
STATUTORY INSTRUMENTS

2009 No. 2264

**The Infrastructure Planning (Applications:
Prescribed Forms and Procedure) Regulations 2009**

Applications for orders granting development consent

5.—(1) An application for an order granting development consent must be made in writing in the form set out in Schedule 2 to these Regulations, which is the form prescribed for the purpose under section 37(3)(b).

(2) The application must be accompanied by—

- (a) where applicable, the environmental statement required pursuant to the Infrastructure Planning (Environmental Impact Assessment) Regulation 2009 and any scoping or screening opinions or directions;
- (b) the draft proposed order;
- (c) an explanatory memorandum explaining the purpose and effect of provisions in the draft order, including in particular any divergences from the model provisions⁽¹⁾;
- (d) where applicable, the book of reference;
- (e) a copy of any flood risk assessment;
- (f) a statement whether the proposal engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990⁽²⁾, and if so how the applicant proposes to mitigate or limit them;
- (g) any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994⁽³⁾ applies, or any Ramsar site⁽⁴⁾, which may be affected by the proposed development, together with sufficient information that will enable the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1);
- (h) if the proposed order would authorise the compulsory acquisition of land or an interest in land or right over land, a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded;
- (i) a land plan identifying—
 - (i) the land required for, or affected by, the proposed development;
 - (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any right to use land;
 - (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and

(1) See [S.I. 2009/2265](#)

(2) [1990 c.43](#). Section 79(1) is amended by section 2 of the [Noise and Statutory Nuisance Act 1993 \(c.40\)](#); sections 107 and 120 of, and Schedules 17 and 22 to, the [Environment Act 1995 \(c.25\)](#); section 101 of the [Clean Neighbourhoods and Environment Act 2005 \(c.16\)](#); and, in respect of Scotland, sections 109, 110 and 112 of the [Public Health etc \(Scotland\) Act 2008 \(asp.5\)](#).

(3) [S.I. 1994/2716](#). Regulation 48 was amended by [S.I. 2007/1843](#) in respect of England and Wales and by [S.S.I. 2007/80](#) in respect of Scotland.

(4) See section 77 of the [Countryside and Rights of Way Act 2000 c.37](#) for the definition of Ramsar site.

- (iv) where the land includes special category land and replacement land, that special category and replacement land;
 - (j) a works plan showing, in relation to existing features—
 - (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and
 - (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order;
 - (k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;
 - (l) where applicable, a plan with accompanying information identifying—
 - (i) any statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance;
 - (ii) habitats of protected species, important habitats or other diversity features; and
 - (iii) water bodies in a river basin management plan,together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development;
 - (m) where applicable, a plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, including scheduled monuments, World Heritage sites, listed buildings and other historic structures, archaeological sites and registered battlefields, together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;
 - (n) where applicable, a plan with any accompanying information identifying any Crown land;
 - (o) any other plans, drawings and sections necessary to describe the proposals for which development consent is sought, showing details of design, external appearance, and the preferred layout of buildings or structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking to be provided, and means of landscaping;
 - (p) any of the documents prescribed by regulation 6 which are relevant to the particular project;
 - (q) any other documents considered necessary to support the application; and
 - (r) if requested by the Commission, three paper copies of the application form and other supporting documents and plans.
- (3) Any plans, drawings or sections required to be provided by paragraph (2) shall be no larger than A0 size, shall be drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, shall show the direction of North.
- (4) Where a plan comprises three or more separate sheets a key plan must be provided showing the relationship between the different sheets.
- (5) The applicant shall make available, at the request of the Commission, all responses to the consultation carried out under Part 5 of the Act (applications for orders granting development consent).