



# High Speed Rail (West Midlands - Crewe) Act 2021

## 2021 CHAPTER 2

### *Planning*

#### **17 Deemed planning permission**

- (1) Planning permission is deemed to be granted under Part 3 of TCPA 1990 for the carrying out of development authorised by this Act.

This is subject to the other provisions of this Act.

- (2) Where development authorised by this Act consists of the carrying out of a work which is not a scheduled work, subsection (1) does not apply if—
- (a) the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
  - (b) the development is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
  - (c) the development is not covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill.
- (3) Schedule 17 imposes conditions on deemed planning permission under subsection (1).
- (4) Deemed planning permission under subsection (1) is specific planning permission for the purposes of section 264(3)(a) of TCPA 1990 (specific planning permission for development of statutory undertakers' land relevant to whether the land is operational land).
- (5) Development which has deemed planning permission under subsection (1) is not development of a class for which planning permission is granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 ([S.I. 2015/596](#)) (or any instrument replacing that order).

## **18 Time limit on deemed planning permission**

- (1) In relation to development consisting of the construction of a scheduled work, it is a condition of the deemed planning permission under section 17(1) 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 such development, by regulations extend the period within which the development must be begun by virtue of this section.
- (3) Regulations under subsection (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Section 91 of TCPA 1990 (limit on duration of planning permission) does not apply to deemed planning permission under section 17(1).

## **19 Power to disapply deemed planning permission**

- (1) The Secretary of State may by regulations provide, in relation to any work constructed in exercise of the powers conferred by this Act, that section 17(1) is not to apply to development consisting of operations for the maintenance or alteration of the work which are begun on or after a day specified in the regulations.
- (2) The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (or any instrument replacing that order) has effect in relation to any development excepted from section 17(1) by subsection (1) as if this Act were a local Act.
- (3) Regulations under subsection (1) may make different provision for different cases.
- (4) Regulations under subsection (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made.

## **20 Development consent**

The works authorised by this Act do not require consent under the Planning Act 2008 (development consent).