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

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## SCHEDULES

### SCHEDULE 6

#### PLANNING CONDITIONS

#### PART II

#### DEVELOPMENT IN GREATER LONDON

##### *Introductory*

- 3 This Part of this Schedule has effect in relation to development in Greater London.

##### *Planning regimes*

- 4 (1) The requirement set out in paragraph 5 below shall be a condition of the deemed planning permission, so far as relating to relevant development in the area of a London borough council which is not a qualifying authority for the purposes of this Schedule.
- (2) For the purposes of sub-paragraph (1) above, development is relevant development to the extent that it consists of or includes—
- (a) the erection, construction, alteration or extension of any building, or
  - (b) the formation, laying out or alteration of any means of access to any highway used by vehicular traffic.
- (3) The requirements set out in paragraphs 6 to 10 below shall be conditions of the deemed planning permission, so far as relating to development in the area of a London borough council which is a qualifying authority for the purposes of this Schedule.
- (4) The requirements set out in paragraph 11 below shall be conditions of the deemed planning permission so far as relating to development in the area of any London borough council.

##### *Conditions: non-qualifying authority*

- 5 (1) Development shall be carried out in accordance with plans and specifications for the time being approved by the local planning authority at the request of the nominated undertaker.
- (2) The local planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the development to be submitted for approval.
- (3) Where the local planning authority exercises the power conferred by sub-paragraph (2) above, the plans and specifications in accordance with which the

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development is required under sub-paragraph (1) above to be carried out shall, as regards the specified respect, include a plan or specification showing the additional details.

- (4) The only ground on which the local planning authority may refuse to approve plans or specifications for the purposes of this paragraph is—
- (a) that the development to which they relate ought to, and could reasonably, be carried out elsewhere on land within the relevant limits, or
  - (b) that the design or external appearance of any building to which they relate ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified.
- (5) The ground mentioned in sub-paragraph (4)(a) above shall not apply in relation to development consisting of the provision of, or the carrying out of works to, a dam.

*Conditions: qualifying authority*

- 6 (1) To the extent that development consists of any operation or work mentioned in the left-hand column of the table in sub-paragraph (4) below, it shall be carried out in accordance with plans and specifications for the time being approved by the local planning authority at the request of the nominated undertaker.
- (2) The local planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the development to be submitted for approval.
- (3) Where the local planning authority exercises the power conferred by sub-paragraph (2) above, the plans and specifications in accordance with which the development is required under sub-paragraph (1) above to be carried out shall, as regards the specified respect, include a plan or specification showing the additional details.
- (4) The only ground on which the local planning authority may refuse to approve for the purposes of this paragraph plans or specifications of any operation or work mentioned in the following table is a ground specified in relation to it in the right-hand column of that table.

THE TABLE

<b>Operation or work</b>	<b>Grounds</b>
<p>1. <i>Construction works</i></p> <p>(a) The erection, construction, alteration or extension of any building (except for anything within (b) or (c) below or item 2 or 6) or road vehicle park.</p> <p>(b) The construction, alteration or extension of any terracing, cuttings, embankments or other earth works.</p> <p>(c) The erection, construction, alteration or extension of any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression.</p>	<p>That the design or external appearance of the works ought to be modified—</p> <p>(a) to preserve the local environment or local amenity,</p> <p>(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or</p> <p>(c) to preserve a site of archaeological or historic interest or nature conservation value,</p> <p>and is reasonably capable of being so modified.</p>

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2. *Minor construction works* The erection, construction, alteration or extension of any transformers, [<sup>F1</sup>electronic communications masts] or pedestrian accesses to the railway line.
3. *Fences and walls* The erection, construction, alteration or extension of any fences or walls (except for anything within item 1(c) above).
4. *Highway access* The formation, laying out or alteration of any means of access to a highway used, or proposed highway proposed to be used, by vehicular traffic.
5. *Gantries and overhead line supports* The erection or construction of any gantries or overhead line supports for so much of any railway comprised in Work No. 1 as lies between the northern end of the roof over St. Pancras station, as it is at the time of erection or construction, and the northern abutment of the existing bridge over the Regent's Canal.
6. *Artificial lighting* The erection, construction or installation of lighting equipment.
7. *Waste and spoil disposal* The disposal of waste or spoil.
- That the development ought to, and could reasonably, be carried out elsewhere within the limits of the land on which the works of which it forms part may be carried out under this Part of this Act.
- That the design or external appearance of the works ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.
- That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.
- That the development ought to, and could reasonably, be carried out on land elsewhere within the relevant limits.
- That the development ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and is reasonably capable of being so modified.
- That the design or external appearance of the work ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.
- That the design of the equipment, with respect to the emission of light, ought to be modified to preserve the local environment or local amenity, and is reasonably capable of being so modified.
- That the development ought to, and could reasonably, be carried out elsewhere within the limits of land on which the works of which it forms part may be carried out under this Part of this Act.
- That—

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(a) the design or external appearance of disposal sites on land within the relevant limits,  
 (b) the methods by which such sites are worked, or  
 (c) the noise, dust, vibration or screening arrangements during the operation of such sites,  
 ought to be modified and are reasonably capable of being modified.

That—

(a) to preserve the local environment or local amenity,  
 (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or  
 (c) to preserve a site of archaeological or historic interest or nature conservation value,  
 the development ought to be carried out on land elsewhere within the relevant limits, and is reasonably capable of being so carried out.

*8. Borrow pits* The excavation of bulk materials from borrow pits.

That—

(a) the design or external appearance of borrow pits on land within the relevant limits,  
 (b) the methods by which such pits are worked, or  
 (c) the noise, dust, vibration or screening arrangements during the operation of such pits,  
 ought to be modified and are reasonably capable of being modified.

That—

(a) to preserve the local environment or local amenity,  
 (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or  
 (c) to preserve a site of archaeological or historic interest or nature conservation value,  
 the development ought to be carried out on land elsewhere within the relevant limits, and is reasonably capable of being so carried out.

#### Textual Amendments

**F1** Words in Sch. 6 para. 6(4) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 138](#) (with [Sch. 18](#)); [S.I.](#)

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2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)

- 7 (1) Development shall be carried out in accordance with arrangements approved by the local planning authority at the request of the nominated undertaker with respect to the matters mentioned in the left-hand column of the table in sub-paragraph (2) below.
- (2) The only ground on which the local planning authority may refuse to approve for the purposes of this paragraph arrangements with respect to a matter mentioned in the following table is—
- (a) 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 permitted development which is to be carried out in the authority's area, or
  - (b) the ground specified in relation to the matter in the right-hand column of the table.

#### THE TABLE

<b>Matters</b>	<b>Grounds</b>
1. <i>Road transport</i> Means and routes by which anything is to be transported on a highway by large goods vehicle to a working or storage site, a site where it will be re-used or a waste disposal site.	That the arrangements ought to be modified— (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, 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.
2. <i>Handling of re-useable spoil and top soil</i> Handling during removal, storage and re-use of any spoil or top soil removed during the course of carrying out the development.	That the arrangements ought to be modified to ensure that the spoil or top soil remain in good condition and are reasonably capable of being so modified.
3. <i>Storage sites</i> Sites on land within the relevant limits at which— (a) minerals, aggregates or other construction materials required for the development, or (b) spoil or top soil, are to be stored until used or re-used in carrying out the development or disposed of as waste.	That the arrangements ought to be modified— (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, 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.
4. <i>Construction camps</i> Sites on land within the relevant limits which are to be used for the residential	As item 3.

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accommodation of persons engaged in carrying out the development.

5. *Screening* Provision where necessary on land within the relevant limits of any screening for working sites on such land required for the purpose of carrying out the development. As item 3.

6. *Hours of working* The hours and days of the week during which work on the development on land within the relevant limits is to be carried out. That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.

7. *Artificial lighting* The use of artificial lighting on land within the relevant limits for the purpose of carrying out the development. As item 6.

8. *Suppression of noise, dust and vibration* The suppression of noise, dust and vibration caused by construction operations carried on on land within the relevant limits for the purpose of carrying out the development. As item 6.

9. *Mud on highway* Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying on the development. 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.

10. *Highway access* The formation, laying out or alteration of any means of access to any highway used, or proposed highway proposed to be used, on a temporary basis by vehicular traffic to serve a construction site or camp. That the arrangements ought to be modified 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.

- (3) The local planning authority may only impose conditions on approval for the purposes of this paragraph with the agreement of the nominated undertaker.
- (4) In this paragraph, “large goods vehicle” has the same meaning as in Part IV of the <sup>M1</sup>Road Traffic Act 1988.

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**Marginal Citations**

**M1** 1988 c. 52.

- 8 (1) To the extent that development consists of—

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- (a) the disposal of waste or spoil, or
    - (b) the excavation of bulk materials from borrow pits,it shall not be begun unless the local planning authority has, at the request of the nominated undertaker, approved a scheme for the restoration of the land on which the development is to be carried out.
  - (2) The only ground on which the local planning authority may refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph is that the scheme ought to be modified and is reasonably capable of being modified.
  - (3) The nominated undertaker shall carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out development of a kind to which sub-paragraph (1) above applies.
  - (4) In sub-paragraph (1) above, the reference to restoration includes a reference to restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.
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- (1) No work to which this paragraph applies shall be brought into use without the approval of the local planning authority.
  - (2) The works to which this paragraph applies are—
    - (a) any scheduled work,
    - (b) any station constructed in exercise of the powers conferred by this Part of this Act, and
    - (c) any depot constructed in exercise of those powers for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes.
  - (3) The local planning authority shall, at the request of the nominated undertaker, grant approval for the purposes of sub-paragraph (1) above if—
    - (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
    - (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.
  - (4) The local planning authority shall not refuse to approve, nor impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (3)(b) above unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified—
    - (a) to preserve the local environment or local amenity,
    - (b) to preserve a site of archaeological or historic interest, or
    - (c) in the interests of nature conservation,and that the scheme is reasonably capable of being so modified.
  - (5) In this paragraph, “railway vehicle” and “track” have the same meanings as in Part I of the <sup>M2</sup>Railways Act 1993.

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### Marginal Citations

**M2** 1993 c. 43.

- 10 —Where the local planning authority approves a scheme for the purposes of paragraph 9(3)(b) above, the nominated undertaker shall be required—
- (a) to carry out the scheme, and
  - (b) to comply with any condition subject to which the scheme is approved.

### *Conditions: general*

- 11 (1) Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, those operations shall be discontinued as soon as reasonably practicable after the completion of the relevant scheduled work or works.
- (2) The nominated undertaker shall, following discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the local planning authority.
- (3) If, in relation to a site used for carrying out operations ancillary to the construction of any of the scheduled works, no scheme has been agreed for the purposes of sub-paragraph (2) above within 6 months of the completion of the relevant scheduled work or works, the scheme shall be such as the [<sup>F2</sup>Secretary of State] may determine after consultation with the nominated undertaker and the local planning authority.
- (4) Where, independently of any consultation under sub-paragraph (3) above, the [<sup>F3</sup>Secretary of State asks] the local planning authority for assistance in connection with the carrying out by [<sup>F3</sup>him of his] function under sub-paragraph (3) above, [<sup>F3</sup>he] may require the nominated undertaker to reimburse to the planning authority any expenses which it reasonably incurs in meeting the request.
- (5) Sub-paragraph (2) above shall not apply to a site to the extent that it consists of land to which a scheme under paragraph 8 above applies.
- (6) Sub-paragraph (2) above shall not apply where the site is one in relation to which the nominated undertaker is subject to an obligation under paragraph 2(1) of Schedule 5 above.
- (7) In this paragraph, references to the relevant scheduled work or works, in relation to any site, are to the scheduled work or works to which the operations carried out on that site were ancillary.

### Textual Amendments

- F2** Words in Sch. 6 para. 11(3) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, 32(a)(i)
- F3** Words in Sch. 6 para. 11(4) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. paras. 25, 32(a)(ii)-(iv)



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