
STATUTORY INSTRUMENTS

2014 No. 1873

The Rampion Offshore Wind Farm Order 2014

Procedure in relation to further approvals, etc

39.—(1) In this article—

“competent authority” means the competent authority as defined regulation 7 of the [Conservation of Habitats and Species Regulations 2010/490](#);

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(2) Where an application is made to the relevant planning authority, a highway authority, a street authority, a traffic authority or the owner of a sewer or drain for any consent, agreement or approval required under any of the provisions of this Order such application shall, where appropriate, conform to the objective standard as set out in the measures of success for discharge of requirements and shall be accompanied by proper and sufficient plans of the proposal and such consent, agreement or approval shall, if given, be in writing and may be given subject to such reasonable terms and conditions as the authority or owner may require and shall not be unreasonably withheld.

(3) Subject to paragraph (5), if, within 56 days after the application has been submitted to the authority or owner (or such extended period as shall be agreed with the undertaker in the event that the authority shall request further information) in accordance with this article, it has not intimated its disapproval and the grounds of disapproval, the authority or owner shall be deemed to have approved the content of the application.

(4) Subject to paragraph (5), in the event of any refusal or disapproval by the authority or owner, the undertaker may resubmit a revised application, or revised plans in support of the original application, and, in that event, if the authority or owner has not intimated its refusal or disapproval and the grounds of refusal or disapproval within 56 days of the revised application or of revised plans being submitted, it shall be deemed to have given its consent or agreement to, or its approval of, the revised application or plans.

(5) Paragraphs (3) and (4) do not apply in the case of any application that is considered by the competent authority as requiring an appropriate assessment under the Conservation of Habitats and Species Regulations 2010.

(6) The undertaker shall not carry out the proposal until any such application or plans have been approved (or deemed to have been approved) or settled by arbitration.

(7) The relevant planning authority shall be entitled to make a reasonable charge for any application for consent, agreement or approval pursuant to paragraph (2).

Commencement Information

II Art. 39 in force at 6.8.2014, see [art. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Rampion Offshore Wind Farm Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 39(1) words substituted by [S.I. 2017/1012 Sch. 6 para. 36\(3\)\(a\)](#)
- art. 39(5) words substituted by [S.I. 2017/1012 Sch. 6 para. 36\(3\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 3 para. 15(1) substituted by [S.I. 2021/535 art. 5\(a\)](#)
- Sch. 1 Pt. 3 para. 15(2) substituted by [S.I. 2021/535 art. 5\(b\)](#)