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STATUTORY INSTRUMENTS

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**2015 No. 462**

**INFRASTRUCTURE PLANNING**

**The Infrastructure Planning (Interested Parties and  
Miscellaneous Prescribed Provisions) Regulations 2015**

<i>Made</i>	- - - -	<i>3rd March 2015</i>
<i>Laid before Parliament</i>		<i>5th March 2015</i>
<i>Coming into force</i>	- -	<i>6th April 2015</i>

The Secretary of State, in exercise of the powers conferred by sections 88(3A), 102(4), 150(1), 154(1) and (3), 155(2), 170(3) and (5) and 232(3) of the Planning Act 2008<sup>(1)</sup>, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 and come into force on 6th April 2015.

**Interpretation**

2. In these Regulations—

“the Act” means the Planning Act 2008;

“address” includes any number or address used for the purposes of electronic transmission;

“application” means an application for an order granting development consent under section 37 of the Act<sup>(2)</sup>;

“clinical commissioning group” means a body established under section 14D of the National Health Service Act 2006 (effect of grant of application)<sup>(3)</sup>;

“electronic transmission” means a communication transmitted by—

- (a) means of an electronic communications network; or
- (b) other means but in electronic form;

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(1) 2008 c.29. Subsection (3A) of section 88 was inserted by section 138(1) and (5) (c) of the Localism Act 2011 (c.20). Section 102(4) was amended by section 128(2) of, and paragraphs 1 and 47 of Schedule 13 to, the Localism Act 2011. See section 235(1) for the meaning of “prescribed”.  
(2) Section 37 was amended by sections 128(2), 137(1) and (5) of, and paragraphs 1 and 5 of Schedule 13 to, the Localism Act 2011.  
(3) 2006 c.41. Section 14D was inserted by section 25(1) of the Health and Social Care Act 2012 (c.7).

“fire and rescue authority” has the same meaning as in section 1 of the Fire and Rescue Services Act 2004 (fire and rescue authorities)(4);

“internal drainage board” has the same meaning as in section 1 of the Land Drainage Act 1991 (internal drainage districts and boards)(5);

“local health board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (local health boards)(6);

“local resilience forum” has the same meaning as in regulation 4 of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005(7);

“marine area” means—

- (a) waters in or adjacent to England up to the seaward limits of the territorial sea;
- (b) an exclusive economic zone(8), except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;
- (c) a Renewable Energy Zone(9), except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;
- (d) an area designated under section 1(7) of the Continental Shelf Act 1964 (exploration and exploitation of continental shelf)(10), except any part of that area which is within part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions;

“police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners)(11);

“registration form” means the form supplied by and obtained from the Secretary of State for the purpose of making a relevant representation and referred to in the notices and publicity given in accordance with regulations 8 and 9 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(12);

“safeguarding map” has the meaning given in a direction made by the Secretary of State in exercise of the powers conferred by articles 16(4), 25(1), 29(6) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015(13).

### Statutory parties

3.—(1) The persons specified as statutory parties for the purposes of section 88(3A) (initial assessment of issues, and preliminary meeting) of the Act are—

- (a) subject to paragraph (2), those listed in column 1 of the table in Schedule 1 in the circumstances described in the corresponding row of column 2; and
- (b) any affected person(14).

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(4) 2004 c.21. Section 1 was amended by section 32(1) of and paragraphs 10(1) and (2) of Schedule 2 to, the Civil Contingencies Act 2004.

(5) 1991 c.59.

(6) 2006 c.42.

(7) S.I. 2005/2042; regulation 4 was substituted by regulations 2 and 4 of S.I. 2012/624.

(8) See section 41 of the Marine and Coastal Access Act 2009 for the definition of “exclusive economic zone”.

(9) See section 322 of the Marine and Coastal Access Act 2009 for the definition of “renewable energy zone”.

(10) 1964 c.29. Section 1(7) was amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c.23) and by section 103 of the Energy Act 2011 (c.16).

(11) 2011 c.13.

(12) S.I. 2009/2264. Regulations 8 and 9 were amended by regulation 3 of S.I. 2012/635.

(13) S.I. 2010/2184; to which there are amendments which are not relevant to these Regulations.

(14) See section 59 of the Act for the definition of “affected person”. Section 59 was amended by section 128(2) of, and paragraphs 1 and 16 of Schedule 13 to, the Localism Act 2011.

(2) The persons listed in column 1 of the table in Schedule 1 marked with an asterisk (\*) are not statutory parties in respect of projects in England.

### **Relevant representations**

4.—(1) For the purposes of section 102(4) (b) (interpretation of Chapter 4: “interested party” and other expressions) of the Act a relevant representation must be in the form of a registration form.

(2) The registration form must include—

- (a) the name, address and any telephone number of the person registering; and
- (b) an outline of the principal submissions which the person proposes to make in respect of the application.

### **Consent requirements which may be removed by orders**

5.—(1) The consents and authorisations listed in column 2 of the table in Part 1 of Schedule 2, in relation to the enactment specified in the corresponding row of column 1 of that table, are prescribed for the purposes of section 150(1) (removal of consent requirements) of the Act in respect of England and Wales.

(2) The consents and authorisations listed in column 2 of the table in Part 2 of Schedule 2, in relation to the enactment specified in the corresponding row of column 1 of that table, are prescribed for the purposes of section 150(1) (removal of consent requirements) of the Act in respect of Wales only.

### **Duration of order granting development consent**

6.—(1) Development for which development consent is granted must be begun before the end of a period of five years beginning on the date on which the order granting development consent is made.

(2) Where an order granting development consent authorises the compulsory acquisition of land, and a notice to treat is served under section 5 of the Compulsory Purchase Act 1965(15) or in Scotland under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845(16), that notice must be served before the end of a period of five years beginning on the date on which the order granting development consent is made.

### **Exclusion from definition of “material operation”**

7. The measuring or marking out of a proposed road shall not be included within the meaning of “material operation” for the purposes of section 155 (when development begins) of the Act.

### **Application of the Public Health Act 1936 to notices of unauthorised development, etc, England and Wales**

8.—(1) The provisions of sections 276 (power of local authority to sell certain materials), 289 (power to require occupier to permit work to be executed by owner) and 294 (limitation of liability of certain owners) of the Public Health Act 1936(17), apply in England and Wales in relation to steps required to be taken by a notice of unauthorised development(18), as if—

- (a) references to a local authority were references to the local planning authority who issued the notice;

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(15) 1965 c.56. Section 5 was amended by section 67 of the Planning and Compensation Act 1991 (c.34) and by S.I. 2009/1307.

(16) 1845 c.19.

(17) 1936 c.49.

(18) See section 169 of the Act for the definition of “notice of unauthorised development”.

- (b) references (in whatever form) to the execution of works under the Public Health Act 1936 were references to the taking of steps required to be taken under the notice;
- (c) references in section 289 to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) reference in section 294 to “expenses under this Act” were a reference to expenses incurred in taking the preceding steps under the notice.

(2) The expenses recoverable by a local planning authority under section 170(1) of the Act are, until recovered, a charge that is binding on successive owners of the land to which the notice of unauthorised development related and the charge shall take effect as from the date of the completion by the local planning authority of the steps required to be taken by the notice of unauthorised development.

### **Execution and cost of certain works in Scotland**

**9.** The provisions of section 135(5) to (9) of the Town and Country Planning (Scotland) Act 1997<sup>(19)</sup> shall apply in Scotland in relation to steps required to be taken by a notice of unauthorised development, as if—

- (a) references to an enforcement notice and to steps or work required by an enforcement notice were references to the notice of unauthorised development and to the taking of steps required to be taken under the notice of unauthorised development; and
- (b) references to expenses under section 135(7) to (9) of the Town and Country Planning (Scotland) Act 1997 were references to expenses recoverable under section 170(1) of the Act.

### **Revocations, transitional provision and consequential amendment**

**10.**—(1) Subject to paragraph (2), the statutory instruments listed in the first column of the table in Schedule 3 are revoked to the extent specified in the corresponding row of the third column of the table.

(2) The statutory instruments listed in Schedule 3 continue to have effect in relation to any application made to the Secretary of State before 6th April 2015.

(3) In regulation 10(b) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010<sup>(20)</sup> for “the Infrastructure Planning (Interested Parties) Regulations 2010” substitute “the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015”.

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<sup>(19)</sup> 1997 c.8. See paragraph 23 of Schedule 12 to the Act for the application of section 170 to Scotland (Application of act to Scotland: modifications).

<sup>(20)</sup> S.I. 2010/104.

Signed by authority of the Secretary of State for Communities and Local Government

3rd March 2015

*Brandon Lewis*  
Minister of State  
Department for Communities and Local  
Government

## SCHEDULE 1

Regulation 3

## Statutory Parties

<i>Column 1: Statutory Party</i>	<i>Column 2: Circumstances</i>
AONB Conservation Board; or relevant AONB Conservation Board <b>(21)</b>	All applications likely to affect an AONB in Scotland or a relevant AONB in England that is managed by a Conservation Board
British Waterways Board <b>(22)</b>	All applications likely to have an impact on inland waterways or land adjacent to inland waterways in Scotland
Canal & River Trust	All applications likely to have an impact on inland waterways or land adjacent to inland waterways in England and Wales
Civil Aviation Authority	All applications relating to airports or which are likely to affect an airport or its current or future operation
Coal Authority	All applications that lie within areas of past, present or future coal mining
Crown Estate Commissioners	All applications likely to impact on the Crown Estate
Disabled Persons Transport Advisory Committee*	Applications likely to affect access to transport for disabled people
Environment Agency	All applications likely to affect land in England
Equality and Human Rights Commission *(2)	All applications likely to affect land in England and Wales
Forestry Commission	All applications likely to affect the protection or expansion of forests and woodlands in England or Scotland
Gas and Electricity Markets Authority *	All applications likely to affect gas and electricity industry
Health and Safety Executive	All cases
Historic England <b>(23)</b>	All applications likely to affect land in England
Integrated Transport Authorities (ITAs) <b>(24)</b> and Passenger Transport Executives (PTEs) <b>(25)</b>	All applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE

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(21) "AONB Conservation Board" means a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000 (establishment of conservation boards) 2000 (c.37); Section 86 was amended by sections 118(2) and 120 of, and paragraph 23 of Schedule 7, and by Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c.5); by section 105(1) of, and paragraph 164(c) of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c.16) and by article 4(1) of, and paragraphs 400 and 408 of Schedule 2 to, S.I. 2013/755.

(22) On 2 July 2012, British Waterways Board ceased to exist in England and Wales and in its place Canal & River Trust was set up. In Scotland British Waterways Board continues to exist as a legal entity under the trading name "Scottish Canals".

(23) Historic England is the name used by the Historic Buildings and Monuments Commission for England.

(24) "Integrated Transport Authority" has the same meaning as in section 77 of the Local Transport Act 2008 (change of name of passenger transport authorities and PTAs) 2008 (c.26).

<i>Column 1: Statutory Party</i>	<i>Column 2: Circumstances</i>
Joint Nature Conservation Committee	All applications likely to affect the marine Environment
Marine Management Organisation	All applications likely to affect the marine area in England and Wales
Maritime and Coastguard Agency	All applications likely to affect the maritime or coastal environment, or the shipping industry
National Health Service Commissioning Board(26) and the relevant clinical commissioning group	All applications likely to affect land in England and Wales
National Health Service Trust(27)	All applications likely to affect land in Wales
Natural England	All applications likely to affect land in England
Natural Resources Body for Wales	All applications likely to affect land in Wales and all applications likely to affect the protection or expansion of forests and woodlands in Wales
Office for Nuclear Regulation (ONR)(28)	All applications likely to affect matters relevant to the ONR’s purposes within the meaning of Part 3 of the Energy Act 2013(29)
Office of Rail Regulation and approved operators(30)*	All proposed applications likely to affect the rail transport industry
Passengers Council*	Applications likely to affect rail passenger transport
Public Health England, an executive agency of the Department of Health	All applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and are likely to affect significantly public health
relevant fire and rescue authority*	All cases
relevant Health Board(31)	All applications likely to affect land in Scotland

(25) “Passenger Transport Executive” has the same meaning as in section 9 of the Transport Act 1968 (Areas, Authorities and Executives)1968 (c. 73). Section 9 was amended by the Local Transport Act 2008 (c.26) section s 77(5), 98(4), section 131, Schedule 4, Part 1, paragraph 1, 2(1), 3, 4(2),5, 6,7, 8,9, 11(b), Schedule 7, Part 4 ;The Transport Act 1985 (c.67), section 57(1)(a),(b),(d),(6),section 58(1),(2)(a)(i),(b),section 139(3), Schedule 3, Paragraph 3, Schedule 8; the Local Government etc (Scotland) Act 1994 (c.39), section 180(1), Schedule 13, paragraph 80(1),(2)(a), (b), Schedule 18, paragraph 1(f); and, S.I. 2014/866 .

(26) “National Health Service Commissioning Board” has the same meaning as in section 1H of the National Health Services Act 2006 (c.46)(the National Health Service Commissioning Board and its general functions). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c.7).

(27) “National Health Service Trust” means a National Health Service Trust established under section 18 (NHS Trusts) of the National Health Service (Wales) Act 2006 (c.42).

(28) “Office for Nuclear Regulation” means the body established by section 77 of the Energy Act 2013 (The Office for Nuclear Regulation)(c32) .

(29) 2013. c.32. See section 67 of the Act.

(30) See section 25 of the Act for the definition of “approved operators”.

(31) “Health Board” has the same meaning as in section 2 of the National Health Service (Scotland) Act 1978 (c.29) .Section 2 was amended by the National Health Service Reform (Scotland) Act 2004 asp 7, Schedule 1 paragraph 1(2); the Smoking, Health and Social Care (Scotland) Act 2005 asp 13, Schedule 2 para. 2(2); the National Health Service and Community Care Act 1990 (c. 19), Schedule 10 paragraph 1; and further amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 asp 5, section 2(1).

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<i>Column 1: Statutory Party</i>	<i>Column 2: Circumstances</i>
relevant Highways Authority	All applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal
relevant internal drainage board	All applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk
relevant local health board	All applications likely to affect land in Wales
relevant local resilience forum*	All cases
relevant Northern Ireland Department	All applications likely to affect land in Northern Ireland
relevant parish council or where the application relates to land in Wales or Scotland the relevant community council	All cases
relevant police and crime commissioner	Applications in England outside of London and Wales
relevant police authority	Applications in London and Scotland
Relevant statutory undertakers(32)	All applications likely to affect their functions as statutory undertakers
relevant strategic highways company(33)	All applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority
relevant waste regulation authority*	All applications likely to affect waste infrastructure
Royal Commission on Ancient and Historical Monuments of Wales	All applications likely to affect the historic environment in Wales
Scottish Environment Protection Agency	All applications likely to affect land in Scotland
Scottish Fisheries Protection Agency*	Applications likely to affect the fisheries industry in Scotland
Scottish Government	All applications likely to affect land in Scotland
Scottish Human Rights Commission*	All applications likely to affect land in Scotland
Scottish Natural Heritage	All applications likely to affect land in Scotland
Secretary of State for Defence	Applications in England likely to affect the current or future operation of a site identified in a safeguarding map and all developments in the marine area
Secretary of State for Transport	All applications likely to affect road or transport operation and/or planning on roads for which the

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(32) “statutory undertaker” has the same meaning as in section 127 of the Act (statutory undertakers’ land).

(33) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015 (c.7).

<i>Column 1: Statutory Party</i>	<i>Column 2: Circumstances</i>
	Secretary of State for Transport is the highway authority
Transport for London	All applications likely to affect transport within, to or from Greater London
Trinity House(34)	All applications likely to affect navigation in tidal waters
Water Industry Commission of Scotland*	All applications likely to affect the water industry in Scotland
Water Services Regulation Authority*	All applications likely to affect the water industry in England and Wales
Welsh Ministers	All applications likely to affect land in Wales

#### Interpretation of table

- (a) “relevant”, in relation to a body, shall mean the body which has responsibility for the location where the proposed nationally significant infrastructure project will be sited; or in relation to Scotland and Wales only, has responsibility for an area which neighbours that location; and
- (b) Where an entry in the table is marked with an asterisk “\*”, the body referred to is not a statutory party in respect of projects in England, in accordance with regulation 3(2).

## SCHEDULE 2

Regulation 5

### Prescription of consents

England and Wales

## PART 1

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Wildlife and Countryside Act 1981(35)	A licence under section 16 (power to grant licences)
Gas Act 1986(36)	A licence under section 7 (licensing of public gas transporters)

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(34) “Trinity House” means the Corporation of Trinity House of Deptford Strond.

(35) 1981 c.69. Section 16 was amended by the Environmental Protection Act 1990 (c.43), section 132 and Schedule 9 paragraph 11(4); the Countryside and Rights of Way Act 2000 (c.37), section 81(1) and Schedule 12 paragraph 6; the Natural Environment and Rural Communities Act 2006 (c.16), section 105(1) and Schedule 11, Part 1 paragraph 72; the Marine and Coastal Access Act 2009 (c.23), section 10; S.I. 1995/2825; S.I. 2007/1843 and SI 2013/755 (W.90) which repealed section 132 of, and Schedule 9 to the Countryside and Rights of Way Act 2000.

(36) 1986 c.44. Section 7 was substituted by the Gas Act 1995 (c. 45), section 5; it was further amended by the Utilities Act 2000 (c.27), sections 3(2) and 76, Schedule 6, Part 1, paragraphs 1 and 4 and section 108 and Schedule 8; by the Energy Act 2004 (c.20), sections 149(1) and (5), section 197(9), Schedule 23 and by S.I.2011/2704. Section 7ZA was inserted by the Energy Act 2004, section 149 (1), (6). Section 7A was inserted by the Gas Act 1995, section 6(1); it was amended by the Utilities Act 2000, section 3(2), Schedule 6, Part 1, paras 1, 2(1), section 108 and Schedule 8; and by the Energy Act 2004, section 149(1) and (7).

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	A licence under section 7ZA (licences for operation of gas interconnectors)
	A licence under section 7A (licence of gas suppliers and gas shippers)
Electricity Act 1989 <b>(37)</b>	A licence under section 6 (licences authorising supply etc)
Land Drainage Act 1991 <b>(38)</b>	A consent under section 23 (prohibitions of obstructions etc in watercourses)
Water Resources Act 1991 <b>(39)</b>	A licence under section 24 (restrictions on abstraction)
	A licence under section 25 (restrictions on impounding)
	A consent under section 32 (restrictions on abstraction)
	A drought order under section 73 (drought orders)
	A drought permit under section 79A (drought permits)
	A consent under byelaws made under paragraphs 5, or 6 of Schedule 25 (byelaw-making powers of the appropriate agency)
	A consent under section 109 (structures in, over or under a main river)
Protection of Badgers Act 1992 <b>(40)</b>	A licence under section 10 (licences)

- (37) 1989 c.29. Section 6 was substituted by the Utilities Act 2000 (c.27), section 30; it was further amended by the Energy Act 2004 section 89(3), section 136(1) and (2), section 143(1), Schedule 19, paragraphs 3 and 5, section 145 (1), (5), (6), (7) and section 197(9), Schedule 23, Part 1; by the Climate Change Act 2000(c.27), section 79, Schedule 8, paragraph 2; by the Energy Act 2011 (c.16) section 72, Schedule 1, paragraphs 2 and 3; S.I. 2011/2704 and S.I. 2012/2400.
- (38) 1991 c.59. Section 23 was amended by the Environment Act 1995 section 120, Schedule 22, para 191, 192(1), (2); and by the Flood and Water Management Act 2010 (c.29), section 31, Schedule 2, paras 25 and 32.
- (39) 1991 c.57. Section 24 was amended by the Environment Act 1995 (c.25), Schedule 22 para.128; by the Water Act 2003 (c.37), section 60 and S.I. 2013/755 (W.90); Section 25 was amended by the Environment Act 1995 (c.25), sections 103(3), 105, 120 and Schedule 15, paragraph 26, Schedule 22, paras 128, 190; and by the Natural Environment and Rural Communities Act 2006 (c.16), section 100(1), (2); and by the Water Act 2003 sections 2(1)to (5) and (10), 60, 101 (2), Schedule 9 Part 1, and S.I. 2013/755. Section 32 was amended by the Fire and Rescue Services Act 2004 (c.21), section 53(1), Schedule 1 paragraph 79 and S.I. 2013/755. Section 73 was amended by the Environment Act 1995, s 120(1), Schedule 22, para 139 and S.I. 2013/755. Section 79 A was amended by the Water Act 2003, sections 64(3)(a), (b) 101(2), Schedule 9, Part 3 and S.I. 2013/755. Schedule 25, para 5 was amended by the Natural Environment and Rural Communities Act 2006, section 100(1); the Flood and Water Management Act 2010, section 31, Schedule 2, paras 40, 49; the Marine and Coastal Access Act 2009 section 8, 146(1), Schedule 11, paragraph 3 4; Natural Environment and Rural Communities Act 2006 (c.16), section 100(2); and S.I. 2013/755. Schedule 25, para 6 was amended by the Environment Act 1995, section 103(3), 105, 120(1), Schedule 15, para 26, Schedule 22, para 128; by the Marine and Coastal Access Act 2009, section 224,233(1), 321, Schedule 16, paras 20, 24, 25 and Schedule 22, Part 5(B) and S.I. 2013/755. Section 109 was amended by the Marine and Coastal Access Act 2009, section 82 and S.I.2013/755.
- (40) 1992 c.51. Section 10 was amended by the Natural Environment and Rural Communities Act 2006 (c.16), section 105(1), Schedule 11, Part 1, paragraph 137, S.I. 2002/794 and SI 2013/755 (W.90).

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Petroleum Act 1998 <b>(41)</b>	A licence under section 3 (to search and bore for and get petroleum)  An authorisation under section 14 (for the construction and use of pipelines)
Energy Act 2008 <b>(42)</b>	A licence under section 4 (importation and storage of combustible gas)  A licence under section 18 (storage of carbon dioxide)  An approval under section 46 (funded decommissioning programmes)
Nuclear Industries Security Regulations 2003 <b>(43)</b>	An approval under regulation 5 (submission and approval of first security plans)  An approval under regulation 6 (replacement, amendment and revocation of approved security plans)  An approval under regulation 8 (temporary security plans during building works etc.)
Justification of Practices Involving Ionising Radiation Regulations 2004 <b>(44)</b>	A justification under regulation 9 (consideration of new practices)  A review of a justification decision under regulation 10 (review of existing practices)
Offshore Marine Conservation (Natural Habitats. &c) Regulations 2007 <b>(45)</b>	A licence under regulation 49 (power to grant licences)
Persistent Organic Pollutants Regulations 2007 <b>(46)</b>	An authorisation under regulation 8 (derogation)
Conservation of Habitats and Species Regulations 2010 <b>(47)</b>	A licence under regulation 53 (licences for certain activities relating to animals or plants)
Environmental Permitting(England and Wales) Regulations 2010 <b>(48)</b>	An environmental permit or an exemption from the requirement for such a permit

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(41) 1998 c.17.

(42) 2008 c.32. Section 18 was amended by S.I. 2011/2453 and 2011/2453. Section 46 was amended by the Energy Act 2011(c. 16), Part 3, s.106(2) and (3); the Energy Act 2013 (c. 32), Part 6 chapter 2 section 149(3), and Schedule 12(5), paragraph.96.

(43) S.I. 2003/403, amended by S.I. 2013/190 and S.I. 2014/469; there are other amending instruments but none are relevant.

(44) S.I. 2004/1769, to which there are amendments not relevant to these Regulations.

(45) S.I. 2007/1842, amended by S.I 2010/491 and S.I. 2010/603; there are other amending instruments but none are relevant.

(46) S.I 2007/3106, to which there are amendments not relevant to these Regulations.

(47) S.I 2010/490, to which there are amendments not relevant to these Regulations.

(48) S.I. 2010/675, amended by the Scotland Act 2012 sections 12(4), the Energy Act 2013 section 116, Schedule 12, para 30, S.I. 2010/676, S.I. 2010/2172, S.I.2011/988,S.I. 2011/1043, S.I. 2011/2043, S.I. 2011/2377 (W250), SI 2011/2933, S.I 2012/630, SI 2012/811, SI 2013/390 (partly as from 27 Feb 2013, partly as from 7 Jan 2014 and fully as from 1 Jan 2016), SI 2013/755, SI 2013/766, SI 2013/2952, SI 2014/255, SI 2014/517 (W.60),S.I. 2014/2852 (as from 1 Jan 2015).

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Greenhouse Gas Emissions Trading Scheme Regulations 2012 <b>(49)</b>	A permit under Chapter 1 of Part 2 (permits)

Wales

## PART 2

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Inclosure Act 1852 <b>(50)</b>	An order under section 14 (direction by order that village greens, etc, shall not be fenced)
Inclosure Act 1854 <b>(51)</b>	An order under section 5, 9 or 11 (exchanges etc, fencing etc)
Inclosure Act 1857 <b>(52)</b>	An order under section 1(fences may be dispensed with)
Commons Act 1876 <b>(53)</b>	A consent or authorisation required under byelaws or regulations made pursuant to section 15 (owners may make byelaws)
Commons Act 1899 <b>(54)</b>	A consent or authorisation required under byelaws or regulations made pursuant to sections 1 and 10 (power for district council to make scheme for regulation of common; or provisions as to byelaws)
Law of Property Act 1925 <b>(55)</b>	Imposition of limitations and conditions under section 193 (rights of public over commons and waste lands)
Coast Protection Act 1949 <b>(56)</b>	A consent under section 16 (consent of coast protection authority required to carrying out of coast protection work)  A licence under section 18 (prohibition of excavation etc., of materials on or under the seashore)

**(49)** S.I. 2012/3038, to which there are amendments not relevant to these Regulations

**(50)** 1852 c.79.

**(51)** 1854 c. 97. Section 11 was amended by the Law of Property Act 1925 (c 20), section 207, 209 and Schedule 7.

**(52)** 1857 c.31.

**(53)** 1876 c.56.

**(54)** 1899 c.30. Section 1 was amended by the Local Government Act 1972 (c.70) section 272(1) and Schedule 30 and the Commons Act 2006 sections 50(1) and (4).

**(55)** 1925 c.20. Section 193 was amended by the Local Government Act 1972 (c.70) section 189(4), section 272(1), and Schedule 30; the Criminal Justice Act 1982 (c.48) sections 37, 38 and 46; the Local Government Act 1985 (c.51) section 16, Schedule 8, paragraph 10(5); the Local Government (Wales) Act 1994 (c.19) section 66(6), Schedule 16, paragraph 7(1) and the Countryside and Rights of Way Act 2000 (c.37) section 46(1)(a) and (3), section 102, Schedule 4 paragraph 1, and Schedule 16, Part 1.

**(56)** 1949 c.74. Section 16 was amended by the Water Act 1989 (c.15) section 190, Schedule 25, paragraph 11(4), S.I. 1996/593 and S.I. 2013/755 (W.90). Section 18 was amended by the Territorial Sea Act 1987 (c.49) section 3 and Schedule 1, paragraph 1.

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
National Parks and Access to the Countryside Act 1949 <b>(57)</b>	Authorisation under section 20 pursuant to byelaws (byelaws for protection of nature reserves)
Pipe-lines Act 1962 <b>(58)</b>	A consent under section 15 (power to place pipe-lines in streets)
Conservation of Seals Act 1970 <b>(59)</b>	A licence under section 10 (power to grant a licence)
Protection of Wrecks Act 1973 <b>(60)</b>	A licence under section 1 (protection of sites of historic wrecks consent or licence)
Health and Safety at Work Act 1974 <b>(61)</b>	Approval under section 16 (approval of codes of practice by the Executive)
Salmon and Freshwater Fisheries Act 1975 <b>(62)</b>	A confirmation or variation of an order under section 26 (limitation of fishing licences).
	A consent under section 30 (introduction of fish into inland waters)
Coity Wallia Commons Act 1976 <b>(63)</b>	A consent or Licence under section 6 or 10
Ancient Monuments and Archaeological Areas Act 1979 <b>(64)</b>	A consent under section 2 (control of works affecting scheduled monuments)
	A consent under section 3 (grant of scheduled monument consent by order of the Secretary of State)
Import of Live Fish (England and Wales) Act 1980 <b>(65)</b>	An order under section 1 (power to limit the import etc. of fish and fish eggs)

**(57)** 1949 c. 97. Section 20 was amended by the Telecommunications Act 1984 (c.12) section 109 and paragraph 28 of Schedule 4; the Water Act 1989 (c.15) section 190, and paragraph 13 of Schedule 25; the Communications Act 2003 (c.21) section 406(1) and paragraph 20(1) and (2) of Schedule 17 and the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), and paragraph 15(d) of Schedule 11.

**(58)** 1962 c.58. Section 15 was amended by the New Roads and Street Works Act 1991 (c.22) section 168(1), Schedule 8, Part 4, paragraph 101(2) and, (3) and S.I. 1999/742.

**(59)** 1970 c.30. Section 10 was amended by the Wildlife and Countryside Act 1981 (c.69), sections 12, section 73(1), Schedule 7 paragraphs 7(1) to (3) and Schedule 17; the Environmental Protection Act 1990 (c.43) section 132 and Schedule 9 paragraph 5, the Countryside and Rights of Way Act 2000 (c.37) section 76(1), section 102, Schedule 10 paragraph 4 and Schedule 16 Part 3; the Marine and Coastal Access Act 2009 (c.23) 9, section 146(1) and Schedule 11 paragraph 1; the Natural Environment and Rural Communities Act 2006 (c. 16) section 53 and Schedule 6 paragraph 2, section 105(1) and Schedule 11 paragraph 57(1) to (3); S.I. 2007/1843, S.I. 2010/490 and SI 2013/755 (W.90).

**(60)** 1973 c.33.

**(61)** 1974 c.37. Section 16 was amended by the Employment Protection Act 1975(c. 71), section 116, section 125(3), Schedule 15, paragraph 7, and Schedule 18; the Railways Act 2005 (c.14), section 2, Schedule 3 paragraphs 9(1) and (2) and the Health and Social Care Act 2012 (c. 7), section 56(4), Schedule 7, paragraphs 4, 5, and S.I. 2008/980.

**(62)** 1975 c.51. Section 26 was amended by the Water Act 1989 (c.15), section 141, section 190 (3), Schedule 17, paragraphs 7(1),(6), Schedule 27, Part 1; the Marine and Coastal Access Act 2009(c.23), sections 218(1), (2), (3), (4), (5), (6), 233(1), Schedule 16, paragraphs 1, 10(1), (2), (3), (4); S.I. 2013/755 (w.90). Section 30 was amended by the Salmon Act 1986 (c.62), section 34; the Environment Act 1995(c.25), sections 105, 120(3), Schedule 15, paragraphs 2, 17, Schedule 24; S.I 2013/755 (w.90), and S.I. 2015/10.

**(63)** 1976 c.xxix.

**(64)** 1979 c.46. Section 2 was amended by the Planning Act 2008 (c.29) section 36, Schedule 2, paragraphs 16, 17 and the National Heritage Act 1983 (c.47) section 33, Schedule 4, paragraph 27. Section 3 was amended by the National Heritage Act 1983 section 33, Schedule 4, paragraph 28.

**(65)** 1980 c.27. Section 1 was amended by the Fisheries Act 1981 (c.29) section 37(2), the Environmental Protection Act 1990 (c.43) section 132, Schedule 9, paragraph 8, the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Schedule 11, Part 1, paragraph 62. Further amendments were made by and S.I. 2009/463 and S.I. 2013/755 (W.90).

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Wildlife and Countryside Act 1981 (66)	<p>A consent under section 28E (duties in relation to sites of special scientific interest.)</p> <p>An order under section 53 (duty to keep definitive map and statement under continuous review)</p>
Road Traffic Regulation Act 1984(67)	An order for the regulation of traffic under section 1, 9, 14, 15 or 22BB (general provisions for traffic regulation: regulation in special cases)
Food and Environment Protection Act 1985(68)	A licence under section 8 (licences)
Planning (Hazardous Substances) Act 1990(69)	<p>A consent under section 13 (application for hazardous substances consent without condition attached to previous consent)</p> <p>A consent under section 17 (revocation of hazardous substances consent on change of control of land)</p> <p>A consent under section 18 (determination of applications for continuation of hazardous substances consent)</p>
Town and Country Planning Act 1990(70)	<p>A consent under section 198 (power to make tree preservation orders)</p> <p>A consent under section 211 (preservation of trees in conservation areas)</p> <p>An order under section 247 (highways affected by development: orders by Secretary of State)</p>

- (66) 1981 c.69. Section 28E was inserted by the Countryside and Rights of Way Act 2000 (c.37) section 75(1), and Schedule 9 paragraph 1 and was amended by the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), and Schedule 11 paragraphs 79 and 80. Section 53 has been amended by the Countryside and Rights of Way Act 2000, section 51, and Schedule 5, Part 1, paragraph 1 and the Natural Environment and Rural Communities Act 2006, section 70(1).
- (67) 1984 c.27. Section 1 was amended by the New Roads and Street Works Act 1991 (c.22) section 168, Schedule 8, Part 2, paragraph 17 Schedule 9, the Environment Act 1995 (c.25) section 120, Schedule 22, paragraph 36(1), the Transport Act 2000 (c.38) section 161, Schedule 11, paragraphs 6, 7 and the Local Transport Act 2008 (c.26) section 45. Section 9 was amended by the New Roads and Street Works Act 1991 section 168(1), Schedule 8, Part 2, paragraph 23, the Road Traffic Act 1991 (c.40) section 48, Schedule 4, para 24 and the Local Government Act 1985 (c.51) section 8, Schedule 5, paragraph 4(4). Sections 14 and 15 were substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26) section 1(1) Schedule 1 and an amendment was made to section 15 by S.I. 2006/1177. Section 22B was inserted by the Railways and Transport Safety Act 2003, section 108.
- (68) 1985 c.48. Section 8 was amended by the Food Standards Act 1999 (c.28) section 18, Schedule 3, Part 3, paragraph 16(4) and by the Marine and Coastal Access Act 2009 (c.23), section 112(1), Schedule 8 paragraphs 2(1) and (5) and section 321 and Schedule 22 Part 2.
- (69) 1990 c.10. Section 13 was amended by the Environmental Protection Act 1990 (c.43) sections 144, 162, Schedule 13, Part 1, paragraph 6, Schedule 16, Part 7. Section 17 was amended by the Planning and Compulsory Act 2004 (c.5), section 79(4), Schedule 3, paragraph 20. Section 18 was amended by the Environmental Protection Act 1990 (c.43) section 162, Schedule 16, Part VII, and S.I. 2014/469.
- (70) 1990 c.8. Section 198 was amended by Planning and Compensation Act 1991 c. 34 Schedule. 19(I) para. 1; the Planning and Compulsory Purchase Act 2004 (c. 5) Part 44 s.42(3); Planning Act 2008 (c. 29) Schedule 8 paragraph 8 and Schedule 13 para.1, c. 29. Section 211 was amended by the Planning and Compulsory Purchase Act 2004 (c.5) section 86. Section 247 was amended by the Greater London Authority Act 1999 (c.29) section 270, Schedule 22, paragraphs 2 and 3 the Local Government (Wales) Act 1994 (c.19) section 20(4), Schedule 6 paragraph 24(9) and S.I. 2006/1281. Section 257 was amended by the Growth and Infrastructure Act 2013 (c. 27) sections. 12 (1) to(3), 35(3), S.I. 2006/1177 and S.I. 2006/1281.

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Deer Act 1991(71)	An order under section 257 (footpaths, bridleways and restricted byways affected by development: orders by other authorities) A licence under section 8 (exceptions for licensed persons)
Water Industry Act 1991(72)	An order under section 110A (new connections with public sewers) A consent under section 118 (consent required for discharge of trade effluent into public sewer) A consent under section 166 (consents for certain discharges under section 165)
Water Resources Act 1991(73)	A consent under section 164 (consents for certain discharges under section 163)
Clean Air Act 1993(74)	Approval under section 4 (requirement that new furnaces shall be so far as practicable smokeless) Approval under section 6 (arrestment plant for new non-domestic furnaces) An exemption from operation of section 6 under section 7 (exemptions from section 6) Approval under section 8 (requirement to fit arrestment plant for burning solid fuel in other cases) Exemption under section 14 ( height of chimneys for furnaces) Approval under section 15 (applications for approval of height of chimneys of furnaces) Approval of plans under section 16(2) (height of other chimneys) An exemption of fireplaces from the provisions of section 20 (prohibition on emission of smoke in smoke control area)

(71) 1991 c. 54. Section 8 was amended by the Natural Environment and Rural Communities Act 2006 (c. 16) section 105(1), Schedule 11 paragraph 128(1) and (2), S.I. 2007/2183 and S.I. 2013/755 (W.90).

(72) 1991 c.56. Section 110A was amended by the Environment Act 1995 (c.25) section 120, Schedule 22, paragraph 104 and Water Act 2003 (c.37) section 36(2).

(73) 1991 c.57. Section 164 was amended by S.I. 2013/755. Section 163 was amended by S.I. 2003/1615 and S.I. 2013/755 (W.90).

(74) 1993.c.11.

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Countryside and Rights of Way Act 2000 <b>(75)</b>	A consent or authorisation required under byelaws pursuant to section 17 (byelaws)  Directions under section 24, 25, or 26 (land management; Avoidance of risk of fire or of danger to the public; or Nature conservation and heritage preservation)
Control of Pesticide Regulations 1986 <b>(76)</b>	A consent under regulation 6 (consents)
Hedgerows Regulations 1997 <b>(77)</b>	A consent under regulation 5 (removal of hedgerows)
Ionising Radiations Regulations 1999 <b>(78)</b>	Authorisation under regulation 5 (authorisation of specified practices)
Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 <b>(79)</b>	A registration under regulation 9 (inventories of contaminated equipment)
Radiation (Emergency Preparedness and Public Information) Regulations 2001 <b>(80)</b>	Any assessment required under regulation 4 (hazard identification and risk evaluation)  Any assessment under regulation 5 (review of hazard identification and risk evaluation)
Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 <b>(81)</b>	A consent under regulation 9 (restriction on abstracting or impounding water)
Hazardous Waste (England and Wales) Regulations 2005 <b>(82)</b>	A registration under regulation 21 (requirement to notify premises)
Environmental Permitting (England and Wales) Regulations 2010 <b>(83)</b>	A permit under regulation 13, where that function is exercisable by a local authority pursuant to regulations 32 or 33 (grant of an environmental permit)

**(75)** 2000 c. 37. Section 17 was amended by section 406(1) of and paragraph 165(1) and (2) of Schedule 17 to, the Communications Act 2003 (c. 21).

**(76)** S.I. 1986/1510, amended by S.I. 1997/188; there are other amending instruments but none are relevant.

**(77)** S.I. 1997/1160, to which there are amendments not relevant to these Regulations.

**(78)** S.I. 1999/3232, amended by S.I. 2014/469; there are other amending instruments but none are relevant.

**(79)** S.I. 2000/1043, amended by S.I. 2013/755 (W.90); there are other amending instruments but none are relevant.

**(80)** S.I. 2001/2975, to which there are amendments not relevant to these Regulations.

**(81)** S.I. 2003/164, amended by S.I. 2013/755 (W.90); there are other amending instruments but none are relevant.

**(82)** S.I. 2005/894, amended by S.I. 2007/3538, S.I. 2009/507 and S.I. 2010/675; there are other amending instruments but none are relevant.

**(83)** S.I. 2010/675, amended by S.I. 2013/390, S.I. 2013/755 (W.90) and 2014/255; there are other amending instruments but none are relevant.

## SCHEDULE 3

Regulation 10(1)

## Revocations

<i>(1) Regulations Revoked</i>	<i>(2) Reference</i>	<i>(3) Extent of Revocation</i>
The Infrastructure Planning (Interested Parties) Regulations 2010	<a href="#">S.I. 2010/102</a>	The whole Regulations
The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010	<a href="#">S.I. 2010/105</a>	The whole Regulations
The Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012	<a href="#">S.I. 2012/635</a>	Regulation 4
The Local Policing Bodies (Consequential Amendments No 2) Regulations 2012	<a href="#">S.I. 2012/2732</a>	Regulation 5
The Infrastructure Planning (Miscellaneous Prescribed Provisions) (Amendment) Regulations 2013.	<a href="#">S.I. 2013/ 520</a>	The whole Regulations
The Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013	<a href="#">S.I. 2013/522</a>	Regulation 4
Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014	<a href="#">S.I 2014/469</a>	Schedule 3, Part 5, Paragraph 199

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations consolidate with some amendments the provisions of the Infrastructure Planning (Interested Parties) Regulations 2010 ([S.I. 2010/102](#)) and the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 ([S.I. 2010/105](#)) and revoke the in whole or part, of the following instruments—

- The Infrastructure Planning (Interested Parties) Regulations 2010;
- The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010;

- The Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012;
- The Local Policing Bodies (Consequential Amendments No 2) Regulations 2012;
- The Infrastructure Planning (Miscellaneous Prescribed Provisions) (Amendment) Regulations 2013;
- The Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013; and
- The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order.

Regulation 3 and Schedule 1 specify who is a statutory party in an examination of a nationally significant project under the Planning Act 2008 c.29 (“the Act”).

Regulation 4 sets out what must be included in the registration form in order for a relevant representation to be made in relation to an application for an order granting development consent for a nationally significant infrastructure project. Such applications are made under section 37 of the Act.

Regulation 5 and Schedule 2 set out the requirements for consents or authorisations that cannot be dis-applied by a development consent order without the approval of the relevant consenting body.

Regulation 6 deals with matters relating to the duration of a development consent order.

Regulation 7 removes the activity of measuring or marking out a proposed road from the definition of “material operation” for the purposes of section 155 of the Act. (Section 155 states that a development is taken to begin on the earliest date on which a material operation begins to be carried out).

Regulation 8 applies provisions of the Public Health Act 1936 c.49 in relation to steps that might need to be taken in a case where there is a notice of unauthorised development.

Regulation 9 applies equivalent provisions for Scotland.

Transitional provision is made by regulation 10.

An Impact Assessment has been prepared in relation to Schedule 2 of these Regulations. It has been placed in the library of each House of Parliament and can be viewed at <http://www.legislation.gov.uk>. An Impact Assessment has not been prepared for the rest of these regulations as the consolidation and minor amendments do not have an additional impact on business, charities or the public sector beyond what was examined in the Impact Assessment that accompanied the Planning Bill when it was introduced in Parliament on 27th November 2007. That Impact Assessment can be found on the Communities and Local Government website (<http://www.communities.gov.uk>).