

2013 No. 520

INFRASTRUCTURE PLANNING

The Infrastructure Planning (Miscellaneous Prescribed Provisions) (Amendment) Regulations 2013

<i>Made</i>	- - - -	<i>6th March 2013</i>
<i>Laid before Parliament</i>		<i>12th March 2013</i>
<i>Coming into force</i>	- -	<i>6th April 2013</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 150(1) and 232(3)(b) of the Planning Act 2008(a), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Infrastructure Planning (Miscellaneous Prescribed Provisions) (Amendment) Regulations 2013.

(2) These Regulations shall come into force on 6th April 2013.

(3) In these Regulations, “the 2010 Regulations” means the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010(b).

Amendments to the 2010 Regulations

2.—(1) The 2010 Regulations are amended as follows.

(2) In Part 1 of the Schedule (prescribed consents etc. in England and Wales) omit paragraphs 11, 12, 13, 15, 18, 19, 22, 23, 24, 25, 33, 34, 35, 37, 40 and 41.

(3) In Part 2 of the Schedule (prescribed consents etc. in Wales) after paragraph 36 insert—

“**37.** A consent under section 16 of the Health and Safety at Work etc. Act 1974 (approval of codes of practices by the Executive)(c).

38. An authorisation under regulation 5 of the Ionising Radiations Regulations 1999 (authorisation of specified practices)(d).

(a) 2008 c. 29. See section 235(1) for the definition of “prescribed”.
(b) S.I. 2010/105; as amended by S.I. 2012/630.
(c) 1974 c. 37. Section 16 was amended by sections 116 and 125(3) of, and paragraph 7 of Schedule 15 and Schedule 18 to, the Employment Protection Act 1975 (c. 71); section 11(1) of, and paragraph 5(1) and (2) of Schedule 3 to, the Health Protection Agency Act 2004 (c. 17); section 2 of, and paragraph 9 of Schedule 3 to, the Railways Act 2005 (c. 14) and S.I. 2008/960.
(d) S.I. 1999/3232.

39. Any assessment required under regulations 4 or 5 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (hazard identification and risk evaluation)(a).

40. A licence under section 10 of the Conservation of Seals Act 1970 (power to grant licences)(b).

41. An authorisation pursuant to byelaws made under section 20 of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves)(c).

42. A licence under section 8 of the Deer Act 1991 (exceptions for licensed persons)(d).

43. A consent under section 28E of the Wildlife and Countryside Act 1981 (duties in relation to sites of special scientific interest)(e).

44. An order under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review)(f).

45. A consent or authorisation required under byelaws made by an access authority as respects access land in their area pursuant to section 17 of the Countryside and Rights of Way Act 2000 (byelaws)(g).

46. A direction under section 24, 25 or 26 of the Countryside and Rights of Way Act 2000 (land management; avoidance of risk of fire or damage; nature conservation and heritage conservation)(h).

47. Any consent under section 30 of the Salmon and Freshwater Fisheries Act 1975 (introduction of fish into inland waters)(i).

48. A consent under section 1 of the Import of Live Fish (England and Wales) Act 1980 (power to limit the import etc of fish and fish eggs)(j).

49. A consent under regulation 9 of the Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003(k).

(a) S.I. 2001/2975.

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

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

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

(e) 1981 c. 69. Section 28E was inserted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37) and was amended by section 105(1) of, and paragraphs 79 and 80 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16).

(f) 1981 c. 69. Section 53 was amended by section 51 of, and paragraph 1(1) to (7) of Schedule 5 to, the Countryside and Rights of Way Act 2000 (c. 37) and section 70(1)(a) and (b) of the Natural Environment and Rural Communities Act 2006 (c. 16).

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

(h) 2000 c. 37. Section 26 was amended by section 105(1) of, and paragraph 157 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and S.I. 2010/558.

(i) 1975 c. 51. Section 30 was amended by section 34 of the Salmon Act 1986 (c. 62); section 190 of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15) and sections 105 and 120 of, and paragraphs 2, and 17 of Schedule 15 and Schedule 24 to, the Environment Act 1995 (c. 25).

(j) 1980 c. 27. Section 1 was amended by section 37(2) of the Fisheries Act 1981 (c. 29), section 132 of, and paragraph 8 of Schedule 9 to, the Environmental Protection Act 1990 (c. 43), section 105(1) of, and paragraph 62 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16) and S.I. 2009/463.

(k) S.I. 2003/164.

50. A registration under regulation 9 of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(a).

51. A consent under the Control of Pesticide Regulations 1986(b).

52. A registration under regulation 21 of the Hazardous Waste (England and Wales) Regulations 2005(c).”

Savings and transitional provision

3. The Schedule to the 2010 Regulations shall continue to have effect without the amendments contained in these Regulations in relation to any application for an order granting development consent which was made to the Secretary of State under section 37 of the Planning Act 2008(d) (applications for orders granting development consent) before 6th April 2013.

Signed by authority of the Secretary of State

6th March 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the schedule to the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010. That schedule contains lists of consents and authorisations prescribed for the purposes of section 150(1) of the Planning Act 2008. The consents listed in Part 1 of that schedule are prescribed in respect of England and Wales and the consents listed in Part 2 are prescribed in respect of Wales only.

Regulation 2 of these Regulations moves 16 consents from the list in Part 1 of that schedule to the list in Part 2 of that schedule (by revoking those items from the first list and inserting them into the second list). The effect of these amendments is that these 16 consents are now prescribed in respect of Wales only.

By regulation 3, the amendments made by these Regulations do not apply in respect of any application for an order granting development consent made to the Secretary of State in accordance with section 37 of the Planning Act 2008 before 6th April 2013.

No Impact Assessment has been prepared for these Regulations but an Impact Assessment was published as part of the original consultation and is available at www.gov.uk/government/consultations/nationally-significant-infrastructure-planning-expanding-and-improving-the-one-stop-shop-approach-for-consents.

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(a) S.I. 2000/1043.

(b) S.I. 1986/1510. Amended by S.I. 1997/188, S.I. 2001/880 and S.I. 2011/2131.

(c) S.I. 2005/894. Regulation 21 was amended by S.I. 2009/507.

(d) Section 37 was amended by sections 128 and 137 of, and paragraphs 1 and 5 of Schedule 13 to, the Localism Act 2011 (c. 20).

STATUTORY INSTRUMENTS

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