

SCHEDULES

SCHEDULE 3

Sections 8 and 9.

CERTIFICATES AS RESPECTS PLANNING PERMISSION AND GRANT OF STATUTORY LICENCES TO ABSTRACT WATER.

Certificates as respects planning permission.

- 1 (1) At any time after an application has been made for the consent of the Minister of Power to the carrying out of any controlled operations for which planning permission is required but has not been granted any person concerned may apply to the local planning authority for a certificate under this Schedule as respects those controlled operations.
- (2) Where such an application is made the local planning authority shall issue to the applicant a certificate stating that planning permission for the carrying out of the controlled operations could, or could not, reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.
- (3) Where, in the opinion of the local planning authority, planning permission might reasonably have been expected to be granted but would only have been granted subject to conditions, the certificate shall specify those conditions in addition to the other matters required to be contained in the certificate.
- (4) On issuing the certificate, the local planning authority shall serve a copy of the certificate on the gas authority.
- 2 (1) Where the local planning authority have issued a certificate under this Schedule, the applicant for the certificate or the gas authority may appeal to the planning Minister against the certificate.
- (2) On the appeal the planning Minister shall consider the matters to which the certificate relates as if the application for the certificate had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate.
- (3) Before determining any such appeal the planning Minister shall, if the applicant or the gas authority so desires, afford to them and to the local planning authority an opportunity of appearing before and being heard by a person appointed by that Minister for the purpose.
- (4) Where an application is made to a local planning authority for a certificate under this Schedule, and at the expiry of the time prescribed by regulations made under this Schedule for the issue of the certificate (or, if an extended period is at any time agreed upon in writing by the applicant and the local planning authority, at the end of that period) no certificate has been issued by the local planning authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the local planning authority had issued a certificate under this Schedule stating

that planning permission for the carrying out of the controlled operations could not reasonably have been expected to have been granted.

- 3 For the purposes of section 100 of the Town and Country Planning Act 1962 (general provisions as to rights to compensation) a certificate stating that planning permission for the carrying out of the controlled operations specified in the certificate could not reasonably have been expected to have been granted, or would only have been granted subject to conditions, shall have the same effect as a planning decision whereby planning permission for the carrying out of those operations is refused, or is granted subject to conditions ; and all the provisions of Part VI of that Act, together with sections 25 and 26 of that Act, shall have effect accordingly.

Certificates as respects statutory licences to abstract water.

- 4 (1) At any time after an application has been made for the consent of the Minister of Power to the carrying out of any controlled operations for which a statutory licence to abstract water is required but has not been granted any person concerned may apply to the river authority for a certificate under this Schedule as respects those controlled operations.
- (2) Where such an application is made the river authority shall issue to the applicant a certificate stating that the statutory licence to abstract water required for the carrying out of the controlled operations could, or could not, reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.
- (3) Where, in the opinion of the river authority, a statutory licence to abstract water might reasonably have been expected to be granted but would only have been granted subject to conditions, limitations or restrictions, the certificate shall specify those conditions, limitations or restrictions in addition to the other matters required to be contained in the certificate.
- (4) On issuing the certificate, the river authority shall serve a copy of the certificate on the gas authority.
- 5 (1) Where the river authority have issued a certificate under this Schedule, the applicant for the certificate or the gas authority may appeal to the Minister concerned with water resources against the certificate.
- (2) On the appeal the said Minister shall consider the matters to which the certificate relates as if the application for the certificate had been made to him in the first instance, and shall either confirm the certificate, or vary it, or cancel it and issue a different certificate in its place, as he may consider appropriate.
- (3) Before determining any such appeal the said Minister shall, if the applicant or the gas authority so desires, afford to them and to the river authority an opportunity of appearing before and being heard by a person appointed by that Minister for the purpose.
- (4) Where an application is made to a river authority for a certificate under this Schedule and at the expiry of any period prescribed by regulations under this Schedule (or if an extended period is at any time agreed upon in writing by the applicant and the river authority, at the end of that period) no certificate has been issued by the river authority in accordance with this Schedule, the foregoing provisions of this paragraph shall apply as if the river authority had issued a certificate under this Schedule stating that

the statutory licence to abstract water required for the carrying out of the controlled operations could not reasonably have been expected to be granted.

- 6 In entertaining an application under paragraph 4 of this Schedule, or any appeal under paragraph 5 of this Schedule, the river authority or as the case may be the Minister concerned with water resources shall, in coming to a decision, apply the principles which would have been applied if the application or the appeal had been an application for a licence under Part IV of the Water Resources Act 1963, or an appeal against a refusal of such a licence, as the case may be.

Procedure on application for certificate.

- 7 (1) The Minister of Power and the planning Minister acting jointly may by regulations contained in a statutory instrument prescribe the manner in which applications are to be made for certificates under this Schedule, and any such regulations may contain such supplemental or incidental provisions as appear to those Ministers to be expedient.
- (2) The regulations may in particular apply with or without modification any of the provisions of a development order under the Town and Country Planning Act 1962 or under the Town and Country Planning (Scotland) Act 1947 or of regulations made under the Water Resources Act 1963.

Interpretation.

- 8 References in this Schedule to cases of controlled operations for which planning permission or a statutory licence to abstract water is required but has not been granted are references to cases where the planning permission or, as the case may be, the statutory licence to abstract water has not been granted, or has not been granted in the form required for the carrying out of the controlled operations.

- 9 In the application of this Schedule to Scotland—
- (a) for any reference to section 100 of the Town and Country Planning Act 1962 there shall be substituted a reference to section 19 of the Town and Country Planning (Scotland) Act 1954 ; for any reference to Part VI of the said Act of 1962 there shall be substituted a reference to Part II of the said Act of 1954; and for any reference to sections 25 and 26 of the said Act of 1962 there shall be substituted references to section 23 and 24 of the said Act of 1954 ;
- (b) for paragraphs 4 to 6 there shall be substituted the following paragraphs:—
- “4 (1) At any time after an application has been made for the consent of the Minister of Power to the carrying out of any controlled operations for which a statutory right to take water is required but has not been granted any person concerned may apply to the Secretary of State for a certificate under this Schedule as respects those controlled operations.
- (2) On receiving any such application the Secretary of State shall serve a copy of the application on the gas authority.
- (3) Before coming to his decision on the application the Secretary of State shall, if the applicant or the gas authority so desires, afford to them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
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Status: This is the original version (as it was originally enacted).

- 5 (1) Where the Secretary of State decides to grant an application he shall issue to the applicant a certificate stating that the statutory right to take water required for carrying out of the controlled operations could reasonably have been expected to have been granted if the land had not been comprised in the storage area or protective area.
 - (2) Where, in the opinion of the Secretary of State, a statutory right to take water might reasonably have been expected to have been granted but would only have been granted subject to conditions, limitations or restrictions, the certificate shall specify those conditions, limitations and restrictions in addition to the other matters required to be contained in the certificate.
 - (3) On issuing the certificate the Secretary of State shall serve a copy of the certificate on the gas authority.
- 6 In entertaining an application under paragraph 4 of this Schedule the Secretary of State shall, in coming to a decision, apply the principles which would have been applied if the application had been an application for an order approving an agreement to take water under section 21(1) of the Water (Scotland) Act 1946.”