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*Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, SCHEDULE 16. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 16

Section 49

#### REINSTATEMENT OF DISCONTINUED FACILITIES

##### *Power to reinstate*

- 1
- (1) The nominated undertaker may within the limits of deviation for the scheduled works or within the limits of land to be acquired or used reinstate facilities whose operation or use is discontinued because of the exercise of power conferred by this Act.
  - (2) The power under sub-paragraph (1) includes power to carry out works for the purpose of or in connection with reinstatement.
  - (3) Where the power under sub-paragraph (1) is exercised for the purpose of reinstating facilities temporarily, it may be further exercised for the purpose of reinstating them permanently.
  - (4) Reinstatement under sub-paragraph (1) need not be on the site where the facilities were situated prior to discontinuation.

##### *Planning conditions*

- 2
- (1) This paragraph has effect in relation to development authorised by paragraph 1.
  - (2) The Secretary of State may by directions provide that a requirement specified in the directions shall in the case of development so specified be a condition of the deemed planning permission.
  - (3) If it appears to the Secretary of State that it is appropriate to do so in consequence of directions under sub-paragraph (2), he may by directions—
    - (a) disapply Part 2 or 3 of Schedule 7 in relation to the development to which the directions under sub-paragraph (2) relate, or
    - (b) provide for that Part to have effect in relation to that development with such modifications as he may specify in the directions.
  - (4) Directions under sub-paragraph (2) or (3) may—
    - (a) be given after, as well as before, commencement of the development to which they relate;
    - (b) cancel or vary previous directions under that sub-paragraph;
    - (c) include transitional provision or savings.
  - (5) The Secretary of State shall—
    - (a) publish any directions under sub-paragraph (2) or (3) in such manner as he thinks appropriate, and
    - (b) give copies of any such directions to the owners and occupiers of the land to which the deemed planning permission relates and to the relevant planning authority.

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- (6) The reference in sub-paragraph (5)(b) to the relevant planning authority is—
- (a) in the case of directions relating to development in the area of a unitary authority, to the local planning authority;
  - (b) in the case of directions relating to development not in the area of a unitary authority, to the district planning authority.
- (7) Section 78 of the Town and Country Planning Act 1990 (c. 8) (right to appeal against planning decisions and failure to take such decisions) shall apply in relation to an application for any consent, agreement or approval required by a condition imposed by directions under sub-paragraph (2) as it applies in relation to an application for any consent, agreement or approval required by a condition imposed on a grant of permission under Part 3 of that Act.
- (8) In this paragraph—
- “deemed planning permission” means the planning permission deemed by section 10 to be granted;
  - “development” has the same meaning as in the Town and Country Planning Act 1990.

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