeming any such conditions to have been attached to the...
31 The creation of a harbour authority.
32 Changing the powers and duties of a harbour authority.
32A The making of byelaws by any person and their enforcement....
32B (1) The creation of offences within sub-paragraph (2) in connection...
33 The transfer of property, rights, liabilities, or functions.
34 The transfer, leasing, suspension, discontinuance and revival of undertakings.
35 The payment of contributions.
36 The payment of compensation.
37 The submission of disputes to arbitration.
38 The alteration of borrowing limits.

Part 2 — INTERPRETATION

39 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 6 — Changes to, and revocation of, orders granting development consent

Preliminary

1 (1) This paragraph applies for the purposes of this Schedule....

Non-material changes

2 (1) The Secretary of State may make a change to...

Changes to, and revocation of, orders granting development consent

3 (1) The Secretary of State may by order make a...

Changes to, and revocation of, orders: supplementary

4 (1) An application under paragraph 3 must be—
5 (1) This paragraph applies in relation to the power conferred...

Compensation

6 (1) This paragraph applies if— (a) in exercise of the...
7 (1) In this paragraph “compensation for depreciation” means compensation payable...
SCHEDULE 7 — Power to decline to determine applications: amendments

Town and Country Planning Act 1990 (c. 8)

1 TCPA 1990 is amended as follows.
2 (1) Section 70A (power of local planning authority to decline...
3 (1) Section 70B (power of local planning authority to decline...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

4 The Listed Buildings Act is amended as follows.
5 In section 81A (power of local planning authority to decline...
6 (1) Section 81B (power of local planning authority to decline...

Planning and Compulsory Purchase Act 2004 (c. 5)

7 In section 121 of PCPA 2004 (commencement) after subsection (3)...
New Towns Act 1981 (c. 64)

(1) Section 19 of the New Towns Act 1981 (power...

Housing Act 1988 (c. 50)

(1) Paragraph 5 of Schedule 10 to the Housing Act...

Town and Country Planning Act 1990 (c. 8)

(1) Section 237 of TCPA 1990 (power to override easements...

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

(1) Paragraph 5 of Schedule 20 to the Leasehold Reform,...

Regional Development Agencies Act 1998 (c. 45)

SCHEDULE 10 — Further provisions as to the procedure for certain proceedings

Town and Country Planning Act 1990 (c. 8)

1 TCPA 1990 is amended as follows.
2 In section 77 (reference of applications to Secretary of State)... 
3 In section 78(5) (appeals against failure to take planning decisions)—...
4 In section 79 (determination of appeals under section 78) for...
5 In section 175 (supplementary provisions about appeals against enforcement notices)... 
6 In section 176(4) (determination of appeals: disapplication of section 175(3))—...
7 In section 195(5) (appeals against failure to give decision on...
8 (1) Amend section 196 (further provision as to appeals to...
9 (1) Amend section 208 (appeals against notices under section 207)... 
10 In section 322 (orders as to costs of parties where...
11 In section 322A (orders as to costs: supplementary) after subsection...
12 (1) Amend section 323 (procedure on certain appeals and applications)... 
13 (1) Amend section 333 (regulations and orders) as follows.
14 (1) Amend Schedule 6 (determination of certain appeals by person...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

15 The Listed Buildings Act is amended as follows.
16 In section 12 (reference of applications to Secretary of State)... 
17 In section 20(4) (right of appeal in case of failure...
18 (1) Amend section 22 (determination of appeals under section 20)... 
19 In section 40 (supplementary provisions about appeals against listed building)... 
20 In section 41(4) (determination of appeals: disapplication of section 40(2))—...
21 In section 74(3) (application of certain provisions in relation to...
22 In section 89 (application of certain general provisions of TCPA)... 
23 (1) Amend section 93 (regulations and orders) as follows.
24 (1) Amend Schedule 3 (determination of certain appeals by person...
Planning (Hazardous Substances) Act 1990 (c. 10)

25 The Hazardous Substances Act is amended as follows.
26 In section 20 (reference of applications to Secretary of State)... 
27 In section 21 (appeals against decisions or failure to take...
28 In section 25(1) (appeals against hazardous substances contravention notices)—
29 In section 37 (application of certain general provisions of TCPA...
30 (1) Amend the Schedule (determination of appeals by person appointed...

SCHEDULE 11 — Appeals: miscellaneous amendments

Town and Country Planning Act 1990 (c. 8)

1 TCPA 1990 is amended as follows.
2 In section 78 (appeals against planning decisions and failure to...
3 In section 195 (appeals against refusal or failure to give...
4 (1) Section 208 (appeals against notices under section 207) is...

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

5 In section 21 of the Listed Buildings Act (appeals: supplementary...

Planning (Hazardous Substances) Act 1990 (c. 10)

6 In section 21 of the Hazardous Substances Act (appeals against...

SCHEDULE 12 — Application of Act to Scotland: modifications

1 Section 5(10) applies as if the reference to Part 11...
2 Section 14 applies as if— (a) in subsection (1)—
3 Section 32 applies as if— (a) in subsection (1)—
4 Section 33 applies as if— (a) in subsection (1)—
5 Section 44 applies as if— (a) in subsection (2)(b), the...
6 Section 52 applies as if— (a) in subsection (2)(c), the...
7 Section 53 applies as if— (za) in subsection (1A), the...
8 Section 57 applies as if— (a) in subsection (2)(b), the...
9 Section 58 applies as if— (a) for subsection (6) there...
9A Section 102B applies as if— (a) in subsection (2)(b), the...
10 Section 120(6) applies as if the references to an Act...
11 Section 127(8) applies as if, for the definition of “statutory...
12 Section 128(5) applies as if— (a) in the definition of...
13 . . . . . . . . . ....
14 Section 130 applies as if— (a) in subsection (4), the...
15 Section 131 applies as if— (a) in subsection (1), for...
16 Section 132 applies as if— (a) in subsection (1), for...
17 Section 134 applies as if— (a) for subsection (4) there...
18 Section 138(4A) applies as if the reference to Part 11...
19 Section 151 applies as if— (a) for paragraph (c), there...
20 Section 152 applies as if— (a) in subsection (4), the...
21 Section 164 applies as if the references to a justice...
22 Section 165 applies as if— (a) in subsection (4), the...
23 Section 170 applies as if— (a) in subsection (3)—
24 Section 171 applies as if— (a) the references to an...
25 Section 229(5) applies as if the reference to section 233...
26  Section 235 applies as if— (a) for the definition of...
27  Part 1 of Schedule 5 applies as if paragraphs 4...

SCHEDULE 13 — Repeals
### Changes to legislation:
Planning Act 2008 is up to date with all changes known to be in force on or before 20 August 2020. 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.

View outstanding changes

<table>
<thead>
<tr>
<th>Changes and effects yet to be applied to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>– s. 158(2) applied by S.I. 2020/847 art. 19(1)</td>
</tr>
<tr>
<td>– Sch. 6 para. 3(7)(a) words substituted by S.I. 2018/1232 reg. 4(2)(a)</td>
</tr>
<tr>
<td>– Sch. 6 para. 3(8) words substituted by S.I. 2018/1232 reg. 4(2)(b)</td>
</tr>
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