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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Paragraph 23. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 17

#### CONDITIONS OF DEEMED PLANNING PERMISSION

#### PART 3

##### APPROVALS: SUPPLEMENTARY

##### *Appeals*

- 23 (1) Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval under Part 1 (including a decision to require additional details), it may appeal to the appropriate Ministers by giving notice of the appeal in the prescribed form to them and to the authority whose decision is appealed against within 42 days of notification of the decision.
- (2) On an appeal under this paragraph, the appropriate Ministers may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against, but may only make a determination involving—
- (a) the refusal of approval, or
  - (b) the imposition of conditions on approval,
- on a ground open to that authority.
- (3) Where, following receipt by a planning authority of a request by the nominated undertaker for approval under Part 1, the authority does not notify the undertaker within the appropriate period—
- (a) of its decision on the request, or
  - (b) that the request has been referred to the appropriate Ministers in accordance with directions under paragraph 20,
- this paragraph applies as if the authority had refused the request and notified the undertaker of its decision on the last day of the appropriate period.
- (4) For the purposes of sub-paragraph (3), the appropriate period is—
- (a) the period of 8 weeks beginning with the date on which the request was received by the planning authority, or
  - (b) such extended period as may be agreed upon in writing between the authority and the nominated undertaker.
- (5) The appropriate Ministers may by regulations make provision for the extension of the appropriate period for the purposes of sub-paragraph (3) in connection with the payment of fees by means of cheque.
- (6) An agreement under sub-paragraph (4)(b) may be made after, as well as before, the end of the appropriate period.

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- (7) No agreement may be made under sub-paragraph (4)(b) to extend a period after it has ended if the nominated undertaker has given notice of appeal against the refusal which is deemed under sub-paragraph (3) to have occurred because of the ending of the period.
- (8) Where an agreement under sub-paragraph (4)(b) to extend a period is made after the period has ended, sub-paragraph (3) is to be treated as not having applied when the period ended.
- (9) In this paragraph, “prescribed” means prescribed by regulations made by the appropriate Ministers.
- (10) No appeal under section 78 of TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) may be made against a decision, or failure to notify a decision, in relation to which a right of appeal arises under this paragraph.

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