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## STATUTORY INSTRUMENTS

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# 2011 No. 2055

## The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

### PART 1

Application for a change, which is not material, to a development consent order

#### General

3. The regulations in this Part apply in relation to an application for a change, which is not material, to a development consent order under paragraph 2(1) of Schedule 6 to the Act.

#### Application

4.—(1) The application must be made to the [F1Secretary of State].

(2) The application must be in writing and must contain the following—

- (a) the name and address of the applicant;
- (b) the name and address of an agent, if appointed;
- (c) the [F1Secretary of State]'s reference for the development consent order to which the application relates;
- (d) details of the change being applied for;
- (e) any documents and plans considered necessary to support the application;
- (f) a statement that the applicant is either—
  - (i) the person who applied for the development consent order to which the application relates or a successor in title;
  - (ii) a person with an interest in the land to which the development consent order relates;  
or
  - (iii) any other person for whose benefit the development consent order has effect <sup>M1</sup>;

[F2(ff) the consultation and publicity statement referred to in regulation 7A;]

- (g) details of the applicant's interest in the land; and
- (h) if requested by the [F1Secretary of State], 3 paper copies of the application and other supporting documents and plans.

(3) Unless the [F1Secretary of State] specifies otherwise, any plans, drawings or sections provided shall be no larger than A0 size, shall be drawn to an identified scale [F3(not smaller than 1:2500)] and, in the case of plans, shall show the direction of North.

(4) Where a plan comprises 3 or more separate sheets a key plan must be provided showing the relationship between the different sheets.

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[<sup>F4</sup>(4A) Subject to paragraph (4B), unless the Secretary of State specifies otherwise any plans, drawings or sections required to be provided under paragraph (2) shall be provided at a scale not smaller than 1:2500.

(4B) Paragraph (4A) does not apply to a plan or to a sheet of a plan where the matters shown or identified on the plan or sheet are entirely in the UK marine area.

(4C) In paragraph (4B), “UK marine area” has the same meaning as in section 42 of the Marine and Coastal Access Act 2009.]

- F1** Words in Regulations substituted (1.4.2012) by [The Localism Act 2011 \(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **11(2)**
- F2** Reg. 4(2)(ff) inserted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(1)(a)** (with reg. 8)
- F3** Words in reg. 4(3) omitted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by virtue of [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(1)(b)** (with reg. 8)
- F4** Reg. 4(4A)-(4C) inserted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(1)(c)** (with reg. 8)

#### Marginal Citations

- M1** See section 156.

### Fee for application

5.—[<sup>F5</sup>(1) The Secretary of State must charge the applicant a fee of £6,891 in respect of an application.

(2) The fee must be paid at the same time that the application is made.

(3) If the applicant fails to pay the fee the Secretary of State need not consider the application until payment is received by the Secretary of State.]

- F1** Words in Regulations substituted (1.4.2012) by [The Localism Act 2011 \(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **11(2)**
- F5** Reg. 5 substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(2)** (with reg. 8)
- F6** Words in reg. 5(2) omitted (1.4.2012) by virtue of [The Localism Act 2011 \(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **11(4)**

### Publicising the application

6.—(1) The [<sup>F7</sup>[<sup>F1</sup>Secretary of State]] [<sup>F7</sup>applicant] must publish a notice of the application, which must include the matters prescribed by paragraph (2)—

(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the land is situated; and

(b) [<sup>F8</sup>in any other publication necessary in order to ensure that notice of the application is given in the vicinity of the land.]

(2) The matters which the notice must include are—

- (a) the name and address of the applicant;
- (b) [<sup>F9</sup>a statement that the applicant has made an application to the [<sup>F1</sup>Secretary of State] for a change, which is not material, to be made to a development consent order][<sup>F9</sup>a statement that the applicant is seeking, by way of an application to the Secretary of State, a change to be made to a development consent order which is not material];
- (c) a summary of the main elements of the application;
- (d) [<sup>F10</sup>a statement that any documents, plans and maps showing the nature and location of the land, and accompanying the application, are available for inspection on a website and also, free of charge, at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;]
- (e) a statement as to whether a charge will be made for copies of any of the documents and, if so, the amount of any charge;
- (f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (h));
- (g) details of how to respond to the publicity; and
- (h) a deadline for receipt of those responses by the [<sup>F1</sup>Secretary of State], being not less than 28 days following the date when the notice is last published.

<b>F1</b>	Words in Regulations substituted (1.4.2012) by <a href="#">The Localism Act 2011 (Infrastructure Planning) (Consequential Amendments) Regulations 2012 (S.I. 2012/635)</a> , regs. 1(2), <b>11(2)</b>
<b>F7</b>	Word in reg. 6(1) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by <a href="#">The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015 (S.I. 2015/760)</a> , regs. 1(1), <b>3(3)(a)</b> (with reg. 8)
<b>F8</b>	Reg. 6(1)(b) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by <a href="#">The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015 (S.I. 2015/760)</a> , regs. 1(1), <b>3(3)(b)</b> (with reg. 8)
<b>F9</b>	Words in reg. 6(2)(b) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by <a href="#">The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015 (S.I. 2015/760)</a> , regs. 1(1), <b>3(3)(c)</b> (with reg. 8)
<b>F10</b>	Reg. 6(2)(d) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by <a href="#">The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) (Amendment) Regulations 2015 (S.I. 2015/760)</a> , regs. 1(1), <b>3(3)(d)</b> (with reg. 8)

### [<sup>F11</sup>Coronavirus: temporary modifications to this Part

**6A.**—(1) — Paragraph (2) applies during the period beginning with 22nd July 2020 and ending with 31st December 2020.

- (2) Regulation 6 (publicising the application) has effect as if—
  - (a) in paragraph (2)(d), for “on a website and also, free of charge, at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice” there were substituted “free of charge on a website maintained by or on behalf of the Secretary of State”;
  - (b) before paragraph (2)(e) there were inserted—
    - “(da) the address of the website where the documents, plans and maps may be inspected;

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- (db) the place on the website where the documents, plans and maps may be inspected;
- (dc) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;” and
- (c) in paragraph (2)(f), after “available for inspection” there were inserted “on the website”.]

**F11** Reg. 6A inserted (22.7.2020) by [The Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/764\)](#), regs. 1, **3(2)** (with reg. 6)

### Duty to consult

7.—(1) The [<sup>F12</sup>Secretary of State][<sup>F12</sup>applicant] must consult the persons specified in paragraph (2) about the application by sending them a copy of the notice referred to in regulation 6.

- (2) Subject to paragraph (3), the persons to be consulted are—
  - (a) each person for whose benefit the development consent order, to which the application relates, has effect;
  - (b) each person that was, in accordance with section 56, notified of the application for the development consent order which is the subject of the application; and
  - (c) [<sup>F13</sup>any other person who may be directly affected by the changes proposed in the application.]

[<sup>F14</sup>The applicant need not consult a person or authority specified above if they have obtained the written consent of the Secretary of State.]

(4) If the [<sup>F1</sup>Secretary of State] exercises its discretion under paragraph (3) it must publish its reasons for doing so on its website.

(5) The [<sup>F1</sup>Secretary of State] must make available in accordance with regulation 46 all responses to the publicity and consultation.

- F1** Words in Regulations substituted (1.4.2012) by [The Localism Act 2011 \(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **11(2)**
- F12** Word in reg. 7(1) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(4)(a)** (with reg. 8)
- F13** Reg. 7(2)(c) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(4)(b)** (with reg. 8)
- F14** Reg. 7(3) substituted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(4)(c)** (with reg. 8)

### [<sup>F15</sup>Consultation and publicity statement

- 7A.—(1) The applicant must provide the Secretary of State with—
- (a) a copy of the notice referred to in regulation 6; and
  - (b) a statement setting out details of the steps the applicant has taken to comply with the requirements of regulations 6 and 7.

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(2) If the applicant fails to provide the Secretary of State with the items referred to in paragraph (1), the Secretary of State need not consider the application until those items have been received by the Secretary of State.]

**F15** Reg. 7A inserted (14.7.2015 for E.W., with application in Scotland for specified purposes, see 2008 c. 29, s. 240(4)) by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) \(Amendment\) Regulations 2015 \(S.I. 2015/760\)](#), regs. 1(1), **3(5)** (with reg. 8)

### Notification of decision

**8.** If a change is made to a development consent order, the [<sup>F1</sup>Secretary of State] must notify its decision on an application to—

- (a) the applicant;
- (b) each person that was consulted about the application; and
- (c) each person that made a relevant representation in response to the publicity or consultation.

**F1** Words in Regulations substituted (1.4.2012) by [The Localism Act 2011 \(Infrastructure Planning\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/635\)](#), regs. 1(2), **11(2)**

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**Changes and effects yet to be applied to :**

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(2)(da)-(dc) inserted by [S.I. 2020/1534 reg. 3\(2\)\(b\)](#)
- reg. 14(2)(ea)-(ec) inserted by [S.I. 2020/1534 reg. 3\(4\)\(b\)](#)
- reg. 19(2)(ga)-(gc) inserted by [S.I. 2020/1534 reg. 3\(5\)\(b\)](#)
- reg. 20(2)(fa)-(fc) inserted by [S.I. 2020/1534 reg. 3\(6\)\(b\)](#)
- reg. 55(2)(ea)-(ec) inserted by [S.I. 2020/1534 reg. 3\(8\)\(b\)](#)
- reg. 56(2)(fa)-(fc) inserted by [S.I. 2020/1534 reg. 3\(9\)\(b\)](#)