



Crossrail Act 2008

2008 CHAPTER 18

Planning

10 Planning: general

- (1) Subject to subsection (2), planning permission shall be deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the carrying out of development authorised by this Act.
- (2) In the case of any development authorised by this Act which consists of the carrying out of a work other than a scheduled work, subsection (1) only applies if—
 - (a) the development is not of a kind in relation to which it is necessary to take environmental information into account before granting planning permission, or
 - (b) it is development in relation to which information contained in a statement specified for the purposes of this paragraph constituted at the time of the statement's deposit or publication an environmental statement within the meaning of the EIA regulations.
- (3) For the purposes of subsection (2)(a), development is of a kind in relation to which it is necessary to take environmental information into account if—
 - (a) it is of a description mentioned in Schedule 1 to the EIA regulations, or
 - (b) it is of a description mentioned in column (1) of the table in Schedule 2 to those regulations and likely to have significant effects on the environment by virtue of factors such as its nature, size or location,and it is not exempt development within the meaning of those regulations.
- (4) The following are the statements specified for the purposes of subsection (2)(b)—
 - (a) the statement deposited in connection with the Crossrail Bill in the Private Bill Office of the House of Commons in February 2005 in pursuance of Standing Order 27A of the Standing Orders of the House of Commons relating to private business (environmental assessment);
 - (b) the statements containing additional environmental information published in connection with the Crossrail Bill by the Secretary of State, notice of the

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publication of which was published in the London Gazette on 27th May 2005, 18th January, 9th May, 8th November 2006 and 16th May 2007.

- (5) In relation to development excepted by subsection (2) from the planning permission deemed by subsection (1) to be granted, the EIA regulations shall have effect with the omission, in the definition of “Schedule 2 development” in regulation 2(1), of the words from “where” to the end.
- (6) Schedule 7 (which makes provision about planning conditions) has effect in relation to development for which planning permission is deemed by subsection (1) to be granted.
- (7) Development for which permission is deemed by subsection (1) to be granted shall be treated as not being development of a class for which planning permission is granted by the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (or any order replacing that order).
- (8) Planning permission which is deemed by subsection (1) to be granted shall be treated as specific planning permission for the purposes of section 264(3)(a) of the Town and Country Planning Act 1990 (c. 8) (specific planning permission for the development of statutory undertakers' land relevant to whether the land is operational land).
- (9) In this Act, “the EIA regulations” means the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999/293) (or any regulations replacing those regulations).

Modifications etc. (not altering text)

- C1** S. 10 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, **Sch. 6 paras. 1-3**
- C2** S. 10 applied (with modifications) (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, Sch. 4 para. 1(a)**Sch. 4 para. 3(2)**

11 Permitted development: time limit

- (1) It shall be a condition of the planning permission deemed by section 10(1) to be granted, so far as relating to development consisting of the carrying out of a scheduled work, that the development must be begun not later than the end of 10 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, in relation to any development to which the condition imposed by subsection (1) applies, by order extend the period by reference to which the condition operates.
- (3) The power conferred by subsection (2) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Nothing in section 91 of the Town and Country Planning Act 1990 (c. 8) (limit on duration of planning permission) shall apply to the planning permission deemed by section 10(1) to be granted.

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Modifications etc. (not altering text)

- C3** S. 11 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, **Sch. 6 paras. 1-3**
- C4** S. 11 applied (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, **Sch. 4 para. 1(a)**

12 Fees for planning applications

- (1) The appropriate Ministers may by regulations make provision about fees for relevant planning applications.
- (2) Regulations under subsection (1) may in particular—
- (a) make provision for the payment to the authority to which a relevant planning application is made of a fee of a prescribed amount;
 - (b) make provision for the remission or refunding of a prescribed fee (in whole or part) in prescribed circumstances;
 - (c) make provision for a prescribed fee to be treated as paid in prescribed circumstances;
 - (d) make provision about the time for payment of a prescribed fee;
 - (e) make provision about the consequences of non-payment of a prescribed fee, including provision for the termination of the application concerned or any appeal against its refusal;
 - (f) make provision for the resolution of disputes.
- (3) Regulations under subsection (1) may—
- (a) make such supplementary, incidental or consequential provision as the appropriate Ministers think fit, and
 - (b) make different provision for different cases.
- (4) The power to make regulations under subsection (1) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Nothing in regulations under section 303 of the Town and Country Planning Act 1990 (fees for planning applications) shall apply to a relevant planning application.
- (6) In this section—
- “appropriate Ministers” means the Secretary of State for ^{F1}Levelling Up, Housing and Communities] and the Secretary of State for Transport acting jointly;
 - “prescribed” means prescribed in regulations under subsection (1);
 - “relevant planning application” means a request for approval under the planning permission deemed by section 10(1) to be granted.

Textual Amendments

- F1** Words in s. 12(6) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 19(a)** (with art. 12)

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Modifications etc. (not altering text)

- C5 S. 12 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, [Sch. 6 paras. 1-3](#)
- C6 S. 12 applied (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, [Sch. 4 para. 1\(a\)](#)

13 Power to disapply section 10(1)

- (1) The Secretary of State may, in relation to any work constructed in exercise of the powers conferred by this Act, by order provide that section 10(1), so far as relating to development consisting of operations for the maintenance or alteration of the work, shall be treated as not applying in relation to operations begun on or after such day as may be specified in the order.
- (2) The Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (or any order replacing that order) shall have effect in relation to any development excepted from section 10(1) by subsection (1) as if this Act were a local Act.
- (3) Orders under subsection (1) may make different provision for different cases.
- (4) The power conferred by subsection (1) shall be exercisable by statutory instrument.
- (5) A statutory instrument containing an order under subsection (1) shall be laid before Parliament after being made.

Modifications etc. (not altering text)

- C7 S. 13 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, [Sch. 6 paras. 1-3](#)
- C8 S. 13 applied (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, [Sch. 4 para. 1\(a\)](#)

14 EIA regulations: replacement development

- (1) The EIA regulations shall have effect as if the definition of “EIA development” in regulation 2(1) of the regulations included any development not included in paragraph (a) or (b) of the definition which—
 - (a) consists of the construction of a building in place of a building demolished, or substantially demolished, in exercise of the powers conferred by this Act,
 - (b) is not development for which planning permission is deemed by section 10(1) to be granted,
 - (c) is development in relation to which the first or second condition is met, and
 - (d) is not exempt development within the meaning of those regulations.
- (2) The first condition is that the building which the development replaces is specified in the following table.

<i>Area</i>	<i>Building</i>
City of Westminster	4-18 (even) Bishops Bridge Road 191-195 (odd) Praed Street

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	354-358 (even) Oxford Street 1 Marylebone Lane 65 Davies Street 18 and 19 Hanover Square 1a Tenterden Street 3 and 9 Diadem Court 9-12 (odd and even) Great Chapel Street 93 to 96 (odd and even) Dean Street 2 and 3 Fareham Street 91-101 (odd) Oxford Street 1-8 (odd and even) Great Chapel Street 97-102 (odd and even) Dean Street 6 and 7 Fareham Street 1-15 (odd) Oxford Street 157-167 (odd) Charing Cross Rd (including the Astoria Theatre) 1-6 (odd and even) Falconberg Court 135a-155 (odd) Charing Cross Road 12 Sutton Row 12 Goslett Yard
London Borough of Camden	138-146 (even) Charing Cross Road 2 Fisher Street 2-6 (even) Catton Street and 1 Fisher Street 8 and 10 Southampton Row
London Borough of Islington	2a-12 (even) Farringdon Road and 48-53 (odd and even) Cowcross Street (Cardinal House) 38-42 (even) Charterhouse Street
City of London	2-5 Lindsey Street (odd and even) (including Smithfield House) 54-64 (even) Charterhouse Street 8 and 9 Hayne Street 20-23 (odd and even) Long Lane 33-37 (odd and even) Charterhouse Square 91-109 (odd) Moorgate 12-24 (even) Moorfields 11 and 12 Blomfield Street
London Borough of Tower Hamlets	68-80 (even) Hanbury Street (Britannia House) 80-102 (even) Hanbury Street
London Borough of Greenwich	12, 14, 15, and 16 Gunnery Terrace

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- (3) The second condition is that the development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- (4) In this section, “building” includes any structure.

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15 Extension of permitted development rights

- (1) Article 3(10) of the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (exception from permission in case of development for which environmental assessment required) shall not apply to development—
- (a) which falls within a class of development described in Part 15, 16, 17, 24 or 25 of Schedule 2 to that Order as permitted development, and
 - (b) in relation to which information contained in a statement specified for the purposes of this paragraph constituted at the time of the statement's deposit or publication an environmental statement within the meaning of the EIA regulations.
- (2) The following are the statements specified for the purposes of subsection (1)(b)—
- (a) the statement deposited in connection with the Crossrail Bill in the Private Bill Office of the House of Commons in February 2005 in pursuance of Standing Order 27A of the Standing Orders of the House of Commons relating to private business (environmental assessment);
 - (b) the statements containing additional environmental information published in connection with the Crossrail Bill by the Secretary of State, notice of the publication of which was published in the London Gazette on 27th May 2005, 18th January, 9th May, 8th November 2006 and 16th May 2007.
- (3) Schedule 8 (which contains supplementary provisions) has effect.

Modifications etc. (not altering text)

- C9** S. 15 applied (with modifications) (E.W.S.) (11.3.2014) by [The Crossrail \(Paddington Station Bakerloo Line Connection\) Order 2014 \(S.I. 2014/310\)](#), arts. 1, 18, [Sch. 6 paras. 1-3](#)
- C10** S. 15 applied (21.4.2015) by [The Crossrail \(Plumstead Sidings\) Order 2015 \(S.I. 2015/781\)](#), art. 1, [Sch. 4 para. 1\(a\)](#)

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