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STATUTORY INSTRUMENTS

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**2015 No. 1561**

**The Preesall Underground Gas Storage Facility Order 2015**

**PART 4**

**MISCELLANEOUS AND GENERAL**

**Appeals relating to decisions under Requirements**

**43.**—(1) Where the relevant planning authority—

- (a) refuses an application for any consent, agreement or approval of that authority required by a Requirement or grants that consent, agreement or approval subject to conditions; or
- (b) does not give notice to the undertaker of its decision on an application for any consent, agreement or approval of that authority required by a Requirement within 8 weeks beginning with the day immediately following that on which the application is received by that authority or within such extended period as may at any time be agreed upon in writing between the undertaker and that authority,

article 41 (arbitration) does not apply but the undertaker may by notice appeal to the Secretary of State.

(2) Any appeal to the Secretary of State under paragraph (1) shall be made under Part 3 (control over development) of the 1990 Act as if the Requirement which is the subject of the appeal were a condition under subsection 78(1)(b) of the 1990 Act.