

SCHEDULES

SCHEDULE 16

PROCEDURE FOR MAKING AND CONFIRMING ORDERS RELATING TO ROADS AND RIGHTS OF WAY

PART I

MAKING ORDERS

Further procedure in anticipation of planning permission, etc.

- 3 (1) Where a planning authority would, if planning permission for any development had been granted under Part III, have power to make an order under section 207 authorising the stopping-up or diversion of a road in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the authority may, in the circumstances specified in sub-paragraphs (3) to (5), publish notice of the draft of such an order in accordance with the following provisions of this Schedule.
- (2) Nothing in those provisions shall be construed as authorising the authority to make the order in anticipation of such permission.
- (3) The authority may publish such a notice where the development is the subject of an application for planning permission.
- (4) The authority may publish such a notice where—
- (a) the development is to be carried out by a local authority or statutory undertakers and requires, by virtue of an enactment, the authorisation of a government department, and
 - (b) the developers have made an application to the department for that authorisation and also requested a direction under section 57 that planning permission be deemed to be granted for that development.
- (5) The planning authority may publish such a notice where they have begun to take such steps, in accordance with regulations made by virtue of section 263, as are requisite in order to enable them to obtain planning permission for the development.