

SCHEDULES

SCHEDULE 32

Section 47

EXTENSION OF PLANNING PERMISSION FOR STATUTORY UNDERTAKERS

Case where planning permission extended

- 1 (1) Article 3(10) of the General Permitted Development Order (which excepts development requiring an environmental assessment from the general planning permission granted by that Order) does not apply to development which—
- (a) falls within a class of development described as permitted development in a provision of Schedule 2 to that Order that is listed in sub-paragraph (2), and
 - (b) is covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill.
- (2) The provisions of Schedule 2 to the General Permitted Development Order that are referred to in sub-paragraph (1)(a) are—
- in Part 8, classes A, B, C, D and E;
 - in Part 9, class C;
 - in Part 13, classes A, B and D;
 - Part 15;
 - in Part 16, classes A, B, C and E.
- (3) References in sub-paragraph (2) to particular provisions of the General Permitted Development Order include references to the corresponding provisions of any order replacing that Order.
- (4) In this paragraph, “the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015 ([S.I. 2015/596](#)).

Condition of extended planning permission

- 2 (1) Planning permission granted by virtue of paragraph 1 is subject to the condition that development is carried out in accordance with such requirements as the Secretary of State may by notice to the developer specify for the purpose of—
- (a) avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which the High Speed Rail (London - West Midlands) Bill was committed, or
 - (b) securing that the environmental effects of carrying out the development are not materially different from those envisaged by the statement by virtue of which paragraph 1(1)(b) applies.
- (2) The power conferred under sub-paragraph (1) is exercisable after, as well as before, development is commenced.

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- (3) The power conferred under sub-paragraph (1) includes power, exercisable in the same manner, to vary or revoke a notice under that sub-paragraph.
- (4) The condition imposed by sub-paragraph (1) is in addition to any condition to which the planning permission may be subject apart from this paragraph.

Controls on proposed development

- 3 (1) Where—
 - (a) it appears to the Secretary of State that a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a), and
 - (b) the Secretary of State is of the opinion that the proposed development is not covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill,
 the Secretary of State may give notice of that opinion to the proposed developer.
- (2) The power conferred under sub-paragraph (1) includes power, exercisable in the same manner, to withdraw a notice under that sub-paragraph.
- (3) Where a notice under sub-paragraph (1) has been given (and not withdrawn), paragraph 1 is to be treated as not applying to the carrying out of the development by the proposed developer.
- 4 (1) Where it appears to the Secretary of State that—
 - (a) a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a),
 - (b) the development is covered by an environmental assessment in connection with the High Speed Rail (London - West Midlands) Bill, and
 - (c) it is necessary or desirable to do so for the purpose of avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which that Bill was committed,
 the Secretary of State may by notice to the proposed developer disapply paragraph 1(1) in relation to the carrying out of the development by that person.
- (2) The power conferred under sub-paragraph (1) includes power, exercisable in the same manner, to revoke a notice under that sub-paragraph.

Notices

- 5 (1) A notice under this Schedule must—
 - (a) specify the person to whom it is given,
 - (b) specify the development to which it relates,
 - (c) explain the reasons for it, and
 - (d) in the case of a notice under paragraph 3, explain its effect.
- (2) The Secretary of State must, when giving a notice under this Schedule, give a copy to the unitary authority or, in a non-unitary area, the district council in whose area the development is or is to be carried out.
- (3) But where—
 - (a) the unitary authority for the purposes of sub-paragraph (2) is a London borough council, and

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- (b) as a result of a Localism Act TCPA order, a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for the area where the development is or is to be carried out,

the Secretary of State must give a copy of the notice to the Mayoral development corporation instead of the London borough council.

Mayoral development corporations: regulations

- 6 (1) The Secretary of State may make regulations modifying the operation of this Schedule—
- (a) in consequence of an order under section 198(2) of the Localism Act 2011 giving effect to a decision under section 204(2) of that Act (decision removing or restricting planning functions), or
 - (b) to make transitional provision relating to—
 - (i) an order mentioned in paragraph (a),
 - (ii) a Localism Act TCPA order, or
 - (iii) an order under section 217 of the Localism Act 2011 (order dissolving Mayoral development corporation).
- (2) Regulations under this paragraph—
- (a) must be made by statutory instrument;
 - (b) may make different provision for different purposes.
- (3) A statutory instrument containing regulations under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.