Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

STATUTORY INSTRUMENTS

2010 No. 102

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Interested Parties) Regulations 2010

Made - - - -	*25th January 2010*
Laid before Parliament	*1st February 2010*
Coming into force - -	*1st March 2010*

The Secretary of State, in exercise of the powers conferred by section 102(3) and (4) 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) Regulations 2010 and shall come into force on 1st March 2010.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Planning Act 2008;

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

"affected person" means a person whose name has been given to the Commission in a notice under section 59 (notice of persons interested in land to which compulsory acquisition request relates);

"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)(**2**);

"application" means an application for an order granting development consent under section 37;

"compulsory acquisition hearing" means a hearing held in accordance with section 92(3) (compulsory acquisition hearings);

(**1**) 2008 c. 29. See section 235(1) for the meaning of "prescribed".

(**2**) 2000 c.37. Section 86 was amended by the Planning and Compulsory Purchase Act 2004, sections 118(2), 120, Schedule 7, paragraph 23(a) and (b), Schedule 9 and by the Natural Environment and Rural Communities Act 2006, section 105(1), Schedule11, Part 1, paragraph 164(c).

"electronic transmission" means a communication transmitted by—

(a) means of an electronic communications network; or

(b) other means but in electronic form;

"fire and rescue authority" has the same meaning as in section 1 of the Fire and Rescue Services Act 2004 (fire and rescue authorities)(**3**);

"the Homes and Communities Agency" means the body established by section 1 of the Housing and Regeneration Act 2008 (establishment and constitution)(**4**);

"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)(**5**);

"internal drainage board" has the same meaning as in section 1 of the Land Drainage Act 1991 (internal drainage districts and boards)(**6**);

"issue-specific hearing" means a hearing held in accordance with section 91 (hearings about specific issues);

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

"Natural England" means the body established by section 1 of the Natural Environment and Rural Communities Act 2006 (constitution)(**8**);

"open-floor hearing" means a hearing held in accordance with section 93 (open-floor hearings);

"police authority" means an authority established under section 3 of the Police Act 1996 (establishment of police authorities)(**9**);

"Regional Development Agency" means a regional development agency established under section 1 of the Regional Development Agencies Act 1998 (establishment)(**10**)

"Regional Planning Body" means a body recognised by the Secretary of State under section 2 of the Planning and Compulsory Purchase Act 2004 (regional planning bodies)(**11**);

"registration form" means the form supplied by and obtained from the Commission 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 and Procedure) Regulations 2009(**12**);

"Strategic Health Authority" means an authority established under section 13 of the National Health Services Act 2006 (strategic health authorities)(**13**);

"statutory undertaker" has the same meaning as in section 127 (statutory undertakers' land); and

"Trinity House" means the Corporation of Trinity House of Deptford Strond.

(2) Any references in these Regulations to a section by number is a reference to a section so numbered in the Act.

(**3**) 2004 c.21. Section 1 was amended by the Civil Contingencies Act 2004, section 32(1), Schedule 2, Part 1, and paragraph 10(1), (2).
(**4**) 2008 c.17.
(**5**) 2008 c.26.
(**6**) 1991 c.59.
(**7**) S.I. 2005/2042.
(**8**) 2006 c.16.
(**9**) 1996 c.16.
(**10**) 1998 c.45.
(**11**) 2004 c.5.
(**12**) S.I.2009/2264.
(**13**) 2006 c.41.

Statutory party

3. The persons specified as statutory parties for the purposes of section 102(3) (interpretation of Chapter 4: "interested party" and other expressions) are—

(a) those listed in Column 1 of the Schedule in the circumstances described in Column 2 of the Schedule; and

(b) any affected person.

Relevant representation

4.—(1) For the purposes of section 102(4)(b) 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;

(b) the name, address and any telephone number of any agent, or, in the case of an organisation, of the contact person and the organisation which they represent;

(c) a statement as to which address should be used for the purpose of notifying the person registering, their agent or a contact person of any matter and, where appropriate, consent for the use of electronic transmission;

(d) whether or not the person registering has an interest in any land which will be affected by the application, and, if so, the nature of that interest;

(e) an outline of the principal submissions which the person proposes to make in respect of the application; and

(f) a statement as to whether or not the person registering intends to make oral representations—

(i) at a issue-specific hearing;

(ii) at a an open-floor hearing; or

(iii) if they are an affected person at a compulsory acquisition hearing;

as the case may be.

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

Ian Austin
Parliamentary Under Secretary of State
Department for Communities and Local Government

25th January 2010

SCHEDULE

Regulation 3(a)

Table of statutory parties to the examination of an application

Column 1; Statutory Party	*Column 2; Circumstances.*
The Welsh Ministers	All applications likely to affect land in Wales
The Scottish Executive	All applications likely to affect land in Scotland
The relevant Northern Ireland Department	All applications likely to affect land in Northern Ireland
The relevant Regional Planning Body	All applications likely to affect land in England and Wales
The Health and Safety Executive	All cases
The relevant Strategic Health Authority	All applications likely to affect land in England and Wales
The relevant Health Board(**14**)	All applications likely to affect land in Scotland
Natural England	All applications likely to affect land in England
The Historic Buildings and Monuments Commission for England	All applications likely to affect land in England
The relevant fire and rescue authority	All cases
The relevant police authority	All cases
The relevant parish council, or, where the application relates to land Wales or Scotland the relevant community council	All cases
The Environment Agency	All applications likely to affect land in England and/or Wales
The Scottish Environment Protection Agency	All applications likely to affect land in Scotland
The Commission for Architecture and the Built Environment	All applications likely to affect land in England
The relevant Regional Development Agency	All cases
The Equality and Human Rights Commission	All applications likely to affect land in England and Wales
The Scottish Human Rights Commission	All applications likely to affect land in Scotland
The Commission for Sustainable Development	All cases
AONB Conservation Boards	All applications likely to affect an AONB that is managed by a Conservation Board

Note to Table

"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 has responsibility for an area which neighbours that location.

(**14**) For the meaning of "Health Board" see section 2 of the National Health Service (Scotland) Act 1978 (c.29)

Column 1; Statutory Party	*Column 2; Circumstances.*
Royal Commission on Ancient and Historical Monuments of Wales	All applications likely to affect the historic environment in Wales
The Countryside Council for Wales	All applications likely to affect land in Wales
The Homes and Communities Agency	All applications likely to have an effect on its areas of responsibility
The Joint Nature Conservation Committee	All applications likely to affect the marine environment
The Commission for Rural Communities	All applications likely to affect rural communities in England
Scottish Natural Heritage	All applications likely to affect land in Scotland
The Maritime and Coastguard Agency	All applications likely to affect the maritime or coastal environment, or the shipping industry
The Marine and Fisheries Agency	All applications likely to affect the marine area in England and Wales
The Scottish Fisheries Protection Agency	All applications likely to affect the fisheries industry in Scotland
The Civil Aviation Authority	All applications relating to airports or which are likely to affect an airport or its current or future operation
The Highways Agency	All applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority.
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	All applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE
The 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
Transport for London	All applications likely to affect transport within, to or from Greater London
The Rail Passengers Council	All applications likely to affect rail passenger transport
The Disabled Persons Transport Advisory Committee	All applications likely to affect access to transport for disabled people
The Coal Authority	All applications that lie within areas of past, present or future coal mining.

Note to Table

"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 has responsibility for an area which neighbours that location.

Column 1; Statutory Party	*Column 2; Circumstances.*
The Office of Rail Regulation and approved operators(**15**)	All proposed applications likely to affect the rail transport industry
The Gas and Electricity Markets Authority	All applications likely to affect gas and electricity markets
The Water Services Regulation Authority	All applications likely to affect the water industry in England and Wales
The Water Industry Commission of Scotland	All applications likely to affect the water industry in Scotland
The relevant waste regulation authority	All applications likely to affect waste infrastructure
The 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
The British Waterways Board	All applications likely to have an impact on inland waterways or land adjacent to inland waterways
Trinity House	All applications likely to affect navigation in tidal waters
The Health Protection Agency	All applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people
The relevant local resilience forum	All cases
Relevant statutory undertakers	All applications likely to affect their functions as statutory undertakers
The Crown Estate Commissioners	All applications likely to impact on the Crown Estate
The Forestry Commission	All applications likely to affect the protection or expansion of forests and woodlands

Note to Table

"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 has responsibility for an area which neighbours that location.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Planning Act 2008 (c.29) establishes the Infrastructure Planning Commission ("IPC") and provides for the granting of development consent for certain types of nationally significant

(**15**) For the definition of "approved operators" see section 25 of the Planning Act 2008 (c.29).

infrastructure projects. Chapter 4 of Part 6 of the Act sets out the procedure for examining applications for development consent. This procedure provides that "interested parties", among other things, can notify the IPC of a wish to be heard at an open-floor hearing and are entitled to make oral representations about the application at the open-floor hearing.

Section 102(1) of the Planning Act 2008 defines the term "interested party" for the purposes of Chapter 4 of Part 6 of that Act. Subsection (1)(b) provides that person is an "interested party" if they are a "statutory party". Subsection (1)(e) provides that a person is an "interested party" if they made a "relevant representation".

Section 102(3) provides that a "statutory party" is a person specified as such in regulations made the Secretary of State. Subsection (4) defines what is meant by a "relevant representation".

Regulation 3 of these Regulations specifies who is a "statutory party" for the purposes of section 102. These are "affected persons" and those listed in the Schedule to these Regulations, in the circumstances described in the Schedule.

Regulation 4 prescribes the form in which a representation must be if it is to be a "relevant representation" for the purposes of section 102(1)(e). Paragraph (1) states that a relevant representation must be in the form of a registration form. Paragraph (2) prescribes the information the form must include.

An Impact Assessment has not been prepared for these Regulations as they 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).