

Conditions on Sch 16 Approvals – principles and model conditions

Planning Forum

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Conditions & requests for additional details under Schedule 16

Conditions

- Conditions may be attached to approvals.
- Paragraphs 2(7), 3(7), 4(7), 6(6) 7(10) & 9(5).

Requests for additional details

- On approval authorities may require the submission of additional details for approval.
- Paragraphs 2(3) & 3(4).

Overview

- Unlike planning applications Sch 16 requests for approval are not primary consents.
- Most matters and controls are established at Royal Assent at the grant of deemed planning permission.
- Sch 16 defines conditions for approvals.
- Unusual to attach conditions to condition discharges.
- Considerably fewer than normal planning.

Conditions (1)

When considering conditions, model or otherwise there are certain principles which apply:

- i. The condition must be relevant to the development / matter for approval
- ii. The condition must be relevant to the grounds relevant to the approval

Conditions (2)

III. Conditions should not replicate other controls - a wide range of controls already in place

Issue	Control
Construction noise	S61 COPA
Operational Noise	Commitments in IPs E20, E21 & E22
Water	Sch 31 Part 5 and commitments in IPs E4, E17, E25 & E27
Environmental effects	EMRs
Highways works	Schs 4 & 31
Ecology	Env Memo, commitments in IPs E2, E16, E26

Conditions (3)

- iv. Conditions should not impose requirements that duplicate approval the NU will be obliged to make (obtain) in the future.

Topic	Approval
Site restoration	Site restoration – paragraph 8
Mitigation	Bringing into use – paragraph 9 (nb commitment in Planning Memorandum to provide an indication of likely mitigation)

Conditions (4)

National Planning Policy Framework

Paragraph 206 of the NPPF is relevant to conditions under Schedule 16:

- necessary
- relevant to planning
- relevant development
- enforceable
- precise
- reasonable

Requests for additional information

- Paragraphs 2(3) and 3(4) allow authorities, when approving requests for approval, to require additional details of the works to be submitted for approval.
- Akin to planning conditions requiring the submission of materials or detailing.
- Likely to be the most frequently attached 'conditions'.

Model Conditions

- Based on the principles set out in preceding slides.
- Not an exhaustive list. Consideration needed of conditions on a request-by-request basis where necessary.
- Purpose of the PFN not to constrain planning authorities but to identify conditions that may be appropriate.
- Comments and suggestions sought.