

Status: Point in time view as at 06/04/2011.

Changes to legislation: Marine and Coastal Access Act 2009, Cross Heading: The Planning Act 2008 is up to date with all changes known to be in force on or before 27 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)

SCHEDULES

SCHEDULE 8

LICENSING: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

The Planning Act 2008

- 4 (1) The Planning Act 2008 (c. 29) is amended as follows.
(2) After section 149 insert—

“149A Deemed consent under a marine licence

- (1) An order granting development consent may include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009 (marine licensing) for any activity only if the activity is to be carried out wholly in one or more of the areas specified in subsection (2).
- (2) The areas are—
- (a) England,
 - (b) waters adjacent to England up to the seaward limits of the territorial sea,
 - (c) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions,
 - (d) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions,
 - (e) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.
- (3) Subsections (4) and (5) apply if an order granting development consent includes provision—
- (a) deeming a marine licence to have been granted under Part 4 of the Marine and Coastal Access Act 2009 subject to specified conditions, and
 - (b) deeming those conditions to have been attached to the marine licence by the Secretary of State under that Part.
- (4) A person who fails to comply with such a condition does not commit an offence under section 161 of this Act.

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- (5) Sections 68 (notice of applications) and 69(3) and (5) (representations) of the Marine and Coastal Access Act 2009 do not apply in relation to the deemed marine licence.”.
- (3) In section 161 (breach of terms of order granting development consent), in subsection (2), for “sections 148(4) and 149(4)” substitute “ section 149A(4) ”.
- (4) In Schedule 4, in paragraph 1(11) (power to correct certain errors or omissions in development consent decisions) for the words from “any of paragraphs” to the end of the sub-paragraph substitute “ paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009). ”.
- (5) In Schedule 5 (provision relating to, or to matters ancillary to, development) after paragraph 30 insert—
- “30A Deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State for activities specified in the order and subject to such conditions as may be specified in the order.
- 30B Deeming any such conditions to have been attached to the marine licence by the Secretary of State under that Part.”.
- (6) In Schedule 6 (changes to, and revocation of, orders granting development consent) in—
- (a) paragraph 2(13) (power to make non-material changes to development consent order not to apply in relation to deemed consents and licences), and
- (b) paragraph 5(6) (power to change or revoke development consent order not to apply in relation to deemed consents and licences),
- for the words from “any of paragraphs” to the end of the sub-paragraph substitute “ paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009). ”.
- (7) The following provisions cease to have effect—
- (a) section 148 (deemed consent under section 34 of the Coast Protection Act 1949 (c. 74)),
- (b) section 149 (deemed consent under Part 2 of the Food and Environment Protection Act 1985 (c. 48)),
- (c) in Schedule 5, paragraphs 27 to 30 (which relate to deemed consents).

Commencement Information

- I1** [Sch. 8 para. 4](#) partly in force; [Sch. 8 para. 4](#) in force for specified purposes at Royal Assent see [s. 324\(1\)\(c\)](#)
- I2** [Sch. 8 para. 4](#) in force at 6.4.2011 in so far as not already in force by [S.I. 2011/556](#), [art. 3\(2\)\(a\)](#)

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