
STATUTORY INSTRUMENTS

2012 No. 635

**The Localism Act 2011(Infrastructure Planning)
(Consequential Amendments) Regulations 2012**

Amendments to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

11.—(1) The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(1) are amended as follows.

(2) In those Regulations, for “appropriate authority” (in each place) substitute “Secretary of State”, for “Commission” (in each place) substitute “Secretary of State” and for “Commissioner” or “commissioner” (in each place) substitute “appointed person”.

(3) In regulation 2(1) (interpretation)—

(a) after the definition of “AONB Conservation Board” insert—

““appointed person” means a person appointed by the Secretary of State under regulation 22;”;

(b) omit the definition of “appropriate authority”;

(c) for the definition of “Examining body” substitute—

““Examining body” means—

(a) the appointed person or persons; or

(b) the Secretary of State in respect of those matters which are the subject of a direction by the Secretary of State under section 95A(2);”;

(d) in the definition of “interested party”—

(i) in sub-paragraph (b) after “each statutory party” insert “and each local authority within section 88A which, having been informed under regulation 28(9) that that person may become an interested party, have notified the Examining body in writing that they wish to become an interested party;

(ii) for sub-paragraph (c) substitute “each local authority, being a local authority within the meaning of section 43, in whose area the land is located;”;

(iii) at the end of sub-paragraph (e) omit “and”;

(iv) after sub-paragraph (f) insert “and” and a new sub-paragraph (g) as follows—

“(g) any person who—

(i) would, in the case of an application for development consent, be eligible to become an interested party under section 102A,

(ii) has made a request to the Examining body to become an interested party which complies with the requirements of section 102A(1), and

- (iii) has been accepted as eligible to become an interested party by the Examining body and notified accordingly;”;
- (v) insert after new sub-paragraph (g) the following words—
 - “but a person ceases to be an “interested party” for the purposes of these Regulations upon notifying the Examining body in writing that that person no longer wishes to be an interested party;” and
- (e) in the definition of “relevant local authority” for “section 102(5) (interpretation of Chapter 4: “interested party” and other expressions) substitute “section 43 (local authorities for the purposes of section 42(1)(b))”.
- (4) In regulation 5(2) (fee for application) omit “as appropriate authority”.
- (5) In 9(2) (general) omit the words after “Act” to the end.
- (6) For regulation 13(6) (duty to consult local community) substitute—
 - “(6) Once the applicant has prepared the statement, the applicant must—
 - (a) make it available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land; and
 - (b) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected.”
- (7) In regulation 17(2)(a) (EIA development) omit ““the Commission” and”.
- (8) Omit regulation 19(1)(f) (notice of an application).
- (9) Omit regulation 22(1), (4), (5), (7) and (8) (appointment of the Examining body).
- (10) Omit regulation 25 (membership of examining body where application relates to land in Wales).
- (11) In regulation 26(1) (functions of the Examining body)—
 - (a) omit sub-paragraphs (b) and (c); and
 - (b) in sub-paragraph (d) omit “where the Secretary of State is the appropriate authority;”.
- (12) In regulation 28 (preliminary meeting and other meetings)—
 - (a) in paragraph (2) for sub-paragraphs (a) and (b) substitute—
 - “(a) the applicant;
 - (b) each person whom the applicant is required to notify of an application under regulation 19, subject to paragraph (3) of that regulation;
 - (c) each person who has made a relevant representation; and
 - (d) each other interested party;”;
 - (b) in paragraph (7) for the words from “all interested parties” substitute “any person who is required to be invited to the preliminary meeting under regulation 28(2) and anyone who attended the preliminary meeting”; and
 - (c) insert a new paragraph (9) as follows—
 - “(9) As soon as practicable after the end of the preliminary meeting, the Examining body must inform each statutory party, and each local authority within section 88A, that that person may notify the Examining body in writing that that person is to become an interested party.”
- (13) In regulation 42 (completion of examination) for paragraph (6) substitute—
 - “(6) Where the Secretary of State has changed the date set for the deadline the Secretary of State must—

- (a) notify each interested party of the new deadline; and
 - (b) publicise the new deadline in such a manner as the Secretary of State thinks appropriate.”
- (14) In regulation 43 (procedure after completion of examination)—
 - (a) omit paragraph (1); and
 - (b) for paragraph (2) substitute—
 - “(2) The Examining body must make a written report to the Secretary of State by the end of the period of 3 months beginning with the earlier of—
 - (a) the deadline for its completion of the examination of the application; and
 - (b) the end of the day on which it completes the examination.”
- (15) In regulation 47 (making the decision)—
 - (a) in paragraph (1)(d) for “its” substitute “the Secretary of State’s”;
 - (b) in paragraph (4) for “it” substitute “the Secretary of State”; and
 - (c) in paragraph (8)—
 - (i) at the end of sub-paragraph (a) insert “and”;
 - (ii) omit sub-paragraphs (b) and (d); and
 - (iii) at the end of sub-paragraph (c) for “; and” substitute “.”.
- (16) Omit regulation 48 (decision-making by the Examining body).
- (17) In regulation 49 (timetable for decisions)—
 - (a) omit paragraph (1); and
 - (b) for paragraph (2) substitute—
 - “(2) The Secretary of State must decide the application by the end of the period of 3 months beginning with the earlier of—
 - (a) the deadline for the Secretary of State to have received a report on the application from the Examining body under regulation 43(2); and
 - (b) the end of the day on which the Secretary of State receives a report on the application from the Examining body under regulation 43(2).”;
 - (c) in paragraphs (3) and (4) for “paragraph (1)” substitute “this regulation”;
 - (d) omit paragraph (5); and
 - (e) for paragraphs (6) and (7) substitute—
 - “(6) Where the Secretary of State exercises the power under paragraph (3), the Secretary of State must make a statement to the House of Parliament of which that Secretary of State is a member, announcing the new deadline.
 - (7) A statement under paragraph (6) must be published in such form and manner as the Secretary of State considers appropriate.
 - (8) A statement under paragraph (6) may be written or oral.”.
- (18) In regulation 51 (notice of authorisation of compulsory acquisition)—
 - (a) in paragraph 3—
 - (i) at the end of sub-paragraph (a) omit “and”;
 - (ii) at the end of sub-paragraph (b) for “.” substitute “, and”
 - (iii) after sub-paragraph (b) insert—

- “(c) make a copy of the order available, at a place in the vicinity of the land, for inspection by the public at all reasonable hours;”;
 - (b) in paragraph (3)(a) omit “and a copy of the order”;
 - (c) at the end of paragraph (7)(c) before “and” insert—
 - “(ca) stating where and when a copy of the order is available for inspection in accordance with paragraph (3)(c);”;
 - (d) omit paragraph (8).
- (19) In regulation 52(2) (statement of reasons)—
- (a) omit sub-paragraphs (c) and (d);
 - (b) for sub-paragraph (h) substitute “any person who has become an interested party before completion of the examination”; and
 - (c) after sub-paragraph (h) insert the following words—
 - “except, in the case of a person who is capable of being an interested party, where such a person has ceased to be an interested party on the date of completion of the examination under regulation 42.”.
- (20) In the heading of Part 3 (changes to, and revocation of, orders granting development consent under paragraphs 3(1), 3(3), 3(6) and 3(7) of Schedule 6 to the Act) omit “, 3(6)”.
- (21) In regulation 54 (general), omit “, 3(6)”.
- (22) In regulation 55 (notice)—
- (a) omit paragraph (1)(f); and
 - (b) in paragraph (2)(d)—
 - (i) at the end of paragraph (i) insert “or”; and
 - (ii) omit paragraph (ii).
- (23) Omit regulation 58(2)(h) (statement of reasons).
- (24) In regulation 60 (interpretation), omit the definition of “responsible authority”.
- (25) In regulation 61 (claim for compensation), for “responsible authority” (in each place) substitute “Secretary of State”.
- (26) In regulation 63 (apportionment of compensation for depreciation)—
- (a) for “responsible authority” (in each place) substitute “Secretary of State”;
 - (b) in paragraph (1)—
 - (i) in sub-paragraph (a) for “them” substitute “the Secretary of State”;
 - (ii) in sub-paragraph (b) for “authority” substitute “Secretary of State”; and
 - (c) in paragraph (2) for “authority” substitute “Secretary of State”.
- (27) In regulation 64 (registration of compensation for depreciation) for paragraphs (a) and (b) substitute—
- “(a) omit subsection (1); and
 - (b) in subsection (2) for the words “the Secretary of State” to “is given such notice he” substitute “compensation becomes payable which includes compensation for depreciation of an amount exceeding £20 the Secretary of State”.
- (28) In regulation 67(2)(closed evidence)—
- (a) in sub-paragraph (b) for “paragraph 2(6) of Schedule 3 to” substitute “section 95A(2) of”; and

(b) in sub-paragraph (c)(ii) for “paragraph 4(2) of Schedule 3” substitute “section 95A(3) of”.