

ANNEX TO ADVICE NOTE 3

This Annex should be read in conjunction with The Planning Inspectorate's Advice Note 3 (August 2017) Version 7 ('Advice Note 3')

Table 1 of this Annex identifies the bodies prescribed in the table in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (the APFP Regulations) which the Planning Inspectorate will notify or consult in accordance with the Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended) (the EIA Regulations). To support the reader and improve implementation overall, the table has been prepared with separate columns reflecting the different requirements for projects located in England or in Wales.

Table 2 of this Annex identifies the bodies which the Planning Inspectorate interprets to fall within the category of 'relevant statutory undertakers', as defined in the table in Schedule 1 of the APFP Regulations.

Table 3 of this Annex identifies bodies which are not defined as consultation bodies under the EIA Regulations, but are considered by the Planning Inspectorate to have relevant functions and responsibilities which are akin to other consultation bodies.

TABLE 1 – PRESCRIBED CONSULTEES IN SCHEDULE 1 OF THE APFP REGULATIONS

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
1	The Welsh Ministers	All proposed applications likely to affect land in Wales	<p>The Planning Inspectorate interprets 'the Welsh Ministers' to be 'the Welsh Government'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>	<p>The Planning Inspectorate interprets 'the Welsh Ministers' to be 'the Welsh Government'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>
2	The Scottish Executive	All proposed applications likely to affect land in Scotland	<p>The Planning Inspectorate interprets 'the Scottish Executive' to be 'the Scottish Government'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>	<p>The Planning Inspectorate interprets 'the Scottish Executive' to be 'the Scottish Government'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>
3	The Relevant Northern Ireland Department	All proposed applications likely to affect land in Northern Ireland	<p>The Planning Inspectorate interprets 'the Relevant Northern Ireland Department' to be 'the Department of the Environment in Northern Ireland'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>	<p>The Planning Inspectorate interprets 'the Relevant Northern Ireland Department' to be 'the Department of the Environment in Northern Ireland'.</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
4	The Health and Safety Executive	All cases	Notify/consult for all projects.	Notify/consult for all projects.
5	The National Health Service Commissioning Board and the relevant clinical commissioning group (CCG) ¹	All proposed applications likely to affect land in England and Wales	Apply the correct definition of 'relevant' ² in England. Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	See Entries 48 and 49 below in Table 1 of this Annex.
6	The relevant Health Board	All proposed applications likely to affect land in Scotland	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in England ² .	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in Wales ³ .
7	Natural England	All proposed applications likely to affect land in England	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

¹ The list of clinical commissioning groups can be found on the NHS Choices website (<http://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx> (correct at date of publication))

² In England "'relevant', in relation to a body, shall mean the body which has responsibility for the location where the proposals may or will be sited" - refer to Section A2 in Advice Note 3 (Applying the 'relevance test' of the APFP Regulations)

³ In Wales, "'relevant', in relation to a body, shall mean the body which has responsibility for the location where the proposals may or will be sited or the body which has responsibility for an area which neighbours that location" - refer to Section A2 in Advice Note 3 (Applying the 'relevance test' of the APFP Regulations)

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
8	The Historic Buildings and Monuments Commission for England ⁴	All proposed applications likely to affect land in England	The Planning Inspectorate interprets 'The Historic Buildings and Monuments Commission for England' as 'Historic England'. Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	The Planning Inspectorate interprets 'The Historic Buildings and Monuments Commission for England' as 'Historic England'. Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
9	The relevant fire and rescue authority ⁴	All cases	Notify/consult for all projects. Apply the correct definition of 'relevant' in England ² .	Notify/consult for all projects. Apply the correct definition of 'relevant' in Wales ³ .
10	The relevant police and crime commissioner ⁴	All cases	Notify/consult for all projects. Apply the correct definition of 'relevant' in England ² .	Notify/consult for all projects. Apply the correct definition of 'relevant' in Wales ³ .
11	The relevant parish council, or, where the application relates to land [in] Wales or Scotland the relevant community council	All cases	Notify/consult for all projects. Apply the correct definition of 'relevant' in England ² .	Notify/consult for all projects. Apply the correct definition of 'relevant' in Wales ³ .

⁴ Under certain circumstances, the Planning Inspectorate may consult with this body on a non-statutory basis – refer to Section A5 in Advice Note 3 (Consulting where a Proposed Development includes an offshore element) and Table 3 of this Annex

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
12	The Environment Agency	All proposed applications likely to affect land in England	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
13	The Scottish Environment Protection Agency	All proposal applications likely to affect land in Scotland	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
14	The Equality and Human Rights Commission	All proposed applications likely to affect land in England and Wales	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
15	The Scottish Human Rights Commission	All proposed applications likely to affect land in Scotland	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
16	For projects in England: [The] relevant AONB Conservation Boards For projects in Wales: AONB Conservation Boards	All proposed applications likely to affect an AONB that is managed by a Conservation Board	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in England ² .	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Affected AONB Conservation Boards will be notified/consulted.
17	Royal Commission On Ancient and Historical Monuments Of Wales	All proposed applications likely to affect the historic environment in Wales	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
18	The Natural Resources Body for Wales (NRW)	All proposed applications likely to affect land in Wales	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
19	The Homes and Communities Agency	All proposed applications likely to have an effect on its areas of responsibility ⁵	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstances test in column 2 of Schedule 1 is met.
20	The Joint Nature Conservation Committee (JNCC)	All proposed applications likely to affect the marine environment	JNCC's website confirms that JNCC has responsibility for the provision of nature conservation advice in the offshore area in England and Wales. 'Offshore' is defined as being beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf. Within territorial limits (<12nm) nature conservation advice is the responsibility of the relevant country agency (Natural England or NRW) ⁶ . Notify/consult where the project is located beyond 12nm.	JNCC's website confirms that JNCC has responsibility for the provision of nature conservation advice in the offshore area in England and Wales. 'Offshore' is defined as being beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf. Within territorial limits (<12nm) nature conservation advice is the responsibility of the relevant country agency (Natural England or NRW) ⁶ . Notify/consult where the project is located beyond 12nm.
21	Scottish Natural Heritage	All proposed applications likely to affect land in Scotland	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

⁵ The Homes and Communities Agency responsibilities are limited to land, homes and developments in England only

⁶ <http://jncc.defra.gov.uk/default.aspx?page=4273> (correct at date of publication)

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
22	The Maritime and Coastguard Agency	All proposed applications likely to affect the maritime or coastal environment, or the shipping industry	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
23	The Marine Management Organisation ⁷ (MMO)	All proposed applications likely to affect the marine area in England and Wales ⁸	The MMO should be notified/consulted where the circumstances test in column 2 of Schedule 1 has been met.	NRW should be notified/consulted where the circumstances test in column 2 of Schedule 1 has been met.
24	The Scottish Fisheries Protection Agency (Marine Scotland)	All proposed applications likely to affect the fisheries industry in Scotland	Marine Scotland is responsible for fisheries compliance. This consultee is not included on the Schedule 1 list.	Marine Scotland is responsible for fisheries compliance. Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
25	The Civil Aviation Authority	All proposed applications relating to airports or which are likely to affect an airport or its current or future operation	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

⁷ The MMO was created under the Marine and Coastal Access Act 2009 (as amended)

⁸ The Planning Inspectorate interprets the marine area to be applicable relative to the jurisdiction of the MMO and NRW in respect of marine licensing. This will typically extend to any area which is submerged at mean high water springs. This includes the full tidal reach of any river or channel and those that are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
26	The Secretary of State for Transport	All proposed applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority	<p>The Planning Inspectorate interprets 'the Secretary of State for Transport' to be 'the Department for Transport'.</p> <p>Notify/consult where the circumstances test in column 2 is met.</p> <p>The Secretary of State is the highway authority for the following roads⁹:</p> <p>(a) the M6 Toll Road;</p> <p>(b) the eastbound carriageway of the M48 motorway from the boundary with Wales to a point 400 metres east of the outer edge of the eastern abutment of the Aust Viaduct;</p> <p>(c) the westbound carriageway of the M48 motorway from a point 500 metres east of the outer edge of the eastern abutment of the Aust Viaduct to the boundary</p>	<p>The Planning Inspectorate interprets 'the Secretary of State for Transport' to be 'the Department for Transport'.</p> <p>Notify/consult where the circumstances test in column 2 is met.</p> <p>The Secretary of State is the highway authority for the following roads⁹:</p> <p>(a) the M6 Toll Road;</p> <p>(b) the eastbound carriageway of the M48 motorway from the boundary with Wales to a point 400 metres east of the outer edge of the eastern abutment of the Aust Viaduct;</p> <p>(c) the westbound carriageway of the M48 motorway from a point 500 metres east of the outer edge of the eastern abutment of the Aust Viaduct to the boundary with</p>

⁹ Regulation 2(3) of The Appointment of a Strategic Highways Company Order 2015 (SI 2015/376)

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
			with Wales; (d) the eastbound carriageway of the M4 motorway from the boundary with Wales to a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft; and (e) the westbound carriageway of the M4 motorway from a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft to the boundary with Wales.	Wales; (d) the eastbound carriageway of the M4 motorway from the boundary with Wales to a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft; and (e) the westbound carriageway of the M4 motorway from a point 60 metres east of the Binn Wall and 140 metres north of the Severn Tunnel Air Shaft to the boundary with Wales.
27	Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	All proposed applications likely to affect transport within, to or from the relevant integrated transport area of the ITA or PTE	Notify/consult where the circumstance test in column 2 of Schedule 1 is met Where the functions of an ITA or PTE have been transferred to a combined authority, the Planning Inspectorate will notify/consult the combined authority.	This consultee is included in Schedule 1 for projects in Wales; however the Planning Inspectorate understands that no ITAs or PTEs exist in Wales. Joint Transport Authorities (JTAs) which have akin functions in Wales may be consulted on a non-prescribed basis (see Table 3 of this Annex).

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
28	The relevant Highways Authority	All proposed applications likely to have an impact on the road network or the volume of traffic in the vicinity of the proposal	<p>Notify/consult where the circumstances test in column 2 is met.</p> <p>Apply the correct definition of 'relevant' in England².</p>	<p>Notify/consult where the circumstances test in column 2 is met.</p> <p>Apply the correct definition of 'relevant' in Wales³.</p>
29	The relevant strategic highways company	All proposed applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority	<p>Highways England has been appointed as the strategic highways authority in respect of England¹⁰.</p> <p>Highways England is responsible for all motorways and major A roads¹¹, except those roads for which the Secretary of State for Transport is the highways authority (see entry 26 in Table 1 of this Annex)¹².</p> <p>Notify/consult where the</p>	<p>There are no strategic highways companies in Wales¹⁰.</p> <p>Notification/consultation not required in Wales.</p>

¹⁰ S1 of The Infrastructure Act 2015 gives the Secretary of State power to appoint a company as a highway authority and states that such a company will be called a "strategic highway company". Article 2 of The Appointment of a Strategic Highways Company Order 2015/376 appoints Highways England Ltd in respect of an area consisting of the whole of England. No other orders appointing companies as highway authorities have been made

¹¹ <https://www.gov.uk/government/publications/roads-managed-by-the-highways-agency> (correct at date of publication)

¹² Regulation 2(3) of The Appointment of a Strategic Highways Company Order 2015 (SI 2015/376)

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	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
			circumstances test in column 2 is met. Apply the correct definition of 'relevant' in England ² .	
30	Transport for London	All proposed applications likely to affect transport within, to or from Greater London	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
31	The Passengers Council	All proposed applications likely to affect rail passenger transport or road passenger transport services or facilities	'The Passengers Council' is now 'Transport Focus' ¹³ . This consultee is not included on the Schedule 1 list.	'The Passengers Council' is now 'Transport Focus' ¹³ . Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
32	The Disabled Persons Transport Advisory Committee	All proposed applications likely to affect access to transport for disabled people	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

¹³ In 2006 Passenger Focus became the operating name of the Rail Passengers' Council and subsequently became officially renamed as the Passengers' Council following The Passengers' Council (Non-Railway Functions) Order 2010. Passenger Focus subsequently changed its name to Transport Focus on 30 March 2015 (<http://www.transportfocus.org.uk/about/history> (correct at date of publication))

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
33	The Coal Authority	All proposed applications that lie within areas of past, present or future coal mining ¹⁴	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
34	The Office Of Rail Regulation and approved operators	All proposed applications likely to affect the rail transport industry	The 'Office of Rail Regulation' is now the 'Office of Road and Rail' (ORR) ¹⁵ . This consultee is not included on the Schedule 1 list.	The 'Office of Rail Regulation' is now the 'Office of Road and Rail' (ORR) ¹⁵ . Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
35	The Gas and Electricity Markets Authority (OFGEM)	All proposed applications likely to affect gas and electricity markets	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
36	The Water Services Regulation Authority (OFWAT)	All proposed applications likely to affect the water industry in England and Wales	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

¹⁴ In agreement with the Coal Authority, the Planning Inspectorate will notify/consult the Coal Authority for projects located within a Coal Mining Reporting Area (which can be identified using the interactive map available at <http://mapapps2.bgs.ac.uk/coalauthority/home.html> (correct at date of publication)) and/or the Cheshire Brine Area

¹⁵ The ORR is the economic regulator for railway infrastructure (Network Rail and HS1); the health and safety regulator for the rail industry as a whole – including mainline, metro, tramways and heritage railways across Britain; and the industry's consumer and competition authority and from 1 April 2015, the ORR also has responsibility as the Highways Monitor, the independent monitor of Highways England (<http://www.orr.gov.uk/about-orr/what-we-do> (correct at date of publication))

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
37	The Water Industry Commission Of Scotland	All proposed applications likely to affect the water industry in Scotland	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
38	The relevant waste regulation authority	All proposed applications likely to affect waste infrastructure	This consultee is not included on the Schedule 1 list.	The Planning Inspectorate interprets 'the relevant waste regulation authority' to be NRW. Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
39	The relevant internal drainage board	All proposed applications likely to increase the risk of flooding in that area or where the proposals relate to an area known to be an area of flood risk	Apply the correct definition of 'relevant' in England ² .	Apply the correct definition of 'relevant' in Wales ³ .
40	The Canal and River Trust	All proposed applications likely to have an impact on inland waterways or land adjacent to inland waterways	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
41	Trinity House	All proposed applications likely to affect navigation in tidal waters	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

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	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
42	Public Health England, an executive agency of the Department of Health	All proposed applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and likely to affect significantly public health	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
43	The relevant local resilience forum	All cases	This consultee is not included on the Schedule 1 list.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in Wales ³ .
44	Relevant Statutory Undertakers	All proposed applications likely to affect their functions as statutory undertakers	Refer to Section A5 in Advice Note 3 (Identifying Statutory Undertakers as Prescribed in the APFP Regulations). See Table 2 of this Annex below which sets out the list of bodies the Planning Inspectorate has identified as statutory undertakers.	Refer to Section A5 in Advice Note 3 (Identifying Statutory Undertakers as Prescribed in the APFP Regulations). See Table 2 of this Annex below which sets out the list of bodies the Planning Inspectorate has identified as statutory undertakers.
45	The Crown Estate Commissioners	All proposed applications likely to impact on the Crown Estate	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

	Schedule 1 of the APFP Regulations		Explanation of how the Planning Inspectorate will identify the prescribed consultee	
	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
46	The Forestry Commission	All proposed applications likely to affect the protection or expansion of forests and woodlands in England or Scotland	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
47	The Natural Resources Body for Wales	All proposed applications likely to affect the protection or expansion of forests and woodlands in Wales	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.
48	The relevant local health board ¹⁶	All proposed applications likely to affect land in Wales	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in England ² .	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in Wales ³ .
49	The National Health Service Trusts ¹⁷	All proposed applications likely to affect land in Wales	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in England ² .	Notify/consult where the circumstance test in column 2 of Schedule 1 is met. Apply the correct definition of 'relevant' in Wales ³ .

¹⁶ A list of these Health Boards is provided on the Public Health Wales website - <http://www.wales.nhs.uk/sitesplus/888/page/44948> (correct at date of publication)

¹⁷ The NHS Trusts in Wales are Health Protection Team Public Health Wales, Welsh Ambulance Services NHS Trust and Velindre NHS Trust (<http://www.wales.nhs.uk/ourservices/directory/NHSTrusts> (correct at date of publication))

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	Column 1: Consultee	Column 2: Circumstances when that person must be notified/consulted	In England	In Wales
50	The Secretary of State for Defence	All proposed applications likely to affect current or future operation of a site identified in a safeguarding map ¹⁸ and all developments in the marine area	<p>The Planning Inspectorate interprets 'the Secretary of State for Defence' to be 'the Ministry of Defence' (MoD).</p> <p>Notify/consult where the circumstance test in column 2 of Schedule 1 is met.</p>	<p>The Planning Inspectorate interprets 'the Secretary of State for Defence' to be 'the Ministry of Defence' (MoD).</p> <p>This consultee is not included on the Schedule 1 list. The Planning Inspectorate may consult the MoD as a non-prescribed consultation body (see Table 3 of this Annex).</p>
51	The Office of Nuclear Regulation (the ONR)	All proposed applications likely to affect matters relevant to the ONR's purposes within the meaning of Part 3 of the Energy Act 2013 (see s67 of that Act) ¹⁹	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.	Notify/consult where the circumstance test in column 2 of Schedule 1 is met.

¹⁸ In accordance with Regulation 3(3)(g)(iv) of The Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 (SI 2013/522), "safeguarding map" has the meaning given in a direction made by the Secretary of State in exercise of powers conferred by articles 16(4), 25(1), 29(6) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2010

¹⁹ S67 of the Energy Act 2013 defines the ONR's purpose which relates to nuclear safety, security, safeguards and transport

TABLE 2 – RELEVANT STATUTORY UNDERTAKERS

When identifying the 'relevant' statutory undertakers the Planning Inspectorate will apply the definition of 'relevant' as explained in **section A2** of Advice Note 3 (applying the 'relevance test' of the APFP Regulations). In Wales, when determining whether a statutory undertaker has responsibility for an area which 'neighbours' the location of the proposed development, the Planning Inspectorate will exercise judgment and will consider whether the statutory undertaker is located within a reasonable distance from the project²⁰.

The relevant statutory undertakers will be consulted by the Planning Inspectorate where the circumstances test in column 2 of Schedule 1 of the APFP Regulations is met, which is "*All proposed applications likely to affect their functions as statutory undertakers*".

Relevant Statutory Undertakers
Relevant statutory undertakers in specified sectors (s8 of the of the Acquisition of Land Act 1981 (as amended) (the ALA))²¹
Railway (Network Rail Infrastructure Ltd; HS1 Ltd; Network Rail (High Speed) Limited) ²² ; Highways England Historical Rail Estate; London and Continental Railways Limited; Network Rail; Rail Safety and Standards Board; and the Department for Transport) ²³
Light Railway
Road Transport (Transport for London and Statutory road toll undertakers ²⁴)
Water Transport (Statutory ferry toll undertakers)
Canal or Inland Navigation Authorities ²⁵

²⁰ The Planning Inspectorate may seek to identify any relevant statutory undertakers within a 10km radius of the location of the proposed development

²¹ The ALA does not prescribe particular bodies within the specified infrastructure sectors. The Planning Inspectorate will identify these bodies using an informed and reasonable approach. On a precautionary basis the Planning Inspectorate will treat the following bodies as statutory undertakers (and consult where relevant) within the sectors indicated. This is because they were set up by statute and have responsibility for national or regional public networks/ infrastructure

²² In accordance with s25 of the PA2008 and the Planning Act 2008 (Railways Designation) Order 2010, Network Rail Infrastructure Ltd (company number 02904587) and Network Rail (CTRL) Ltd (company number 04434562) are approved operators. Network Rail (CTRL) Ltd changed its name to Network Rail (High Speed) Limited on 18/06/2012. HS1 Ltd is a private company, which holds a concession from the Department for Transport (DfT) for the high speed line between St Pancras and the Channel Tunnel. Network Rail (High Speed) Limited is the Infrastructure Manager of this high speed line

²³ The Planning Inspectorate has identified that these organisations have taken over the functions of BRB (Residuary) Ltd, which was previously identified as a statutory undertaker and was abolished with effect from 30 September 2013. Information about the functions of these bodies is provided at the website: <https://www.gov.uk/government/news/brb-residuary-ltd-has-been-abolished>

²⁴ These bodies were set up by statute to administer toll charges at certain roads, bridges and tunnels in Great Britain and are understood to still operate under those statutory powers. The Planning Inspectorate considers this infrastructure to be of regional significance and therefore each relevant body is considered as a statutory undertaker for the purposes of s127 of the PA2008 (see <https://www.gov.uk/uk-toll-roads>)

Dock and Harbour authority ²⁶
Pier
Lighthouse (Trinity House)
Hydraulic Power
Civil Aviation Authority (see entry 30 above in Table 1 of this Annex)
Licence Holder (Chapter 1 of Part 1 of Transport Act 2000) ²⁷
Universal Service Provider (Royal Mail)
Relevant Deemed Statutory Undertakers
The relevant Homes and Communities Agency ²⁸
The relevant Environment Agency (England) and Natural Resources Body for Wales (Wales) (see entries 12 and 18 above in Table 1 of this Annex)
The relevant water and sewage undertakers ²⁹
The relevant public gas transporter ³⁰
The relevant electricity licence holder with CPO Powers ³¹ (this category includes: electricity generators; electricity distributors; electricity transmitters; and electricity interconnectors)

²⁵ There are a number of Canal and Inland Navigation Authorities. Some of these bodies are identified here <http://aina.org.uk/members.aspx>, but this may not be an exhaustive list

²⁶ This category includes the relevant statutory Harbour Authority, for example, in some cases this will be the Association of British Ports (ABP) which is a body corporate set up by the Transport Act 1981 and has some statutory powers and duties – see www.ports.org, but this may not be an exhaustive list

²⁷ The Planning Inspectorate understands that at present the only licence holder is NATS Ltd. The geographical extent of NATS' licence is all of the UK's airspace which includes airspace beyond the UK coastline

²⁸ The Homes and Communities Agency's responsibilities are limited to land, homes and developments in England only

²⁹ For the geographical area covered by water companies, see the OFWAT website - <http://www.ofwat.gov.uk/consumerissues/watercompanies/map/>

³⁰ Public gas transporters are deemed to be statutory undertakers for the purposes of the ALA in accordance with the Gas Act 1995 Schedule.4 para 2 (1)(xxxi). Public gas transporters are listed on the Ofgem public register (see <https://epr.ofgem.gov.uk/Document>). The licence conditions of public gas transporters do not, in every case, limit operations to a specific geographical area. Taking a precautionary approach, the Planning Inspectorate will consult all public gas transporters whose licence covers Great Britain, unless there is agreement reached with the licence holder to act otherwise

³¹ In accordance with the Electricity Act 1989 schedule 16 para 2(g), only certain electricity undertakings are deemed to be statutory undertakers for the purposes of the ALA. These are undertakings that are entitled by their licence to exercise any power conferred by schedule 3 to the Electricity Act 1989 (power of compulsory purchase). The Planning Inspectorate has adopted a cautious approach and treats 'entitled to exercise' as meaning 'where CPO powers have effect in the licence' and not that the Secretary of State has by order authorised the compulsory acquisition of particular land. In consultation with the Gas and Electricity Markets Authority (Ofgem), and by reviewing Ofgem's public register, electricity undertakings have been identified whose licence carries the right to exercise the power of compulsory purchase. Ofgem has confirmed that the licenses of electricity suppliers do

Health Bodies (s16 of the ALA)
<p>The relevant Health Service Body (for projects in England only):</p> <ul style="list-style-type: none"> • The Clinical Commissioning Group and NHS Commissioning Board (previously the Strategic Health Authority and the Primary Care Trust (see entry 5 above in Table 1 of this Annex)) • Special Health Authorities³²
<p>The relevant NHS Trusts:</p> <ul style="list-style-type: none"> • all NHS trusts in England³³ (except Foundation Trusts), and • the following NHS Trusts in Wales: Public Health Wales, Welsh Ambulance Services NHS Trust and Velindre NHS Trust (see entry 49 above in Table 1 of this Annex)
<p>The relevant NHS Foundation Trusts³⁴ (for projects in England only)</p>
<p>The relevant Local Health Board (for projects in Wales only (see entry 48 above in Table 1 of this Annex))</p>

not carry the right to exercise compulsory purchase powers. Electricity licences do not in every case specify, or limit, operations or responsibility to a particular geographical area, creating difficulties in applying the 'relevance test'. Taking a precautionary approach, the Planning Inspectorate will also consult all electricity licence holders specified whose licence covers Great Britain, unless there is agreement reached with the licence holder to act otherwise

³² The list of Special Health Authorities can be found on the NHS Choices website

(<http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx> (correct at the time of publication))

³³ The list of NHS Trusts in England can be found on the NHS Choices website (<http://www.nhs.uk/servicedirectories/pages/nhstrustlisting.aspx> (correct at date of publication))

³⁴ The list of NHS Foundation Trusts in England can be found on the following website (<https://www.gov.uk/government/publications/nhs-foundation-trust-directory/nhs-foundation-trust-directory> (correct at date of publication))

TABLE 3 – NON-PRESCRIBED CONSULTATION BODIES

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
Cadw	All proposed applications likely to affect land in Wales and/or Welsh territorial waters	Cadw is part of the Welsh Government ³⁵ , but is not specifically identified as a prescribed consultee within Schedule 1 of the APFP Regulations. However, in view of Cadw's significant role in relation to the historic environment, the Planning Inspectorate considers that the views of Cadw (as an organisation separate from the Welsh Ministers) should be sought in relation to all proposed applications that are likely to affect land in Wales and/or Welsh territorial waters ³⁶ .
Welsh Language Commissioner	All proposed applications likely to affect land in Wales	The Welsh Language Commissioner is not identified as a prescribed consultee within Schedule 1 of the APFP Regulations. However, in view of the importance which the Planning Inspectorate places on supporting the Welsh language ³⁷ , it is considered that the views of the Welsh Language Commissioner should be sought in relation to all proposed applications that are likely to affect land in Wales.

³⁵ The Welsh Ministers are on the statutory consultee list in the table in Schedule 1 of the APFP Regulations and must be notified and consulted when the circumstances test in column 2 is met - "*all proposed applications likely to affect land in Wales*". The Planning Inspectorate has interpreted 'the Welsh Ministers' to be 'the Welsh Government'

³⁶ Cadw is the relevant body for designated wrecks in Welsh territorial waters under s1 and s2 of the Protection of Wrecks Act 1973. Cadw is also the relevant body in relation to any underwater sites that are scheduled under the Ancient Monuments and Archaeological Areas Act 1979

³⁷ The Planning Inspectorate's page on Welsh Language is located at: <http://infrastructure.planninginspectorate.gov.uk/help/welsh-language/> (correct at date of publication)

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
The relevant Joint Transport Authority	All proposed applications likely to affect transport within, to or from Wales <small>Error! Bookmark not defined.</small>	<p>Schedule 1 of the APFP Regulations does not list any authorities in Wales akin to Passenger Transport Executives (PTEs) or Integrated Transport Authorities (ITAs) (who operate in England and are listed in Schedule 1 of the APFP Regulations as a consultation body). However, Joint Transport Authorities (JTAs) are established under the Transport (Wales) Act 2006 and have responsibilities to deliver public transport across the regions.</p> <p>JTA's consist of: Mid Wales Transport Consortium (TraCC) and South East Wales Directors of Environment and Regeneration (SewDER), which has taken over responsibility from the South East Wales Transport Alliance (Sewta)³⁸. The North Wales (Taith) and South West Wales Integrated Transport Consortium (SWWitch) are no longer operational³⁹.</p> <p>Given the significant likelihood of transport impacts resulting from NSIPs in Wales, the Planning Inspectorate will exercise judgment and may on a discretionary basis consult, depending on the geographical location of the proposed NSIP, with the relevant JTA.</p>
The relevant combined authority	All proposed applications likely to affect the functions of the combined authority.	A combined authority's functions primarily relate (but are not limited to) economic development, regeneration, transport and other functions that the member authorities agree to transfer. Given the significant likelihood of NSIPs impacting these functions, the Planning Inspectorate will exercise judgement and may on a discretionary basis consult with the relevant combined authority.

³⁸ The South East Wales Transport Alliance (Sewta) ceased to exist in September 2014. However, Sewta confirms on their website *that "The Board delegates responsibility, via the South East Wales Directors of Environment and regeneration (SewDER), to the Transport Management Team to continue to progress the regional transport agenda"* (<http://www.sewta.gov.uk/about-us>)

³⁹ Taith JTA ceased to operate from the 30th June 2014 and SWWitch was abolished on 31 March 2014

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
Secretary of State for Defence	All proposed applications in Wales likely to affect current or future operation of a site identified in a safeguarding map ⁴⁰ and all developments in the marine area	The Secretary of State for Defence is included in Schedule 1 of the APFP Regulations for projects in England only. However, in view of the importance that the Planning Inspectorate places on the role of the Ministry of Defence, it is considered that the views of the Ministry of Defence should also be sought for all proposed applications in Wales likely to affect current or future operation of a site identified in a safeguarding map ⁴¹ and all developments in the marine area.
The relevant British Crown Dependency	All proposed applications likely to affect land and/or the marine environment in that Dependency	<p>The Isle of Man and the Channel Islands (the Bailiwicks of Jersey and Guernsey) are not included in Schedule 1 of the APFP Regulations. These islands are all British Crown Dependencies. Neither forms part of the United Kingdom or the European Union.</p> <p>As it is possible that proposed NSIPs may affect these Dependencies, the Planning Inspectorate will exercise judgment and may on a discretionary basis consult the government(s) of these Dependencies in relation to all proposed application likely to affect land and/or the marine environment in that Dependency.</p>

⁴⁰ In accordance with Regulation 3(3)(g)(iv) 'safeguarding map' has the meaning given in a direction made by the Secretary of State in exercise of powers conferred by articles 16(4), 25(1), 29(6) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2010'

⁴¹ In accordance with Regulation 3(3)(g)(iv) "'safeguarding map'" has the meaning given in a direction made by the Secretary of State in exercise of powers conferred by articles 16(4), 25(1), 29(6) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2010'

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
The relevant Development Corporation	All proposed applications likely to affect land in the area covered by the development corporation	<p>The definition of 'local authority' in s43(3) of the PA2008, does not include development corporations⁴².</p> <p>As it is possible that proposed NSIPs may affect land in an area covered by a development corporation, the Planning Inspectorate will exercise judgment and may on a discretionary basis consult the relevant development corporation in relation to a proposed application likely to affect land in the area covered by the development corporation.</p>
The relevant Search and Rescue (SAR) Authorities	All proposed applications where there is any offshore element	<p>The UK Government assumes responsibility for civilian maritime SAR within the UK and its aviation and maritime search and rescue regions, which extends beyond territorial waters (12 nautical miles). This legal obligation is derived from the UK Government's adherence to international conventions⁴³.</p> <p>SAR authorities consist of:</p> <ul style="list-style-type: none"> • Relevant police and crime commissioner⁴⁴ • Relevant fire and rescue authorities⁴⁵

⁴² Development corporations include: "urban development corporation", which is defined as a corporation established by an order under s135 of the Local Government, Planning and Land Act 1980; and "mayoral development corporation", which is defined as a corporation established by an order under s198 of the Localism Act 2011

⁴³ The Convention on the Law of the Sea (UNCLOS), the Convention on Safety of Life at Sea (SOLAS) (1974), the Maritime Search and Rescue Convention (1979) and the Convention on International Civil Aviation (Chicago 1944) (Annex 12)

⁴⁴ The responsibility for the co-ordination of land-based and inland waters SAR operations including the inland aspects of those incidents that originate at sea rests with the Police Service. Through their command infrastructure, the relevant police and crime commissioner will provide co-ordination of all emergency services and other authorities where appropriate

⁴⁵ Each fire and rescue authority has the power to use the resources primarily provided for fire fighting to deal with non-fire incidents, which may include SAR operations. This power is not restricted to the territorial sea of the United Kingdom (12 nautical miles)

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
		<ul style="list-style-type: none"> • Relevant ambulance trusts⁴⁶, and • Royal National Lifeboat Institute (RNLI)⁴⁷. <p>Therefore, the Planning Inspectorate will exercise judgment and may on a discretionary basis consult the relevant SAR authority for a proposed application where there is any offshore element.</p>
The relevant authority responsible for the protection of wrecks	All proposed applications where there is any offshore element	<p>Authorities responsible for the protection of wrecks:</p> <ul style="list-style-type: none"> • The Historic Buildings and Monuments Commission for England (Historic England)⁴⁸ • Cadw⁴⁹ • Ministry of Defence (MoD)⁵⁰ <p>The Planning Inspectorate will exercise judgment and may on a discretionary basis consult the relevant authority responsible for the protection of wrecks for all proposed applications where there is any offshore element.</p>

⁴⁶ The NHS ambulance trusts which operate in England and Wales may have helicopter emergency medical service assets which may assist in SAR operations

⁴⁷ The RNLI is a voluntary organisation incorporated by Royal Charter for the purpose of saving lives, promoting safety and providing relief from disaster at sea (in and beyond UK territorial waters)

⁴⁸ Historic England is the relevant body in England for designated wrecks under s1 and s2 of the Protection of Wrecks Act 1973 and is also the relevant body in relation to any underwater sites that are scheduled under the Ancient Monuments and Archaeological Areas Act 1979

⁴⁹ Cadw is relevant body in Wales for designated wrecks under s1 and s2 of the Protection of Wrecks Act 1973

⁵⁰ The MoD is the relevant body, under the Protection of Military Remains Act 1986, in relation to the wreckage of (any) crashed, sunken or stranded military aircraft or designated vessels

Name of non-prescribed consultation body	Situations where the Planning Inspectorate may consult this body on a discretionary basis	An explanation of why the Planning Inspectorate has identified this body as a non-prescribed consultation body
Local Authorities within the Zone of Visual Influence (ZVI)	All proposed applications located on sites adjacent to estuaries or rivers, in coastal locations, or with an offshore element which may have a potential visual impact on local authorities within a 35km ZVI	<p>Proposed NSIP schemes located on sites adjacent to estuaries or rivers, in coastal locations, or with an offshore element may have a potential visual impact on local authorities which are not identified as 'A', 'B', 'C', or 'D' authorities under s43 of the PA2008. For example, where a local authority is located on the opposite side of an estuary but does not share a boundary with the 'B' or 'C' authority in which the proposed NSIP would be located.</p> <p>In this situation, the Planning Inspectorate will exercise judgment and may on a discretionary basis consult the local authority(ies) in relation to any potential visual impact of a proposed NSIP on the basis of a 35km ZVI identified from the nearest element of a proposed NSIP development to the shoreline. This distance has been adopted on the basis of best practice identified in guidance⁵¹.</p>

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⁵¹ Scottish Natural Heritage Guidance 'Visual Representation of Wind Farms' (December 2014), suggests at paragraph 52 a recommended initial ZTV distance of 35km for up to 130m turbines, with up to 45km for 150m; Natural Resources Wales LANDMAP Guidance Note 3 Guidance for Wales: 'Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines' (May 2013), suggests at section 5 that an initial search area of an assessment of turbines over 100m to extend to 35km from the boundary of the site; and the Department for Trade and Industry (now Department for Business Innovation and Skills) 'Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report', which suggests that a 30-40km radius study area will be required for SVIAs of Round 2 offshore wind farms (section 4.2)