

## SCHEDULES

### SCHEDULE 2

#### REQUIREMENTS

#### PART 2

#### PROCEDURE FOR DISCHARGE OF REQUIREMENTS

##### **Applications made under requirements**

**22.**—(1) Where an application has been made to the approving authority for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the approving authority must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the approving authority;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 22 (further information); or
- (c) such longer period as may be agreed between the parties.

(2) Subject to paragraph (3), in the event that the approving authority does not determine an application within the period set out in paragraph (1), the approving authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the approving authority for any consent, agreement or approval required by a requirement included in this Order;
- (b) the approving authority does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report from a body required to be consulted under that requirement that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

the application is taken to have been refused by the approving authority at the end of that period.

##### **Further information**

**23.**—(1) In relation to any part of an application made under this Schedule, the approving authority has the right to request such further information from the undertaker as is necessary to enable the approving authority to consider the application.

(2) In the event that the approving authority considers such further information to be necessary, the approving authority must, within 21 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the approving authority does not give such notification

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within that 21 business day period the approving authority is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 24 (applications made under requirements) and in this paragraph.

(4) In this paragraph, “business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(1).

### **Register of requirements**

24.—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the approving authority.

(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the approving authority has been applied for or given, providing an electronic link to any document containing any approved details.

(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

### **Anticipatory steps towards compliance with any requirement**

25. If before the coming into force of this Order the undertaker or any other person has taken any steps that were intended to be steps towards compliance with any provision of Part 1 of this Schedule, those steps may be taken into account for the purpose of determining compliance with that provision if they would have been valid steps for that purpose had they been taken after this Order came into force.

### **Timing of consultation**

26.—(1) With respect to any requirement which requires the undertaker to consult another party (“the consultee”), the undertaker must, subject to sub-paragraph (2), provide the consultee with not less than 28 days beginning with the start date to respond to the consultation.

(2) If no later than the expiry of 21 days beginning with the start date, a consultee requests more time to respond to the consultation than was given under paragraph (1), the undertaker may consent (such consent not to be unreasonably withheld) to an extension of that period so that the consultee has a longer period to respond (such period to be not less than 42 days but no more than 56 days, beginning with the start date).

(3) In this paragraph, “the start date” is the day following the date on which the consultee received the document being consulted on.

### **Details of consultation**

27.—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule following consultation with another party, the details submitted must be accompanied by—

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(1) 1971 c. 80.

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- (a) a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation; and
- (b) copies of all consultation responses received.

(2) At the time of submission to the Secretary of State for approval, the undertaker must provide a copy of the summary report referred to under sub-paragraph (1) to the relevant consultees referred to in the requirement in relation to which approval is being sought from the Secretary of State.

(3) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

(4) Where the consultation responses are not reflected in the details submitted to the Secretary of State for approval, the undertaker must state in the summary report referred to under sub-paragraph (1), the reasons why the consultation responses have not been reflected in the submitted details.