STATUTORY INSTRUMENTS

2015 No. 760

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015

Made - - - -	*18th March 2015*
Laid before Parliament	*23rd March 2015*
Coming into force - -	*14th July 2015*

The Secretary of State, in exercise of the powers conferred by section 4 of, and paragraphs 2(5), (8) and (8A), and 4(1), (4), and (5A) of Schedule 6 to, the Planning Act 2008(**1**), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015 and come into force on 14th July 2015.

(2) In these Regulations, "the 2011 Regulations" means the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**2**).

Amendments to the 2011 Regulations relating to applications for a change, which is not material, to a development consent order

2. Part 1 of the 2011 Regulations (application for a change, which is not material, to a development consent order) is amended in accordance with regulation 3.

3.—(1) In regulation 4—

(a) before paragraph (2)(g), insert—

"(ff) the consultation and publicity statement referred to in regulation 7A;";

(**1**) 2008 c.29. Section 4 was amended by section 128 of, and paragraph 3 of Schedule 13 to, the Localism Act 2011 (c. 20). Paragraph 2 of Schedule 6 to the Planning Act was amended by section 128 of, and paragraph 72 of Schedule 13 to, the Localism Act 2011 and by section 237 of, and paragraph 1 of Schedule 25 to, that Act. Paragraph 2(8A) was inserted by section 28 of the Infrastructure Act 2015 (c.7). Paragraph 4 of Schedule 6 was amended by section 128 of, and paragraph 72 of Schedule 13 to, the Localism Act 2011 and by section 237 of, and paragraph 1 of Schedule 25 to, that Act. Paragraph 4(5A)was inserted by section 28 of the Infrastructure Act (c.7).

(**2**) S.I. 2011/2055. Amendments were made to S.I. 2011.2055 by S.I. 2012/635.

(b) in paragraph (3), omit "(not smaller than 1:2500)"; and

(c) after paragraph (4), insert—

"(4A) Subject to paragraph (4B), unless the Secretary of State specifies otherwise any plans, drawings or sections required to be provided under paragraph (2) shall be provided at a scale not smaller than 1:2500.

(4B) Paragraph (4A) does not apply to a plan or to a sheet of a plan where the matters shown or identified on the plan or sheet are entirely in the UK marine area.

(4C) In paragraph (4B), "UK marine area" has the same meaning as in section 42 of the Marine and Coastal Access Act 2009(**3**)."

(2) For regulation 5, substitute—

"**Fee for application**

5.—(1) The Secretary of State must charge the applicant a fee of £6,891 in respect of an application.

(2) The fee must be paid at the same time that the application is made.

(3) If the applicant fails to pay the fee the Secretary of State need not consider the application until payment is received by the Secretary of State."

(3) In regulation 6—

(a) in paragraph (1), for "Secretary of State" substitute "applicant";

(b) for paragraph (1)(b) substitute—

"(b) in any other publication necessary in order to ensure that notice of the application is given in the vicinity of the land.";

(c) for paragraph (2)(b), substitute "a statement that the applicant is seeking, by way of an application to the Secretary of State, a change to be made to a development consent order which is not material"; and

(d) for paragraph (2)(d) substitute—

"(d) a statement that any documents, plans and maps showing the nature and location of the land, and accompanying the application, are available for inspection on a website and also, free of charge, at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;".

(4) In regulation 7—

(a) in paragraph (1) for "Secretary of State" substitute "applicant";

(b) for paragraph (2)(c) substitute—

"(c) any other person who may be directly affected by the changes proposed in the application."; and

(c) for paragraph (3) substitute—

"(3) The applicant need not consult a person or authority specified above if they have obtained the written consent of the Secretary of State."

(5) After regulation 7, insert—

(**3**) 2009 c.23.

"**Consultation and publicity statement**

7A.—(1) The applicant must provide the Secretary of State with—

(a) a copy of the notice referred to in regulation 6; and

(b) a statement setting out details of the steps the applicant has taken to comply with the requirements of regulations 6 and 7.

(2) If the applicant fails to provide the Secretary of State with the items referred to in paragraph (1), the Secretary of State need not consider the application until those items have been received by the Secretary of State."

Amendments relating to applications to change, or revoke, an order granting development consent under paragraphs 3(1), 3(4), and 3(5) of Schedule 6 to the Planning Act 2008

4. Part 2 of the 2011 Regulations ("changes to, and revocation of, orders granting development consent under paragraphs 3(1), 3(4), and 3(5) of Schedule 6 to the Act") is amended in accordance with regulation 5.

5.—(1) In regulation 10—

(a) for paragraph (1)(a), substitute—

"(a) each person who may be directly affected by the changes proposed in the application;"; and

(b) for paragraph (2) substitute—

"(2) The applicant need not consult a person or authority listed above if they have obtained the written consent of the Secretary of State."

(2) Omit regulation 13.

(3) In regulation 14—

(a) omit paragraph (1)(b);

(b) for paragraph (4), substitute—

"(4) Where the change in the proposed application consists of, or includes, works with a route or alignment exceeding 5 kilometres in length the notice, which must include the matters specified in paragraph (2) of this regulation, must be—

(a) displayed at intervals of not more than 5 kilometres along the whole proposed route or alignment of the works described in the application, except where this is impracticable due to the land in question being covered in water; and

(b) be published for at least 2 successive weeks in one or more local newspapers circulating in the vicinity of the land along the route or alignment of the works described in the application."; and

(c) for paragraph (5) substitute—

"(5) The applicant need not publish, or arrange for, a notice of a proposed application in the manner specified in paragraph (4), if they have obtained the written consent of the Secretary of State."

(4) In regulation 15—

(a) at the end of paragraph (3)(a), after the semi-colon, insert "or"; and

(b) omit paragraph (3)(b).

(5) In regulation 16—

(a) in paragraph (2)(n), omit "(not smaller than 1:2500)";