
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Planning Act 2008 (c.29) establishes the Infrastructure Planning Commission and provides for the making of orders granting development consent for certain types of nationally significant infrastructure projects. The decision-making function, depending on the circumstances is conferred on the Secretary of State, the Commission's Council or a Panel of Commissioners. The Act creates a single consent regime, thereby removing the need for separate consents for each element of an application for consent.

The Regulations set out matters to which the Secretary of State, the Commission's Council or a Panel of Commissioners (as the case may be) must have regard when deciding applications for development consent relating to—

- (a) listed buildings, conservation areas and ancient monuments (regulation 3);
- (b) deemed licences under Part 2 of the Food and Environment Protection Act 1985 (regulation 4);
- (c) deemed consents under section 34 of the Coast Protection Act 1949 (regulation 5); and
- (d) hazardous substances (regulation 6).

Where a decision is to be made by the Council or Panel, they must also have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992 (regulation 7). The convention can be accessed at <http://www.cbd.int/convention>.

An impact assessment has not been prepared for these Regulations as there is no additional impact on business, charities or the public sector beyond what was examined in the impact assessment which accompanied the Planning Bill when it was introduced in Parliament on 27th November 2007. That assessment can be found on the Communities and Local Government website (<http://communities.gov.uk>).