



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

Status: This is the original version (as it was originally enacted).

- (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.”