



Channel Tunnel Act 1987

1987 CHAPTER 53

PART II

WORKS AND LAND FOR THE TUNNEL SYSTEM AND CONNECTED ROAD AND RAIL WORKS

9 Planning permission, etc. **E+W**

- (1) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Concessionaires of such development as may be necessary or expedient for—
- (a) the construction of their scheduled works within the limits of deviation for those works; and
 - (b) the construction of the works, the provision of the facilities and the carrying out of the operations mentioned in section A of Part I of Schedule 5 to this Act within the limits of the land to be acquired for those purposes;
- except to the extent that it consists of or includes the erection, construction, alteration or extension of any hotel or any building which is not required for or in connection with the movement through the tunnel system of passengers or of vehicles or other goods (including their handling, control or accommodation).
- (2) For the purposes of the ^{M1}Town and Country Planning General Development Order 1977 or any order replacing that order—
- (a) any development for which planning permission is deemed by subsection (1) above to have been granted shall be treated as not being development of a class for which planning permission is granted by the order; and
 - (b) any land which is the subject of a Concession lease shall be treated as operational land of the Concessionaires unless it is land required—
 - (i) for the purposes of or in connection with the inland clearance depot to be constructed at Ashford, in Kent; or
 - (ii) for purposes which do not include the Concessionaires' operation of the tunnel system.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S+N.I. - Scotland and Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Act 1987, Section 9. (See end of Document for details)

- (3) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Kent County Council of such development as may be necessary or expedient for the construction of their scheduled works within the limits of deviation for those works.
- (4) The provisions of the ^{M2}Town and Country Planning General Development Order 1977 regarding development permitted by the order, or the equivalent provisions of any order replacing that order, shall apply in relation to the Railways Board's works as if this Act were a local or private Act.
- (5) Schedule 3 to this Act shall have effect in relation to planning permission deemed by subsection (1) or (3) above to have been granted or granted by virtue of subsection (4) above and, in particular, the requirements there set out with respect to any development to which such permission relates shall be conditions to which the permission is subject.
- (6) Nothing in section 41 of the Act of 1971 (limit on duration of planning permissions) shall apply to the planning permission deemed by subsection (1) or (3) above to have been granted under Part III of that Act.
- [^{F1}(7) Section 28I of the Wildlife and Countryside Act 1981 (statutory undertakers: duty in relation to authorising operations) shall not apply in relation to any operation which is connected with the carrying out of any works authorised to be carried out by this Act and which is carried out within the limits of land to be acquired for any of those works, and neither shall the following—
- (a) section 28E(1) (prohibition of operations on land forming part of a site of special scientific interest), in relation to an owner or occupier other than an authority to which section 28G of that Act applies;
 - (b) sections 28G(2) (general duty of statutory undertakers) and 28H (duty of statutory undertakers when carrying out operations), in relation to such an authority.]
- (8) In this section and in Schedule 3 to this Act—
- “the Act of 1971” means the ^{M3}Town and Country Planning Act 1971;
 - “building” includes any bridge, aqueduct, pier, mast or dam or fence, wall or other means of enclosure; and
 - “the Railways Board's works” means their scheduled works and any other works or operations which they are authorised to carry out by this Act.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland

Textual Amendments

- F1** S. 9(7) substituted (30.1.2001) by 2000 c. 37, ss. 76(1), 103(2), **Sch. 10 Pt. II para. 6**

Marginal Citations

- M1** S.I. 1977/289.
M2 S.I. 1977/289.
M3 1971 c. 78.

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9 Planning permission, etc. **S+N.I.**

- (1) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Concessionaires of such development as may be necessary or expedient for—
 - (a) the construction of their scheduled works within the limits of deviation for those works; and
 - (b) the construction of the works, the provision of the facilities and the carrying out of the operations mentioned in section A of Part I of Schedule 5 to this Act within the limits of the land to be acquired for those purposes;

except to the extent that it consists of or includes the erection, construction, alteration or extension of any hotel or any building which is not required for or in connection with the movement through the tunnel system of passengers or of vehicles or other goods (including their handling, control or accommodation).
- (2) For the purposes of the ^{M4}Town and Country Planning General Development Order 1977 or any order replacing that order—
 - (a) any development for which planning permission is deemed by subsection (1) above to have been granted shall be treated as not being development of a class for which planning permission is granted by the order; and
 - (b) any land which is the subject of a Concession lease shall be treated as operational land of the Concessionaires unless it is land required—
 - (i) for the purposes of or in connection with the inland clearance depot to be constructed at Ashford, in Kent; or
 - (ii) for purposes which do not include the Concessionaires' operation of the tunnel system.
- (3) Planning permission shall be deemed to have been granted under Part III of the Act of 1971 for the carrying out by the Kent County Council of such development as may be necessary or expedient for the construction of their scheduled works within the limits of deviation for those works.
- (4) The provisions of the ^{M5}Town and Country Planning General Development Order 1977 regarding development permitted by the order, or the equivalent provisions of any order replacing that order, shall apply in relation to the Railways Board's works as if this Act were a local or private Act.
- (5) Schedule 3 to this Act shall have effect in relation to planning permission deemed by subsection (1) or (3) above to have been granted or granted by virtue of subsection (4) above and, in particular, the requirements there set out with respect to any development to which such permission relates shall be conditions to which the permission is subject.
- (6) Nothing in section 41 of the Act of 1971 (limit on duration of planning permissions) shall apply to the planning permission deemed by subsection (1) or (3) above to have been granted under Part III of that Act.
- (7) [^{F2}Sections 28(5) and 29(3) of the ^{M6}Wildlife and Countryside Act 1981 (prohibitions of operations likely to be injurious to the flora, fauna or features of areas of special scientific interest) shall not apply in relation to any operation which is connected with the carrying out of any works authorised to be carried out by this Act and which is carried out within the limits of land to be acquired for any of those works.]
- (8) In this section and in Schedule 3 to this Act—

“the Act of 1971” means the ^{M7}Town and Country Planning Act 1971;

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“building” includes any bridge, aqueduct, pier, mast or dam or fence, wall or other means of enclosure; and

“the Railways Board’s works” means their scheduled works and any other works or operations which they are authorised to carry out by this Act.

Extent Information

E2 This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales

Textual Amendments

F2 [S. 9\(7\)](#) repealed (S.) (29.11.2004) by [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), s. 59(2), [Sch. 7 para. 6](#) (with s. 55(2)); [S.S.I. 2004/495](#), art. 2

Marginal Citations

M4 [S.I. 1977/289](#).
M5 [S.I. 1977/289](#).
M6 [1981 c. 69](#).
M7 [1971 c. 78](#).

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