



Growth and Infrastructure Act 2013

2013 CHAPTER 27

Other infrastructure provisions

23 Removal of Planning Act 2008 consent and certification requirements

- (1) The Planning Act 2008 is amended as follows.
- (2) In section 127 (compulsory acquisition of statutory undertakers' land, and rights over statutory undertakers' land)—
 - (a) in subsection (2), for the words from "Secretary of State" to the end substitute "Secretary of State is satisfied of the matters set out in subsection (3).";
 - (b) in subsection (5), for the words from "Secretary of State" to the end substitute "Secretary of State is satisfied of the matters set out in subsection (6).";
 - (c) omit subsection (7).
- (3) Section 137 (consent of statutory undertakers etc required to extinguishment of right of way over land on which they have apparatus) is repealed.
- (4) In section 138 (extinguishment of rights, and removal of apparatus, of statutory undertakers etc)—
 - (a) in subsection (4), for the words from "only if" to the end substitute "only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.";
 - (b) after subsection (4) insert—
 - (4A) In this section "statutory undertakers" means persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of TCPA 1990.
 - (4B) In this section the following terms have the meanings given in paragraph 1(1) of Schedule 17 to the Communications Act 2003—
 - "electronic communications apparatus";
 - "electronic communications code";
 - "electronic communications code network";
 - "operator".

Status: This is the original version (as it was originally enacted).

(c) omit subsections (5) and (6).

(5) In Schedule 12 (modifications of Act in its application to Scotland), in paragraph 18, for “Section 137(7)” substitute “Section 138(4A)”.