
STATUTORY INSTRUMENTS

2009 No. 1302

The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009

Consultation

3.—(1) This regulation prescribes, for the purposes of section 7 of the Act, the persons to be consulted by the Secretary of State under that section.

(2) The persons listed in paragraph (3) of this regulation must be consulted in every case in which the Secretary of State proposes to designate a statement as a NPS or to amend a NPS.

(3) The persons referred to in paragraph (2) are—

- (a) The Scottish Executive;
- (b) The Welsh Ministers;
- (c) The relevant Northern Ireland Department;
- (d) Regional planning bodies;
- (e) Local authorities;
- (f) Strategic Health Authorities;
- (g) The Local Government Association;
- (h) The Association of Chief Police Officers;
- (i) The Chief Fire Officers Association;
- (j) The Health and Safety Executive;
- (k) The Environment Agency;
- (l) Natural England⁽¹⁾;
- (m) Regional development agencies;
- (n) The Commission for Sustainable Development;
- (o) The Equality and Human Rights Commission;
- (p) The Joint Nature Conservation Commission;
- (q) Waste Authorities;
- (r) The Joint Committee of the National Amenity Societies;
- (s) Transport for London;
- (t) The Crown Estate Commissioners;
- (u) The Committee on Climate Change⁽²⁾;
- (v) The National Association of Local Councils;
- (w) AONB Conservation Boards;

(1) See section 1 of the Natural Environment and Rural Communities Act 2006 (c.16).

(2) See section 32 of the Climate Change Act 2008 (c.27).

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- (x) The National Consumer Council⁽³⁾;
- (y) The Chartered Institute of Environmental Health.

(4) Where, in such a case in as described in paragraph (2), any of the circumstances described in column 2 of Table 1 also apply, the person specified in the corresponding entry in column 1 of that Table must also be consulted by the Secretary of State.

(5) Where, in such a case as described in paragraph (2)—

- (a) the Secretary of State proposes to designate a statement, or to amend a NPS, which includes policies identifying one or more locations as suitable (or potentially suitable) for a specified description of development, and
- (b) any of the circumstances described in column 2 of Table 2 apply,

the person specified in the corresponding entry of column 1 of that Table must also be consulted by the Secretary of State.

(6) Nothing in this regulation shall preclude consultation of such other bodies as, in any particular case, the Secretary of State may think fit.

Table 1

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances</i>
The Civil Aviation Authority	Where a NPS relates to airports or which is likely to affect aviation activity
The Rail Passengers Council	Where a NPS is likely to affect the rail passenger industry
The Disabled Persons Transport Advisory Committee	Where a NPS is likely to affect access for disabled people
The Coal Authority	Where a NPS is likely to affect past, present or potential coal mining operations
The Office of Rail Regulation and approved operators ⁽¹⁾	Where a NPS is likely to affect railways or the rail transport industry
The Gas and Electricity Markets Authority	Where a NPS is likely to affect gas and electricity markets
The Water Services Regulation Authority	Where a NPS is likely to affect the water industry
The Forestry Commission	Where a NPS is likely to affect the protection or expansion of forests and woodlands
The British Waterways Board	Where a NPS is likely to affect inland waterways or land adjacent to inland waterways

- (1) For the definition of “approved operators” see section 25 of the Planning Act 2008.
- (2) The Corporation of Trinity House of Deptford Strond.
- (3) See section 32 of the National Heritage Act 1983 (c. 47).
- (4) See section 2 of the Housing and Regeneration Act 2008 (c. 17).

(3) See section 1 of the Consumers, Estate Agents and Redress Act 2007 (c.17).

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances</i>
The Commission for Architecture and the Built Environment	Where a NPS is likely to affect matters relevant to its objectives
The Health Protection Agency	Where a NPS includes policies relating to chemicals, poisons or radiation which could potentially cause harm to people
Statutory undertakers	Where a NPS includes policies relevant to their functions as statutory undertakers
Trinity House ⁽²⁾	Where a NPS includes policies likely to affect navigation in tidal waters
The Royal Commission on the Ancient and Historical Monuments of Wales	Where a NPS is likely to affect the historic environment in Wales
The Commission for Integrated Transport	Where a NPS is likely to affect transport
The Countryside Council for Wales	Where a NPS is likely to affect Wales
The Welsh Local Government Association	Where a NPS is likely to affect Wales
The Historic Buildings and Monuments Commission for England ⁽³⁾	Where a NPS is likely to affect historic buildings or the historic environment
The Commission for Rural Communities	Where a NPS is likely to affect rural communities
The Homes and Communities Agency	Where a NPS is likely to affect matters relevant to the Agency's objectives ⁽⁴⁾
The Maritime and Coastguard Agency	Where a NPS is likely to affect marine or coastal environment
Integrated Transport Authorities and Passenger Transport Executives	Where a NPS is likely to affect transport

(1) For the definition of "approved operators" see section 25 of the Planning Act 2008.

(2) The Corporation of Trinity House of Deptford Strond.

(3) See section 32 of the National Heritage Act 1983 (c. 47).

(4) See section 2 of the Housing and Regeneration Act 2008 (c. 17).

Table 2

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances</i>
The relevant police authority and any police authority sharing a boundary with that authority	Where a police authority has responsibility for some or all of the area identified in a NPS
The relevant fire and rescue authority and any fire and rescue authority sharing a boundary with that authority	Where a fire and rescue authority has responsibility for some or all of the area identified in an NPS
The relevant internal drainage board	Where an internal drainage board has responsibility for some or all of the area identified in a NPS

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Column 1; Consultee

Column 2; Circumstances

The relevant local resilience forum

Where a local resilience forum has responsibility for some or all of the area identified in a NPS
