

The Bill

Section 20 -Deemed planning permission

- (1) Planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the carrying out of development authorised by this Act. This is subject to the other provisions of this Act.
- (3) Schedule 17 imposes conditions on deemed planning permission under subsection (1).

Qualifying Authority

- WDC is a qualifying authority
 - Greater control
- Planning Memorandum signatory
 - 8 weeks

Schedule 17 - District/ County

- Most works require approval of plans and specifications
- WCC will deal with County matters in the usual way e.g. lorry haul routes, waste
- WDC will approve matters as the local planning authority e.g. building works, earthworks, dust screens

Schedule 17 Conditions

Most important works for WDC;

- “Building Works” and “Construction Works” must be carried out in accordance with plans and specifications that have been approved by WDC
- WDC can refuse approval or impose conditions on approval but only on limited grounds
- Class Approvals?

Grounds for refusal 1

- (a) plans or specifications submitted for approval ought to be **modified**—
- (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value,
- and** is reasonably capable of being so modified

Grounds for refusal 2

(b) the development ought to, and could **reasonably**, be carried out elsewhere within the development's permitted limits.

Statutory Consultees

- Statutory Consultees;
 - Natural England
 - Environment Agency
 - Historic Buildings & Monuments Commission for England
- No requirement for public consultation or for the Council to consult any other statutory bodies, e.g. Parish or County Councils.
- Time for determination: 8 weeks (as per regular planning application)
- Right of appeal to SOS as per normal planning application – but probably an expedited procedure by way of written representations in most cases