



Localism Act 2011

2011 CHAPTER 20

PART 6

PLANNING

CHAPTER 6

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

128 Abolition of Infrastructure Planning Commission

- (1) The Infrastructure Planning Commission ceases to exist on the day on which this subsection comes into force.
- (2) Schedule 13 (amendments in consequence of Commission's abolition, including amendments transferring its functions to Secretary of State) has effect.
- (3) On the coming into force of this subsection, the property, rights and liabilities of the Infrastructure Planning Commission vest by virtue of this subsection in the Secretary of State.
- (4) Subsection (3) operates in relation to property, rights and liabilities—
 - (a) whether or not they would otherwise be capable of being transferred,
 - (b) without any instrument or other formality being required, and
 - (c) irrespective of any requirement for consent that would otherwise apply.
- (5) The transfer by virtue of subsections (2) to (4) is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) if it would not otherwise be a relevant transfer for those purposes.
- (6) Subsections (3) and (4) do not affect the operation of those Regulations in relation to that transfer.

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129 Transitional provision in connection with abolition

- (1) The Secretary of State may, in connection with the operation of the abolition provisions, give a direction about the handling on and after the abolition date of—
- (a) an application received by the Infrastructure Planning Commission before the abolition date that purports to be an application for an order granting development consent under the Planning Act 2008,
 - (b) a proposed application notified to the Commission under section 46 of that Act before the abolition date, or
 - (c) an application received by the Secretary of State on or after the abolition date where—
 - (i) the application purports to be an application for an order granting development consent under that Act, and
 - (ii) a proposed application that has become that application was notified to the Commission under section 46 of that Act before the abolition date.
- (2) A direction under subsection (1) may (in particular)—
- (a) make provision about the effect on and after the abolition date of things done before that date;
 - (b) provide for provisions of or made under the Planning Act 2008 to apply on and after that date as they applied before that date, with or without modifications specified in the direction;
 - (c) provide for provisions of or made under that Act to apply on and after the abolition date with modifications specified in the direction;
 - (d) make provision for a person who immediately before the abolition date—
 - (i) is a member of the Commission, and
 - (ii) is a member of the Panel, or is the single Commissioner, handling an application for an order granting development consent under that Act, to be, or to be treated as being, a member of the Panel that under Chapter 2 of Part 6 of that Act, or the appointed person who under Chapter 3 of that Part, is to handle the application on and after the abolition date;
 - (e) make other transitional provision and savings;
 - (f) make provision binding the Crown.
- (3) In this section—
- “the abolition date” means the date on which section 128(1) comes into force;
- “the abolition provisions” means section 128, Schedule 13 and Part 20 of Schedule 25.

130 National policy statements

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 5(4) (statement may be designated as national policy statement only if consultation, publicity and parliamentary requirements have been complied with) after “have been complied with in relation to it” insert “and—
- (a) the consideration period for the statement has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or

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- (b) the statement has been approved by resolution of the House of Commons—
 - (i) after being laid before Parliament under section 9(8), and
 - (ii) before the end of the consideration period.”
- (3) In section 5 (national policy statements) after subsection (4) insert—

“(4A) In subsection (4) “the consideration period”, in relation to a statement, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 9(8), and here “sitting day” means a day on which the House of Commons sits.”
- (4) In section 5(9) omit paragraph (b) (designated statement must be laid before Parliament).
- (5) In section 6(7) (national policy statement may be amended only if consultation, publicity and parliamentary requirements have been complied with) after “have been complied with in relation to the proposed amendment” insert “and—
 - (a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or
 - (b) the amendment has been approved by resolution of the House of Commons—
 - (i) after being laid before Parliament under section 9(8), and
 - (ii) before the end of the consideration period.”
- (6) In section 6 (review and amendment of national policy statements) after subsection (7) insert—

“(7A) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament under section 9(8), and here “sitting day” means a day on which the House of Commons sits.”
- (7) In section 6(8) (subsections (6) and (7) do not apply if amendment does not materially affect national policy) for “and (7)” substitute “to (7A)”.
- (8) After section 6 insert—

“6A Interpretation of sections 5(4) and 6(7)

- (1) This section applies for the purposes of section 5(4) and 6(7).
- (2) The consultation and publicity requirements set out in section 7 are to be treated as having been complied with in relation to a statement or proposed amendment (“the final proposal”) if—
 - (a) they have been complied with in relation to a different statement or proposed amendment (“the earlier proposal”),
 - (b) the final proposal is a modified version of the earlier proposal, and
 - (c) the Secretary of State thinks that the modifications do not materially affect the policy as set out in the earlier proposal.

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- (3) The consultation and publicity requirements set out in section 7 are also to be treated as having been complied with in relation to a statement or proposed amendment (“the final proposal”) if—
- (a) they have been complied with—
 - (i) in relation to a different statement or proposed amendment (“the earlier proposal”), and
 - (ii) in relation to modifications of the earlier proposal (“the main modifications”),
 - (b) the final proposal is a modified version of the earlier proposal, and
 - (c) there are no modifications other than the main modifications or, where the modifications include modifications other than the main modifications, the Secretary of State thinks that those other modifications do not materially affect the policy as set out in the earlier proposal modified by the main modifications.
- (4) If section 9(8) has been complied with in relation to a statement or proposed amendment (“the final proposal”), the parliamentary requirements set out in section 9(2) to (7) are to be treated as having been complied with in relation to the final proposal where—
- (a) the final proposal is not the same as what was laid under section 9(2), but
 - (b) those requirements have been complied with in relation to what was laid under section 9(2).
- (5) Ignore any corrections of clerical or typographical errors in what was laid under section 9(8).

6B Extension of consideration period under section 5(4A) or 6(7A)

- (1) The Secretary of State may—
- (a) in relation to a proposed national policy statement, extend the period mentioned in section 5(4A), or
 - (b) in relation to a proposed amendment of a national policy statement, extend the period mentioned in section 6(7A),
- by 21 sitting days or less.
- (2) The Secretary of State does that by laying before the House of Commons a statement—
- (a) indicating that the period is to be extended, and
 - (b) setting out the length of the extension.
- (3) The statement under subsection (2) must be laid before the period would have expired without the extension.
- (4) The Secretary of State must publish the statement under subsection (2) in a way the Secretary of State thinks appropriate.
- (5) The period may be extended more than once.”
- (9) In section 8(1)(a) (local authorities within subsection (2) or (3) to be consulted about publicity required for proposed statement identifying a location) for “or (3)” substitute “, (3) or (3A)”.

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- (10) In section 8(3) (consultation with local authorities that share a boundary with the local authority (“B”) whose area contains a location) before the “and” at the end of paragraph (a) insert—
- “(aa) B is a unitary council or a lower-tier district council.”
- (11) In section 8 (consultation on publicity requirements) after subsection (3) insert—
- “(3A) If any of the locations concerned is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this subsection if—
- (a) D is not a lower-tier district council, and
- (b) any part of the boundary of D’s area is also part of the boundary of C’s area.”
- (12) In section 8, after subsection (4) (meaning of “local authority”) insert—
- “(5) In this section—
- “lower-tier district council” means a district council in England for an area for which there is a county council;
- “unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;
- “upper-tier county council” means a county council in England for each part of whose area there is a district council.”
- (13) In section 9 (parliamentary requirements for national policy statements and their amendments) after subsection (7) insert—
- “(8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.
- (9) If after subsection (8) has been complied with—
- (a) something other than what was laid under subsection (8) becomes the proposal, or
- (b) what was laid under subsection (8) remains the proposal, or again becomes the proposal, despite the condition in section 5(4)(a) not having been met in relation to it,
- subsection (8) must be complied with anew.
- (10) For the purposes of subsection (9)(a) and (b) ignore any proposal to correct clerical or typographical errors in what was laid under subsection (8).”
- (14) Section 12 (power to designate pre-commencement statements of policy and to take account of pre-commencement consultation etc) is repealed.

131 Power to alter effect of requirement for development consent on other consent regimes

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 33 (effect of requirement for development consent on other consent regimes) after subsection (4) insert—
- “(5) The Secretary of State may by order—

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- (a) amend subsection (1) or (2)—
 - (i) to add or remove a type of consent, or
 - (ii) to vary the cases in relation to which a type of consent is within that subsection;
 - (b) make further provision, or amend or repeal provision, about—
 - (i) the types of consent that are, and are not, within subsection (1) or (2), or
 - (ii) the cases in relation to which a type of consent is, or is not, within either of those subsections.
- (6) In this section “consent” means—
- (a) a consent or authorisation that is required, under legislation, to be obtained for development,
 - (b) a consent, or authorisation, that—
 - (i) may authorise development, and
 - (ii) is given under legislation, or
 - (c) a notice that is required by legislation to be given in relation to development.
- (7) In subsection (6) “legislation” means an Act or an instrument made under an Act.
- (8) An order under subsection (5) may not affect—
- (a) a requirement for a devolved consent to be obtained for, or given in relation to, development, or
 - (b) whether development may be authorised by a devolved consent.
- (9) A consent is “devolved” for the purposes of subsection (8) if—
- (a) provision for the consent would be within the legislative competence of the National Assembly for Wales if the provision were contained in an Act of the Assembly,
 - (b) provision for the consent is, or could be, made by the Welsh Ministers in an instrument made under an Act,
 - (c) the consent is not within subsection (6)(c) and the Welsh Ministers have a power or duty—
 - (i) to decide, or give directions as to how to decide, whether the consent is given,
 - (ii) to decide, or give directions as to how to decide, some or all of the terms on which the consent is given, or
 - (iii) to revoke or vary the consent, or
 - (d) the consent is within subsection (6)(c) and the notice has to be given to the Welsh Ministers or otherwise brought to their attention.
- (10) An order under subsection (5)(b) may amend this Act.”
- (3) In section 232 (orders and regulations)—
- (a) in subsection (5)(d) (orders not subject to annulment by either House of Parliament) after “14(3),” insert “33(5),” and
 - (b) in subsection (6) (orders that must be approved in draft by both Houses of Parliament before being made) after “14(3),” insert “33(5),”.

- (4) In paragraph 4 of Schedule 12 (application of section 33 to Scotland: modifications)—
- (a) in sub-paragraph (a) for paragraph (i) substitute—
 - “(i) for “none of the following is” there were substituted “the following are not”, and”,
 - (b) omit the “and” at the end of sub-paragraph (a),
 - (c) in sub-paragraph (b) for “subsections (2) to (4)” substitute “paragraphs (a) to (c) of subsection (2), and subsections (3) and (4),”, and
 - (d) after sub-paragraph (b) insert “, and
 - (c) in subsection (7) “Act” includes an Act of the Scottish Parliament.”

132 Secretary of State’s directions in relation to projects of national significance

- (1) Section 35 of the Planning Act 2008 (directions in relation to projects of national significance) is amended in accordance with subsections (2) to (9).
- (2) In subsection (1) (circumstances in which the Secretary of State may give directions) —
- (a) omit paragraph (a) (requirement that an application for a consent or authorisation mentioned in section 33(1) or (2) has been made), and
 - (b) in paragraph (b)—
 - (i) omit “the”, and
 - (ii) after “project” insert “, or proposed project,”.
- (3) For subsection (4) (directions the Secretary of State may give) substitute—
- “(4) The Secretary of State may direct the development to be treated as development for which development consent is required.
- (4A) If no relevant application has been made, the power under subsection (4) is exercisable only in response to a qualifying request.
- (4B) If the Secretary of State gives a direction under subsection (4), the Secretary of State may—
- (a) if a relevant application has been made, direct the application to be treated as an application for an order granting development consent;
 - (b) if a person proposes to make a relevant application, direct the proposed application to be treated as a proposed application for development consent.
- (4C) A direction under subsection (4) or (4B) may be given so as to apply for specified purposes or generally.”
- (4) In subsection (5) (power to modify application of statutory provisions in relation to an application etc)—
- (a) for “subsection (4)” substitute “subsection (4B)”,
 - (b) in paragraph (a) after “application” insert “, or proposed application,”, and
 - (c) in paragraph (b) after “application” insert “or proposed application”.
- (5) In subsection (6) (authority to which an application for a consent or authorisation mentioned in section 33(1) or (2) has been made to refer the application to the Commission)—

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- (a) for “subsection (4)” substitute “subsection (4B)”, and
 - (b) after “application” insert “, or proposed application,”.
- (6) In subsection (7) (power to direct authority considering application for consent or authorisation mentioned in section 33(1) or (2) to take no further action)—
- (a) for “subsection (4)” substitute “subsection (4B)”, and
 - (b) after “application” insert “, or proposed application,”.
- (7) In subsection (8) (power to require authority considering application for consent or authorisation mentioned in section 33(1) or (2) to provide information) for “the relevant authority” substitute “an authority within subsection (8A)”.
- (8) After subsection (8) insert—
- “(8A) An authority is within this subsection if a relevant application has been, or may be, made to it.”
- (9) After subsection (9) insert—
- “(10) In this section—
- “qualifying request” means a written request, for a direction under subsection (4) or (4B), that—
 - (a) specifies the development to which it relates, and
 - (b) explains why the conditions in subsection (1)(b) and (c) are met in relation to the development;
 - “relevant application” means an application, relating to the development, for a consent or authorisation mentioned in section 33(1) or (2);
 - “relevant authority”—
 - (a) in relation to a relevant application that has been made, means the authority to which the application was made, and
 - (b) in relation to a relevant application that a person proposes to make, means the authority to which the person proposes to make the application.”
- (10) In the Planning Act 2008 after section 35 insert—

“35A Timetable for deciding request for direction under section 35

- (1) This section applies if the Secretary of State receives a qualifying request from a person (“R”).
- (2) The Secretary of State must make a decision on the qualifying request before the primary deadline, subject to subsection (3).
- (3) Subsection (2) does not apply if, before the primary deadline, the Secretary of State asks R to provide the Secretary of State with information for the purpose of enabling the Secretary of State to decide—
 - (a) whether to give the direction requested, and
 - (b) the terms in which it should be given.
- (4) If R—
 - (a) is asked under subsection (3) to provide information, and

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(b) provides the information sought within the period of 14 days beginning with the day on which R is asked to do so,
the Secretary of State must make a decision on the qualifying request before the end of the period of 28 days beginning with the day the Secretary of State receives the information.

(5) In this section—

“the primary deadline” means the end of the period of 28 days beginning with the day on which the Secretary of State receives the qualifying request;

“qualifying request” has the meaning given by section 35(10).”

133 Pre-application consultation with local authorities

(1) Section 43 of the Planning Act 2008 (local authorities for the purposes of the consultation requirements in section 42) is amended as follows.

(2) In subsection (2) (provision requiring consultation with local authorities that share a boundary with the local authority (“B”) in whose area the development is to take place) before the “and” at the end of paragraph (a) insert—

“(aa) B is a unitary council or a lower-tier district council.”

(3) After subsection (2) insert—

“(2A) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—

(a) D is not a lower-tier district council, and

(b) any part of the boundary of D’s area is also part of the boundary of C’s area.”

(4) For subsection (3) (definition of local authority) substitute—

“(3) In this section—

“local authority” means—

(a) a county council, or district council, in England;

(b) a London borough council;

(c) the Common Council of the City of London;

(d) the Council of the Isles of Scilly;

(e) a county council, or county borough council, in Wales;

(f) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;

(g) a National Park authority;

(h) the Broads Authority;

“lower-tier district council” means a district council in England for an area for which there is a county council;

“unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;

“upper-tier county council” means a county council in England for each part of whose area there is a district council.”

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

134 Reform of duties to publicise community consultation statement

In section 47(6) of the Planning Act 2008 (duties of applicant for development consent to publicise the statement setting out how the applicant proposes to consult the local community)—

- (a) for “must publish it—” substitute “must—
 - (za) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,”
- (b) in paragraph (a) (duty to publish statement in local newspaper)—
 - (i) at the beginning insert “publish,” and
 - (ii) after “land” insert “, a notice stating where and when the statement can be inspected”, and
- (c) in paragraph (b) (duty to publish statement in any other prescribed manner) for “in such other manner” substitute “publish the statement in such manner”.

135 Claimants of compensation for effects of development

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 52(1) (obtaining information about interests in land) for “subsection (2) applies” substitute “subsections (2) and (2A) apply”.
- (3) In section 52 after subsection (2) insert—

“(2A) The Secretary of State may authorise the applicant to serve a notice on a person mentioned in subsection (3) requiring the person (“the recipient”) to give to the applicant in writing the name and address of any person the recipient believes is a person who, if the order sought by the application or proposed application were to be made and fully implemented, would or might be entitled—

 - (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented, to make a relevant claim.”
- (4) In section 52(4), (6) and (7) after “subsection (2)” insert “or (2A)”.
- (5) In section 52 after subsection (5) insert—

“(5A) A notice under subsection (2A) must explain the circumstances in which a person would or might be entitled as mentioned in that subsection.”
- (6) In section 52(10) for “(2) and (3)” substitute “(2) to (3)”.
- (7) In section 52 after subsection (11) insert—

“(12) In subsection (3) as it applies for the purposes of subsection (2A) “the land” also includes any relevant affected land (see subsection (13)).

 - (13) Where the applicant believes that, if the order sought by the application or proposed application were to be made and fully implemented, there would or might be persons entitled—
 - (a) as a result of the implementing of the order,

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- (b) as a result of the order having been implemented, or
 - (c) as a result of the use of the land once the order has been implemented,to make a relevant claim in respect of any land or in respect of an interest in any land, that land is “relevant affected land” for the purposes of subsection (12).
- (14) In this section “relevant claim” means—
 - (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for compulsory purchase of land or not made for injurious affection resulting from compulsory purchase);
 - (b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);
 - (c) a claim under section 152(3).”
- (8) In section 44(6) (meaning of “relevant claim” in section 44(4)) after paragraph (b) insert “;
 - (c) a claim under section 152(3).”
- (9) In section 57(6) (meaning of “relevant claim” in section 57(4)) after paragraph (b) insert “;
 - (c) a claim under section 152(3).”
- (10) In Schedule 12 (application of Act to Scotland: modifications) in paragraph 6 (application of section 52) after sub-paragraph (c) insert—
 - “(d) in subsection (14) for paragraph (a) there were substituted—
 - “(a) a claim arising by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42);”, and
 - (e) in subsection (14)(b) the reference to Part 1 of the Land Compensation Act 1973 were a reference to Part 1 of the Land Compensation (Scotland) Act 1973.”

136 Rights of entry for surveying etc in connection with applications

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 53(1) (person may be authorised to enter land for the purpose of surveying and taking levels of it) after “taking levels of it” insert “, or in order to facilitate compliance with the provisions mentioned in subsection (1A).”.
- (3) In section 53 after subsection (1) insert—
 - “(1A) Those provisions are any provision of or made under an Act for the purpose of implementing—
 - (a) Council Directive [85/337/EEC](#) of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended from time to time,
 - (b) Council Directive [92/43/EC](#) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended from time to time, or
 - (c) any EU instrument from time to time replacing all or any part of either of those Directives.”

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- (4) Omit section 53(2)(b) and (c) (until proposed application is made, entry for surveying may be authorised only if compulsory acquisition may be involved and section 42 has been complied with).
- (5) In section 53 after subsection (3) insert—
- “(3A) Power conferred by subsection (1) for the purpose of complying with the provisions mentioned in subsection (1A) includes power to take, and process, samples of or from any of the following found on, in or over the land—
- (a) water,
 - (b) air,
 - (c) soil or rock,
 - (d) its flora,
 - (e) bodily excretions, or dead bodies, of non-human creatures, or
 - (f) any non-living thing present as a result of human action.”
- (6) In section 54(1) (application of section 53(1) to (3) to Crown land) for “to (3)” substitute “to (3A)”.
- (7) In paragraph 7 of Schedule 12 (modifications of section 53 for the purposes of its application to Scotland) before sub-paragraph (a) insert—
- “(za) in subsection (1A), the reference to an Act included an Act of the Scottish Parliament.”.

137 Acceptance of applications for development consent

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 55(3) (conditions for acceptance of application) omit paragraphs (b) and (d) (application may be accepted only if it complies with requirements as to form and contents and with any standards set, and gives reasons for any failure to follow applicable guidance).
- (3) In section 55(3) after paragraph (e) insert “, and
- (f) that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory.”
- (4) In section 55 after subsection (5) insert—
- “(5A) The Secretary of State, when deciding whether the Secretary of State may reach the conclusion in subsection (3)(f), must have regard to the extent to which—
- (a) the application complies with the requirements in section 37(3) (form and contents of application) and any standards set under section 37(5), and
 - (b) any applicable guidance given under section 37(4) has been followed in relation to the application.”
- (5) In section 37(3) (requirements as to form and contents of application) after “must” insert “, so far as necessary to secure that the application (including accompaniments) is of a standard that the Secretary of State considers satisfactory”.

138 Procedural changes relating to applications for development consent

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 56(2) (persons to be notified of the acceptance of an application for an order granting development consent) for paragraph (b) (relevant local authorities under section 102(5)) substitute—
 - “(b) each local authority that is within section 56A.”.
- (3) After section 56 insert—

“56A Local authorities for the purposes of sections 56(2)(b) and 60(2)(a)

- (1) A local authority is within this section if the land is in the authority’s area.
- (2) A local authority (“A”) is within this section if—
 - (a) the land is in the area of another local authority (“B”),
 - (b) B is a unitary council or a lower-tier district council, and
 - (c) any part of the boundary of A’s area is also a part of the boundary of B’s area.
- (3) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—
 - (a) D is not a lower-tier district council, and
 - (b) any part of the boundary of D’s area is also part of the boundary of C’s area.
- (4) In this section—
 - “the land” means the land to which the application concerned relates or any part of that land;
 - “local authority” has the meaning given in section 102(8);
 - “lower-tier district council” means a district council in England for an area for which there is a county council;
 - “unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;
 - “upper-tier county council” means a county council in England for each part of whose area there is a district council.”
- (4) In section 60(2) (persons who the Commission must invite to submit local impact reports) for paragraph (a) (relevant local authorities under section 102(5)) substitute—
 - “(a) each local authority that is within section 56A, and”.
- (5) In section 88 (initial assessment of issues, and preliminary meeting)—
 - (a) in subsection (3) (persons who must be invited to preliminary meeting) omit the “and” at the end of paragraph (a),
 - (b) in that subsection after paragraph (b) insert—
 - “(c) each statutory party, and
 - (d) each local authority that is within section 88A,” and
 - (c) after that subsection insert—

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“(3A) In subsection (3)(c) “statutory party” means a person specified in, or of a description specified in, regulations made by the Secretary of State.”

(6) After section 88 insert—

“88A Local authorities for the purposes of section 88(3)(d)

- (1) A local authority (“A”) is within this section if—
- (a) the land is in the area of another local authority (“B”),
 - (b) B is a unitary council or a lower-tier district council, and
 - (c) any part of the boundary of A’s area is also a part of the boundary of B’s area.
- (2) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if—
- (a) D is not a lower-tier district council, and
 - (b) any part of the boundary of D’s area is also part of the boundary of C’s area.

(3) In this section—

“the land” means the land to which the application relates or any part of that land;

“local authority” has the meaning given in section 102(8);

“lower-tier district council” means a district council in England for an area for which there is a county council;

“unitary council” means a local authority that is not an upper-tier county council, a lower-tier district council, a National Park authority or the Broads Authority;

“upper-tier county council” means a county council in England for each part of whose area there is a district council.”

(7) In section 89 (Examining authority’s decisions about how application is to be examined and the notification of those decisions to parties) after subsection (2) insert—

“(2A) Upon making the decisions required by subsection (1), the Examining authority must inform each person mentioned in section 88(3)(c) and (d)—

- (a) of those decisions, and
- (b) that the person may notify the Examining authority in writing that the person is to become an interested party.”

(8) In section 102 (interpretation of Chapter 4: “interested party” and other expressions)—

(a) in subsection (1) for paragraph (b) (statutory party is interested party) substitute—

“(aa) the person has been notified of the acceptance of the application in accordance with section 56(2)(d),

(ab) the Examining authority has under section 102A decided that it considers that the person is within one or more of the categories set out in section 102B,”

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

- (b) in subsection (1) for paragraph (c) (relevant local authority is interested party) insert—
 - “(c) the person is a local authority in whose area the land is located,
 - (ca) the person—
 - (i) is mentioned in section 88(3)(c) or (d), and
 - (ii) has notified the Examining authority as mentioned in section 89(2A)(b),”
 - (c) after subsection (1) (definition of interested party) insert—

“(1ZA) But a person ceases to be an “interested party” for the purposes of this Chapter upon notifying the Examining authority in writing that the person no longer wishes to be an interested party.”,
 - (d) omit subsection (3) (definition of statutory party),
 - (e) omit subsections (5) to (7) (which further define the local authorities that are relevant local authorities), and
 - (f) in subsection (8) (definition of local authority) for “subsections (5) to (7)” substitute “subsection (1)(c)”.
- (9) After section 102 insert—

“102A Persons in certain categories may ask to become interested parties etc

- (1) Subsection (2) applies if—
 - (a) a person makes a request to the Examining authority to become an interested party,
 - (b) the request states that the person claims to be within one or more of the categories set out in section 102B,
 - (c) the person has not been notified of the acceptance of the application in accordance with section 56(2)(d), and
 - (d) the applicant has issued a certificate under section 58 in relation to the application.
- (2) The Examining authority must decide whether it considers that the person is within one or more of the categories set out in section 102B.
- (3) If the Examining authority decides that it considers that the person is within one or more of the categories set out in section 102B, the Examining authority must notify the person, and the applicant, that the person has become an interested party under section 102(1)(ab).
- (4) If the Examining authority thinks that a person might successfully make a request mentioned in subsection (1)(a), the Examining authority may inform the person about becoming an interested party under section 102(1)(ab).

But the Examining authority is under no obligation to make enquiries in order to discover persons who might make such a request.

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

102B Categories for the purposes of section 102A

- (1) A person is within Category 1 if the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
 - (2) A person is within Category 2 if the person—
 - (a) is interested in the land, or
 - (b) has power—
 - (i) to sell and convey the land, or
 - (ii) to release the land.
 - (3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 has in subsection (2) the meaning that it has in section 5(1) of that Act.
 - (4) A person is within Category 3 if, should the order sought by the application be made and fully implemented, the person would or might be entitled—
 - (a) as a result of the implementing of the order,
 - (b) as a result of the order having been implemented, or
 - (c) as a result of use of the land once the order has been implemented, to make a relevant claim.
 - (5) In subsection (4) “relevant claim” means—
 - (a) a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
 - (b) a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works);
 - (c) a claim under section 152(3).
 - (6) In this section “the land” means the land to which the application relates or any part of that land.”
- (10) In Schedule 12 (application of Act to Scotland: modifications) after paragraph 9 insert—
- “9A Section 102B applies as if—
- (a) in subsection (2)(b), the words from “or” to the end were omitted,
 - (b) in subsection (3), references to section 5(1) of the Compulsory Purchase Act 1965 were references to section 17 of the Lands Clauses Consolidation (Scotland) Act 1845, and
 - (c) in subsection (5)—
 - (i) for paragraph (a) there were substituted—
 - “(a) a claim arising by virtue of paragraph 1 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947”; and
 - (ii) in paragraph (b), the reference to Part 1 of the Land Compensation Act 1973 were a reference to Part 1 of the Land Compensation (Scotland) Act 1973.”

139 Timetables for reports and decisions on applications for development consent

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 98(3) (Examining authority must report on application within 3 months beginning with deadline for completing its examination) for the words from “beginning” onwards substitute “beginning with—
 - (a) the deadline for completion of its examination of the application, or
 - (b) (if earlier) the end of the day on which it completes the examination.”
- (3) In section 107(1) (which provides for the application to be decided within 3 months of the start day but is amended by this Act to provide for decision within 3 months of the deadline under section 98(3))—
 - (a) for “with the” substitute “with—
 - (a) the”, and
 - (b) at the end insert “, or
 - (b) (if earlier) the end of the day on which the Secretary of State receives a report on the application under section 74(2)(b) or 83(1)(b).”

140 Development consent subject to requirement for further approval

In section 120(2) of the Planning Act 2008 (provision relating to requirements that may be included in order granting development consent)—

- (a) after “in particular include” insert “—
 - (a)”,
and
 - (b) after “development” insert “;
 - (b) requirements to obtain the approval of the Secretary of State or any other person, so far as not within paragraph (a)”.

141 Local authority, statutory undertakers’ and National Trust land

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 128(3) (order authorising compulsory acquisition of local authority or statutory undertakers’ land subject to special parliamentary procedure if representation made by the authority or statutory undertakers and not withdrawn)—
 - (a) after paragraph (a) (but before the “and” at the end of that paragraph) insert—
 - “(aa) the representation contains an objection to the compulsory acquisition of the land,”and
 - (b) in paragraph (b) (condition that representation has not been withdrawn) for “representation” substitute “objection”.
- (3) In section 130(3) (order authorising compulsory acquisition of certain National Trust land subject to special parliamentary procedure if representation made by National Trust and not withdrawn)—
 - (a) after paragraph (a) (but before the “and” at the end of that paragraph) insert—
 - “(aa) the representation contains an objection to the compulsory acquisition of the land,”and

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

- (b) in paragraph (b) (condition that representation has not been withdrawn) for “representation” substitute “objection”.

142 Changes to notice requirements for compulsory acquisition

- (1) Section 134 of the Planning Act 2008 (notice of authorisation of compulsory acquisition) is amended as follows.
- (2) In subsection (3) (steps the prospective purchaser must take after order granting development consent is made that includes provision authorising compulsory acquisition)—
 - (a) before paragraph (a) insert—
 - “(za) make a copy of the order available, at a place in the vicinity of the land, for inspection by the public at all reasonable hours,”
 - and
 - (b) in paragraph (a) omit “and a copy of the order”.
- (3) In subsection (7) (contents of a compulsory acquisition notice) before the “and” at the end of paragraph (c) insert—
 - “(ca) stating where and when a copy of the order is available for inspection in accordance with subsection (3)(za),”.
- (4) Omit subsection (8) (compulsory acquisition notice affixed to object on or near the order land to say where order granting development consent can be inspected).