



High Speed Rail (West Midlands - Crewe) Act 2021

2021 CHAPTER 2

Reinstatement and environmental works

47 Planning permission: works involving reinstatement of undertaking

- (1) The Secretary of State may direct that section 17(1) (deemed planning permission for development authorised by this Act) does not apply in relation to development consisting of—
 - (a) particular reinstatement works, or
 - (b) a particular scheduled work, where the construction of the work is for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of a relevant undertaking.
- (2) An undertaking is a “relevant undertaking” if the operation or use of the whole or part of the undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act.
- (3) Where a direction under subsection (1) has effect in relation to development, the Secretary of State may direct—
 - (a) that planning permission for the development is deemed to be granted under Part 3 of TCPA 1990, subject to such conditions as may be specified in the direction (but see subsection (6));
 - (b) that, where the development has deemed planning permission under paragraph (a), such person as may be specified in the direction is to be treated as also being authorised to carry out the development.
- (4) The provisions of TCPA 1990 (other than section 92 and Part 12) apply in relation to deemed planning permission under subsection (3)(a) as if it had been granted by the Secretary of State on an application referred to the Secretary of State under section 77 of that Act.
- (5) Where development authorised by subsection (3)(a) consists of the carrying out of reinstatement works, section 18 (time limit on deemed planning permission) applies

Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Section 47. (See end of Document for details)

in relation to the development as it applies in relation to development consisting of the construction of a scheduled work.

- (6) The power in subsection (3)(a) does not apply in relation to development which—
- (a) is likely to have significant effects on the environment by virtue of factors such as its nature, size or location,
 - (b) is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (c) is not covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill.
- (7) The Secretary of State must—
- (a) publish any direction under subsection (3)(a) in such manner as the Secretary of State thinks appropriate, and
 - (b) give copies of any such direction to—
 - (i) the owners and occupiers of the land to which the deemed planning permission relates, and
 - (ii) the unitary authority or, in a non-unitary area, the district council in whose area the development to which the direction relates is or is to be carried out.
- (8) Where development in relation to which a direction under subsection (1) has effect is carried out by a person other than the nominated undertaker—
- (a) section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of the works, as if for “acquiring authority have” there were substituted “person carrying out the works has”;
 - (b) section 6 of the Railways Clauses Consolidation Act 1845 (as applied by paragraph 4(1) of Schedule 28) has effect as if references to “the company” were to the person carrying out the works.
- (9) Directions given under this section may revoke or vary previous directions under this section.
- (10) In this section, “reinstatement works” and “undertaking” have the same meaning as in section 46.

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