



# Channel Tunnel Act 1987

## 1987 CHAPTER 53

### PART II

#### WORKS AND LAND FOR THE TUNNEL SYSTEM AND CONNECTED ROAD AND RAIL WORKS

##### **5 Construction of the scheduled works**

- (1) The Concessionaires may, subject to and in accordance with the provisions of this Act, construct and maintain in the borough of Ashford and in the districts of Dover and Shepway in the county of Kent and under the English Channel the works specified in Part I of Schedule 1 to this Act.
- (2) The Kent County Council may, subject to and in accordance with the provisions of this Act, construct and maintain in the borough of Ashford the works specified in Part II of that Schedule.
- (3) The British Railways Board (referred to below in this Act as the Railways Board) may, subject to and in accordance with the provisions of this Act, construct and (in so far as they do not have power to do so apart from this Act) maintain and operate the works specified in Part III of that Schedule.
- (4) The works specified in Parts I, II and III of that Schedule are referred to below in this Act, where no distinction is drawn between them, as the scheduled works, and otherwise as the Concessionaires' scheduled works, the County Council's scheduled works or the Railways Board's scheduled works, as the case may require.
- (5) Subject to Part IV of that Schedule (which gives the limits of deviation for the works and also permits deviation from the levels shown on the deposited sections), the scheduled works shall be constructed in the lines or situations shown on the deposited plans and in accordance with the levels shown on the deposited sections.

##### **6 Supplementary provisions as to the scheduled works and other authorised works**

- (1) Part I of Schedule 2 to this Act shall have effect—

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- (a) for applying Part II of the Public Utilities Street Works Act 1950 to works for the construction or maintenance of certain of the Concessionaires' scheduled works; and
  - (b) for incorporating with this Act the Railways Clauses Consolidation Act 1845 and Part I of the Railways Clauses Act 1863, subject to modifications there specified.
- (2) Part II of that Schedule shall have effect—
- (a) for regulating the manner in which the scheduled works and any installations connected with the scheduled works are to be constructed and maintained;
  - (b) for authorising or regulating the carrying out of subsidiary works; and
  - (c) for conferring or imposing, in connection with the construction or maintenance of those works and installations, certain supplementary powers and certain incidental duties.
- (3) Part III of that Schedule shall have effect—
- (a) for making in connection with the scheduled works and other works authorised by this Act provision in relation to highways and roads; and
  - (b) for making provision as to compensation for, and mitigation of, adverse effects of such works.
- (4) Any activities carried on by the Concessionaires for or in connection with the construction or maintenance of their scheduled works or any other works of theirs authorised by this Act shall be treated (if they would not be so treated apart from this subsection) as the carrying on by the Concessionaires of the railway undertaking they are authorised by virtue of section 19 of this Act to carry on.

**7 Vesting of seaward section of tunnel system in Secretary of State, subject to Concession lease**

- (1) The land comprising the seaward section of the tunnel system shall, as it becomes occupied by or on behalf of the Concessionaires working from England, vest in the Secretary of State, together with so much of the surrounding subsoil as is necessary for the security of the part of the system so occupied.
- (2) Where the land agreed to be granted under a Concession lease consists of or includes the land and subsoil mentioned in subsection (1) above, the interest in that land and subsoil shall vest in the Concessionaires under the lease as that land becomes so occupied, as if granted by the Secretary of State immediately on the vesting in him of that land and subsoil by virtue of subsection (1) above.
- (3) The Secretary of State shall, at such time or times as may be agreed by him and the Crown Estate Commissioners, pay to those Commissioners, in respect of the vesting in him by virtue of subsection (1) above of any land of the Crown Estate, such an amount as those Commissioners would have obtained for it on a sale in accordance with section 3(1) of the Crown Estate Act 1961 (duty as to consideration).
- (4) In subsection (3) above "land of the Crown Estate" means land which, immediately before the vesting of that land in the Secretary of State by virtue of subsection (1) above, was vested in Her Majesty in right of the Crown.
- (5) References in this section to the seaward section of the tunnel system are references to that system, so far as lying under the foreshore and the bed of the sea as far as the frontier.

## **8 Acquisition of land for the scheduled works and other authorised works**

- (1) The Secretary of State is authorised by this section to acquire compulsorily—
- (a) so much of the land shown on the deposited plans within the limits of deviation for the Concessionaires' scheduled works as may be required for the construction and maintenance of those works and other works in connection with those works, or otherwise for any purposes of the construction or operation by the Concessionaires of the tunnel system; and
  - (b) so much of the land so shown within the limits of land to be acquired as may be so required;
- being in neither case land which falls to be vested in the Secretary of State by virtue of section 7 of this Act.
- (2) The Secretary of State is authorised by this section to acquire by agreement any land which he is not otherwise authorised to acquire and which is required for the construction and maintenance of the Concessionaires' scheduled works and other works in connection with those works, or otherwise for any purposes of the construction or operation by the Concessionaires of the tunnel system.
- (3) The Kent County Council are authorised by this section to acquire compulsorily—
- (a) so much of the land shown on the deposited plans within the limits of deviation for their scheduled works as may be required for the construction of those works and other works in connection with those works; and
  - (b) so much of the land so shown within the limits of land to be acquired as may be so required.
- (4) The Railways Board are authorised by this section to acquire compulsorily—
- (a) so much of the land shown on the deposited plans within the limits of deviation for their scheduled works as may be required for the construction and maintenance of those works and other works in connection with those works, or otherwise for the purposes of their undertaking; and
  - (b) so much of the land so shown within the limits of land to be acquired as may be so required.
- (5) The preceding provisions of this section are subject to section 37 of this Act.

## **9 Planning permission, etc.**

- (1) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Concessionaires of such development as may be necessary or expedient for—
- (a) the construction of their scheduled works within the limits of deviation for those works; and
  - (b) the construction of the works, the provision of the facilities and the carrying out of the operations mentioned in section A of Part I of Schedule 5 to this Act within the limits of the land to be acquired for those purposes;
- except to the extent that it consists of or includes the erection, construction, alteration or extension of any hotel or any building which is not required for or in connection with the movement through the tunnel system of passengers or of vehicles or other goods (including their handling, control or accommodation).
- (2) For the purposes of the Town and Country Planning General Development Order 1977 or any order replacing that order—

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- (a) any development for which planning permission is deemed by subsection (1) above to have been granted shall be treated as not being development of a class for which planning permission is granted by the order; and
  - (b) any land which is the subject of a Concession lease shall be treated as operational land of the Concessionaires unless it is land required—
    - (i) for the purposes of or in connection with the inland clearance depot to be constructed at Ashford, in Kent; or
    - (ii) for purposes which do not include the Concessionaires' operation of the tunnel system.
- (3) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Kent County Council of such development as may be necessary or expedient for the construction of their scheduled works within the limits of deviation for those works.
- (4) The provisions of the Town and Country Planning General Development Order 1977 regarding development permitted by the order, or the equivalent provisions of any order replacing that order, shall apply in relation to the Railways Board's works as if this Act were a local or private Act.
- (5) Schedule 3 to this Act shall have effect in relation to planning permission deemed by subsection (1) or (3) above to have been granted or granted by virtue of subsection (4) above and, in particular, the requirements there set out with respect to any development to which such permission relates shall be conditions to which the permission is subject.
- (6) Nothing in section 41 of the Act of 1971 (limit on duration of planning permissions) shall apply to the planning permission deemed by subsection (1) or (3) above to have been granted under Part III of that Act.
- (7) Sections 28(5) and 29(3) of the Wildlife and Countryside Act 1981 (prohibitions of operations likely to be injurious to the flora, fauna or features of areas of special scientific interest) shall not apply in relation to any operation which is connected with the carrying out of any works authorised to be carried out by this Act and which is carried out within the limits of land to be acquired for any of those works.
- (8) In this section and in Schedule 3 to this Act—
  - "the Act of 1971" means the Town and Country Planning Act 1971;
  - "building" includes any bridge, aqueduct, pier, mast or dam or fence, wall or other means of enclosure; and
  - "the Railways Board's works" means their scheduled works and any other works or operations which they are authorised to carry out by this Act.