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STATUTORY INSTRUMENTS

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**2013 No. 1883**

**The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013**

**Amendments to section 25 of the Planning Act 2008**

- 4.—(1) Section 25 of the Act (railways) is amended as follows.
- (2) In subsection (1) after paragraph (b) (but before the “and”) insert—
- “**(ba)** the railway will (when constructed) include a stretch of track that—
- (i) is a continuous length of more than 2 kilometres, and
- (ii) is not on land that was operational land of a railway undertaker immediately before the construction work began or is on land that was acquired at an earlier date for the purpose of constructing the railway.”
- (3) In subsection (2) after paragraph (b) (but before the “and”) insert—
- “**(ba)** the alteration of the railway will include laying a stretch of track that—
- (i) is a continuous length of more than 2 kilometres, and
- (ii) is not on land that was operational land of a railway undertaker immediately before the alteration work began or is on land that was acquired at an earlier date for the purpose of the alteration.”
- (4) After subsection (2) insert—
- “(2A) Construction or alteration of a railway is not within section 14(1)(k) to the extent that it takes place on the operational land of a railway undertaker unless that land was acquired for the purpose of the construction or alteration.”
- (5) In subsection (7) at the appropriate places insert—
- ““operational land” has the same meaning as in the TCPA 1990(1);”;
- ““railway undertaker” has the same meaning as in Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(2);”.
- (6) In subsection (8), for “The reference in subsection (7)” substitute “In the definition of “permitted development” in subsection (7), the reference”.

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(1) Section 234 of the Act defines “TCPA 1990” as meaning the Town and Country Planning Act 1990 c. 8. Section 263 read with section 264 of the TCPA 1990 defines “operational land”. Section 263 has been amended but the amendments are not relevant to this Order. Section 264(4A) and (4B) were inserted by the [Transport for London \(Consequential Provisions\) Order 2003 \(2003/1615\)](#), Schedule 1, Part 1, paragraph 14; subsection 5(b) was amended by the Planning and Compulsory Purchase Act 2004 (2004 c. 5), section 40(2)(k) and further amended by the Localism Act 2011 (2011 c. 20), Schedule 12, paragraph 20(a) and by Schedule 25, Part 18; subsection 5(ca) was inserted by the Localism Act 2011, Schedule 12, paragraph 20(b). There are other amendments but they are not relevant to this Order.

(2) [S.I. 1995/418](#) to which there are amendments not relevant to this Order.