
DRAFT STATUTORY INSTRUMENTS

2010 No.

The Infrastructure Planning (Decisions) Regulations 2010

Deemed licences under the Food and Environment Protection Act 1985

5.—(1) This regulation applies in relation to an application where the decision-maker is considering whether to include in an order granting development consent a provision deeming a licence to have been issued under Part 2 of the Food and Environment Protection Act 1985⁽¹⁾, by virtue of section 149 of the Act.

(2) When deciding an application to which this regulation applies, the decision-maker must have regard to the need to—

- (a) protect the marine environment, the living resources which it supports and human health; and
- (b) prevent interference with legitimate uses of the sea.

(3) Without prejudice to the generality of paragraph (2), where it appears to the decision-maker that the application has been made with the view to the disposal of substances or articles, the decision-maker must have regard to the practical availability of any alternative methods of dealing with those substances or articles.

⁽¹⁾ 1985 c.48. Part 2 was amended by the Water Act 1989 (c.15), the Environmental Protection Act 1990 (c.43), the Statute Law (Repeals) Act (c.50), the Petroleum Act 1998 (c.17), the Food Standards Act 1999 (c.28), the Energy Act 2008 (c.32) and S.I. 1999/1756.