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**Changes to legislation:** There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Condition relating to matters ancillary to development. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 17

#### CONDITIONS OF DEEMED PLANNING PERMISSION

#### PART 1

#### CONDITIONS

##### *Condition relating to matters ancillary to development*

- 4 (1) If the relevant planning authority is a qualifying authority, development must be carried out in accordance with arrangements about ancillary matters which have been approved by that authority.
- (2) In this paragraph “ancillary matters” means—
- (a) handling of re-useable spoil or topsoil;
  - (b) storage sites for construction materials, spoil or topsoil;
  - (c) construction camps;
  - (d) works screening;
  - (e) artificial lighting;
  - (f) dust suppression;
  - (g) road mud control measures.
- (3) In this paragraph, “relevant planning authority” means, subject to sub-paragraph (4), the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) Where the development is in a non-unitary area and consists of the disposal of waste or spoil or the excavation of bulk material from borrow pits, the relevant planning authority in respect of arrangements relating to ancillary matters is the county council.
- (5) The reference in sub-paragraph (1) to arrangements does not, in the case of artificial lighting, include detailed arrangements.
- (6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph—
- (a) on the ground that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other development which has deemed planning permission under section 17(1) and which is to be carried out in the authority's area, or
  - (b) on a ground specified in relation to the matter in the following table.

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<b><i>Matters</i></b>	<b><i>Grounds</i></b>
1. Handling of re-useable spoil and topsoil	That the arrangements ought to be modified to ensure that the spoil or topsoil remains in good condition, and are reasonably capable of being so modified.
2. Storage sites for construction materials, spoil or topsoil.	That the arrangements ought to be modified—
3. Construction camps.	(a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or
4. Works screening.	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.
5. Artificial lighting.	That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.
6. Dust suppression.	
7. Road mud control measures.	That the arrangements ought to be modified—
	(a) to preserve the local environment or local amenity, or
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.

(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph—

- (a) with the agreement of the nominated undertaker, and
- (b) on a ground specified in the table in sub-paragraph (6)(b) in relation to the matter in question.

(8) In this paragraph—

“artificial lighting” means the use of artificial lighting on land within the Act limits for the purpose of carrying out the development;

“construction camps” means sites on land within the Act limits which are to be used for the residential accommodation of persons engaged in carrying out the development;

“construction materials” means minerals, aggregates or other construction materials required for the development;

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“dust suppression” means the suppression of dust caused by construction operations carried out on land within the Act limits for the purpose of carrying out the development;

“handling of re-useable spoil and topsoil” means handling during removal, storage and re-use of any spoil or topsoil removed during the course of carrying out the development;

“road mud control measures” means measures to be taken on land within the Act limits to prevent or reduce the carrying of mud on to any public highway as a result of carrying out the development;

“storage sites” means sites on land within the Act limits at which materials are to be stored until used or re-used in carrying out the development or disposed of as waste;

“works screening” means the provision where necessary on land within the Act limits of any screening for working sites on such land required for the purpose of carrying out the development.

- 5 (1) The Secretary of State may for the purposes of paragraph 4 make a class approval of arrangements relating to the ancillary matters referred to in paragraph 4(2)(a), (b) and (d) to (g).
- (2) A class approval may be made—
- (a) generally or in relation to specific areas or specific descriptions of works, and
  - (b) subject to conditions.
- (3) A class approval may make different provision for different cases.
- (4) Before making a class approval the Secretary of State must consult the planning authorities who would be affected by it.
- (5) Where arrangements made by the nominated undertaker are approved under a class approval, they do not require the approval of the relevant planning authority under paragraph 4.
- (6) But the nominated undertaker may in the case of any particular arrangements request approval under paragraph 4.
- (7) If the relevant planning authority to which such a request is made considers that the circumstances of the case justify it, the authority may grant approval under paragraph 4 (and, accordingly, the arrangements are subject to that approval instead of the class approval).
- (8) A class approval may be varied or revoked.

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