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STATUTORY INSTRUMENTS

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**2012 No. 635**

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

**Amendments to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

2.—(1) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>(1)</sup> are amended as follows.

(2) In those Regulations, (except regulation 5(7) (when development is EIA development: directions by the Secretary of State) and Schedule 5), for “Commission” (in each place) substitute “Secretary of State”.

(3) In regulation 2 (interpretation)—

- (a) in paragraph (1) in the definition of “further information” omit “the Commission,”; and
- (b) in paragraph (4) omit “with the exception of the expression “the Commission””.

(4) In regulation 3(2) (prohibition on granting consent without consideration of environmental information)—

- (a) for “decision-maker” substitute “Secretary of State”; and
- (b) for “it” (in each place) substitute “the Secretary of State or relevant authority (as the case may be)”.

(5) In regulation 5—

- (a) in paragraph (2) for “decision-maker makes an order granting development consent, or as the case may be,” substitute “relevant authority”; and
- (b) in paragraph (7) for “Commission and” substitute “relevant authority or”.

(6) In regulation 6(7) (procedure for establishing whether environmental impact assessment is required)—

- (a) for “the Commission, the Examining authority or the Secretary of State” substitute “the Secretary of State or the Examining authority”; and
- (b) in sub-paragraph (c) omit “the Commission or”.

(7) In regulation 7(1) (considerations for screening decisions)—

- (a) omit “the Commission,” (in both places); and
- (b) after “the Secretary of State” (in both places) omit “,”.

(8) In regulation 9(2)(b)(i) (procedure to facilitate preparation of environmental statements)—

- (a) omit “the Commission or”; and
- (b) omit “or screening direction”.

(9) In regulation 15 (effect of failure to comply with regulation 13) omit “or the Secretary of State” (in each place).

(10) In regulation 16 (accepted application - effect of screening opinion not taking account of all relevant information)—

- (a) omit “or the Secretary of State” (in each place);
- (b) in paragraphs (3) and (4) omit “or direction” (in each place);
- (c) omit paragraph (4)(c); and
- (d) in paragraph (6)(a) omit “, the Secretary of State”.

(11) In regulation 17 (accepted application – effect of environmental statement being inadequate)

- (a) omit “or the Secretary of State” (in each place); and
- (b) in paragraph (3)(a) omit “(as the case may be)”.

(12) In regulation 22 (availability of directions etc and notification of decisions)—

- (a) omit paragraph (1)(b); and
- (b) in paragraph (3)(c) omit “screening direction, or”.

(13) In regulation 23 (duties to inform the consultees, public and the Secretary of State of final decisions)—

- (a) in paragraph (2)(a) omit “the Secretary of State and”;
- (b) in paragraph (2)(c)(i) for “Panel or the Council” substitute “Secretary of State”; and
- (c) omit paragraphs (4) and (5).

(14) In Schedule 5—

- (a) in Certificate 1 for “Infrastructure Planning Commission” and “IPC” substitute “Secretary of State”;
- (b) in Certificate 2 for “Infrastructure Planning Commission” substitute “Examining authority” and for “IPC” substitute “Secretary of State”;
- (c) in Certificate 3 for “Commission” and “Infrastructure Planning Commission” substitute “Examining authority” and for “IPC” substitute “Secretary of State”; and
- (d) in Certificates 4 and 5 for “Commission” and “Infrastructure Planning Commission” substitute “relevant authority” and for “IPC” substitute “Secretary of State”.