

**EXPLANATORY MEMORANDUM TO**  
**THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED**  
**FORMS AND PROCEDURE) (AMENDMENT) REGULATIONS 2014**

**2014 No. 2381**

1. This Explanatory Memorandum has been prepared by the Department for Communities and Local Government (DCLG) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The purpose of this instrument is to provide greater flexibility in relation to the scale of plans that must accompany applications for development consent for offshore infrastructure projects.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 Section 55(3)(f) of the Planning Act 2008 provides that the Secretary of State may only accept an application for an order granting development consent if the Secretary of State considers that the application is of a satisfactory standard.
  - 4.2 Under section 55(5A)(a) of the Act, the Secretary of State must, when deciding whether the application is of a satisfactory standard, have regard to the extent to which the application complies with the requirements in section 37(3) of the Act.
  - 4.3 Section 37(3)(b) requires that an application for an order granting development consent must, so far as necessary to ensure that the application is of standard that the Secretary of State considers satisfactory, be accompanied by documents and information of a prescribed description.
  - 4.2 Regulation 5(2) of The Infrastructure Planning (Applications; Prescribed Forms and Procedure) Regulations 2009 (“the 2009 Regulations”) requires several plans to accompany such an application.
  - 4.3 Regulation 5(3) provides that any plans, drawings or sections required to be provided must be drawn to an identified scale not smaller than 1:2500.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 In 2013, the Government launched a review of the nationally significant infrastructure planning regime under the Planning Act 2008. One of the matters consulted on was the suggestion of removing precise requirements around the scale of plans that must accompany an application.

7.2 Respondents to the review raised a specific concern about the scale requirements for plans for offshore projects. By their nature, such projects (e.g. an offshore wind farm) may cover a very large area of square kilometres often far from the coast. The consequence of compliance with the current requirement on scale of maps (as noted above, the 2009 Regulations provide that they must be no smaller than 1:2500) is that many large scale maps for offshore projects would show only empty sea.

7.3 Although the Secretary of State can accept an application where the accompanying plans do not comply with the current scale requirement, provided the application is of a standard that is considered satisfactory (section 55(3)(f) of the Act), the minimum scale requirement creates uncertainty for developers of offshore projects about whether their applications will be accepted if the scale requirements are not complied with.

7.4 The production, printing and copying of offshore plans at the current prescribed scale would place unnecessary costs on applicants for plans that serve little or no purpose. The large scale required could also make it difficult for other users of the infrastructure planning regime to properly understand the context of offshore infrastructure projects as they would be faced with large numbers of plans that may not provide any useful information.

7.5 The amendment to the 2009 Regulations will remove the requirement for a scale no smaller than 1:2500 for offshore proposals. This will ensure that applicants have flexibility to provide offshore plans to a suitable scale.

## **8. Consultation outcome**

8.1 Consultation was undertaken as part of the review of the nationally significant infrastructure planning regime. The Government's response to the review was published in April 2014. This recognised the concerns raised by applicants about the requirements on plan scales for offshore projects. The Government indicated that it would review the current prescribed scale for offshore maps with a view to providing greater flexibility. The government response is available at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/)

**9. Guidance**

9.1 The Planning Inspectorate's Advice Note 6, which discusses the scale of plans required, will need to be updated to reflect this amendment.

**10. Impact**

10.1 An impact assessment is annexed to this document and is available alongside the instrument on the website [www.legislation.gov.uk](http://www.legislation.gov.uk). No adverse impacts have been identified with this measure, which is de-regulatory and will provide benefits to applicants (in terms of confidence that they can benefit from reduced costs) and to users (from better clarity in information provided).

**11. Regulating small business**

11.1 The legislation will apply to any size of business preparing a Development Consent Order application for an offshore infrastructure project. It will reduce risks to businesses of all sizes that they might face the unnecessary costs of producing plans to an inappropriate scale and will not lead to any burdens on small or large businesses

**12. Monitoring & review**

The Department for Communities and Local Government will continue to keep the provisions in the 2009 regulations under review.

**13. Contact**

Andrew Maginn at the Department of Communities and Local Government (Tel: 0303 444 3101 or email: [andrew.maginn@communities.gsi.gov.uk](mailto:andrew.maginn@communities.gsi.gov.uk)) can answer any queries regarding the instrument.