



Transport and Works Act 1992

1992 CHAPTER 42

PART I

ORDERS AUTHORISING WORKS ETC

Consents etc under other enactments

15 Assimilation of procedures

- (1) This section applies to applications made under section 6 above relating to proposals for the purposes of which the giving of a consent, permission or licence under any enactment, or the making or confirmation of an order under any enactment, is required.
- (2) The Secretary of State may make regulations for securing that, where the requirement referred to in subsection (1) above would not be removed by the order to which the application relates—
 - (a) the procedure for obtaining, or otherwise relating to, the consent, permission, licence, order or confirmation, and
 - (b) the procedure relating to the application made under section 6 above,are wholly or partly assimilated (and in particular that proceedings relating to the one may be held concurrently with proceedings relating to the other).
- (3) Regulations under this section may include provision—
 - (a) excluding or modifying the application of any enactment;
 - (b) authorising the Secretary of State to give directions or take such other steps as may be appropriate for the purpose of securing the object mentioned in subsection (2) above.
- (4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section shall apply to proposals by the Secretary of State to make orders by virtue of section 7 above as it applies to applications under section 6 above.

16 Town and country planning

- (1) In section 90 of the Town and Country Planning Act 1990 (which gives power to deem planning permission to be granted in certain cases where development is authorised by a government department) after subsection (2) there shall be inserted—

“(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”

- (2) In Schedule 13 to the Town and Country Planning Act 1990 (blighted land) after paragraph 22 there shall be added—

“23 Land—

- (a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or
- (b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or
- (c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land.”

17 Listed buildings and conservation areas

In section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990, after subsection (3) there shall be inserted—

“(3A) An application for listed building consent shall, without any direction by the Secretary of State, be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992.”

18 Hazardous substances

In section 12 of the Planning (Hazardous Substances) Act 1990 (which gives power to deem hazardous substances consent to be granted in certain cases) after subsection (2) there shall be inserted—

“(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes any provision that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the Secretary of State may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.”

19 Coast Protection Act 1949

In section 35 of the Coast Protection Act 1949 (which excepts certain operations from the requirement to obtain the Secretary of State’s consent under section 34) in subsection (1) there shall be added after paragraph (g)—

“(h) any operations authorised by an order under section 1 or 3 of the Transport and Works Act 1992.”

20 Power to apply for, or object to, orders

- (1) A body which has power to promote or power to oppose Bills in Parliament shall also have power to apply for, or as the case may be power to object to, orders under sections 1 and 3 above.
- (2) Where the power of a body to promote or to oppose Bills is subject to any condition, then, except as provided by subsection (3) below, the corresponding power conferred on the body by subsection (1) above shall be subject to the like condition.
- (3) The powers conferred by subsection (1) above on—
 - (a) the British Railways Board,
 - (b) the British Waterways Board, and
 - (c) London Regional Transport,shall be exercisable without the consent of the Secretary of State.

21 Transport Consultative Committees

- (1) In section 56 of the Transport Act 1962 (which establishes a Central Transport Consultative Committee and Area Transport Users Consultative Committees) after subsection (6) there shall be inserted—

“(6A) An Area Committee may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act.”
- (2) In section 41 of the London Regional Transport Act 1984 (which provides for the London Regional Passenger Committee to be treated as an Area Transport Users Consultative Committee for certain purposes) in subsection (2)(c) for “(7)” there shall be substituted “(6A)”.