
STATUTORY INSTRUMENTS

2015 No. 1347

The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015

PART 7

MISCELLANEOUS AND GENERAL

Procedure in relation to certain approvals etc.

45.—(1) Where an application or request is made to the relevant planning authority, a highway authority, a traffic authority, a street authority, navigation authority, an owner or occupier of land or the owner of a watercourse, sewer or drain (“consenting authority”) for any consent, agreement or approval required or contemplated by any of the provisions of this Order, other than by Schedule 2 (requirements) or Parts 1 and 2 of Schedule 13 (protective provisions), such consent, agreement or approval must, if given, be given in writing and must not be unreasonably withheld.

(2) Except for applications made under paragraph (4) and except as provided for in paragraph (3), if, within 28 days after the application or request has been submitted to a consenting authority, owner or occupier, it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.

(3) Paragraph (2) does not apply to any application or request—

- (a) which is accompanied by a report which concludes; or
- (b) where the consenting authority reasonably concludes, and issues notice of its conclusion to the undertaker within 28 days of submission of the application or request,

that it is likely that the subject matter of such application or request will give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(4) Where an application is made to the relevant planning authority for any consent, agreement or approval required under Schedule 2 (requirements), the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission—

- (a) sections 78 (right to appeal against planning decisions and failure to take such decisions)(1) and 79 (determination of appeals)(2) of the 1990 Act (right of appeal in relation to planning decisions); and

(1) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), section 43(2) of the Planning and Compulsory Purchase Act 2004 (c. 5), paragraphs 1 and 3 of Schedule 10, and paragraphs 1 and 2 of Schedule 11, to the Planning Act 2008 (c. 29), section 123(1) and (3) of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act 2011 (c. 20) and paragraphs 1 and 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

(2) Section 79 was amended by section 18 of, and paragraphs 8 and 19 of Schedule 7 to, the Planning and Compensation Act 1991 and paragraphs 1 and 4 of Schedule 10 to the Planning Act 2008.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(5) For the purposes of paragraph (4), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.