

SCHEDULES

SCHEDULE 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

Conditions on bringing scheduled works and depots into use

- 9 (1) If the relevant planning authority is a qualifying authority, no work to which this paragraph applies may be brought into use without the approval of that authority.
- (2) This paragraph applies to—
- (a) any scheduled work, except to the extent that the work is underground, and
 - (b) any depot constructed, in exercise of the powers conferred under this Act, for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes.
- (3) 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.
- (4) The relevant planning authority must grant approval for the purposes of this paragraph if—
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
 - (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.
- (5) The relevant planning authority may not refuse to approve, or impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified—
- (a) to preserve the local environment or local amenity,
 - (b) to preserve a site of archaeological or historic interest, or
 - (c) in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.
- (6) In this paragraph “railway vehicle” and “track” have the same meanings as in Part 1 of the Railways Act 1993.