

SCHEDULE 2

Regulation 5

Prescription of consents

England and Wales

PART 1

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Wildlife and Countryside Act 1981(1)	A licence under section 16 (power to grant licences)
Gas Act 1986(2)	A licence under section 7 (licensing of public gas transporters) A licence under section 7ZA (licences for operation of gas interconnectors) A licence under section 7A (licence of gas suppliers and gas shippers)
Electricity Act 1989(3)	A licence under section 6 (licences authorising supply etc)
Land Drainage Act 1991(4)	A consent under section 23 (prohibitions of obstructions etc in watercourses)
Water Resources Act 1991(5)	A licence under section 24 (restrictions on abstraction)

- (1) [1981 c.69](#). Section 16 was amended by the Environmental Protection Act [1990 \(c.43\)](#), section 132 and Schedule 9 paragraph 11(4); the Countryside and Rights of Way Act [2000 \(c.37\)](#), section 81(1) and Schedule 12 paragraph 6; the Natural Environment and Rural Communities Act [2006 \(c.16\)](#), section 105(1) and Schedule 11, Part 1 paragraph 72; the Marine and Coastal Access Act [2009 \(c.23\)](#), section 10; [S.I. 1995/2825](#); [S.I. 2007/1843](#) and [SI 2013/755 \(W.90\)](#) which repealed section 132 of, and Schedule 9 to the Countryside and Rights of Way Act 2000.
- (2) [1986 c.44](#). Section 7 was substituted by the Gas Act [1995 \(c. 45\)](#), section 5; it was further amended by the Utilities Act [2000 \(c.27\)](#), sections 3(2) and 76, Schedule 6, Part 1, paragraphs 1 and 4 and section 108 and Schedule 8; by the Energy Act [2004 \(c.20\)](#), sections 149(1) and (5), section 197(9), Schedule 23 and by [S.I.2011/2704](#). Section 7ZA was inserted by the Energy Act 2004, section 149 (1), (6). Section 7A was inserted by the Gas Act 1995, section 6(1); it was amended by the Utilities Act 2000, section 3(2), Schedule 6, Part 1, paras 1, 2(1), section 108 and Schedule 8; and by the Energy Act 2004, section 149(1) and (7).
- (3) [1989 c.29](#). Section 6 was substituted by the Utilities Act [2000 \(c.27\)](#), section 30; it was further amended by the Energy Act 2004 section 89(3), section 136(1) and (2), section 143(1), Schedule 19, paragraphs 3 and 5, section 145 (1), (5), (6), (7) and section 197(9), Schedule 23, Part 1; by the [Climate Change Act 2000\(c.27\)](#), section 79, Schedule 8, paragraph 2; by the Energy Act [2011 \(c.16\)](#) section 72, Schedule 1, paragraphs 2 and 3; [S.I. 2011/2704](#) and [S.I. 2012/2400](#).
- (4) [1991 c.59](#). Section 23 was amended by the Environment Act 1995 section 120, Schedule 22, para 191, 192(1), (2); and by the Flood and Water Management Act [2010 \(c.29\)](#), section 31, Schedule 2, paras 25 and 32.
- (5) [1991 c.57](#). Section 24 was amended by the Environment Act [1995 \(c.25\)](#), Schedule 22 para.128; by the Water Act [2003 \(c.37\)](#), section 60 and [S.I. 2013/755 \(W.90\)](#); Section 25 was amended by the Environment Act [1995 \(c.25\)](#), sections 103(3), 105, 120 and Schedule 15, paragraph 26, Schedule 22, paras 128, 190; and by the Natural Environment and Rural Communities Act [2006 \(c.16\)](#), section 100(1), (2); and by the Water Act 2003 sections 2(1)to (5) and (10), 60, 101 (2), Schedule 9 Part 1, and [S.I. 2013/755](#). Section 32 was amended by the Fire and Rescue Services Act [2004 \(c.21\)](#), section 53(1), Schedule 1 paragraph 79 and [S.I. 2013/755](#). Section 73 was amended by the Environment Act 1995, s 120(1), Schedule 22, para 139 and [S.I. 2013/755](#). Section 79 A was amended by the Water Act 2003, sections 64(3)(a), (b) 101(2), Schedule 9, Part 3 and [S.I. 2013/755](#). Schedule 25, para 5 was amended by the Natural Environment and Rural Communities Act 2006, section 100(1); the Flood and Water Management Act 2010, section 31, Schedule 2, paras 40, 49; the Marine and Coastal Access Act 2009 section 8, 146(1), Schedule 11, paragraph 3 4; Natural Environment and Rural Communities Act [2006 \(c.16\)](#), section 100(2); and [S.I. 2013/755](#). Schedule 25, para 6 was amended by the Environment Act 1995, section 103(3), 105, 120(1), Schedule 15, para 26, Schedule 22, para 128; by the Marine and Coastal Access Act 2009, section 224,233(1), 321, Schedule 16, paras 20, 24, 25 and Schedule 22, Part 5(B) and [S.I. 2013/755](#). Section 109 was amended by the Marine and Coastal Access Act 2009, section 82 and [S.I.2013/755](#).

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	A licence under section 25 (restrictions on impounding)
	A consent under section 32 (restrictions on abstraction)
	A drought order under section 73 (drought orders)
	A drought permit under section 79A (drought permits)
	A consent under byelaws made under paragraphs 5, or 6 of Schedule 25 (byelaw-making powers of the appropriate agency)
	A consent under section 109 (structures in, over or under a main river)
Protection of Badgers Act 1992(6)	A licence under section 10 (licences)
Petroleum Act 1998(7)	A licence under section 3 (to search and bore for and get petroleum)
	An authorisation under section 14 (for the construction and use of pipelines)
Energy Act 2008(8)	A licence under section 4 (importation and storage of combustible gas)
	A licence under section 18 (storage of carbon dioxide)
	An approval under section 46 (funded decommissioning programmes)
Nuclear Industries Security Regulations 2003(9)	An approval under regulation 5 (submission and approval of first security plans)
	An approval under regulation 6 (replacement, amendment and revocation of approved security plans)
	An approval under regulation 8 (temporary security plans during building works etc.)
Justification of Practices Involving Ionising Radiation Regulations 2004(10)	A justification under regulation 9 (consideration of new practices)

(6) 1992 c.51. Section 10 was amended by the Natural Environment and Rural Communities Act 2006 (c.16), section 105(1), Schedule 11, Part 1, paragraph 137, S.I. 2002/794 and SI 2013/755 (W.90).

(7) 1998 c.17.

(8) 2008 c.32. Section 18 was amended by S.I. 2011/2453 and 2011/2453. Section 46 was amended by the Energy Act 2011(c. 16), Part 3, s.106(2) and (3); the Energy Act 2013 (c. 32), Part 6 chapter 2 section 149(3), and Schedule 12(5), paragraph.96.

(9) S.I. 2003/403, amended by S.I. 2013/190 and S.I. 2014/469; there are other amending instruments but none are relevant.

(10) S.I. 2004/1769, to which there are amendments not relevant to these Regulations.

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	A review of a justification decision under regulation 10 (review of existing practices)
Offshore Marine Conservation (Natural Habitats. &c) Regulations 2007 (11)	A licence under regulation 49 (power to grant licences)
Persistent Organic Pollutants Regulations 2007 (12)	An authorisation under regulation 8 (derogation)
Conservation of Habitats and Species Regulations 2010 (13)	A licence under regulation 53 (licences for certain activities relating to animals or plants)
Environmental Permitting(England and Wales) Regulations 2010 (14)	An environmental permit or an exemption from the requirement for such a permit
Greenhouse Gas Emissions Trading Scheme Regulations 2012 (15)	A permit under Chapter 1 of Part 2 (permits)

Wales

PART 2

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Inclosure Act 1852 (16)	An order under section 14 (direction by order that village greens, etc, shall not be fenced)
Inclosure Act 1854 (17)	An order under section 5, 9 or 11 (exchanges etc, fencing etc)
Inclosure Act 1857 (18)	An order under section 1(fences may be dispensed with)
Commons Act 1876 (19)	A consent or authorisation required under byelaws or regulations made pursuant to section 15 (owners may make byelaws)
Commons Act 1899 (20)	A consent or authorisation required under byelaws or regulations made pursuant to sections 1 and 10 (power for district council to make scheme for regulation of common; or provisions as to byelaws)

(11) S.I. 2007/1842, amended by S.I 2010/491 and S.I. 2010/603; there are other amending instruments but none are relevant.

(12) S.I 2007/3106, to which there are amendments not relevant to these Regulations.

(13) S.I 2010/490, to which there are amendments not relevant to these Regulations.

(14) S.I. 2010/675, amended by the Scotland Act 2012 sections 12(4), the Energy Act 2013 section 116, Schedule 12, para 30, S.I. 2010/676, S.I. 2010/2172, S.I.2011/988,S.I. 2011/1043, S.I. 2011/2043, S.I. 2011/2377 (W250), SI 2011/2933, S.I 2012/630, SI 2012/811, SI 2013/390 (partly as from 27 Feb 2013, partly as from 7 Jan 2014 and fully as from 1 Jan 2016), SI 2013/755, SI 2013/766, SI 2013/2952, SI 2014/255, SI 2014/517 (W.60),S.I. 2014/2852 (as from 1 Jan 2015).

(15) S.I. 2012/3038, to which there are amendments not relevant to these Regulations

(16) 1852 c.79.

(17) 1854 c. 97. Section 11 was amended by the Law of Property Act 1925 (c 20), section 207, 209 and Schedule 7.

(18) 1857 c.31.

(19) 1876 c.56.

(20) 1899 c.30. Section 1 was amended by the Local Government Act 1972 (c.70) section 272(1) and Schedule 30 and the Commons Act 2006 sections 50(1) and (4).

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Law of Property Act 1925 (21)	Imposition of limitations and conditions under section 193 (rights of public over commons and waste lands)
Coast Protection Act 1949 (22)	A consent under section 16 (consent of coast protection authority required to carrying out of coast protection work) A licence under section 18 (prohibition of excavation etc., of materials on or under the seashore)
National Parks and Access to the Countryside Act 1949 (23)	Authorisation under section 20 pursuant to byelaws (byelaws for protection of nature reserves)
Pipe-lines Act 1962 (24)	A consent under section 15 (power to place pipe-lines in streets)
Conservation of Seals Act 1970 (25)	A licence under section 10 (power to grant a licence)
Protection of Wrecks Act 1973 (26)	A licence under section 1 (protection of sites of historic wrecks consent or licence)
Health and Safety at Work Act 1974 (27)	Approval under section 16 (approval of codes of practice by the Executive)
Salmon and Freshwater Fisheries Act 1975 (28)	A confirmation or variation of an order under section 26 (limitation of fishing licences).

- (21) 1925 c.20. Section 193 was amended by the Local Government Act 1972 (c.70) section 189(4), section 272(1), and Schedule 30; the Criminal Justice Act 1982 (c.48) sections 37, 38 and 46; the Local Government Act 1985 (c.51) section 16, Schedule 8, paragraph 10(5); the Local Government (Wales) Act 1994 (c.19) section 66(6), Schedule 16, paragraph 7(1) and the Countryside and Rights of Way Act 2000 (c.37) section 46(1)(a) and (3), section 102, Schedule 4 paragraph 1, and Schedule 16, Part 1.
- (22) 1949 c.74. Section 16 was amended by the Water Act 1989 (c.15) section 190, Schedule 25, paragraph 11(4), S.I. 1996/593 and S.I. 2013/755 (W.90). Section 18 was amended by the Territorial Sea Act 1987 (c.49) section 3 and Schedule 1, paragraph 1.
- (23) 1949 c. 97. Section 20 was amended by the Telecommunications Act 1984 (c.12) section 109 and paragraph 28 of Schedule 4; the Water Act 1989 (c.15) section 190, and paragraph 13 of Schedule 25; the Communications Act 2003 (c.21) section 406(1) and paragraph 20(1) and (2) of Schedule 17 and the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), and paragraph 15(d) of Schedule 11.
- (24) 1962 c.58. Section 15 was amended by the New Roads and Street Works Act 1991 (c.22) section 168(1), Schedule 8, Part 4, paragraph 101(2) and, (3) and S.I. 1999/742.
- (25) 1970 c.30. Section 10 was amended by the Wildlife and Countryside Act 1981 (c.69), sections 12, section 73(1), Schedule 7 paragraphs 7(1) to (3) and Schedule 17; the Environmental Protection Act 1990 (c.43) section 132 and Schedule 9 paragraph 5, the Countryside and Rights of Way Act 2000 (c.37) section 76(1), section 102, Schedule 10 paragraph 4 and Schedule 16 Part 3; the Marine and Coastal Access Act 2009 (c.23) 9, section 146(1) and Schedule 11 paragraph 1; the Natural Environment and Rural Communities Act 2006 (c.16) section 53 and Schedule 6 paragraph 2, section 105(1) and Schedule 11 paragraph 57(1) to (3); S.I. 2007/1843, S.I. 2010/490 and SI 2013/755 (W.90).
- (26) 1973 c.33.
- (27) 1974 c.37. Section 16 was amended by the Employment Protection Act 1975(c.71), section 116, section 125(3), Schedule 15, paragraph 7, and Schedule 18; the Railways Act 2005 (c.14), section 2, Schedule 3 paragraphs 9(1) and (2) and the Health and Social Care Act 2012 (c.7), section 56(4), Schedule 7, paragraphs 4, 5, and S.I. 2008/980.
- (28) 1975 c.51. Section 26 was amended by the Water Act 1989 (c.15), section 141, section 190 (3), Schedule 17, paragraphs 7(1),(6), Schedule 27, Part 1; the Marine and Coastal Access Act 2009(c.23), sections 218(1), (2), (3), (4), (5), (6), 233(1), Schedule 16, paragraphs 1, 10(1), (2), (3), (4); S.I. 2013/755 (w.90). Section 30 was amended by the Salmon Act 1986 (c.62), section 34; the Environment Act 1995(c.25), sections 105, 120(3), Schedule 15, paragraphs 2, 17, Schedule 24; S.I 2013/755 (w.90), and S.I. 2015/10.

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	A consent under section 30 (introduction of fish into inland waters)
Coity Wallia Commons Act 1976 (29)	A consent or Licence under section 6 or 10
Ancient Monuments and Archaeological Areas Act 1979 (30)	A consent under section 2 (control of works affecting scheduled monuments)
	A consent under section 3 (grant of scheduled monument consent by order of the Secretary of State)
Import of Live Fish (England and Wales) Act 1980 (31)	An order under section 1 (power to limit the import etc. of fish and fish eggs)
Wildlife and Countryside Act 1981 (32)	A consent under section 28E (duties in relation to sites of special scientific interest.)
	An order under section 53 (duty to keep definitive map and statement under continuous review)
Road Traffic Regulation Act 1984 (33)	An order for the regulation of traffic under section 1, 9, 14, 15 or 22BB (general provisions for traffic regulation: regulation in special cases)
Food and Environment Protection Act 1985 (34)	A licence under section 8 (licences)
Planning (Hazardous Substances) Act 1990 (35)	A consent under section 13 (application for hazardous substances consent without condition attached to previous consent)

(29) 1976 c.xxix.

(30) 1979 c.46. Section 2 was amended by the Planning Act 2008 (c.29) section 36, Schedule 2, paragraphs 16, 17 and the National Heritage Act 1983 (c.47) section 33, Schedule 4, paragraph 27. Section 3 was amended by the National Heritage Act 1983 section 33, Schedule 4, paragraph 28.

(31) 1980 c.27. Section 1 was amended by the Fisheries Act 1981 (c.29) section 37(2), the Environmental Protection Act 1990 (c.43) section 132, Schedule 9, paragraph 8, the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Schedule 11, Part 1, paragraph 62. Further amendments were made by and S.I. 2009/463 and S.I. 2013/755 (W.90).

(32) 1981 c.69. Section 28E was inserted by the Countryside and Rights of Way Act 2000 (c.37) section 75(1), and Schedule 9 paragraph 1 and was amended by the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), and Schedule 11 paragraphs 79 and 80. Section 53 has been amended by the Countryside and Rights of Way Act 2000, section 51, and Schedule 5, Part 1, paragraph 1 and the Natural Environment and Rural Communities Act 2006, section 70(1).

(33) 1984 c.27. Section 1 was amended by the New Roads and Street Works Act 1991 (c.22) section 168, Schedule 8, Part 2, paragraph 17 Schedule 9, the Environment Act 1995 (c.25) section 120, Schedule 22, paragraph 36(1), the Transport Act 2000 (c.38) section 161, Schedule 11, paragraphs 6, 7 and the Local Transport Act 2008 (c.26) section 45. Section 9 was amended by the New Roads and Street Works Act 1991 section 168(1), Schedule 8, Part 2, paragraph 23, the Road Traffic Act 1991 (c.40) section 48, Schedule 4, para 24 and the Local Government Act 1985 (c.51) section 8, Schedule 5, paragraph 4(4). Sections 14 and 15 were substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26) section 1(1) Schedule 1 and an amendment was made to section 15 by S.I. 2006/1177. Section 22B was inserted by the Railways and Transport Safety Act 2003, section 108.

(34) 1985 c.48. Section 8 was amended by the Food Standards Act 1999 (c.28) section 18, Schedule 3, Part 3, paragraph 16(4) and by the Marine and Coastal Access Act 2009 (c.23), section 112(1), Schedule 8 paragraphs 2(1) and (5) and section 321 and Schedule 22 Part 2.

(35) 1990 c.10. Section 13 was amended by the Environmental Protection Act 1990 (c.43) sections 144, 162, Schedule 13, Part 1, paragraph 6, Schedule 16, Part 7. Section 17 was amended by the Planning and Compulsory Act 2004 (c.5), section 79(4), Schedule 3, paragraph 20. Section 18 was amended by the Environmental Protection Act 1990 (c.43) section 162, Schedule 16, Part VII, and S.I. 2014/469.

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	A consent under section 17 (revocation of hazardous substances consent on change of control of land)
	A consent under section 18 (determination of applications for continuation of hazardous substances consent)
Town and Country Planning Act 1990 (36)	A consent under section 198 (power to make tree preservation orders)
	A consent under section 211 (preservation of trees in conservation areas)
	An order under section 247 (highways affected by development: orders by Secretary of State)
	An order under section 257 (footpaths, bridleways and restricted byways affected by development: orders by other authorities)
Deer Act 1991 (37)	A licence under section 8 (exceptions for licensed persons)
Water Industry Act 1991 (38)	An order under section 110A (new connections with public sewers)
	A consent under section 118 (consent required for discharge of trade effluent into public sewer)
	A consent under section 166 (consents for certain discharges under section 165)
Water Resources Act 1991 (39)	A consent under section 164 (consents for certain discharges under section 163)
Clean Air Act 1993 (40)	Approval under section 4 (requirement that new furnaces shall be so far as practicable smokeless)
	Approval under section 6 (arrestment plant for new non-domestic furnaces)

(36) 1990 c.8. Section 198 was amended by Planning and Compensation Act 1991 c. 34 Schedule.19(1) para.1; the Planning and Compulsory Purchase Act 2004 (c. 5) Part 44 s.42(3); Planning Act 2008 (c. 29) Schedule 8 paragraph 8 and Schedule 13 para.1, c. 29. Section 211 was amended by the Planning and Compulsory Purchase Act 2004 (c.5) section 86. Section 247 was amended by the Greater London Authority Act 1999 (c.29) section 270, Schedule 22, paragraphs 2 and 3 the Local Government (Wales) Act 1994 (c.19) section 20(4), Schedule 6 paragraph 24(9) and S.I. 2006/1281. Section 257 was amended by the Growth and Infrastructure Act 2013 (c. 27) sections.12 (1) to(3), 35(3), S.I. 2006/1177 and S.I. 2006/1281.

(37) 1991 c. 54. Section 8 was amended by the Natural Environment and Rural Communities Act 2006 (c. 16) section 105(1), Schedule 11 paragraph 128(1) and (2), S.I. 2007/2183 and S.I. 2013/755 (W.90).

(38) 1991 c.56. Section 110A was amended by the Environment Act 1995 (c.25) section 120, Schedule 22, paragraph 104 and Water Act 2003 (c.37) section 36(2).

(39) 1991 c.57. Section 164 was amended by S.I. 2013/755. Section 163 was amended by S.I. 2003/1615 and S.I. 2013/755 (W.90).

(40) 1993.c.11.

<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
	An exemption from operation of section 6 under section 7 (exemptions from section 6)
	Approval under section 8 (requirement to fit arrestment plant for burning solid fuel in other cases)
	Exemption under section 14 (height of chimneys for furnaces)
	Approval under section 15 (applications for approval of height of chimneys of furnaces)
	Approval of plans under section 16(2) (height of other chimneys)
	An exemption of fireplaces from the provisions of section 20 (prohibition on emission of smoke in smoke control area)
Countryside and Rights of Way Act 2000 (41)	A consent or authorisation required under byelaws pursuant to section 17 (byelaws)
	Directions under section 24, 25, or 26 (land management; Avoidance of risk of fire or of danger to the public; or Nature conservation and heritage preservation)
Control of Pesticide Regulations 1986 (42)	A consent under regulation 6 (consents)
Hedgerows Regulations 1997 (43)	A consent under regulation 5 (removal of hedgerows)
Ionising Radiations Regulations 1999 (44)	Authorisation under regulation 5 (authorisation of specified practices)
Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000 (45)	A registration under regulation 9 (inventories of contaminated equipment)
Radiation (Emergency Preparedness and Public Information) Regulations 2001 (46)	Any assessment required under regulation 4 (hazard identification and risk evaluation)
	Any assessment under regulation 5 (review of hazard identification and risk evaluation)

(41) 2000 c. 37. Section 17 was amended by section 406(1) of and paragraph 165(1) and (2) of Schedule 17 to, the Communications Act 2003 (c. 21).

(42) S.I. 1986/1510, amended by S.I. 1997/188; there are other amending instruments but none are relevant.

(43) S.I. 1997/1160, to which there are amendments not relevant to these Regulations.

(44) S.I. 1999/3232, amended by S.I. 2014/469; there are other amending instruments but none are relevant.

(45) S.I. 2000/1043, amended by S.I. 2013/755 (W.90); there are other amending instruments but none are relevant.

(46) S.I. 2001/2975, to which there are amendments not relevant to these Regulations.

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<i>Column 1: Act</i>	<i>Column 2: Consent or Authorisation</i>
Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 (47)	A consent under regulation 9 (restriction on abstracting or impounding water)
Hazardous Waste (England and Wales) Regulations 2005 (48)	A registration under regulation 21 (requirement to notify premises)
Environmental Permitting (England and Wales) Regulations 2010 (49)	A permit under regulation 13, where that function is exercisable by a local authority pursuant to regulations 32 or 33 (grant of an environmental permit)

(47) [S.I. 2003/164](#), amended by [S.I. 2013/755 \(W.90\)](#); there are other amending instruments but none are relevant.

(48) [S.I. 2005/894](#), amended by [S.I. 2007/3538](#), [S.I. 2009/507](#) and [S.I. 2010/675](#); there are other amending instruments but none are relevant.

(49) [S.I. 2010/675](#), amended by [S.I. 2013/390](#), [S.I. 2013/755 \(W.90\)](#) and [2014/255](#); there are other amending instruments but none are relevant.