



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Planning

20 Deemed planning permission

- (1) Planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the carrying out of development authorised by this Act.

This is subject to the other provisions of this Act.

- (2) Where development authorised by this Act consists of the carrying out of a work which is not a scheduled work, subsection (1) does not apply if—
- (a) the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
 - (b) the development is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (c) the development is not covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill.
- (3) Schedule 17 imposes conditions on deemed planning permission under subsection (1).
- (4) Deemed planning permission under subsection (1) is specific planning permission for the purposes of section 264(3)(a) of the Town and Country Planning Act 1990 (specific planning permission for development of statutory undertakers' land relevant to whether the land is operational land).
- (5) Development which has deemed planning permission under subsection (1) is not development of a class for which planning permission is granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 ([S.I. 2015/596](#)) (or any order replacing it).

21 Time limit on deemed planning permission

- (1) In relation to development consisting of the construction of a scheduled work, it is a condition of the deemed planning permission under section 20(1) that the development must be begun not later than the end of 10 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, in relation to any such development, by order extend the period within which the development must be begun by virtue of this section.
- (3) An order under subsection (2) must be made by statutory instrument; and a statutory instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Section 91 of the Town and Country Planning Act 1990 (limit on duration of planning permission) does not apply to deemed planning permission under section 20(1).

22 Power to disapply deemed planning permission

- (1) The Secretary of State may by order provide, in relation to any work constructed in exercise of the powers conferred by this Act, that section 20(1) is not to apply to development consisting of operations for the maintenance or alteration of the work which are begun on or after a day specified in the order.
- (2) The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (or any order replacing that order) has effect in relation to any development excepted from section 20(1) by subsection (1) as if this Act were a local Act.
- (3) An order under subsection (1) may make different provision for different cases.
- (4) An order under subsection (1) must be made by statutory instrument; and a statutory instrument containing such an order must be laid before Parliament after being made.
- (5) The Secretary of State may direct that section 20(1) does not apply in relation to development consisting of the carrying out of Works Nos. 2/76B, 2/76C and 2/78 (scheduled works relating to relocation of waste management facilities in Calvert Green, Buckinghamshire).
- (6) Where a direction under subsection (5) has effect in relation to the works mentioned in that subsection, the Secretary of State may direct—
 - (a) that planning permission for the works is deemed to be granted under Part 3 of the Town and Country Planning Act 1990, subject to such conditions as may be specified in the direction;
 - (b) that, where the works have deemed planning permission under paragraph (a), section 1(1) is to be treated as also authorising them to be carried out by such person as may be specified in the direction.
- (7) The provisions of the Town and Country Planning Act 1990 (other than section 92 and Part 12) apply in relation to deemed planning permission under subsection (6)(a) as if it had been granted by the Secretary of State on an application referred to the Secretary of State under section 77 of that Act.
- (8) Section 21 (time limit on permission) applies in relation to development authorised by subsection (6)(a) as if it had deemed planning permission under section 20(1).

- (9) The Secretary of State must—
- (a) publish any direction under subsection (6)(a) in such manner as the Secretary of State thinks appropriate, and
 - (b) give copies of any such direction to—
 - (i) the owners and occupiers of the land to which the deemed planning permission relates, and
 - (ii) the district council in whose area the development to which the direction relates is or is to be carried out.
- (10) Where the works mentioned in subsection (5) are carried out by a person other than the nominated undertaker—
- (a) section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of the works, as if for “acquiring authority have” there were substituted “person carrying out the works has”;
 - (b) section 6 of the Railways Clauses Consolidation Act 1845 (as applied by paragraph 4(1) of Schedule 27) has effect as if references to “the company” were to the person carrying out the works.
- (11) Directions given under subsection (5) or (6) may revoke or vary previous such directions.

23 Parking at Birmingham Interchange: limit on deemed planning permission

- (1) In the case of development consisting of the provision of parking at Birmingham Interchange (“relevant development”), section 20(1) only applies to development which, when taken together with any other relevant development which has deemed planning permission under section 20(1), does not involve—
- (a) the provision of more than 7500 parking spaces for cars, and
 - (b) the provision of more than 5 parking spaces for coaches.
- (2) Schedule 17 (planning conditions) does not apply to development to which subsection (1) applies.
- (3) The deemed planning permission under section 20(1) for relevant development is to be treated for the purposes of the Development Management Procedure Order (and for no other purpose) as an outline planning permission in respect of which access, appearance, landscaping and layout (in each case as defined by that Order) are specified as reserved matters for the subsequent approval of the local planning authority.
- (4) In this section—
- (a) “Birmingham Interchange” means so much of the land within the Act limits as falls within the area bounded by—
 - (i) the A452 Chester Road to the east,
 - (ii) the M42 to the west, and
 - (iii) the A45 Coventry Road to the south;
 - (b) “the Development Management Procedure Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595) (or any order replacing it);

Status: This is the original version (as it was originally enacted).

- (c) the reference to development consisting of the provision of parking does not include development consisting of—
 - (i) the provision of short-term parking for cars, taxis and coaches, or
 - (ii) the provision of parking on working sites.

24 Development consent

The works authorised by this Act do not require consent under the Planning Act 2008 (development consent).