
STATUTORY INSTRUMENTS

2017 No. 1012

The Conservation of Habitats and Species Regulations 2017

PART 6

Assessment of plans and projects

CHAPTER 6

Transport and Works

Orders under Transport and Works Act 1992: procedure on review

98.—(1) Where the appropriate authority decides in pursuance of regulation 97(3), (4) or (5) to revoke or vary an order under the Transport and Works Act 1992 or a direction deeming planning permission to be granted, the authority must serve notice on the persons specified in paragraph (2) informing them of the decision and specifying a period of not less than 28 days within which any person on whom the notice is served may make representations to the appropriate authority.

(2) The persons referred to in paragraph (1) are—

- (a) the person (if any) on whose application the order was made or, as the case may be, in whose favour the direction was made; and
- (b) any other person who in the authority's opinion will be affected by the revocation or variation.

(3) The appropriate authority must also serve notice on—

- (a) the local planning authority, and
- (b) the appropriate nature conservation body,

informing them of the decision and inviting their representations within the specified period.

(4) The appropriate authority must consider whether to proceed with the revocation or variation, and must have regard to any representations made in accordance with paragraph (1) or (3).

(5) If within the specified period a person on whom notice was served under paragraph (1), or the local planning authority, so requires, the appropriate authority must, before deciding whether to proceed with the revocation or variation of the order or direction, give—

- (a) to that person or the local planning authority (as the case may be), and
- (b) to any other person on whom notice under paragraph (1) or (3) was required to be served,

an opportunity of appearing before, and being heard by, a person appointed by the appropriate authority for the purpose.

Status:

Point in time view as at 30/11/2017.

Changes to legislation:

The Conservation of Habitats and Species Regulations 2017, Section 98 is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.