

2024 No. 332

INFRASTRUCTURE PLANNING

**The Infrastructure Planning (Miscellaneous Provisions)
Regulations 2024**

<i>Made</i>	- - - -	<i>6th March 2024</i>
<i>Laid before Parliament</i>		<i>8th March 2024</i>
<i>Coming into force</i>		<i>30th April 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 42(1)(a), 51(3), 56(2)(a), 102(4)(b) and (d) and 232(3) of the Planning Act 2008(a).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 and come into force on 30th April 2024.

(2) Any amendment made by these Regulations has the same extent as the provision amended.

(3) In these Regulations—

“the Act” means the Planning Act 2008;

“the 2009 Regulations” means the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b);

“the 2015 Regulations” means the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015(c).

Amendment of the 2009 Regulations

2.—(1) The 2009 Regulations are amended in accordance with paragraphs (2) and (3).

(2) In regulation 11 (advice), omit paragraph (3).

(3) For the Table in Schedule 1 substitute the Table in the Schedule to these Regulations.

Amendment to the 2015 Regulations

3. In regulation 4(2)(b) of the 2015 Regulations—

(a) omit “an outline of”, and

(b) after “submissions” insert “, and where practicable, the full particulars of the case”.

(a) 2008 c. 29. Sections 42, 56 and 102 were amended by section 23 of the Marine and Coastal Access Act 2009 (c. 23). Sections 51, 56 and 102 were amended by Schedule 13 to the Localism Act 2011 (c. 20). There are other amendments not relevant to this instrument.

(b) S.I. 2009/2264 as amended by S.I. 2012/635. There are other amendments not relevant to this instrument.

(c) S.I. 2015/462.

Transitional provisions

4.—(1) The amendments in regulation 2 do not apply to any proposed application for an order granting development consent where the applicant has started to consult under section 42 of the Act before 30th April 2024.

(2) The amendments in regulation 3 do not apply to any application for an order granting development consent under section 37 of the Act made before 30th April 2024.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Lee Rowley
Minister of State

6th March 2024

Department for Levelling Up, Housing and Communities

SCHEDULE

Regulation 2

Table to be substituted for the Table in Schedule 1 to the 2009 Regulations

Table

<i>Column 1; Consultee</i>	<i>Column 2; Circumstances when that person must be consulted about a proposed application</i>	<i>Column 3; Circumstances when that person must be notified about an application</i>
Government		
The Welsh Ministers (Welsh Government)	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales
The Scottish Executive (Scottish Government)	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The relevant Northern Ireland Department	All proposed applications likely to affect land in Northern Ireland	All applications likely to affect land in Northern Ireland
The Secretary of State for Defence	All proposed applications likely to affect the current or future operation of a site identified in a safeguarding map and all developments in the marine area	All applications likely to affect current or future operation of a site identified in a safeguarding map and all developments in the marine area
The relevant parish council, or, where the application relates to land in Wales or Scotland the relevant community council	All proposed applications	All applications
Environment		
The Environment Agency	All proposed applications likely to affect land in England	All applications likely to affect land in England
The Scottish Environment Protection Agency	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
Natural Resources Wales	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales

Natural England	All proposed applications likely to affect land in England	All applications likely to affect land in England
Scottish Natural Heritage (known as NatureScot)	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The Forestry Commission	All proposed applications likely to affect the protection or expansion of forests and woodlands in England	All applications likely to affect the protection or expansion of forests and woodlands in England
Relevant AONB Conservation Boards	All proposed applications likely to affect an AONB that is managed by a Conservation Board	All applications likely to affect an AONB that is managed by a Conservation Board
Historic Buildings and Monuments Commission for England (known as Historic England)	All proposed applications likely to affect land in England	All applications likely to affect land in England
Royal Commission on Ancient and Historical Monuments of Wales	All proposed applications likely to affect the historic environment in Wales	All applications likely to affect the historic environment in Wales
The Joint Nature Conservation Committee	All proposed applications likely to affect the marine environment	All applications likely to affect the marine environment
The Maritime and Coastguard Agency	All proposed applications likely to affect the maritime or coastal environment, or the shipping industry	All applications likely to affect the maritime or coastal environment, or the shipping industry
The relevant Internal Drainage Board	All proposed applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk	All applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk
The Canal & River Trust	All proposed applications likely to have an impact on inland waterways or land adjacent to inland waterways in England and Wales	All applications likely to have an impact on inland waterways or land adjacent to inland waterways in England and Wales
The British Waterways Board (known as Scottish Canals)	All proposed applications likely to have an impact on inland waterways or land adjacent to inland waterways in Scotland	All applications likely to have an impact on inland waterways or land adjacent to inland waterways in Scotland
Trinity House	All proposed applications likely to affect navigation in tidal waters	All applications likely to affect navigation in tidal waters
Transport		
The relevant Highways Authority	All proposed applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal	All applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal
The Secretary of State for Transport	All proposed applications likely to affect road or transport operation and/or	All applications likely to affect road or transport operation and/or planning on

	planning on roads for which the Secretary of State for Transport is the highway authority	roads for which the Secretary of State for Transport is the highway authority
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	All proposed applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE	All applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE
Transport for London	All proposed applications likely to affect transport within, to or from Greater London	All applications likely to affect transport within, to or from Greater London
The Civil Aviation Authority	All proposed applications relating to airports, or which are likely to affect an airport or its current or future operation	All applications relating to airports or which are likely to affect an airport or its current or future operation
Health		
The Health and Safety Executive	All proposed applications	All applications
The United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	All proposed applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and are likely to affect significantly public health	All applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and likely to affect significantly public health
NHS England	All proposed applications likely to affect land in England and Wales	All applications likely to affect land in England and Wales
The National Health Service Trusts (Wales)	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales
The relevant Health Board (Scotland)	All proposed applications likely to affect land in Scotland	All applications likely to affect land in Scotland
The relevant local health board (Wales)	All proposed applications likely to affect land in Wales	All applications likely to affect land in Wales
Other		
Relevant statutory undertakers	All proposed applications likely to affect their functions as statutory undertakers	All applications likely to affect their functions as statutory undertakers
The Coal Authority	All proposed applications that lie within areas of past, present, or future coal mining	All applications that lie within areas of past, present or future coal mining
The Crown Estate Commissioners	All proposed applications likely to impact on the Crown Estate	All applications likely to impact on the Crown Estate
The relevant police authority	All proposed applications	All applications
The relevant ambulance service	All proposed applications	All applications
The relevant fire and rescue authority	All proposed applications	All applications
A person who manages any property, rights or interests to which section 90B(5) of the	All applications likely to impact on the property, rights and interests managed by the	All applications likely to impact on the property, rights and interests managed by the

Scotland Act 1998 applies	person to which section 90B(5) of the Scotland Act 1998 applies	person to which section 90B(5) of the Scotland Act 1998 applies
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Notes to Table

(a) “relevant”, in relation to a body (except a Northern Ireland Department), shall mean the body which has responsibility for the location where the proposals may or will be sited or has responsibility for an area which neighbours that location.

(b) “safeguarding map” has the meaning given in a direction made by the Secretary of State in exercise of the powers conferred by articles 18(4), 31(1), 34(8) and 45 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Planning Act 2008 (c. 29) (“the Act”) provides for the granting of development consent for certain types of nationally significant infrastructure projects.

These regulations amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the 2009 Regulations”) and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (“the 2015 Regulations”).

Regulation 2(2) amends the 2009 Regulations to remove the provision prohibiting an appointed person who has been involved in giving advice under section 51 of the Act from being appointed to a Panel, or as a single appointed person responsible for examining the relevant application.

Regulation 2(3) amends the 2009 Regulations by substituting the table in Schedule 1 of the 2009 for a new table of persons prescribed for the purposes of sections 42(1)(a) (duty to consult) and 56(2) (notifying persons of accepted applications) of the Act.

Regulation 3 amends the 2015 Regulations by extending the requirement relating to the relevant representation registration form so that it must include the principal submissions which the person proposes to make in respect of the application and, where practicable, the full particulars of the case.

Regulation 4 contains transitional provisions. It provides that the amendments in Regulation 2 do not apply where the applicant has started to consult under section 42 of the Act, and the amendments to Regulation 3 do not apply to any applications made under section 37 of the Act, before 30th April 2024.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£5.78

<http://www.legislation.gov.uk/id/uksi/2024/332>

ISBN 978-0-34-825895-0



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