



High Speed Rail (London - West Midlands) Act 2017

2017 CHAPTER 7

Reinstatement and environmental works

50 Power to carry out reinstatement works

- (1) The nominated undertaker may, where the operation or use of the whole or part of an undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act, carry out reinstatement works within the Act limits.
- (2) For the purposes of this section, “reinstatement works” means works for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of the undertaking in question.
- (3) Where the power under subsection (1) is exercised for the purpose of carrying out temporary reinstatement works, it may be further exercised for the purpose of carrying out permanent reinstatement works.
- (4) The Secretary of State may direct that section 20(1) (deemed planning permission for development authorised by this Act) does not apply in relation to particular reinstatement works.
- (5) Where a direction under subsection (4) has effect in relation to reinstatement works, 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 (but see subsection (8));
 - (b) that, where the works have deemed planning permission under paragraph (a), subsection (1) is to be treated as also authorising them to be carried out by such person as may be specified in the direction.
- (6) 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 (5)(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.

- (7) Section 21 (time limit on deemed planning permission) applies in relation to development authorised by subsection (5)(a) as it applies in relation to development consisting of the carrying out of a scheduled work.
- (8) The power in subsection (5)(a) does not apply in relation to development which—
 - (a) is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
 - (b) is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (c) is not covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill.
- (9) The Secretary of State must—
 - (a) publish any direction under subsection (5)(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 unitary authority or, in a non-unitary area, the district council in whose area the development to which the direction relates is or is to be carried out.
- (10) But where—
 - (a) the unitary authority for the purposes of subsection (9)(b)(ii) is 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 to which the direction relates is or is to be carried out,

the Secretary of State must give a copy of the direction to the Mayoral development corporation instead of the London borough council.
- (11) The Secretary of State may make regulations modifying the operation of this section—
 - (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).
- (12) Regulations under subsection (11)—
 - (a) must be made by statutory instrument;
 - (b) may make different provision for different purposes.
- (13) A statutory instrument containing regulations under subsection (11) is subject to annulment in pursuance of a resolution of either House of Parliament.

- (14) Where reinstatement works 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 29) has effect as if references to “the company” were to the person carrying out the works.
- (15) Directions given under this section may revoke or vary previous directions under this section.
- (16) In this section, “undertaking” includes a business or facility.