



# Channel Tunnel Rail Link Act 1996

## 1996 CHAPTER 61

### PART I

#### THE CHANNEL TUNNEL RAIL LINK

##### *Planning and heritage*

#### **9 Planning: general.**

- (1) Subject to subsections (2) and (4) below, planning permission shall be deemed to be granted under Part III of the Town and Country Planning Act 1990 for the carrying out of development authorised by this Part of this Act.
- (2) In the case of development consisting of the provision of parking at St. Pancras in London, other than short term parking for coaches or taxis, subsection (1) above shall only apply to development which—
  - (a) is carried out on land within the limits of deviation for Works Nos. 1C, 1CC, 5C, 5D, 5D(1) or 5EE or the land in the London Borough of Camden numbered 37 and 61 on the deposited plans, and
  - (b) does not, when taken together with any other relevant development—
    - (i) so far as involving the provision of parking for cars, involve the provision of more than 750 parking spaces, and
    - (ii) so far as involving the provision of parking for coaches, involve the provision of more than 30 parking spaces.
- (3) For the purposes of subsection (2)(b) above, relevant development is development consisting of the provision of parking, other than short term parking for coaches or taxis—
  - (a) which is carried out on such land as is mentioned in subsection (2)(a) above, and
  - (b) for which planning permission is deemed by subsection (1) above to be granted.

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*Changes to legislation:* There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Planning and heritage. (See end of Document for details)

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- (4) In the case of development consisting of the provision of a combined international and domestic passenger station and parking at Ebbsfleet in Kent, subsection (1) above shall only apply to development which—
- (a) is carried out on the land in the borough of Dartford, parish of Swanscombe and Greenhithe, numbered 25 to 33 on the deposited plans and the land in the borough of Gravesham, town of Gravesend, numbered 16, 17, 22 to 34, 45, 46, 109, 110 and 112 on those plans, and
  - (b) does not involve the provision of more than 9,000 parking spaces.
- (5) Schedule 6 to this Act (which makes provision about planning conditions) shall have effect in relation to development for which planning permission is deemed by subsection (1) above to be granted, other than development to which subsection (2) or (4) above applies.
- (6) The planning permission deemed by subsection (1) above to be granted shall, so far as relating to development to which subsection (2) or (4) above applies, be deemed to be granted subject to a condition specifying the matters mentioned in subsection (7) below as reserved matters for the subsequent approval of the relevant planning authority.
- (7) The matters referred to above are—
- (a) in the case of development to which subsection (2) above applies, the siting, design and external appearance of, and means of access to, the development, and
  - (b) in the case of development to which subsection (4) above applies, the siting, layout, design, external appearance and landscaping of the development.
- (8) Development for which permission is deemed by this section to be granted shall be treated as not being development of a class for which planning permission is granted by the <sup>M1</sup>Town and Country Planning (General Permitted Development) Order 1995 (or any order replacing that order).
- (9) Planning permission which is deemed by this section to be granted shall be treated as specific planning permission for the purposes of section 264(3)(a) of the <sup>M2</sup>Town and Country Planning Act 1990 (specific planning permission for the development of statutory undertakers' land relevant to whether the land is operational land).
- (10) In subsections (2) and (4) above, references to development consisting of the provision of parking do not include development consisting of the provision of parking on working sites.
- (11) In subsection (6) above, “relevant planning authority” means—
- (a) in relation to Greater London, the local planning authority, and
  - (b) in relation to Essex or Kent, the district planning authority.

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**Modifications etc. (not altering text)**

**C1** [S. 9\(1\)](#) excluded (17.2.1999) by [S.I. 1999/107](#), [reg. 3](#)

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**Marginal Citations**

**M1** [S.I. 1995/418](#).

**M2** [1990 c. 8](#).

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## **10 Permitted development: time limits.**

- (1) It shall be a condition of the planning permission deemed by section 9(1) above to be granted, so far as relating to—
  - (a) development consisting of the carrying out of a scheduled work, or
  - (b) development to which section 9(2) or (4) above applies,that the development must be begun not later than the end of 10 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, in relation to any development to which the condition imposed by subsection (1) above applies, by order extend the period by reference to which the condition operates.
- (3) The power conferred by subsection (2) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Nothing in section 91 of the Town and Country Planning Act 1990 (limit on duration of planning permission) shall apply to the planning permission deemed by section 9(1) above to be granted.
- (5) Section 94 of that Act (completion notices) shall apply where development to which section 9(2) or (4) above applies has been begun within the period by reference to which the condition mentioned in subsection (1) above operates, but that period has elapsed without the development having been completed.
- (6) In their application by virtue of subsection (5) above, sections 94(2) and (5) and 95(2) of that Act shall have effect with the insertion after “permission” of “deemed by section 9(1) of the Channel Tunnel Rail Link Act 1996 to be granted, so far as relating to the development, ”.

## **11 Fees for planning applications.**

- (1) The [<sup>F1</sup>Secretary of State] may by regulations make provision about fees for relevant planning applications.
- (2) Regulations under subsection (1) above may, in particular—
  - (a) make provision for the payment to the authority to which a relevant planning application is made of a fee of a prescribed amount,
  - (b) make provision for the remission or refunding of a prescribed fee (in whole or part) in prescribed circumstances,
  - (c) make provision for a prescribed fee to be treated as paid in prescribed circumstances,
  - (d) make provision about the time for payment of a prescribed fee,
  - (e) make provision about the consequences of non-payment of a prescribed fee, including provision for the termination of the application concerned or any appeal against its refusal, and
  - (f) make provision for the resolution of disputes.
- (3) Regulations under subsection (1) above may—
  - (a) make such supplementary, incidental or consequential provision as the [<sup>F2</sup>Secretary of State thinks] fit, and
  - (b) make different provision for different cases.

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- (4) The power to make regulations under subsection (1) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Nothing in regulations under section 303 of the <sup>M3</sup>Town and Country Planning Act 1990 (fees for planning applications) shall apply to a relevant planning application.
- (6) In this section—  
<sup>F3</sup> . . .  
 “prescribed” means prescribed in regulations under subsection (1) above; and  
 “relevant planning application” means a request for approval under the planning permission deemed by section 9(1) above to be granted.

#### Textual Amendments

- F1** Words in s. 11(1) substituted (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, **26(a)**
- F2** Words in [s. 11\(3\)\(a\)](#) substituted (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, **26(b)**
- F3** Definition in s. 11(6) repealed (26.1.1998) by [S.I. 1997/2971](#), art. 6(1), Sch. paras. 25, **26(c)**

#### Marginal Citations

- M3** [1990 c. 8](#).

## 12 Heritage.

Schedule 7 to this Act (which makes provision for the disapplication or modification, in relation to authorised works, of controls relating to listed buildings, buildings in conservation areas and ancient monuments etc.) shall have effect.

## 13 Heritage: rights of entry.

Schedule 8 to this Act (which makes provision about rights of entry for the Historic Buildings and Monuments Commission for England and the Royal Commission on the Historical Monuments of England) shall have effect.

**Changes to legislation:**

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