
STATUTORY INSTRUMENTS

2022 No. 1406

**The Network Rail (Cambridge South
Infrastructure Enhancements) Order 2022**

PART 4

MISCELLANEOUS AND GENERAL

Planning permission and supplementary powers

35.—(1) Planning permission which is deemed by a direction under section 90(2A)(1) (development with government authorisation) of the 1990 Act to be granted in relation to the authorised works is to be treated as specific planning permission for the purposes of section 264(3) (a) (cases in which land is to be treated as not being operational land) of that Act.

(2) In relation to the application of paragraph 3(c) of the Second Schedule of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation Order) Regulations 1969(2) (including that paragraph as applied by regulation 3(ii) of the Town and Country Planning (Tree Preservation Order) (Amendment) and (Trees in Conservation Areas) (Exempted Cases) Regulations 1975(3), or as incorporated in any tree preservation order) any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works is to be treated as deeming the permission to have been granted on application made under Part 3 of that Act for the purposes of that Part.

(3) In relation to the application of article 5(1)(d) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Trees) Regulations 1999(4) as incorporated in any tree preservation order or as having effect by virtue of regulation 10(1)(a) of those Regulations, any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works is not to be treated as an outline planning permission.

(4) In relation to the application of article 3(1) of the Form of Tree Preservation Order set out in the Schedule to the Town and Country Planning (Tree Preservation) (England) Regulations 2012(5), as incorporated in any tree preservation order or as having effect by virtue of regulation 7 of those Regulations or Section 193 of the Planning Act 2008(6) any direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works is to be treated as deeming permission to have been granted on application under regulation 17(1)(a) of those Regulations.

(5) The AstraZeneca conditions, University conditions, Countryside condition and CBC/CML conditions have no effect within the Order limits.

(6) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to

(1) Section 90(2A) was inserted by section 16(1) of the Transport and Works Act 1992 (c. 42).

(2) S.I. 1969/17.

(3) S.I. 1975/148.

(4) S.I. 1999/1892.

(5) S.I. 2012/605.

(6) 2008 c. 29.

the authorised works prevents any development permitted by the AstraZeneca permission (whether or not within the Order limits) from being carried out in accordance with any of the AstraZeneca conditions, then to that extent—

- (a) there is deemed to be no breach of the AstraZeneca conditions concerned; and
- (b) no enforcement action may be taken in respect of the development carried out under the AstraZeneca permission.

(7) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works prevents any development permitted by the University permission (whether or not within the Order limits) from being carried out in accordance with any of the University conditions, then to that extent—

- (a) there is deemed to be no breach of University conditions concerned; and
- (b) no enforcement action may be taken in respect of the development carried out under the University permission.

(8) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works prevents any development permitted by the Countryside permission (within the Order limits) from being carried out in accordance with the Countryside condition, then to that extent—

- (a) there is deemed to be no breach of Countryside condition concerned; and
- (b) no enforcement action may be taken in respect of the development carried out under the Countryside permission.

(9) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works prevents any development permitted by the CBC/CML permission 1 and/or the CBC/CML permission 2 (within the Order limits) from being carried out in accordance with the CBC/CML conditions, then to that extent—

- (a) there is deemed to be no breach of CBC/CML conditions concerned; and
- (b) no enforcement action may be taken in respect of the development carried out under the CBC/CML permission1 and/or CBC/CML permission2.

(10) In this article—

“the AstraZeneca conditions” mean conditions 42 and 45 of the AstraZeneca permission;

“the AstraZeneca permission” means the outline planning permission granted by Cambridge City Council on 5 March 2015 and given reference number 14/2094/S73 (amending the outline planning permission granted by Cambridge City Council on 15 October 2009 and given reference number 06/0796/OUT) with reserved matters approved by Cambridge City Council under the reference numbers 14/1633/REM, 19/1070/REM and 20/05027/REM and any subsequent permission under section 73 of the 1990 Act or any non-material amendment to any of those permissions and approvals;

“the CBC/CML conditions” means conditions 15 to 21 and 42 to 44 of the CBC/CML permission 1 and conditions 32, 38 and 49 of the CBC/CML permission 2;

“the CBC/CML permission 1” means the outline planning permission granted by Cambridge City Council on 2 April 2015 and given reference number 14/1691/S73;

“the CBC/CML permission 2” means the outline planning permission granted by Cambridge City Council on 5 September 2017 and given reference number 16/0176/OUT;

“the Countryside condition” means condition 11 of the Countryside permission;

“the Countryside permission” means the outline planning permission granted by Cambridge City Council on 6 August 2010 and given reference 07/620 OUT with reserved matters 15/1829/REM and any further permission under section 73 of the 1990 Act or any non-material amendment to those permissions and approvals;

“the University conditions” means mean conditions 42 to 47 of the University permission; and

“the University permission” means the outline planning permission granted by Cambridge City Council on 5 March 2015 and given reference number 14/2094/S73 (amending the outline planning permission granted by Cambridge City Council on 15 October 2009 and given reference 06/0796/OUT), together with reserved matters approved by Cambridge City Council under reference number 16/0653/REM and any subsequent permission under section 73 of the 1990 Act or any non-material amendments approved in relation to any of the aforementioned permissions and approvals.