
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Cross Heading: Condition relating to other construction works. (See end of Document for details)

SCHEDULES

SCHEDULE 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

CONDITIONS

Condition relating to other construction works

- 3 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of the construction of any of the following—
- (a) a road vehicle park;
 - (b) earthworks;
 - (c) sight, noise or dust screens;
 - (d) transformers, telecommunications masts or pedestrian accesses to railway lines;
 - (e) fences or walls;
 - (f) lighting equipment.
- (3) In this paragraph “relevant planning authority” means, subject to paragraph 27, the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details.
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in relation to the work in question in the following table.

Development

Possible grounds for refusal of approval

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| 1. A road vehicle park. | <p>That the design or external appearance of the works ought to, and could reasonably, be modified—</p> <ul style="list-style-type: none"> (a) to preserve the local environment or local amenity, (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or (c) to preserve a site of archaeological or historic interest or nature conservation value. <p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p> |
| 2. Earthworks. | <p>That the design or external appearance of the works ought to, and could reasonably, be modified—</p> <ul style="list-style-type: none"> (a) to preserve the local environment or local amenity, (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or (c) to preserve a site of archaeological or historic interest or nature conservation value. <p>If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p> |
| 3. Sight, noise or dust screens. | |
| 4. Transformers, telecommunications masts or pedestrian accesses to railway lines. | <p>That the design or external appearance of the works ought to, and could reasonably, be modified to preserve the local environment or local amenity.</p> <p>That the development ought to, and could reasonably, be carried out on land elsewhere within the development's permitted limits.</p> |
| 5. Fences and walls (except for sight, noise and dust screens). | <p>That the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.</p> |
| 6. Artificial lighting equipment. | <p>That the design of the equipment, with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity.</p> |

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If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground specified in the table in sub-paragraph (6) in relation to the work in question.
- (8) Any reference in sub-paragraph (2) or (6) to a description of works does not include works of that description of a temporary nature.
- (9) In this paragraph—
- “construction” includes erection, alteration, extension and (in the case of lighting equipment) installation;
 - “earthworks” means terracing, cuttings, embankments or other earth works;
 - “road vehicle park” does not include anything which is a building;
 - “sight, noise or dust screens” means any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression.
- (10) The requirements in this paragraph do not apply where development to which this paragraph applies is ancillary to development consisting of—
- (a) the disposal of waste or spoil, or
 - (b) the excavation of bulk materials from borrow pits,
- (and see paragraph 7 as to such development).

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