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STATUTORY INSTRUMENTS

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**2014 No. 2846**

**The South Hook Combined Heat and Power Plant Order 2014**

**Procedure in relation to certain approvals etc. under requirements**

4.—(1) Where an application is made to a relevant planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, insofar as they are not inconsistent with orders, rules or regulations made under the 2008 Act, in respect of that application as they would apply if the consent, agreement or approval so required was required by a condition imposed on a grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of the application of section 262 of the 1990 Act (meaning of “statutory undertaker”) to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989(1).

(3) For the avoidance of doubt, the right of appeal conferred by paragraph (1) above pursuant to sections 78 and 79 of the 1990 Act is by notice to the Secretary of State.

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(1) 1989 c.29. Section 6 was amended by s.30 of the Utilities Act 2000 (c.27), and s.6(10) amended by s.89(3) of the Energy Act 2004 (c.20). There are other amendments to this section that are not relevant to this Order.