

---

STATUTORY INSTRUMENTS

---

**2011 No. 2055**

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

**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

**General**

**54.** The regulations in this Part apply where the appropriate authority proposes to make an order under paragraph 3(1) in the circumstances described in paragraphs 3(3), 3(6) or 3(7) of Schedule 6 to the 2008 Act.

**Notice**

**55.—(1)** Before making an order the appropriate authority must give notice of its intention to consider making such an order to—

- (a) each person for whose benefit the development consent has effect;
- (b) each authority which, in relation to the application, is a relevant local authority;
- (c) the Greater London Authority if the land is in Greater London;
- (d) the Marine Management Organisation if the land is in one or more of the areas specified in subsection (1A) of section 102;
- (e) each person who is within one or more of the categories set out in section 57 as regards the land;
- (f) the Commission where the appropriate authority is the Secretary of State or the Secretary of State where the appropriate authority is the Commission; and
- (g) the persons listed in column 1 of the table in Schedule 1 to these Regulations, in the circumstances specified in relation to each such person in column 3 of that table, subject to the modification that each reference to the “application” shall be deemed to be a reference to the “proposed order”.

(2) The notice must include—

- (a) a copy of the proposed order;
- (b) any documents or plans considered necessary to support the proposed order;
- (c) a statement saying whether the proposed order involves EIA development;
- (d) a statement that—
  - (i) the appropriate authority is satisfied as to the matters described in paragraph 3(3) of Schedule 6 to the Act;

- (ii) the appropriate authority is satisfied as to the matters described in paragraph 3(6) of Schedule 6 to the Act; or
- (iii) the Secretary of State is satisfied as to the matters described in paragraph 3(7) of Schedule 6 to the Act;
- (e) a statement that a copy of the proposed order and any accompanying documents and plans are available for inspection free of charge at the places (including at least one address in the vicinity of the land) and times set out in the notice;
- (f) the latest date on which those documents will be available for inspection being a date not earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the notice;
- (g) 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;
- (h) details of how to make representations (giving notice of any interest in, or objection to, the proposed order); and
- (i) a deadline for the receipt by the appropriate authority of those representations being not less than 28 days following the date on which the person receives the notice.

### **Publicising a proposed order**

**56.**—(1) The appropriate authority must publish a notice, which must include the matters specified in paragraph (2), in the same manner as is prescribed in relation to a proposed application by regulation 14.

- (2) The matters which the notice must include are—
  - (a) the name and address of the appropriate authority;
  - (b) a statement to the effect that the appropriate authority is considering making the proposed order;
  - (c) the reference of the appropriate authority;
  - (d) a summary of the main proposals in the proposed order;
  - (e) a statement saying whether the proposed order involves EIA development;
  - (f) a statement that a copy of the proposed order and any accompanying documents, plans and maps are available for inspection free of charge at the places (including at least one address in the vicinity of the land) and times set out in the notice;
  - (g) the latest date on which those documents will be available for inspection (being a date not earlier than the deadline date under sub-paragraph (j));
  - (h) 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;
  - (i) details of how to make representations (giving notice of any interest in, or objection, to the application); and
  - (j) a deadline for the receipt by the appropriate authority of those representations being not less than 28 days following the date that the notice is last published.

### **Notification of decisions**

**57.** The appropriate authority must give written notice of its decision to each person who it is required by regulation 58 to provide a copy of the statement of its reasons for its decision.

### **Statement of reasons**

**58.**—(1) The appropriate authority must prepare a written statement of its reasons for deciding to make an order under paragraph 3(1) of Schedule 6 to the Act or for refusing to make an order.

(2) The appropriate authority must provide a copy of the statement to the following—

- (a) the applicant;
- (b) each person who has the benefit of the development consent order to which the application relates;
- (c) any statutory party;
- (d) each relevant local authority;
- (e) the Greater London Authority if the land is in Greater London;
- (f) the Marine Management Organisation if the land is in one or more of the areas specified in subsection (1A) of section 102;
- (g) anyone who has made a relevant representation; and
- (h) the Commission where the appropriate authority is the Secretary of State or the Secretary of State where the appropriate authority is the Commission.

(3) The appropriate authority must publish the statement in such manner as the appropriate authority thinks appropriate.

### **Effect of decision**

**59.**—(1) Subject to paragraph (2), if a change, which is material, is made to a development consent order under the power conferred by paragraph 3(1) of Schedule 6 to the Act—

- (a) the development consent order continues in force; and
- (b) the change to the development consent order takes effect from the date on which the notice of the appropriate authority's decision is notified under regulation 57, or if the change to the order is required to be made by order contained in a statutory instrument, the date specified in the order making the change.

(2) If under the power conferred by paragraph 3(1) of Schedule 6 to the Act a development consent order is revoked, the revocation shall take effect from—

- (a) from the date specified in the order making the revocation; or
- (b) where there is no date specified, the date on which the order making the revocation is made.