
STATUTORY INSTRUMENTS

2015 No. 1317

The White Moss Landfill Order 2015

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3. Subject to the provisions of this Order and to the requirements in Schedule 2 attached to this Order the undertaker is granted—

- (1) development consent for the authorised development; and
- (2) consent for the ancillary works,

to be carried out within the Order limits.

Maintenance of authorised project

4. The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order, provides otherwise.

Benefit of Order

5. The provisions of this Order have effect solely for the benefit of the undertaker (save in circumstances where the benefit of the Order has been transferred to a relevant third party in accordance with the terms of article 6 (Consent to transfer benefit of Order), in which case the benefit extends to that third party).

Consent to transfer benefit of Order

6.—(1) The undertaker may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

Procedure in relation to approvals etc. under requirements

7.—(1) Where an application is made to the county planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions); and
- (b) subject to (c) below, 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; and
- (c) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 apply to applications for approval of any matter in pursuance of any requirement imposed by this Order.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Power to deviate

8. The undertaker may deviate from the lines or situations shown on the works plan and the elevation plans to the extent of the limits of deviation shown on those plans.