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STATUTORY INSTRUMENTS

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**2010 No. 105**

**INFRASTRUCTURE PLANNING**

**The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010**

<i>Made</i>	- - - -	<i>25th January 2010</i>
<i>Laid before Parliament</i>		<i>1st February 2010</i>
<i>Coming into force</i>	- -	<i>1st March 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 150(1), 154(1) and (3), 155(2) and 170(3) and (5) of the Planning Act 2008<sup>(1)</sup>, makes the following Regulations:

**Citation commencement and interpretation**

1.—(1) These Regulations may be cited as the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 and shall come into force on 1st March 2010.

(2) In these Regulations “the Act” means the Planning Act 2008.

**Prescription of consent requirements which may be removed by orders**

2.—(1) The consents and authorisations listed in Part 1 of the Schedule are prescribed for the purposes of section 150(1) (removal of consent requirements) of the Act in respect of England and Wales.

(2) The consents and authorisations listed in Part 2 of the Schedule are prescribed for the purposes of section 150(1) of the Act in respect of Wales only.

**Duration of order granting development consent**

3.—(1) Development for which development consent is granted must be begun before the end of a period of five years beginning on the date on which the order granting development consent is made.

(2) Where an order granting development consent authorises the compulsory acquisition of land, and a notice to treat is served under section 5 of the Compulsory Purchase Act 1965<sup>(2)</sup> or in Scotland under section 17 of the Lands Clauses Consolidation (Scotland) Act 1845<sup>(3)</sup>, that notice must be

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(1) 2008 c.29. See section 235(1) for the definition of “prescribed”.

(2) 1965 c.56. Section 5 was amended by the Planning and Compensation Act 1991 (c.34), section 67 and by S.I. 2009/1307.

(3) 1845 c.19.

served before the end of a period of five years beginning on the date on which the order granting development consent is made.

#### **Exclusion from definition of “material operation”**

4. The measuring or marking out of a proposed road shall not be included within the meaning of “material operation” for the purposes of section 155 (when development begins) of the Act.

#### **Application of the Public Health Act 1936 to notices of unauthorised development, etc, England and Wales**

5.—(1) The provisions of sections 276 (power of local authority to sell certain materials), 289 (power to require occupier to permit work to be executed by owner) and 294 (limitation of liability of certain owners) of the Public Health Act 1936(4), shall apply in England and Wales in relation to steps required to be taken by a notice of unauthorised development(5), as if—

- (a) references to a local authority were references to the local planning authority who issued the notice of unauthorised development;
- (b) references (in whatever form) to the execution of works under the Public Health Act 1936 were references to the taking of steps required to be taken under the notice of unauthorised development;
- (c) references in section 289 to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) reference in section 294 to “expenses under this Act” were a reference to expenses incurred in the taking of such steps as aforesaid.

(2) The expenses recoverable by a local planning authority under section 170(1) of the Act are, until recovered, a charge that is binding on successive owners of the land to which the notice of unauthorised development related and the charge shall take effect as from the date of the completion by the local planning authority of the steps required to be taken by the notice of unauthorised development.

#### **Execution and cost of certain works in Scotland**

6. The provisions of section 135(5) to (9) of the Town and Country Planning (Scotland) Act 1997(6) shall apply in Scotland in relation to steps required to be taken by a notice of unauthorised development, as if—

- (a) references to an enforcement notice and to steps or work required by an enforcement notice were references to the notice of unauthorised development and to the taking of steps required to be taken under the notice of unauthorised development; and
- (b) references to expenses under section 135(7) to (9) were references to expenses recoverable under section 170(1) of the Planning Act 2008.

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(4) 1936 c.49.

(5) See section 169 for definition of “notice of unauthorised development”.

(6) 1997 c.8. See paragraph 23 of Schedule 12 to the Planning Act 2008 for the application of section 170 to Scotland: modifications.

Signed by authority of the Secretary of State for Communities and Local Government

25th January 2010

*Ian Austin*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

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## SCHEDULE

Regulation 2

## PART 1

**England and Wales**

1. A licence under section 6 of the Electricity Act 1989 (licences authorising supply, etc)(7).
2. A gas transporter, gas interconnector or gas supplier or gas shipper licence under section 7, 7ZA or 7A of the Gas Act 1986(8).
3. A licence under section 3 of the Petroleum Act 1998 (licence to search and bore and get petroleum)(9).
4. An authorisation under section 14 of the Petroleum Act 1998 (construction and use of pipelines).
5. A licence under section 4 of the Energy Act 2008 (licences)(10).
6. A licence under section 18 of the Energy Act 2008 (licences).
7. An authorisation under sections 13 or 14 of the Radioactive Substances Act 1993 (disposal and accumulation of radioactive waste)(11).
8. A registration under section 7, 9 or 10 of the Radioactive Substances Act 1993 (registration of users of radioactive waster)(12).
9. Any approval required under regulations 5, 6 or 8 of the Nuclear Industries Securities Regulations 2003 (security plans)(13).
10. Any justification decision required under regulations 9 or 10 of the Justification of Practices Involving Ionising Radiation Regulations 2004 (new and existing practices)(14).
11. A consent under section 16 of the Health and Safety at Work Act 1974 (approval of codes of practices by the Executive)(15).
12. An authorisation under regulation 5 of the Ionising Radiation Regulations 1999 (authorisation of specified practices)(16).
13. Any assessment required under regulations 4 or 5 of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (hazard identification and risk evaluation)(17).

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- (7) [1989 c.29](#). Section 6 was amended by the Utilities Act 2000, section 30; by the Energy Act 2004 section 89(3), section 136(1) and (2), section 143(1), Sch 19, paragraphs 3 and 5, section 145 (1), (5), (6), (7) and section 197 (9), Sch 23, Part 1; and by the Climate Change Act 2008, section 79, Sch 8, paragraph 2.
- (8) [1986 c.44](#). Section 7 was amended by the Gas Act 1995, section 5; the Utilities Act 2000, section 3(2), section 76 (1) to (7), section 108, Sch 6, Part 1, paragraphs 1, 4, Sch 8 and the Energy Act 2004, section 149(1), (5). 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), section 108, Sch 6, Part I, paras 1, 2(1), Sch 8 and by the Energy Act 2004, section 149(1), (7).
- (9) [1998 c.17](#).
- (10) [2008 c.32](#).
- (11) [1993 c.12](#).
- (12) [1993 c.12](#). Section 7 was amended by the Environmental Act 1995, section 120, Sch 22, paragraphs 200, 202 (1) and [S.I. 2005/2686](#). Section 10 was amended by the Environmental Act 1995, section 120, Sch 22, paragraphs 200, 204(1), (2) and [S.I. 2005/2686](#).
- (13) [S.I. 2003/403](#).
- (14) [S.I. 2004/1769](#).
- (15) [1974 c.37](#). Section 16 was amended by [S.I. 2008/960](#); the Railways Act 2005, section 2, Sch 3, paragraph 9(1), (2); the Employment Protection Act 1975, sections 116, 125(3), Sch 15, paragraph 7, Sch 18; Health Protection Agency Act 2004, section 11(1), Sch 3, paragraph 5(1), (2).
- (16) [S.I. 1999/3232](#).
- (17) [S.I. 2001/2975](#).

14. An approval of a Funded Decommissioning Programme under section 46 of the Energy Act 2008 (approval of a programme).

15. A licence under section 10 of the Conservation of Seals Act 1970 (power to grant licences)(18).

16. A licence under regulation 44 of the Conservation (Natural Habitats, &c) Regulations 1994 (grant of licences for certain purposes)(19).

17. A licence under regulation 49 of the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (power to grant licences)(20).

18. An authorisation pursuant to byelaws made under section 20 of the National Parks and Access to the Countryside Act 1949 (byelaws for protection of nature reserves)(21).

19. A licence under section 8 of the Deer Act 1991 (exceptions for licensed persons)(22).

20. A licence under section 10 of the Protection of Badgers Act 1992 (licences)(23).

21. A licence under section 16 of the Wildlife and Countryside Act 1981 (power to grant licences)(24).

22. A consent under section 28E of the Wildlife and Countryside Act 1981 (duties in relation to sites of special scientific interest)(25).

23. An order under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review)(26).

24. A consent or authorisation required under byelaws made by an access authority as respects access land in their area pursuant to section 17 of the Countryside and Rights of Way Act 2000 (byelaws)(27).

25. A direction under section 24, 25 or 26 of the Countryside and Rights of Way Act 2000 (land management; avoidance of risk of fire or damage; nature conservation and heritage conservation)(28).

26. An environmental permit or the registration of an exempt waste operation under the Environmental Permitting (England and Wales) Regulations 2007(29).

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(18) 1970 c.30. Section 10 was amended by the Wildlife and Countryside Act 1981 (c.69) sections 12, 73(1) Sch 7, paragraph 7(1), (2) (3), Sch 17, the Environmental Protection Act 1990 (c.43) section 132, Sch 9, paragraph 5, the Countryside and Rights of Way Act 2000 (c.37) section 76(1), Sch 10, Part II, paragraph 4, section 102, Sch 16, Part III and the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 57(1), (3) and S.I. 2007/1843.

(19) S.I. 1994/2716. Regulation 44 was amended by S.I. 2007/1843 and 2009/6.

(20) S.I. 2007/1842.

(21) 1949 c.97. Section 20 was amended by the Telecommunications Act 1984 (c.12) section 109, Sch 4, paragraph 28, the Water Act 1989 (c.15) section 190, Sch 25, paragraph 13, the Communications Act 2003 (c.21) section 406(1), Sch 17, paragraph 20(1), (2)(a) and the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 15(d).

(22) 1991 c.54. Section 8 was amended by the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 128(1), (2) and S.I. 2007/2183.

(23) 1992 c.51. Section 10 was amended by the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 137(a), (b), (c) and S.I. 2002/794.

(24) 1981 c.69. Section 16 was amended by the Environmental Protection Act 1990 (c.43) section 132, Sch 9, paragraph 11(4) (a), (b), (c), (d), the Countryside and Rights of Way Act 2000 (c.37) section 81(1), Sch 12, paragraph 6, the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 72(1), (2), (3), (4)(a), (b), S.I. 1995/2825 and S.I. 2007/1843.

(25) Section 28E was amended by the Natural Environment and Rural Communities Act 2006 (c.16), section 105(1), Sch 11, Part 1, paragraph 79, 80, having been inserted by the Countryside and Rights of Way Act 2000 (c.37) section 75(1), Sch 9, paragraph 1.

(26) Section 53 was amended by the Countryside and Rights of Way Act 2000 (c.37) section 51, Sch 5, Part 1, paragraph 1(1) to (7) and the Natural Environment and Rural Communities Act 2006 (c.16) section 70(1)(a), (b).

(27) 2000 c.37. Section 17 was amended by the Communications Act 2003 (c.21) section 406(1), Sch 17, paragraph 165(1), (2).

(28) Section 26 was amended by the Natural Environment and Rural Communities Act 2006 (c.16) section 105(1), Sch 11, Part 1, paragraph 157.

(29) S.I. 2007/3538

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27. A licence under sections 24 and 25 of the Water Resources Act 1991 (restrictions on abstraction and impounding; restrictions on impounding)(**30**).
28. A consent under sections 32, 88, 89(4), 90(1), 90(2), 109 or 164, Schedule 10 and under byelaws made under paragraphs 5, 6 or 6A of Schedule 25 of the Water Resources Act 1991(**31**).
29. A drought order under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(**32**).
30. A permit under section 79A of the Water Resources Act 1991 (drought permits)(**33**).
31. A consent under section 166 of the Water Industry Act 1991 (consents for certain discharges under section 165)(**34**).
32. A consent under section 17 or 23 of the Land Drainage Act 1991 (supervision of local authority powers under sections 14 to 16; prohibitions of obstructions etc in watercourses)(**35**).
33. Any consent under section 30 of the Salmon and Freshwater Fisheries Act 1975(**36**) (introduction of fish into inland waters).
34. A consent under section 1 of the Import of Live Fish (England and Wales) Act 1980(**37**) (power to limit the import etc of fish and fish eggs).
35. A consent under regulation 9 of the Water Resources (Environmental Impact Assessment) Regulations 2003(**38**).
36. A permit under the Greenhouse Gas Emissions Trading Scheme Regulations 2005(**39**).
37. A registration under regulation 9 of the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000(**40**).
38. An authorisation under regulation 8 of the Persistent Organic Pollutants Regulations 2007(**41**).
39. An authorisation under the Groundwater (England and Wales) Regulations 2009(**42**).
40. A consent under the Control of Pesticide Regulations 1986(**43**).
41. A registration under regulation 21 of the Hazardous Waste (England and Wales) Regulations 2005(**44**).

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- (30) [1991 c.57](#). Section 24 was amended by the Environment Act [1995 \(c.25\)](#) section 120, paragraph 122 and [S.I. 1996/593](#).
- (31) Schedule 10 was substituted by the Environment Act [1995 \(c.25\)](#) section 120, Sch 22, paragraph 183 and the Water Act [2003 \(c.37\)](#) section 87(1) to (6), 101(2), Sch 9, Part 3. Schedule 25 was amended by the Environment Act [1995 \(c.25\)](#) sections 103(3), 105, 120, Sch 15, paragraph 26, Sch 22, paras 128, 190 and the Natural Environment and Rural Communities Act [2006 \(c.16\)](#) section 100(1), (2).
- (32) Section 73 was amended by the Environment Act [1995 \(c.25\)](#) section 120, Sch 22, paragraphs 128, 139(2) and (3).
- (33) Section 79A was amended by the Environment Act [1995 \(c.25\)](#) section 120, Sch 22, paragraph 140 and the Water Act [2003 \(c.37\)](#) section 64(3)(a)(b), Sch 9, Part 3.
- (34) [1991 c.56](#). Section 166 was amended by the Environment Act [1995 \(c.25\)](#) section 120, Sch 22, paragraph 118.
- (35) [1991 c.59](#). Section 17 was amended by the Environment Act [1995 \(c.25\)](#) section 120, Sch 22, paragraph 191. Section 23 was amended by the Environment Act 1995 section 120, Sch 22, para 191, 192(1), (2).
- (36) [1975 c.51](#). Section 30 was amended by the Salmon Act [1986 \(c.62\)](#) section 34, the Water Act [1989 \(c.15\)](#) section 190, Sch 27, Part 1 and the Environment Act [1995 \(c.25\)](#) section 105, 120, Sch 15, paragraph 2, 17, Sch 24.
- (37) [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, Sch 9, paragraph 8, the Natural Environment and Rural Communities Act [2006 \(c.16\)](#) section 105(1), Sch 11, Part 1, paragraph 62 and [S.I. 2009/463](#).
- (38) [S.I. 2003/164](#).
- (39) [S.I. 2005/925](#).
- (40) [S.I. 2000/1043](#).
- (41) [S.I. 2007/3106](#).
- (42) [S.I. 2009/2902](#).
- (43) [S.I. 1986/1510](#) was amended by [S.I. 1997/188](#) and [S.I. 2001/880](#).
- (44) [S.I. 2005/894](#). Regulation 21 was amended by [S.I. 2009/507](#).

**42.** A notice of determination of a reference by a sewerage undertaker under Chapter 3 of Part 4 of the Water Industry Act 1991 (trade effluent)(**45**).

## PART 2

### Wales

**1.** A consent under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (authorisation of works; listed building consent)(**46**).

**2.** A consent under section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (control of demolition in conservation areas)(**47**).

**3.** A consent under section 2 or 3 of the Ancient Monuments and Archaeological Areas Act 1979 (control of works affecting scheduled monuments; grants of scheduled monuments consent by Secretary of State)(**48**).

**4.** A licence under section 1 of the Protection of Wrecks Act 1973 (protection of sites of historic wrecks)(**49**).

**5.** A consent required under a tree preservation order made pursuant to section 198 of the Town and Country Planning Act 1990 (consent to the cutting down, topping, lopping or uprooting of trees etc)(**50**).

**6.** A consent under section 211 of the Town and Country Planning Act 1990 (preservation of trees in conservation areas)(**51**).

**7.** A consent under section 13 of the Planning (Hazardous Substances) Act 1990 (applications for hazardous substances consent without condition attached to previous consent)(**52**).

**8.** A consent under to sections 17 and 18 of the Planning (Hazardous Substances) Act 1990 (revocation of hazardous substances consent on change of control of land; determination of applications for continuation of hazardous substances consent)(**53**).

**9.** A confirmation or variation of an order under section 26 of the Salmon and Freshwater Fisheries Act 1975 (limitation of fishing licences).

**10.** Consent under regulation 5 of the Hedgerows Regulations 1997 (removal of hedgerows)(**54**).

**11.** An approval under section 263 of the Public Health Act 1936 (watercourses in urban districts not to be culverted except in accordance with the approved plans)(**55**).

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(45) 1991 c.56. Relevant amendments to Chapter III were made by the Environment Act 1995 (c.25), the Merchant Shipping Act 1995 (c.21), the Pollution Prevention and Control Act 1999 (c.24), the Water Act 2003 (c.37), S.I. 2000/1973 and S.I. 2007/3538.

(46) 1990 c.9. Section 8 was amended by S.I. 2001/24.

(47) Section 74 was amended by the Planning Act 2008 (c.29) section 36, Sch 2, paragraphs 38, 41, and S.I. 2006/1281.

(48) 1979 c.6. Section 2 was amended by the Planning Act 2008 (c.29) section 36, Sch 2, paragraphs 16, 17 and the Heritage Act 1983 (c.47) section 33, Sch 4, paragraph 27. Section 3 was amended by the Heritage Act 1983 section 33, Sch 4, paragraph 28.

(49) 1973 c.33.

(50) 1990 c.8. Section 198 was amended by the Planning and Compensation Act 1991 (c.34) sections 31, 32, 84, Sch 6, paragraph 20, Sch 7, paragraph 34, Sch 19, Parts I, II, the Planning and Compulsory Purchase Act 2004 (c.5) section 42(3).

(51) Section 211 was amended by the Planning and Compulsory Purchase Act 2004 (c.5) section 86.

(52) 1990 c.10. Section 13 was amended by the Environmental Protection Act 1990 (c.43) sections 144, 162, Sch 13, Part 1, para 6, Sch 16, Part VII.

(53) Section 17 was amended by the Planning and Compulsory Act 2004 (c.5), section 79(4), Sch 3, paragraph 20. Section 18 was amended by the Environmental Protection Act 1990 (c.43) section 162, Sch 16, Part VII.

(54) S.I. 1997/1160.

(55) 1936 c.49. Section 263 was amended by the Statute Law (Repeals) Act 2004, the Criminal Law Act 1977, section 31(6), the Criminal Justice Act 1982, sections 37 and 46 and the Decimal Currency Act 1969 section 10.



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12. A consent under section 16 of the Coast Protection Act 1949 (consent of coast protection authority required to carrying out of coast protection work)(**56**).
13. A licence under section 18 of the Coast Protection Act 1949 (prohibition of excavation, etc, of materials on or under the seashore)(**57**).
14. A licence under section 8 of the Food and Environmental Protection Act 1985 (licences)(**58**).
15. An order of the Authority under section 110A of the Water Industry Act 1991 (order to allow new connections with public sewers)(**59**).
16. A consent under section 118 of the Water Industry Act 1991 (consent required for discharge of trade effluent into public sewer).
17. An approval under section 4 of the Clean Air Act 1993 (requirement that new furnaces shall be so far as practical smokeless)(**60**).
18. An approval under sections 6, 8 or 15 of the Clean Air Act 1993 (arrestment plant for new non-domestic furnaces; requirement to fit arrestment plant for burning solid fuel in other cases; applications for approval of height of chimneys of furnaces).
19. An exemption from operation of section 6 of the Clean Air Act 1993 by determination of the local authority under section 7 of that Act or by regulations made pursuant to that section (exemptions from section 6).
20. An exemption under to regulations made under section 14 of the Clean Air Act 1993 (height of chimneys for furnaces).
21. An approval of plans under section 16(2) of the Clean Air Act 1993 (height of other chimneys).
22. An exemption of fireplaces from the provisions of section 20 of the Clean Air Act 1993 (prohibition of emissions of smoke in smoke control areas) by order made pursuant to section 21 of that Act (power by order to exempt certain fireplaces).
23. A permit under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2007(**61**) where that function is exercisable by a local authority pursuant to regulations 32 or 33.
24. A consent under section 15 of the Pipe-lines Act 1962 (power to place of pipe-lines in streets)(**62**).
25. An order for the regulation of traffic under section 1, 9, 14, 15 or 22BB of the Road Traffic Regulation Act 1984 (general provisions for traffic regulation: regulation in special cases)(**63**).

(56) 1949 c.74. Section 16 was amended by the [Water Act 1989\(c.15\)](#) section 190, Sch 25, paragraph 11(4) and [S.I. 1996/593](#).

(57) Section 18 was amended by the [Territorial Sea Act 1987 \(c.49\)](#) section 3, Sch 1, paragraph 1.

(58) 1985 c.48. Section 8 was amended by the [Food Standards Act 1999 \(c.28\)](#) section 18, Sch 3, Part III, paragraph 16(4).

(59) 1991 c.56. Section 110A was amended by the [Environment Act 1995 \(c.25\)](#) section 120, Sch 22, paragraph 104 and [Water Act 2003 \(c.37\)](#) section 36(2).

(60) 1993 c.11.

(61) [S.I. 2007/3538](#).

(62) 1962 c.58. Section 15 was amended by the [New Roads and Street Works Act 1991 \(c.22\)](#) section 168(1), Sch 8, Part IV, paragraph 101(2), (3) and [S.I. 1999/742](#).

(63) 1984 c.27. Section 1 was amended by the [New Roads and Street Works Act 1991 \(c.22\)](#) section 168(1), (2), Sch 8, Part II, paragraph 17(2), (3), (4), (5), Sch 9, the [Environment Act 1995 \(c.25\)](#) section 120, Sch 22, paragraph 36(1), the [Transport Act 2000 \(c.38\)](#) section 161, Sch 11, paragraphs 6, 7, the [Transport \(Scotland\) Act 2001](#) section 83, Sch 2, paragraph 3(1), (2) (a), (b) and the [Local Transport Act 2008 \(c.26\)](#) section 45(1), (2), (3). Section 9 was amended by the [New Roads and Street Works Act 1991 \(c.22\)](#) section 168(1), Sch 8, Part II, para 23(2), (3), (4), the [Road Traffic Act 1991 \(c.40\)](#) section 48, Sch 4, para 24 and the [Local Government Act 1985 \(c.51\)](#) section 8, Sch 5, para 4(4). Sections 14 and 15 were inserted by the [Road Traffic \(Temporary Restrictions\) Act 1991 \(c.26\)](#) section 1(1) Sch 1 and an amendment made to section 15 by [S.I. 2006/1177](#). Section 22B was inserted by the [Railways and Transport Safety Act 2003](#), section 108.



26. An order under section 247 of the Town and Country Planning Act 1990 (order authorising stopping up or diversion of highway)(64).

27. An order under section 257 of the Town and Country Planning Act 1990 (footpaths, bridleways or restricted byways affected by development; orders by other authorities)(65).

28. An order under section 147 of the Inclosure Act 1845 (power to exchange common land for other lands)(66).

29. An exception or reservation under section 4 of the Inclosure Act 1847 (exchanges of lands excepting or reserving minerals and easements)(67).

30. An order under section 14 of the Inclosure Act 1852 (direction by order that village greens, etc, shall not be fenced)(68).

31. An order under section 5, 9 or 11 of the Inclosure Act 1854 (exchanges etc, fencing etc)(69).

32. An order under section 1 or 5 of the Inclosure Act 1857 (fencing may be dispensed with; exchange of lands in which Her Majesty is interested in reversion)(70).

33. A consent or authorisation required under byelaws or regulations made pursuant to section 15 of the Commons Act 1876 (owners may make byelaws)(71).

34. A consent or authorisation required under byelaws or regulations made pursuant sections 1 and 10 of the Commons Act 1899(72).

35. Imposition of limitations and conditions under section 193 of the Law of Property Act 1925 (rights of public over commons and waste lands)(73).

36. A consent or licence under section 6 or 10 of the Coity Wallia Commons Act 1976(74).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Planning Act 2008 (c.29) establishes the Infrastructure Planning Commission and provides for the granting of development consent for certain types of nationally significant infrastructure projects.

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(64) Section 247 was amended by the Greater London Authority Act 1999 (c.29) section 270, Sch 22, paragraphs 2, 3(1) to (8), the Local Government (Wales) Act 1994, section 20(4), Sch 6, paragraph 24(9) and S.I. 2006/1281.

(65) Section 257 was amended by S.I. 2006/1177.

(66) 1845 c.118.

(67) 1847 c.111.

(68) 1852 c.79.

(69) 1854 c.97. Section 11 was amended by the Law of Property Act 1925 (c.20) section 207, 209, Sch 7.

(70) 1857 c.31.

(71) 1876 c.56.

(72) 1899 c.30. Section 1 was amended by the Local Government Act 1972 (c.70) section 272(1), Sch 30 and the Commons Act 2006 section 50(1), (4).

(73) 1925 c.20. Section 193 was amended by the Local Government Act 1972 (c.70) section 189(4), section 272(1), Sch 30, the Criminal Justice Act 1982 (c.48) sections 37, 38 and 40, the Local Government Act 1985 (c.51) section 16, Sch 8, paragraph 10(5), the Local Government (Wales) Act 1994 (c.19) section 66(6), Sch 16, paragraph 7(1) and the Countryside and Rights of Way Act 2000 (c.37) section 46(1)(a), (3), Sch 4, paragraph 1, section 102, Sch 16, Part 1.

(74) 1976 c.xxix.

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These Regulations deal with miscellaneous matters which may be prescribed under the Act in connection with that regime. Regulation 2 prescribes for the purposes of section 150 of the Act a list of consents or authorisations that the Commission must first seek consent from the consenting body before including a provision in a development consent order, the effect of which is to remove a requirement for any of the prescribed consents or authorisations to be granted. Regulation 3 deals with matters relating to the duration of a development consent order. Regulation 4 removes the activity of measuring or marking out a proposed road from the definition of “material operation” for the purposes of section 155 of the Act. (Section 155 states that a development is taken to begin on the earliest date on which a material operation begins to be carried out). Regulation 5 applies provisions of the Public Health Act 1936 in relation to steps that might need to be taken in a case where there is a notice of unauthorised development. Regulation 6 applies equivalent provisions for Scotland.

An impact assessment has not been prepared for these regulations as they do not have additional impact on business, charities or the public sector beyond what was examined in the Impact Assessment that accompanied the Planning Bill when it was introduced in Parliament on the 27th November 2007. That assessment can be found on the Communities and Local Government website (<http://communities.gov.uk>).