

2015 No. 377

HIGHWAYS

**The Infrastructure Act 2015 (Strategic Highways Companies)
(Consequential, Transitional and Savings Provisions)
Regulations 2015**

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| <i>Made</i> - - - - | <i>2nd March 2015</i> |
| <i>Laid before Parliament</i> | <i>5th March 2015</i> |
| <i>Coming into force</i> - - | <i>1st April 2015</i> |

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 19 of the Infrastructure Act 2015(a):

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015.

(2) These Regulations come into force on 1st April 2015.

(3) An amendment or revocation made by these Regulations has the same extent and application as the provision to which it relates.

Interpretation

2. In these Regulations—

“the 1980 Act” means the Highways Act 1980(b);

“the 2015 Act” means the Infrastructure Act 2015;

“the appointment” means the appointment of the company as a strategic highways company under Part 1 of the 2015 Act(c); and

“the company” means Highways England Company Limited, a company limited by shares and incorporated in England and Wales under company number 9346363.

Consequential amendments

3. The enactments specified in the Schedule are amended in accordance with the Schedule.

(a) 2015 c.7.
(b) 1980 c.66.
(c) See S.I. 2015/376.

Transitional provisions: general

4.—(1) The appointment does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State before the appointment.

(2) Anything (including the conduct of legal proceedings) which, immediately before the appointment, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to a transferred function, be continued by or in relation to the company.

(3) Anything done (or having effect as if done) by or in relation to the Secretary of State for the purposes of or in connection with a transferred function has effect, so far as necessary for continuing its effect after the appointment, as if done by or in relation to the company.

(4) Any enactment, instrument or other document passed or made before the appointment has effect, so far as necessary for the purposes of or in consequence of paragraph (2) or (3), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were references to the company.

(5) The references in paragraphs (2) and (3) to things done include references to things omitted to be done.

(6) Paragraphs (2) to (4) are subject to any matter dealt with by a transfer scheme made under section 15 of the 2015 Act.

(7) This regulation is subject to regulations 5 and 6.

(8) In this regulation “transferred function” means a function transferred from the Secretary of State to the company as a result of the appointment(a).

Transitional provision: highway litter clearance and cleaning

5.—(1) The functions transferred to the Secretary of State under the orders mentioned in paragraph (2) are transferred to the company.

(2) The orders referred to in paragraph (1) are—

- (a) the Highway Litter Clearance and Cleaning (Transfer of Duties) Order 1991(b);
- (b) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) Order 1997(c);
- (c) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) Order 1998(d);
- (d) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) (A13 Trunk Road) Order 2000(e); and
- (e) the Highway Litter Clearance and Cleaning (Transfer of Responsibility) (England) Order 2009(f).

Transitional provision: orders and schemes

6.—(1) This regulation applies where—

- (a) the Secretary of State has prepared a draft of a relevant instrument for the purpose of the enactment in question but, at the time of the appointment, has not made the instrument; and
- (b) the instrument relates to, or makes provision in connection with, a transferred highway.

(2) The Secretary of State may make the instrument notwithstanding that the Secretary of State is not (or will not be) the highway authority for the highway.

(a) See S.I. 2015/376. As a result of its appointment the company became the highway authority for the highways specified in that Order. Consequently certain statutory functions previously exercised by the Secretary of State in relation to those highways were transferred to the company.

(b) S.I. 1991/337.

(c) S.I. 1997/2960.

(d) S.I. 1998/467.

(e) S.I. 2000/1508.

(f) S.I. 2009/2677, amended by S.I. 2010/2401.

(3) Accordingly, the procedures that apply in relation to, or in connection with, the making of the instrument (including any applicable rules regulating the procedure to be followed at a local inquiry) are those that apply in relation to, or in connection with, the making of that instrument by the Secretary of State.

(4) Where the instrument is an order under section 106(1) of the 1980 Act, the instrument once made is deemed to be a scheme made by the company and confirmed by the Secretary of State under section 106(3) of the 1980 Act.

(5) In all other cases the instrument, once made, is deemed to have been made by the company and confirmed by the Secretary of State.

(6) The instrument has effect, so far as necessary for the purposes of paragraph (4) or (5), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were references to the company.

(7) In this regulation—

“relevant instrument” means an order or scheme made under any of the following enactments—

(a) sections 14(a), 16(b), 18(c), 106(d) or 108(e) of the 1980 Act,

(b) Schedule 1 to the Acquisition of Land Act 1981(f),

(c) the Stopping up of Accesses to Premises (Procedure) Regulations 1971(g); and

“transferred highway” means a highway for which the company is the highway authority (or a proposed highway for which the company will be the highway authority), whether as a result of the appointment or otherwise.

Saving

7. The revocation of article 26 of the Town and Country Planning (Development Management Procedure) (England) Order 2010(h) does not affect the operation of that article in relation to any application for planning permission notified to the Secretary of State(i) before the appointment.

Signed by authority of the Secretary of State for Transport

John Hayes
Minister of State
Department for Transport

2nd March 2015

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- (a) Section 14 was amended by the Planning Act 2008 (c.29), section 36 and paragraphs 21 and 23 of Schedule 2, and the Water Act 1989 (c.15), section 190 and Part 1 of Schedule 27.
- (b) Section 16 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 24 of Schedule 2.
- (c) Section 18 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 25 of Schedule 2, the Water Act 1989, section 190 and Part 1 of Schedule 27, and the Local Government Act 1985 (c.51), section 102 and Schedule 17.
- (d) Section 106 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 26 of Schedule 2.
- (e) Section 108 was amended by the Planning Act 2008, section 36 and paragraphs 21 and 27 of Schedule 2.
- (f) 1981 c. 67. Schedule 1 was amended by section 101 of the Planning and Compulsory Purchase Act 2004 (c.5).
- (g) S.I. 1971/1707. Following consolidation of the original enabling power (section 2 of the Highways Act 1971 (c.41)), these Regulations have effect as if made under section 124 of the Highways Act 1980.
- (h) S.I. 2010/2184. Article 26 is revoked by paragraph 49 of the Schedule to these Regulations.
- (i) See article 26(1) of the 2010 Order.

SCHEDULE

Regulation 3

Consequential amendments

Stopping Up of Highways (Concurrent Proceedings) Regulations 1948

1. The Stopping Up of Highways (Concurrent Proceedings) Regulations 1948(a) are amended as follows.

2.—(1) Regulation 1 is amended as follows.

(2) The existing provision becomes paragraph (1) of regulation 1.

(3) After paragraph (1) insert—

“(2) In these Regulations “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(b).”.

3. In regulation 3 after “Minister” insert “, a strategic highways company”.

4. In regulation 4 after “Minister” insert “, the strategic highways company”.

Stopping up of Accesses to Premises (Procedure) Regulations 1971

5. The Stopping up of Accesses to Premises (Procedure) Regulations 1971 are amended as follows.

6. In regulation 1(2) (interpretation), at the appropriate place, insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(c).”.

7. In regulation 2 (application of regulations)—

(a) after “local highway authority” insert “or a strategic highways company”;

(b) after “that authority” insert “or company”.

8.—(1) Regulation 3 (publication and contents of notice) is amended as follows.

(2) In the words before sub-paragraph (a)—

(a) after the first “local highway authority” insert “or a strategic highways company”;

(b) after the second “local highway authority” insert “or the strategic highways company”.

(3) In subparagraph (a) after “local highway authority” insert “or the strategic highways company”.

(4) In sub-paragraph (c)—

(a) after “local highway authority” insert “or a strategic highways company”;

(b) after “that authority” insert “or company”.

9.—(1) Regulation 6 (submission of local highway authority’s order for confirmation) is amended as follows.

(2) In paragraph (1)—

(a) after the first “local highway authority” insert “or a strategic highways company”;

(a) S.I. 1948/1348. Following consolidation of the original enabling power (section 49(5) of the Town and Country Planning Act 1947 (c.51)), these Regulations have effect as if made under section 255 of the Town and Country Planning Act 1990 (c.8).

(b) 2015 c.7.

(c) 2015 c.7.

- (b) after “that authority” insert “or company”;
 - (c) after the second “local highway authority” insert “or the strategic highways company (as the case may be)”;
 - (d) in sub-paragraph (b)—
 - (i) after “the authority” insert “or the company”;
 - (ii) after “them” insert “or it”;
 - (e) in sub-paragraph (c)—
 - (i) after “the authority” insert “or the company”;
 - (ii) after “the authority’s” insert “or the company’s”;
 - (f) after the final “by them” insert “or it”.
- (3) In paragraph (2)—
- (a) after “local highway authority” insert “or a strategic highways company”;
 - (b) after “the authority”, wherever occurring, insert “or the company”;
 - (c) after “they” insert “or it (as the case may be)”;
 - (d) for “their” substitute “the”.
- (4) In the heading omit “local highway authority’s”.
- 10.** In regulation 7 (consideration of objections by Secretary of State)—
- (a) after “local highway authority”, wherever occurring, insert “or a strategic highways company”;
 - (b) after “that authority”, wherever occurring, insert “or company”.

11. In regulation 9 (service of notice of making by Secretary of State or confirmation of order) after “Secretary of State” insert “, strategic highways company”.

Control of Road-Side Sales Orders (Procedure) Regulations 1978

12.—(1) The Control of Road-Side Sales Orders (Procedure) Regulations 1978(a) are amended as follows.

- (2) In regulation 2(1) (interpretation), at the appropriate place, insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(b).”.
- (3) In regulation 4(1)(a) (consultation) after “the Secretary of State” insert “or a strategic highways company”.
- (4) In regulation 7(2) (public inquiries) after “local highway authority” insert “or a strategic highways company”.
- (5) In regulation 14 (making the order)—
 - (a) after “local highway authority” insert “or a strategic highways company”;
 - (b) for “that authority’s seal” substitute “that authority’s or the company’s seal (as the case may be)”;
 - (c) after “that authority” insert “or the company”.

(a) S.I. 1978/932. These Regulations were originally made under section 84C(2) to (5) and (6) of the Road Traffic Regulation Act 1967 (c.76) as applied by section 7(3) of the Local Government (Miscellaneous Provisions) Act 1976 (c.57). Following consolidation of these enabling powers they now have effect as if made under the Road Traffic Regulation Act 1984 (c.27), section 124 and Part III of Schedule 9.

(b) 2015 c.7.

Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990

13. The Secretary of State’s Traffic Orders (Procedure) (England and Wales) Regulations 1990(a) are amended as follows.

14. In regulation 2(1) (interpretation), at the appropriate place, insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(b).”.

15. In regulation 3(b) (application of regulations) after “Secretary of State” insert “or a strategic highways company”.

16. In regulation 5(1) (consultation) after “Secretary of State” insert “or the strategic highways company (as the case may be)”.

17. In regulation 6(1) (publication of proposals)—

- (a) after the first “Secretary of State” insert “or the strategic highways company (as the case may be)”;
- (b) after the second “Secretary of State” insert “or the strategic highways company”.

18. In regulation 7(2) (objections) after “Secretary of State” insert “or the strategic highways company”.

19. In regulation 8 (notice of public inquiry)—

- (a) in paragraph (1) after “Secretary of State” insert “or a strategic highways company”;
- (b) in paragraphs (2), (4) and (5) after “Secretary of State” insert “or the strategic highways company”.

20. In regulation 10 (consideration of objections) after “Secretary of State” insert “or the strategic highways company (as the case may be)”.

21. In regulation 11 (modifications)—

- (a) after “Secretary of State”, wherever occurring, insert “or the strategic highways company”;
- (b) after “him”, wherever occurring, insert “or it”;
- (c) after “he” insert “or it (as the case may be)”.

22. In regulation 13 (commencement date of order) after “Secretary of State” insert “or the strategic highways company”.

23.—(1) Regulation 14 (notice of the making of the order) is amended as follows.

(2) In paragraph (1)(c)—

- (a) after “Secretary of State” insert “or the strategic highways company (whichever made the order)”;
- (b) after “the Secretary of State’s”, wherever occurring, insert “or the strategic highways company’s”;
- (c) after the second “his” insert “or its”.

(3) In paragraph (3)—

- (a) after “Secretary of State” insert “or the strategic highways company”;
- (b) after the first and third occurrences of “his” insert “or its”.

(a) S.I. 1990/1656.

(b) 2015 c.7.

(c) Regulation 14(1)(a)(ii) was amended, in relation to England, by article 21(1) and (3) of S.I. 2004/3168 and, in relation to Wales, by article 22(1) and (3) of S.I. 2005/2929.

24. In regulation (15)(1) (traffic signs)—

- (a) in the words before sub-paragraph (a), after “Secretary of State”, insert “or the strategic highways company (whichever made the order)”;
- (b) in sub-paragraph (a) after “Secretary of State” insert “or the strategic highways company (as the case may be)”;
- (c) in sub-paragraph (c) after “Secretary of State” insert “or the strategic highways company”.

25. In regulation 18 (special provisions for experimental traffic orders) after “the Secretary of State” insert “or the strategic highways company (as the case may be)”.

26. In regulation 19(3) (special provisions for orders giving permanent effect to experimental orders)—

- (a) in sub-paragraph (a) after “Secretary of State” insert “or the strategic highways company (whichever made the order)”;
- (b) in sub-paragraph (b) after “Secretary of State” insert “or the strategic highways company”.

27.—(1) Regulation 21 (making of orders in part) is amended as follows.

(2) In paragraph (1)—

- (a) after “Secretary of State” insert “or a strategic highways company”;
- (b) after “he” insert “or it (as the case may be)”.

(3) In paragraph (2)—

- (a) after “Secretary of State” insert “or a strategic highways company”;
- (b) after “he” insert “or it (as the case may be)”;
- (c) after “him” insert “or it”.

(4) In paragraph (3)—

- (a) after “Secretary of State” insert “or a strategic highways company”;
- (b) after “he” insert “or it (as the case may be)”;
- (c) after “him” insert “or it”.

(5) In paragraph (6) after “Secretary of State” insert “or the strategic highways company”.

28.—(1) Regulation 22 (revocation or revocation and re-enactment where due to exceptional circumstances notices of the making of orders are not published) is amended as follows.

(2) In paragraph (2)—

- (a) in sub-paragraph (b)—
 - (i) after “Secretary of State” insert “or the strategic highways company (whichever made the order)”;
 - (ii) after “he”, wherever occurring, insert “or it”;
- (b) in sub-paragraph (c)—
 - (i) after “Secretary of State” insert “or the strategic highways company”;
 - (ii) after “he” insert “or it”;
- (c) in sub-paragraph (d) after “Secretary of State” insert “or a strategic highways company”;
- (d) in sub-paragraph (f) after “Secretary of State” insert “or a strategic highways company”.

(3) In paragraph (3)—

- (a) after “Secretary of State” insert “or a strategic highways company”;
- (b) after “he”, wherever occurring, insert “or it”.

29. In regulation 23(2) (re-enactment of orders which in exceptional circumstances have been revoked before publication)—

- (a) in sub-paragraph (d) after “Secretary of State” insert “or a strategic highways company”;
- (b) in sub-paragraph (e) after “Secretary of State” insert “or the strategic highways company (as the case may be)”.

30. In paragraph 3 of Part II of Schedule 2 (other requirements as to the display of the notice)—

- (a) after “Secretary of State” insert “or the strategic highways company (as the case may be)”;
- (b) after “him” insert “or it”.

31.—(1) Paragraph 1 of Schedule 3 (requirements as to the availability of documents for inspection) is amended as follows.

(2) In sub-paragraph (e) after “Secretary of State’s” insert “or the strategic highway company’s (as the case may be)”.

(3) In sub-paragraph (f)—

- (a) after “Secretary of State’s” insert “or the strategic highway company’s (as the case may be)”;
- (b) after “he” insert “or it”.

Special Road Schemes and Highways Orders (Procedure) Regulations 1993

32.—(1) The Special Road Schemes and Highways Orders (Procedure) Regulations 1993(a) are amended as follows.

(2) In regulation 6 (local highway authority schemes and orders)—

- (a) omit “local”;
- (b) for the heading substitute “Schemes and Orders requiring confirmation”.

(3) In the Schedule omit “local”, wherever occurring.

Highways (Inquiries Procedure) Rules 1994

33.—(1) The Highways (Inquiries Procedure) Rules 1994(b) are amended as follows.

(2) In rule 2 (interpretation)—

(a) in the definition of “the promoting authority”—

(i) in sub-paragraph (b)—

- (aa) after “a local highway authority” insert “or a strategic highways company”;
- (bb) for “that local highway authority” substitute “that authority or company”;

(ii) in sub-paragraph (c) omit “local”;

(b) at the appropriate place insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(c).”.

(3) In rule 3 (application of rules) after “local highway authority”, wherever occurring, insert “or a strategic highways company”.

(4) In the heading to Part III after “Local Highway Authorities” insert “or Strategic Highways Companies”.

(a) S.I. 1993/169.
(b) S.I. 1994/3263.
(c) 2015 c.7.

(5) In rule 26(5) (procedure after inquiry) after “local highway authority” insert “or a strategic highways company”.

(6) In rule 27(1) (notification of decision) after “local highway authority” insert “or a strategic highways company”.

Town and Country Planning (General Permitted Development) Order 1995

34.—(1) Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(a) is amended as follows.

(2) In paragraph N(3)(b) of Part 3 (procedure for applications for prior approval under Part 3), for paragraph (a) substitute—

“(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;”.

(3) For Class B of Part 13(c) (development by highway authorities) substitute—

“Class B

B. Permitted Development

The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980, or works in connection with, or incidental to, the exercise of those functions.

B.1 Interpretation of Class B

For the purposes of Class B “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(d).”.

Hedgerows Regulations 1997

35.—(1) Regulation 6 (permitted work) of the Hedgerows Regulations 1997(e) is amended as follows.

(2) In paragraph (1)(h)—

(a) after “Secretary of State” insert “or a strategic highways company”;

(b) after “his” insert “or its”;

(c) after “he”, wherever occurring, insert “or it”;

(3) After paragraph (3) insert—

“(4) In paragraph (1)(h) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(f).”.

Highways (Road Humps) Regulations 1999

36.—(1) Regulation 3 (consultation about road hump proposals) of the Highways (Road Humps) Regulations 1999(g) is amended as follows.

(a) S.I. 1995/418.

(b) Paragraph N was inserted in relation to England by S.I. 2013/1101, article 6(2) and subsequently amended by S.I. 2014/564, articles 5(1) and (8).

(c) Part 13 was substituted in relation to England by S.I. 2006/1282, article 16(1) and (6)(a), and Part 1 of Schedule 1. A corresponding amendment was made in relation to Wales by S.I. 2006/1386, article 3(1) and (6)(a), and Part 1 of the Schedule.

(d) 2015 c.7.

(e) S.I. 1997/1160.

(f) 2015 c.7.

(g) S.I. 1999/1025. Regulation 3(b) was amended, in relation to England, by S.I. 2004/3168, article 49 and in relation to Wales by S.I. 2005/2929, article 49.

(2) The existing provision becomes paragraph (1) of regulation 3.

(3) In paragraph (1)—

- (a) after “Secretary of State” insert “, a strategic highways company”;
- (b) after “he” insert “, it”;
- (c) after “him” insert “, it”.

(4) After paragraph (1) insert—

“(2) In paragraph (1) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(a).”.

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

37.—(1) The table in Schedule 6 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(b) is amended as follows.

(2) In column 2 of row 6, for “the Secretary of State for Transport (marked “for the attention of the Highways Agency”)” substitute “the relevant highway authority”.

Environmental Noise (England) Regulations 2006

38. In the definition of “trunk road” in regulation 2(2) (interpretation) of the Environmental Noise (England) Regulations 2006(c), after “the Secretary of State” insert “or a strategic highways company for the time being appointed under Part 1 of the Infrastructure Act 2015(d)”.

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

39. In regulation 13(1)(c) (duty to consult) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007(e), for “Secretary of State for Transport” substitute “the highway authority for that trunk road”.

Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008

40.—(1) The Removal and Disposal of Vehicles (Traffic Officers) (England) Regulations 2008(f) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “relevant road”, after “Secretary of State” insert “or a strategic highways company”;
- (b) at the appropriate place insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(g);”.

(3) In regulation 14 (steps to be taken to find the owners of certain vehicles)—

- (a) in paragraph (1) after “Secretary of State” insert “or a strategic highways company”;
- (b) in paragraph (3)—
 - (i) after “Secretary of State” insert “or the strategic highways company”;
 - (ii) after “he”, wherever occurring, insert “or it”;

(a) 2015 c.7.

(b) S.I. 2006/1466, to which there are amendments not relevant to these Regulations.

(c) S.I. 2006/2238, to which there are amendments not relevant to these Regulations.

(d) 2015 c.7.

(e) S.I. 2007/783.

(f) S.I. 2008/2367.

(g) 2015 c.7.

- (c) in paragraph (4)—
 - (i) after “Secretary of State” insert “or the strategic highways company”;
 - (ii) for “also the Secretary of State for Transport” substitute “the person giving the information”;
- (d) in paragraph (5)—
 - (i) after “Secretary of State” insert “or the strategic highways company”;
 - (ii) for “also the Secretary of State for Transport” substitute “the person giving the information”;
- (e) in paragraph (6) after “Secretary of State” insert “or the strategic highways company”.
- (4) In regulation 15(1) (notice to owner requiring removal of vehicle)—
 - (a) after the first “Secretary of State” insert “or a strategic highways company”;
 - (b) after “Secretary of State’s” insert “or the strategic highways company’s”;
 - (c) after the second “Secretary of State” insert “or the strategic highways company”.
- (5) In regulation 16 (period during which owner may remove vehicle before it can be disposed of) after “Secretary of State’s” insert “or the strategic highways company’s”.
- (6) In regulation 17 (information to be given relating to the disposal of a vehicle)—
 - (a) in paragraph (1) after “Secretary of State” insert “or the strategic highways company”;
 - (b) in paragraphs (2) and (3) for “is that Secretary of State” substitute “disposed of the vehicle”;
 - (c) in paragraph (5) after “Secretary of State” insert “or the strategic highways company”.
- (7) In regulation 18 (period during which owner may remove vehicle before it is disposed of)—
 - (a) after the first “Secretary of State” insert “or a strategic highways company”;
 - (b) after “Secretary of State’s” insert “or the strategic highways company’s”;
 - (c) after the second “Secretary of State” insert “or the strategic highways company”.

Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009

41.—(1) The Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009^(a) are amended as follows.

- (2) In regulation 3 (interpretation), in the definition of “Permit Authority” omit “local”.
- (3) Regulation 12 (application of charges and keeping of accounts) is amended as follows.
 - (a) in paragraph (1)—
 - (i) after “local highway authority” insert “and a strategic highways company”;
 - (ii) after “they” insert “or it”;
 - (iii) after “their” insert “or its”;
 - (b) in paragraph (2) after “local highway authority” insert “and a strategic highways company”;
 - (c) after paragraph (2) insert—

“(3) In this regulation “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015^(b).”

(a) S.I. 2009/303, to which there are amendments not relevant to these Regulations.

(b) 2015 c.7.

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

42.—(1) The table in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(a) is amended as follows.

(2) In column 1 of the entry relating to the Highways Agency, for “The Highways Agency” substitute “The Secretary of State for Transport”.

(3) At the appropriate place insert the following entry—

| | | |
|--|--|--|
| “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. | All applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority.” |
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Infrastructure Planning (Interested Parties) Regulations 2010

43.—(1) The table in the Schedule (table of statutory parties to the examination of an application) to the Infrastructure Planning (Interested Parties) Regulations 2010(b) is amended as follows.

(2) In column 1 of the entry relating to the Highways Agency, for “The Highways Agency” substitute “The Secretary of State for Transport”.

(3) At the appropriate place insert the following entry—

| | |
|--|--|
| “The relevant strategic highways company | All applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority.” |
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Infrastructure Planning (Compulsory Acquisition) Regulations 2010

44.—(1) The table in Schedule 2 (table of persons to be notified of the proposed provision) to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010(c) is amended as follows.

(2) In column 1 of the entry relating to the Highways Agency, for “The Highways Agency” substitute “The Secretary of State for Transport”.

(3) At the appropriate place insert the following entry—

| | |
|--|---|
| “The relevant strategic highways company | All proposed provisions likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority.” |
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Conservation of Habitats and Species Regulations 2010

45.—(1) Regulation 84 (construction or improvement of highways or roads) of the Conservation of Habitats and Species Regulations 2010(d) is amended as follows.

(2) In paragraph 1(a), after “the appropriate authority” insert “or a strategic highways company”.

(3) After paragraph (2) insert—

(a) S.I. 2009/2264. There are amendments to Schedule 1 not relevant to these Regulations.
(b) S.I. 2010/102. There are amendments to the Schedule not relevant to these Regulations.
(c) S.I. 2010/104. There are amendments to Schedule 2 not relevant to these Regulations.
(d) S.I. 2010/490.

“(3) In paragraph (1)(a) “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(a).”.

Community Infrastructure Levy Regulations 2010

46.—(1) Regulation 123(2B) (further limitations on the use of planning obligations) of the Community Infrastructure Levy Regulations 2010(b) is amended as follows.

(2) Omit the “or” at the end of sub-paragraph (a).

(3) At the end of sub-paragraph (b) insert—

“; or

(c) a strategic highways company for the time being appointed under Part 1 of the Infrastructure Act 2015(c).”.

Town and Country Planning (Development Management Procedure) (England) Order 2010

47. The Town and Country Planning (Development Management Procedure) (England) Order 2010(d) is amended as follows.

48. In article 2 (interpretation), at the appropriate place, insert—

““strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(e).”.

49. Omit article 26 (development affecting certain existing and proposed highways).

50. In article 34(3) (local development orders)—

(a) for sub-paragraph (f) substitute—

“(f) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;”;

(b) for sub-paragraph (g) substitute—

“(g) a strategic highways company any part of whose area is in or adjoins the area of the local planning authority;”.

51.—(1) Schedule 5 (consultations before the grant of permission) is amended as follows.

(2) In the Table—

(a) in paragraph (f) omit sub-paragraph (i);

(b) after paragraph (f) insert the following entries—

| | | |
|-------|---|--|
| “(fa) | Development other than minor development, likely to result in an adverse impact on the safety of, or queuing on, a trunk road | The highway authority for the trunk road |
| (fb) | Development likely to prejudice the improvement or construction of a trunk road | The highway authority for the trunk road |
| (fc) | Development which consists of or includes the construction, formation or laying out of access to or from a trunk road | The highway authority for the trunk road.” |

(3) In paragraph 1 (interpretation of the table), after sub-paragraph (b) insert—

“(ba) in paragraph (fa), “minor development” means—

(a) 2015 c.7.

(b) S.I. 2010/948, amended by S.I. 2014/385; there are other amending instruments not relevant to these Regulations.

(c) 2015 c.7.

(d) S.I. 2010/2184. There are amendments to Schedule 5 not relevant to these Regulations.

(e) 2015 c.7.

- (i) development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse, for any purpose incidental to the enjoyment of the dwellinghouse as such;
- (ii) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 250 square metres; and
- (iii) the alteration of an existing building where the alteration does not increase the size of the building;”.

Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

52.—(1) The table in Schedule 1 (consultation and notification) to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(a) is amended as follows.

(2) In column 1 of the entry relating to the Highways Agency, for “The Highways Agency” substitute “The Secretary of State for Transport”.

(3) At the appropriate place insert the following entry—

| | | |
|--|--|--|
| “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. | All applications likely to affect road or transport operation and/or planning on roads for which the strategic highways company is the highway authority.” |
|--|--|--|

Neighbourhood Planning (General) Regulations 2012

53.—(1) Schedule 1 (consultation bodies) to the Neighbourhood Planning (General) Regulations 2012(b) is amended as follows.

(2) In paragraph 1 for sub-paragraph (i) substitute—

“(i) a strategic highways company(c) any part of whose area is in or adjoins the neighbourhood area;

(ia) where the Secretary of State is the highway authority for any road in the area of a local planning authority any part of whose area is in or adjoins the neighbourhood area, the Secretary of State for Transport;”.

(3) In the table in paragraph 2(1) for paragraph (g) substitute—

| | | |
|------|--|--|
| “(g) | Development which consists of or includes the construction, formation or laying out of access to or from a trunk road. | The highway authority for the trunk road.” |
|------|--|--|

Town and Country Planning (Local Planning) (England) Regulations 2012

54. In regulation 2(1) (interpretation) of the Town and Country Planning (Local Planning) (England) Regulations 2012(d), in the definition of “specific consultation bodies” for sub-paragraph (g) substitute—

(a) S.I. 2011/2055. There are amendments to Schedule 1 not relevant to these Regulations.
 (b) S.I. 2012/637. There are amendments to Schedule 1 not relevant to these Regulations.
 (c) See section 1 of the Infrastructure Act 2015 (c.7).
 (d) S.I. 2012/767. There are amendments to regulation 2 not relevant to these Regulations.

- “(g) a strategic highways company (for the time being appointed under Part 1 of the Infrastructure Act 2015) any part of whose area is in or adjoins the area of the local planning authority;
- (ga) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;”.

Street Works (Charges for Occupation of the Highway) (England) Regulations 2012

55. In regulation 2 (interpretation) of the Street Works (Charges for Occupation of the Highway) (England) Regulations 2012^(a), in the definition of “Approved Authority” omit “local”.

^(a) S.I. 2012/425.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations make consequential amendments to existing subordinate legislation in consequence of the appointment of Highways England Company Limited as a strategic highways company under Part 1 of the Infrastructure Act 2015 (c. 7) (“the 2015 Act”). They also make transitional provision and savings in connection with the appointment.

Part 1 of the 2015 Act makes provision for the Secretary of State to appoint a strategic highways company to act as the highway authority in respect of the areas and highways specified in the appointment. The Appointment of a Strategic Highways Company Order 2015 (S.I. 2015/376) appoints Highways England Company Limited (“the company”) as a strategic highways company for the strategic road network in England.

Regulation 3 gives effect to the *Schedule* which amends subordinate legislation in consequence of the appointment. In general the effect of the amendments is to allow the company to exercise the functions and powers of a highway authority under various highways-related and other enactments.

Regulation 4 contains general transitional provisions, the main purpose of which is to ensure, as far as necessary, that anything done by the Secretary of State in relation to a function transferring to it as a result of the appointment is treated as done by the company, and to ensure that anything being done by the Secretary of State on 1st April 2015 in relation to such a function may be continued by the company.

The effect of *regulation 5* is that from 1st April 2015, the company will be responsible for discharging the litter clearance and cleaning duties which previously were transferred to the Secretary of State under the orders mentioned in paragraph (2). These duties relate to highways for which the company will be the highway authority from 1st April 2015 in place of the Secretary of State.

Regulation 6 contains specific transitional provision in relation to certain draft instruments which have been prepared by the Secretary of State, but have not been made as at 1st April 2015.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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