

## SCHEDULES

### SCHEDULE 17

#### CONDITIONS OF DEEMED PLANNING PERMISSION

#### PART 4

##### SUPPLEMENTARY AND GENERAL

##### *Mayoral development corporations*

- 27 (1) This paragraph applies where—
- (a) the relevant planning authority for the purposes of Part 1 of this Schedule would, but for this paragraph, be a London borough council, and
  - (b) as a result of a Localism Act TCPA order, a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for the area where the development or work is carried out.
- (2) The Mayoral development corporation is the relevant planning authority for the purposes of Part 1 of this Schedule, instead of the London borough council (and references to a “planning authority” in Parts 2 and 3 of this Schedule are to be read accordingly).
- 28 The Secretary of State may make regulations modifying the operation of this Schedule—
- (a) in consequence of an order under section 198(2) of the Localism Act 2011 giving effect to a decision under section 204(2) of that Act (decision removing or restricting planning functions), or
  - (b) to make transitional provision relating to—
    - (i) an order mentioned in paragraph (a),
    - (ii) a Localism Act TCPA order, or
    - (iii) an order under section 217 of the Localism Act 2011 (order dissolving Mayoral development corporation).

##### *Regulations and orders*

- 29 (1) Regulations under this Schedule may make different provision for different cases.
- (2) Regulations and orders under this Schedule must be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Schedule, or an order under paragraph 13(3) or (4), is subject to annulment in pursuance of a resolution of either House of Parliament.

### *Interpretation*

30 In this Schedule—

“appropriate Ministers” means the Secretary of State for Communities and Local Government and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly;

“building” includes any structure other than—

- (a) anything in the nature of plant or machinery,
- (b) any gate, fence, wall or other means of enclosure,
- (c) any tunnel, earthworks (within the meaning of paragraph 3) or railway track bed,
- (d) any sight, noise or dust screens (within the meaning of paragraph 3),
- (e) transformers, telecommunication masts or pedestrian accesses to railway lines,
- (f) lighting equipment, and
- (g) anything underground, except where forming part of a station and intended for use by members of the public without a ticket or other permission to travel;

“permitted limits”, in relation to any development, means the limits of the land on which the works of which the development forms part may be carried out under this Act;

“planning authority” means—

- (a) a county council;
- (b) a district council; and
- (c) subject to paragraph 27, a London borough council.