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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Conditions relating to waste and spoil disposal and excavation. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 17

#### CONDITIONS OF DEEMED PLANNING PERMISSION

##### PART 1

##### CONDITIONS

###### *Conditions relating to waste and spoil disposal and excavation*

- 7 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of—
- (a) the disposal of waste or spoil, or
  - (b) the excavation of bulk materials from borrow pits.
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out.
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details.
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in sub-paragraph (7) or (8).
- (7) The grounds in this sub-paragraph are that—
- (a) the design or external appearance of disposal sites (in the case of the disposal of waste or spoil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits,
  - (b) the methods by which such sites or pits are worked, or
  - (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits,
- ought to, and could reasonably, be modified.
- (8) The grounds in this sub-paragraph are that in order to—
- (a) preserve the local environment or local amenity,

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- (b) prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
- (c) preserve a site of archaeological or historic interest or nature conservation value,

the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.

- (9) The grounds in sub-paragraph (8) do not apply where the development is—
    - (a) within the limits of deviation for the scheduled works, or
    - (b) consists of the use of land specified in columns (1) and (2) of the table in Schedule 6 for a purpose specified in relation to the land in column (3) of that table.
  - (10) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph—
    - (a) with the agreement of the nominated undertaker, and
    - (b) on a ground referred to in sub-paragraph (7) or (8) (taken with sub-paragraph (9)).
- 8
- (1) If the relevant planning authority is a qualifying authority, development to which paragraph 7 applies may not be begun unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out.
  - (2) In this paragraph “relevant planning authority” has the same meaning as in paragraph 7.
  - (3) The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified.
  - (4) The nominated undertaker must carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out the development to which paragraph 7 applies.
  - (5) In sub-paragraph (1), the reference to restoration includes a reference to restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.

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