STATUTORY INSTRUMENTS

2015 No. 462

INFRASTRUCTURE PLANNING

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

Made - - - -	*3rd March 2015*
Laid before Parliament	*5th March 2015*
Coming into force - -	*6th April 2015*

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(**1**), 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(**2**);

"clinical commissioning group" means a body established under section 14D of the National Health Service Act 2006 (effect of grant of application)(**3**);

"electronic transmission" means a communication transmitted by—

(a) means of an electronic communications network; or

(b) other means but in electronic form;

(**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**).

(**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 41of 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 asterix (*) 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;

(**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(**19**) 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(**20**) for "the Infrastructure Planning (Interested Parties) Regulations 2010" substitute "the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015".

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

Brandon Lewis
Minister of State
Department for Communities and Local Government

3rd March 2015

(**19**) 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).
(**20**) S.I. 2010/104.

SCHEDULE 1

Regulation 3

Statutory Parties

Column 1: Statutory Party	*Column 2: Circumstances*
AONB Conservation Board; or relevant AONB Conservation Board(**21**)	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(**22**)	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(**23**)	All applications likely to affect land in England
Integrated Transport Authorities (ITAs)(**24**) and Passenger Transport Executives (PTEs)(**25**)	All applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE

(**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).