
STATUTORY INSTRUMENTS

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 Commission.

(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 Commission'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⁽¹⁾;
- (g)** details of the applicant's interest in the land; and
- (h)** if requested by the Commission, 3 paper copies of the application and other supporting documents and plans.

(3) Unless the Commission specifies otherwise, any plans, drawings or sections provided 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 3 or more separate sheets a key plan must be provided showing the relationship between the different sheets.

⁽¹⁾ See section 156.

Fee for application

5.—(1) The Commission must charge the applicant the fee in respect of an application.

(2) At the same time that an application is made to the Commission as appropriate authority the part of the fee specified in paragraph (5)(a) below must be paid to the Commission.

(3) The applicant must pay the part of the fee specified in paragraph (5)(b) below on the date specified by the Commission.

(4) If the applicant fails to pay either part of fee on the due date, the Commission need not consider the application until payment is received by the Commission.

(5) In this regulation, “the fee” means the sum of the following—

- (a) £6,891; and
- (b) the costs incurred by the Commission in publicising the application in accordance with regulation 6.

Publicising the application

6.—(1) The appropriate authority 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) in any other publication the appropriate authority considers 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) a statement that the applicant has made an application to the appropriate authority for a change, which is not material, to be made to a development consent order;
- (c) a summary of the main elements of the application;
- (d) a statement that any documents, plans and maps showing the nature and location of the land, which were submitted with the application, are available for inspection on the appropriate authority website or can be obtained from the appropriate authority at the 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 appropriate authority, being not less than 28 days following the date when the notice is last published.

Duty to consult

7.—(1) The appropriate authority 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) any other person the appropriate authority considers should be consulted.
- (3) The applicant need not consult a person or authority specified above, if the appropriate authority is satisfied that this is not necessary.
- (4) If the appropriate authority exercises its discretion under paragraph (3) it must publish its reasons for doing so on its website.
- (5) The appropriate authority must make available in accordance with regulation 46 all responses to the publicity and consultation.

Notification of decision

- 8.** If a change is made to a development consent order, the appropriate authority 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.