



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 6

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

132 Secretary of State's directions in relation to projects of national significance

- (1) Section 35 of the Planning Act 2008 (directions in relation to projects of national significance) is amended in accordance with subsections (2) to (9).
- (2) In subsection (1) (circumstances in which the Secretary of State may give directions)
—
 - (a) omit paragraph (a) (requirement that an application for a consent or authorisation mentioned in section 33(1) or (2) has been made), and
 - (b) in paragraph (b)—
 - (i) omit “the”, and
 - (ii) after “project” insert “, or proposed project”.
- (3) For subsection (4) (directions the Secretary of State may give) substitute—
 - “(4) The Secretary of State may direct the development to be treated as development for which development consent is required.
 - (4A) If no relevant application has been made, the power under subsection (4) is exercisable only in response to a qualifying request.
 - (4B) If the Secretary of State gives a direction under subsection (4), the Secretary of State may—
 - (a) if a relevant application has been made, direct the application to be treated as an application for an order granting development consent;

Status: This is the original version (as it was originally enacted).

- (b) if a person proposes to make a relevant application, direct the proposed application to be treated as a proposed application for development consent.
- (4C) A direction under subsection (4) or (4B) may be given so as to apply for specified purposes or generally.”
- (4) In subsection (5) (power to modify application of statutory provisions in relation to an application etc)—
- (a) for “subsection (4)” substitute “subsection (4B)”,
 - (b) in paragraph (a) after “application” insert “, or proposed application,”, and
 - (c) in paragraph (b) after “application” insert “or proposed application”.
- (5) In subsection (6) (authority to which an application for a consent or authorisation mentioned in section 33(1) or (2) has been made to refer the application to the Commission)—
- (a) for “subsection (4)” substitute “subsection (4B)”, and
 - (b) after “application” insert “, or proposed application,”.
- (6) In subsection (7) (power to direct authority considering application for consent or authorisation mentioned in section 33(1) or (2) to take no further action)—
- (a) for “subsection (4)” substitute “subsection (4B)”, and
 - (b) after “application” insert “, or proposed application,”.
- (7) In subsection (8) (power to require authority considering application for consent or authorisation mentioned in section 33(1) or (2) to provide information) for “the relevant authority” substitute “an authority within subsection (8A)”.
- (8) After subsection (8) insert—
- “(8A) An authority is within this subsection if a relevant application has been, or may be, made to it.”
- (9) After subsection (9) insert—
- “(10) In this section—
- “qualifying request” means a written request, for a direction under subsection (4) or (4B), that—
 - (a) specifies the development to which it relates, and
 - (b) explains why the conditions in subsection (1)(b) and (c) are met in relation to the development;
 - “relevant application” means an application, relating to the development, for a consent or authorisation mentioned in section 33(1) or (2);
 - “relevant authority”—
 - (a) in relation to a relevant application that has been made, means the authority to which the application was made, and
 - (b) in relation to a relevant application that a person proposes to make, means the authority to which the person proposes to make the application.”
- (10) In the Planning Act 2008 after section 35 insert—

“35A Timetable for deciding request for direction under section 35

- (1) This section applies if the Secretary of State receives a qualifying request from a person (“R”).
- (2) The Secretary of State must make a decision on the qualifying request before the primary deadline, subject to subsection (3).
- (3) Subsection (2) does not apply if, before the primary deadline, the Secretary of State asks R to provide the Secretary of State with information for the purpose of enabling the Secretary of State to decide—
 - (a) whether to give the direction requested, and
 - (b) the terms in which it should be given.
- (4) If R—
 - (a) is asked under subsection (3) to provide information, and
 - (b) provides the information sought within the period of 14 days beginning with the day on which R is asked to do so,the Secretary of State must make a decision on the qualifying request before the end of the period of 28 days beginning with the day the Secretary of State receives the information.
- (5) In this section—

“the primary deadline” means the end of the period of 28 days beginning with the day on which the Secretary of State receives the qualifying request;

“qualifying request” has the meaning given by section 35(10).”