



# Infrastructure Act 2015

## 2015 CHAPTER 7

### PART 5

#### PLANNING, LAND AND BUILDINGS

##### *Nationally significant infrastructure projects*

#### **26 Timing of appointment of examining authority**

In section 61 of the Planning Act 2008 (decision as to whether application for order granting development consent should be handled by Panel or single appointed person) for subsection (1) substitute—

“(1) Subsection (2) applies where the Secretary of State has accepted an application for an order granting development consent.”

#### **27 Two-person Panels**

(1) In section 65 of the Planning Act 2008 (appointment of Panel to examine application for order granting development consent) in subsection (1)(a) (Panel to consist of three, four or five persons) before “three” insert “two”.

(2) In section 68(3) of that Act (duty of Secretary of State to appoint additional members if Panel comes to have two members or a single member)—

- (a) omit “two members or”, and
- (b) for “three” substitute “two”.

(3) In section 73(1)(b) of that Act (Panel’s continuing identity not affected by its coming to have two members or a single member) omit “two members or”.

(4) In section 75 of that Act (decision-making by Panel)—

- (a) before subsection (1) insert—

“(A1) If the members of a Panel with two members disagree as to a proposed decision by the Panel, the view of the lead member is to prevail.”, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in subsection (1) (decision by Panel requires the agreement of a majority) for “the Panel” substitute “a Panel with three or more members”.

## **28 Changes to, and revocation of, development consent orders**

- (1) Schedule 6 to the Planning Act 2008 (changes to, and revocation of, orders granting development consent) is amended as follows.

- (2) In paragraph 2 (non-material changes to orders)—

- (a) in sub-paragraph (8) (duty for Secretary of State to comply with prescribed consultation and publicity requirements) after “Secretary of State” insert “and the person who has made the application under sub-paragraph (4)”, and
- (b) after that sub-paragraph insert—

“(8A) The power to make regulations under sub-paragraph (8) includes power to allow the Secretary of State or the person who has made the application under sub-paragraph (4) to exercise a discretion.”

- (3) In paragraph 3 (changes to, and revocation of, orders) after sub-paragraph (5) insert—

“(5A) The Secretary of State may refuse to exercise the power on an application made under sub-paragraph (4) or (5) if, in particular, the Secretary of State considers that the development that would be authorised as a result of the change should properly be the subject of an application under section 37 for a development consent order.”

- (4) In paragraph 4 (supplementary provisions about changes to, and revocation of, orders) after sub-paragraph (5) insert—

“(5A) The power to make regulations under sub-paragraph (4) includes power to allow a person to exercise a discretion.”