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## SCHEDULES

### SCHEDULE 7

#### PLANNING CONDITIONS

##### PART 2

##### DEVELOPMENT IN THE AREA OF A UNITARY AUTHORITY

###### *Introductory*

- 3 This Part has effect in relation to development in the area of a unitary authority.

###### *Planning regimes*

- 4 (1) The requirement set out in paragraph 5 shall be a condition of the deemed planning permission, so far as relating to relevant development in the area of a unitary authority which is not a qualifying authority for the purposes of this Schedule.
- (2) For the purposes of sub-paragraph (1), development is relevant development to the extent that it consists of or includes the erection, construction, alteration or extension of any building.
- (3) The requirements set out in paragraphs 6 to 10 shall be conditions of the deemed planning permission, so far as relating to development in the area of a unitary authority which is a qualifying authority for the purposes of this Schedule.
- (4) The requirements set out in paragraph 11 shall be conditions of the deemed planning permission, so far as relating to development in the area of any unitary authority.

###### *Conditions: non-qualifying authority*

- 5 (1) Development shall be carried out in accordance with plans and specifications for the time being approved by the local planning authority at the request of the nominated undertaker.
- (2) The local planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the development to be submitted for approval.
- (3) Where the local planning authority exercises the power conferred by sub-paragraph (2), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out shall, as regards the specified respect, include a plan or specification showing the additional details.
- (4) The only ground on which the local planning authority may refuse to approve plans or specifications for the purposes of this paragraph is—

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- (a) that the development to which they relate ought to, and could reasonably, be carried out elsewhere on land within the relevant limits, or
- (b) that the design or external appearance of any building to which they relate ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified.

*Conditions: qualifying authority*

- 6 (1) To the extent that development consists of any operation or work mentioned in column (1) of the table in sub-paragraph (4), it shall be carried out in accordance with plans and specifications for the time being approved by the local planning authority at the request of the nominated undertaker.
- (2) The local planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (3) Where the local planning authority exercises the power conferred by sub-paragraph (2), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out shall, as regards the specified respect, include a plan or specification showing the additional details.
- (4) The only ground on which the local planning authority may refuse to approve for the purposes of this paragraph plans or specifications of any operation or work mentioned in column (1) of the following table is a ground specified in relation to it in column (2) of the table.

<b>(1)</b>	<b>(2)</b>
<b><i>Operation or work</i></b>	<b><i>Grounds</i></b>
<p>1. <i>Construction works</i></p> <ul style="list-style-type: none"> <li>(a) The erection, construction, alteration or extension of any building (except for anything within (b) or (c) or item 2 or 4) or road vehicle park.</li> <li>(b) The construction, alteration or extension of any terracing, cuttings, embankments or other earth works.</li> <li>(c) The erection, construction, alteration or extension of any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression.</li> </ul>	<p>That the design or external appearance of the works ought to be modified—</p> <ul style="list-style-type: none"> <li>(a) to preserve the local environment or local amenity,</li> <li>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or</li> <li>(c) to preserve a site of archaeological or historic interest or nature conservation value,</li> </ul> <p>and is reasonably capable of being so modified.</p> <p>That the development ought to, and could reasonably, be carried out elsewhere within the limits of the land on which the works of which it forms part may be carried out under this Act.</p>
<p>2. <i>Minor construction works</i></p> <p>The erection, construction, alteration or extension of any transformers,</p>	<p>That the design or external appearance of the works ought to be modified to preserve the local environment or local</p>

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- telecommunications masts or pedestrian accesses to railway lines. amenity, and is reasonably capable of being so modified.  
That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.
3. *Fences and walls*  
The erection, construction, alteration or extension of any fences or walls (except for anything within item 1(c)). That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.
4. *Artificial lighting*  
The erection, construction or installation of lighting equipment. That the design of the equipment, with respect to the emission of light, ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.  
That the development ought to, and could reasonably, be carried out elsewhere within the limits of land on which the works of which it forms part may be carried out under this Act.
5. *Waste and spoil disposal*  
The disposal of waste or spoil. That—  
(a) the design or external appearance of disposal sites on land within the relevant limits,  
(b) the methods by which such sites are worked, or  
(c) the noise, dust, vibration or screening arrangements during the operation of such sites,  
ought to be modified, and are reasonably capable of being modified.  
That—  
(a) to preserve the local environment or local amenity,  
(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or  
(c) to preserve a site of archaeological or historic interest or nature conservation value,  
the development ought to be carried out on land elsewhere within the relevant limits, and is reasonably capable of being so carried out.
6. *Borrow pits*  
The excavation of bulk materials from borrow pits. That—  
(a) the design or external appearance of borrow pits on land within the relevant limits,  
(b) the methods by which such pits are worked, or

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(c) the noise, dust, vibration or screening arrangements during the operation of such pits, ought to be modified, and are reasonably capable of being modified. That—

(a) to preserve the local environment or local amenity,

(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(c) to preserve a site of archaeological or historic interest or nature conservation value,

the development ought to be carried out on land elsewhere within the relevant limits, and is reasonably capable of being so carried out.

- (5) In the case of items 1(b) and (c) and 4 in column (1) of the table in sub-paragraph (4), the second of the grounds specified in relation to the item in column (2) of the table does not apply in relation to development which forms part of a scheduled work.
- (6) In the case of items 5 and 6 in column (1) of the table in sub-paragraph (4), the second of the grounds specified in relation to it in column (2) of the table does not apply in relation to development which—
- (a) is within the limits of deviation for the scheduled works, or
- (b) consists of the use of land specified in columns (1) and (2) of Part 1 of Schedule 6 for a purpose specified in relation to the land in column (3) of that Part.
- (7) Any reference in column (1) of the table in sub-paragraph (4) to a description of works does not include works of that description of a temporary nature; and for this purpose, a building ancillary to a scheduled work is only to be regarded as being of a temporary nature if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use.
- (8) Sub-paragraph (4) (as it has effect with sub-paragraphs (5) to (7)) shall apply in relation to the imposition of conditions on approval as it applies in relation to the refusal of approval.
- 7 (1) Development shall be carried out in accordance with arrangements approved by the local planning authority at the request of the nominated undertaker with respect to the matters mentioned in column (1) of the table in sub-paragraph (2).
- (2) The only ground on which the local planning authority may refuse to approve for the purposes of this paragraph arrangements with respect to a matter mentioned in column (1) of the following table is—
- (a) that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other permitted development which is to be carried out in the authority's area, or
- (b) the ground specified in relation to the matter in column (2) of the table.

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**(1)**

**Matters**

1. *Road transport*

Routes by which anything is to be transported on a highway by large goods vehicle to a working or storage site, a site where it will be re-used or a waste disposal site.

2. *Handling of re-useable spoil and top soil*

Handling during removal, storage and re-use of any spoil or top soil removed during the course of carrying out the development.

3. *Storage sites*

Sites on land within the relevant limits at which—

- (a) minerals, aggregates or other construction materials required for the development, or
  - (b) spoil or top soil,
- are to be stored until used or re-used in carrying out the development or disposed of as waste.

4. *Construction camps*

Sites on land within the relevant limits which are to be used for the residential accommodation of persons engaged in carrying out the development.

5. *Screening*

Provision where necessary on land within the relevant limits of any screening for working sites on such land required for the purpose of carrying out the development.

6. *Artificial lighting*

The use of artificial lighting on land within the relevant limits for the purpose of carrying out the development.

**(2)**

**Grounds**

That the arrangements ought to be modified—

- (a) to preserve the local environment, local amenity or a site or archaeological or historic interest or nature conservation value, or
- (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,

and are reasonably capable of being so modified.

That the arrangements ought to be modified to ensure that the spoil or top soil remains in good condition, and are reasonably capable of being so modified.

That the arrangements ought to be modified—

- (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or
- (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,

and are reasonably capable of being so modified.

As item 3.

As item 3.

That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.

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7. *Suppression of dust*

As item 6.

The suppression of dust caused by construction operations carried on on land within the relevant limits for the purpose of carrying out the development.

8. *Mud on highway*

Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying out the development.

That the arrangements ought to be modified—

- (a) to preserve the local environment or local amenity, or
- (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area,

and are reasonably capable of being so modified.

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- (3) No arrangements for the purposes of sub-paragraph (1) shall be required—
    - (a) in relation to transportation on a special road or trunk road, or
    - (b) in relation to transportation to a site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24.
  - (4) In sub-paragraph (1), the reference to arrangements, in relation to item 6 in column (1) of the table in sub-paragraph (2), does not include detailed arrangements.
  - (5) The local planning authority may only impose conditions on approval for the purposes of this paragraph with the agreement of the nominated undertaker.
- 8
- (1) To the extent that development consists of—
    - (a) the disposal of waste or spoil, or
    - (b) the excavation of bulk materials from borrow pits,
 it shall not be begun unless the local planning authority has, at the request of the nominated undertaker, approved a scheme for the restoration of the land on which the development is to be carried out.
  - (2) The only ground on which the local planning authority may refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph is that the scheme ought to be modified, and is reasonably capable of being modified.
  - (3) The nominated undertaker shall carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out development of a kind to which sub-paragraph (1) applies.
  - (4) In sub-paragraph (1), the reference to restoration includes a reference to restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.
- 9
- (1) No work to which this paragraph applies shall be brought into use without the approval of the local planning authority.
  - (2) The works to which this paragraph applies are—
    - (a) any scheduled work, except for—
      - (i) a station, or

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- (ii) so much of any work constructed in a tunnel as is at least 9 metres below the surface of the land in which it is constructed, and
- (b) any depot constructed, in exercise of the powers conferred by this Act, for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes.
- (3) The local planning authority shall, at the request of the nominated undertaker, grant approval for the purposes of sub-paragraph (1) if—
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
- (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.
- (4) The local planning authority shall not refuse to approve, nor impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (3)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified—
- (a) to preserve the local environment or local amenity,
- (b) to preserve a site of archaeological or historic interest, or
- (c) in the interests of nature conservation,
- and that the scheme is reasonably capable of being so modified.
- 10 Where the local planning authority approves a scheme for the purposes of paragraph 9(3)(b), the nominated undertaker shall be required—
- (a) to carry out the scheme, and
- (b) to comply with any condition subject to which the scheme is approved.

*Conditions: general*

- 11 (1) Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, those operations shall be discontinued as soon as reasonably practicable after the completion of the relevant scheduled work or works.
- (2) The nominated undertaker shall, following discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the local planning authority.
- (3) If, in relation to a site used for carrying out operations ancillary to the construction of any of the scheduled works, no scheme has been agreed for the purposes of sub-paragraph (2) within 6 months of the completion of the relevant scheduled work or works, the scheme shall be such as the appropriate Ministers may determine after consultation with the nominated undertaker and the local planning authority.
- (4) Where, independently of any consultation under sub-paragraph (3), the appropriate Ministers ask the local planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (3), they may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.
- (5) Sub-paragraph (2) shall not apply to a site to the extent that it consists of land to which a scheme under paragraph 8 applies.

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- (6) Sub-paragraph (2) shall not apply where the site is one in relation to which the nominated undertaker is subject to an obligation under paragraph 2(1) of Schedule 5.
- (7) In this paragraph, references to the relevant scheduled work or works, in relation to any site, are to the scheduled work or works to which the operations carried out on that site were ancillary.



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