

SCHEDULES

SCHEDULE 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

Condition relating to site restoration

- 12 (1) The nominated undertaker must, after discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the relevant planning authority.
- (2) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out.
- (3) For the purposes of sub-paragraph (1) the nominated undertaker must, within four months of the discontinuation of the use, submit a proposed scheme to the relevant planning authority.
- (4) If—
- (a) the nominated undertaker fails to submit a proposed scheme in accordance with sub-paragraph (3), or
 - (b) the nominated undertaker submits a proposed scheme in accordance with sub-paragraph (3) but no scheme is agreed for the purposes of sub-paragraph (1) before the end of the relevant period,
- the scheme for the purposes of sub-paragraph (1) is to be such as the appropriate Ministers may determine after consulting the nominated undertaker and the relevant planning authority.
- (5) In sub-paragraph (4)(b) “the relevant period” means—
- (a) eight weeks beginning with the date on which the proposed scheme is submitted, or
 - (b) such longer period as the nominated undertaker and the relevant planning authority may agree.
- (6) A scheme agreed or determined for the purposes of sub-paragraph (1) may reserve particulars for subsequent agreement between the nominated undertaker and the relevant planning authority.
- (7) Where a particular reserved under sub-paragraph (6) is not agreed—
- (a) by the time specified by or determined in accordance with the scheme, or

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- (b) by such later time as the nominated undertaker and the relevant planning authority may agree,
that particular is to be determined by the appropriate Ministers after consulting the nominated undertaker and the authority.
- (8) Where, independently of any consultation under sub-paragraph (4) or (7), the appropriate Ministers ask the relevant planning authority for assistance in connection with their function under the sub-paragraph in question, they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which the authority reasonably incurs in meeting the request.
- (9) Sub-paragraph (1) does not apply to a site—
 - (a) to the extent that the site consists of land to which a scheme under paragraph 8 (waste or spoil etc) applies, or
 - (b) in relation to which the nominated undertaker is subject to an obligation under paragraph 5(1) of Schedule 16 (obligation to put land into such condition as an agreed scheme provides, before giving up possession of the land).