
EXPLANATORY NOTE

(This note is not part of the Order)

The Planning Act 2008 (“the 2008 Act”) established the Infrastructure Planning Commission (“the Commission”) and provides for the granting of development consent for certain types of nationally significant infrastructure project. Development consent is granted in the form of an Order made by the Commission or the Secretary of State.

This Order prescribes model provisions for inclusion in the draft Order, which the Infrastructure Planning (Applications and Procedure) Regulations 2009 (S.I. 2009/2264) require to accompany an application for an order granting development consent. These model provisions may also be included in orders made by the Commission under section 114 of the 2008 Act, which grant development consent for nationally significant infrastructure projects. The Commission must have regard to the prescribed model provisions when making an order granting development consent but is not compelled to use them: the Commission may omit them entirely from orders if the model provisions are not appropriate or may adapt them to meet specific requirements.

Schedule 1 sets out general model provisions, which may be included in orders relating to all nationally significant infrastructure projects. These model provisions include an interpretation provision, which sets out general definitions, provisions in respect of street works, stopping up of streets, agreements with street authorities, access to works, the compulsory purchase of land and rights over the land or lesser interests in land and the extinguishment or suspension of rights over land.

Schedule 2 sets out model provisions relevant to orders granting development consent for railways. These include provisions in respect of the incorporation of the Railways Clauses Consolidation Act 1845 (c.20), level crossings and the operation and use of railways.

Schedule 3 sets out model provisions relevant to orders granting development consent for harbours. These include an interpretation provision, which sets out definitions relevant to harbours, provisions in respect of the incorporation of the Harbours, Docks and Piers Clauses Act 1847 (c.27), the limits of the harbour, tidal works and the right to dredge.

Schedule 4 sets out model provisions in respect of the requirements which can be included in orders granting development consent under section 120 of the 2008 Act.

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