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*Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 32. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### PLANNING CONDITIONS

##### PART IV

##### SUPPLEMENTARY

##### *Appeals*

- 32 (1) Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval under Part II or III of this Schedule (including a decision under sub-paragraph (2) of paragraph 5, 6, 14, 15, 21 or 22 above), it may appeal to the [F<sup>1</sup>Secretary of State] by giving notice of the appeal in the prescribed form to [F<sup>2</sup>him] and the authority whose decision is appealed against within 28 days of notification of the decision.
- (2) On an appeal under this paragraph, the [F<sup>1</sup>Secretary of State] 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 the refusal of, or imposition of conditions on, approval on grounds open to that authority.
- (3) Where, following receipt by a planning authority of a request by the nominated undertaker for relevant approval, 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 [F<sup>1</sup>Secretary of State] in accordance with directions under paragraph 30 above,
- this paragraph shall apply 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) above, the appropriate period is the period of 8 weeks beginning with the date on which the request was received by the planning authority or such extended period as may at any time be agreed upon in writing between the authority and the nominated undertaker.
- (5) The [F<sup>1</sup>Secretary of State] may by regulations make provision for the extension of the appropriate period for the purposes of sub-paragraph (3) above in connection with the payment of fees by means of cheque.
- (6) The power to make regulations under sub-paragraph (5) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(7) In this paragraph, “prescribed” means prescribed by regulations made by the [<sup>F1</sup>Secretary of State].

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**Textual Amendments**

- F1** Words in Sch. 6 para. 32(1)(2)(3)(b)(5)(7) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, **32(e)(i)**
- F2** Words in Sch. 6 para. 32(1) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, **32(e)(ii)**

**Changes to legislation:**

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