
STATUTORY INSTRUMENTS

1987 No. 1343

The Town and Country Planning (Black Country Urban Development Area) Special Development Order 1987

Consultation before development

6.—(1) The development corporation shall, before beginning any development permitted by this Order or granting any approval required by article 3(b) or (c) of this Order, consult the district council in whose area the development is to be carried out.

(2) The development corporation shall, before beginning any development permitted by this Order or granting any approval required by article 3(b) or (c) of this Order, consult the following authorities or persons:—

- (a) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, the Secretary of State;
- (b) where it appears to the development corporation that the development is likely to result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, the Secretary of State;
- (c) subject to paragraph (3) below in the case of development involving the formation, laying out or alteration of any means of access to a highway, or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified to the development corporation, the local highway authority;
- (d) in the case of development which appears to the development corporation to be likely to result in a material increase in the volume of traffic entering or leaving a classified road or proposed road, the route of which has been adopted by resolution of the local highway authority and notified to the corporation, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering, leaving or using such a road, the local highway authority;
- (e) in the case of development consisting of the laying out or construction of a new street, the local highway authority;
- (f) in the case of development which appears to the development corporation likely to affect land outside their area, the district council in whose area that land is situated, unless they have otherwise been formally consulted;
- (g) where the development consists of or includes—
 - (i) the carrying out of works or operations in the bed or on the banks of a river or stream;
 - (ii) the carrying out of building or other operations or the use of land for the purpose of refining or storing mineral oils and their derivatives;
 - (iii) the use of land for the deposit of any kind of refuse or waste;
 - (iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single buildings in which not more than ten people will normally reside, work or congregate and works ancillary thereto),

- or the use of land, for the retention, treatment or disposal of sewage, trade waste or sludge; or
- (v) the use of land as a cemetery,
- the Severn Trent Water Authority;
- (h) where the development is of land in an area of special interest notified to the development corporation by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981⁽¹⁾, the Nature Conservancy Council, except where the council dispense with this requirement;
- (i) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976⁽²⁾, the Theatres Trust;
- (j) where the development consists of the erection of a building (other than an alteration, extension or re-erection of an existing building or the erection of a building of a temporary character) in an area which the development corporation have been informed by the British Coal Corporation is one where coal is being or has been worked, that corporation;
- (k) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which the corporation are required to consult with any authority or person, that authority or person.
- (3) Consultation shall not be required by virtue of paragraph (2)(c) above in relation to—
- (a) a highway for which the Secretary of State is the highway authority; and
- (b) a highway shown in proposals approved by the Secretary of State under section 148(1) except where those proposals require consultation.
- (4) Where this Order requires the development corporation to consult any authority or other person, the corporation shall—
- (a) give to that authority or other person not less than 14 days' notice of the proposed development together with particulars sufficient to identify the site and describe the development; and, where the consultation relates to an approval required by article 3(b) or (c) of this Order, particulars of the proposed approval;
- (b) not begin to carry out the development or grant the proposed approval until the expiration of the period of such notice; and
- (c) take into account any objections or other representations received from such authority or person.
- (5) Where any objection or representation has been made by an authority or other person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(b) or (c) of this Order, and of the objection or representation to the Secretary of State in writing, and shall not begin the development or grant any such approval until the Secretary of State has notified the corporation that he does not intend to give a direction under article 7 of this Order in respect of the development.

(1) 1981 c. 69.

(2) 1976 c. 27.