



# Greater Nottingham Light Rapid Transit Act 1994

## 1994 CHAPTER xv

### PART IV

#### PROTECTIVE PROVISIONS

#### 40 Approval of plans by local authorities, etc

The following provisions shall, unless otherwise agreed in writing between the undertakers and the council, have effect:—

(1) In this section—

“construction” includes placing, alteration and renewal;

“the council” means whichever of the City Council, the Broxtowe Borough Council or the Ashfield District Council are the local authority for the area where the specified works are constructed or authorised to be constructed;

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

“the specified works” means any of the authorised works constructed or to be constructed in the area of the council:

(2) The undertakers shall, before commencing the construction of the specified works, supply to the council proper and sufficient plans thereof for their approval:

Provided that if within 56 days after such plans have been supplied to the council they have not notified their disapproval thereof and the grounds of their disapproval, they shall be deemed to have approved the plans as supplied:

(3) The council may approve the plans subject to such reasonable conditions as may be necessary to prevent unacceptable detriment to the environment or to the amenity of the area of the council:

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*Status: This is the original version (as it was originally enacted).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

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- (4) The undertakers shall not commence the specified works until plans thereof have been approved in writing by the council, or settled by arbitration in accordance with subsection (7) below:
- (5) The construction of the specified works shall, when commenced, be carried out in accordance with the plans as approved by the council or deemed to have been so approved or settled by arbitration in accordance with subsection (7) below, and in constructing the specified works the undertakers shall comply with such conditions (if any) as may be so approved or settled:
- (6) The council may not withhold their approval under this section except in respect of any detail of the plans which—
  - (a) in their reasonable opinion will cause unacceptable detriment to the environment or to the amenity of the area of the council; and
  - (b) is susceptible of a reasonable alternative which will not in their reasonable opinion cause such detriment:
- (7) Any difference arising between the undertakers and the council under this section shall be referred to and settled by arbitration but the undertakers and the council shall use their best endeavours to ensure that proceedings before an arbitrator commence in every case within 7 days of the undertakers or the council registering such a difference.