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*Changes to legislation:* There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Part 4. (See end of Document for details)

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## 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.

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### *Interpretation*

30 In this Schedule—

““appropriate Ministers”” means the Secretary of State for [<sup>F1</sup>Levelling Up, Housing and Communities] 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.

#### **Textual Amendments**

- F1** Words in [Sch. 17 para. 30](#) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), [Sch. 2 para. 25\(c\)](#) (with art. 12)

**Changes to legislation:**

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