



High Speed Rail (West Midlands - Crewe) Act 2021

CHAPTER 2

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) ACT 2021

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- 13 Temporary possession and use of land
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Status: Point in time view as at 11/02/2021.

Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021. (See end of Document for details)

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SCHEDULES

SCHEDULE 1 — Scheduled works

Construction and maintenance of works

- 1 (1) The scheduled works must be constructed—

Description of scheduled works

County of Staffordshire, District of Lichfield, Parish of Kings Bromley
—...

SCHEDULE 2 — Works

Authority to survey and investigate land etc

- 1 (1) The nominated undertaker may for the purposes of this...

Support of buildings and apparatus etc

- 2 (1) The nominated undertaker may support or strengthen a building...
- 3 (1) The nominated undertaker may, at any time within the...
- 4 (1) The nominated undertaker may, for a purpose mentioned in...

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5 (1) The nominated undertaker may replace, support or strengthen apparatus...

6 (1) This paragraph has effect for the purposes of paragraphs...

Trees on neighbouring land

7 (1) This paragraph applies where— (a) a tree overhangs land...

Exercise of powers of entry under paragraphs 2 to 7

8 (1) This paragraph applies where the nominated undertaker has a...

Noise mitigation for buildings

9 (1) The nominated undertaker may carry out noise mitigation works...

Discharge of water

10 (1) The nominated undertaker may use any watercourse or any...

Temporary interference with waterways

11 (1) The powers under this paragraph are exercisable in relation...

Electronic communications apparatus

12 (1) The nominated undertaker may, in installing any electronic communications...

SCHEDULE 3 — Overhead line diversions

SCHEDULE 4 — Highways

PART 1 — HIGHWAY ACCESS

1 (1) The nominated undertaker may, for Phase 2a purposes—

PART 2 — INTERFERENCE WITH HIGHWAYS

Stopping up

2 (1) The nominated undertaker may, for the purposes of or...

3 (1) The nominated undertaker may, for the purposes of or...

Effect of stopping up of highway

4 (1) On a highway or part of a highway being...

Creation of public rights of way over new footpaths, bridleways etc

5 (1) This paragraph applies where a footpath, bridleway or other...

Deviation of new footpaths, bridleways etc

6 (1) This paragraph applies where the nominated undertaker, in exercise...

Permanent obstruction

7 (1) The powers under section 2(1), (3) and (5) may...

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Temporary interference

- 8 (1) For the purposes of the works authorised by this...

Street works

- 9 (1) The nominated undertaker may, for the purposes of the...
10 (1) Works executed under this Act in relation to a...

Working sites in highways

- 11 Any highway or part of a highway which is stopped...
PART 3 — CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

Construction and alteration

- 12 (1) Where under this Act the nominated undertaker—
13 (1) Sub-paragraph (2) applies where under this Act the nominated...
14 (1) Where under this Act the nominated undertaker is authorised...
15 (1) This paragraph applies in relation to a work authorised...

Roads constructed as highways

- 16 (1) This paragraph applies where under this Act the nominated...

Maintenance

- 17 (1) Sub-paragraph (2) applies where under this Act the nominated...
18 Where the nominated undertaker is responsible for maintaining a
bridge...
19 Section 58(1) and (2) of the Highways Act 1980 (special...
20 Notwithstanding anything in section 46 of the Railways Clauses
Consolidation...

Bridges carrying highways

- 21 Each of sections 116 and 117 of the Transport Act...

SCHEDULE 5 — Highways: tables relevant to Part 2 of Schedule 4

SCHEDULE 6 — Acquisition of land for particular purposes
The purposes for which land specified in the following table...

SCHEDULE 7 — Acquisition of land: application of compulsory purchase
legislation

Land Clauses Consolidation Act 1845 (c. 18)

- 1 The Land Clauses Consolidation Act 1845 does not apply to...

Compulsory Purchase Act 1965 (c. 56)

- 2 (1) In its application by virtue of section 4(3), the...

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

- 3 In its application by virtue of section 4(4), the Compulsory...

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Acquisition of Land Act 1981 (c. 67)

4 (1) Section 4 of the Acquisition of Land Act 1981...

SCHEDULE 8 — Land where powers of acquisition are limited to acquisition of rights or imposition of restrictive covenants

SCHEDULE 9 — Acquisition of rights in land etc: application of compulsory purchase legislation

Compulsory Purchase Act 1965 and compensation enactments

1 Part 1 of the Compulsory Purchase Act 1965 (referred to...

2 (1) The modifications referred to in paragraph 1(a) are as...

Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments

3 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981...

4 (1) The modifications referred to in paragraph 3(1)(a) are as...

Schedule 9 to High Speed Rail (London - West Midlands) Act 2017

5 In paragraph 2 of Schedule 9 to the High Speed...

SCHEDULE 10 — Acquisition of rights in land: substituted Schedule 2A for Compulsory Purchase Act 1965

This is the version of Schedule 2A to the Compulsory...

SCHEDULE 11 — Land where powers of acquisition are limited to sub-surface acquisition

Restriction of power of compulsory acquisition to land under the surface

1 In the case of land specified in the following table,...

Supplementary

2 (1) Paragraph 1 is subject to the power to impose...

SCHEDULE 12 — Highways: restrictions on powers to use subsoil and acquire land

SCHEDULE 13 — Right to require acquisition where time limit extended

1 (1) If the Secretary of State makes an order under...

2 (1) Sub-paragraph (2) applies if a person with a qualifying...

3 (1) Where a person gives the Secretary of State a...

4 (1) References in this Schedule to the “applicable compulsory acquisition...

SCHEDULE 14 — Extinction of rights over land

Land to which Schedule applies

1 This Schedule applies to— (a) land within the Act limits...

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Private rights

- 2 (1) All private rights over land within paragraph 1(a) are...
3 (1) The Secretary of State may, in relation to a...
4 (1) Any person who suffers loss by the extinction of...

General rights

- 5 (1) All general rights over land within paragraph 1(a) are...
6 (1) The Secretary of State may, in relation to a...

Meaning of “the appropriate time”

- 7 (1) References in this Schedule to “the appropriate time” are...

Amendments to registers of common land or town or village greens

- 8 (1) This paragraph applies where— (a) the Secretary of State...

Interpretation

- 9 In this Schedule— (a) references to section 11(1) of the...

SCHEDULE 15 — Temporary possession and use of land
PART 1 — TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

Right to enter on and take possession of land

- 1 (1) The nominated undertaker may enter on and take possession...

Exceptions

- 2 (1) Paragraph 1(2) does not apply in relation to—

Powers exercisable on land of which temporary possession has been taken

- 3 (1) Where under paragraph 1(1) or (2) the nominated undertaker...

Procedure and compensation

- 4 (1) Not less than 28 days before entering upon and...
5 (1) Before giving up possession of land of which possession...
PART 2 — TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS

Right to enter on and take possession of land

- 6 (1) At any time during the maintenance period relating to...

Procedure and compensation

- 7 (1) Not less than 28 days before entering upon and...
PART 3 — SUSPENSION OF RIGHTS AND ENFORCEMENT

Suspension of rights relating to land

- 8 (1) All private rights over land of which the nominated...
9 (1) All general rights over land of which the nominated...

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Enforcement

10 (1) Section 13 of the Compulsory Purchase Act 1965 (refusal...

SCHEDULE 16 — Temporary possession and use of land: table of land

SCHEDULE 17 — Conditions of deemed planning permission

PART 1 — CONDITIONS

Introductory

1 The requirements in paragraphs 2 to 12 are conditions of...

Condition relating to building works

2 (1) To the extent that development consists of building works,...

Condition relating to other construction works

3 (1) If the relevant planning authority is a qualifying authority,...

Condition relating to matters ancillary to development

4 (1) If the relevant planning authority is a qualifying authority,...

5 (1) The Secretary of State may for the purposes of...

Condition relating to road transport

6 (1) Where— (a) the relevant planning authority is a qualifying...

Conditions relating to waste and spoil disposal and excavation

7 (1) If the relevant planning authority is a qualifying authority,...

8 (1) If the relevant planning authority is a qualifying authority,...

Conditions on bringing scheduled works and depots into use

9 (1) If the relevant planning authority is a qualifying authority,...

10 Where the relevant planning authority approves a scheme for the...

Condition relating to discontinuation of ancillary operations

11 Where development consists of or includes the carrying out on...

Condition relating to site restoration

12 (1) The nominated undertaker must, after discontinuation of the use...

PART 2 — QUALIFYING AUTHORITIES

Specification of qualifying authorities

13 (1) As soon after the day on which this Act...

Transition

14 (1) Regulations under paragraph 13 may contain such transitional provision...

PART 3 — APPROVALS: SUPPLEMENTARY

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Requests for planning approval

- 15 A planning authority may only grant approval under Part 1...
16 (1) A planning authority need not consider a request for...

Fees for requests for approval

- 17 (1) The appropriate Ministers may by regulations make provision about...

Consultation on requests for approval

- 18 (1) This paragraph applies where a planning authority considers that...

Directions restricting powers of approval

- 19 (1) The appropriate Ministers may by directions restrict a planning...

Compulsory reference of requests for approval

- 20 (1) The appropriate Ministers may by directions require a planning...

Non-material changes to approvals

- 21 (1) A planning authority may at the request of the...

Termination of approval relating to road transportation arrangements

- 22 (1) An approval under paragraph 6 of arrangements relating to...

Appeals

- 23 (1) Where the nominated undertaker is aggrieved by a decision...
24 (1) Unless the appropriate Ministers direct otherwise, their functions in...
25 The decision of the person appointed under paragraph 24 or, ...
26 (1) An appeal under paragraph 23 is to be dealt...

Guidance by Secretary of State

- 27 (1) The Secretary of State may give guidance to planning...

PART 4 — SUPPLEMENTARY AND GENERAL

Regulations

- 28 (1) Regulations under this Schedule may make different provision for...

Interpretation

- 29 In this Schedule— “appropriate Ministers” means the Secretary of State...

SCHEDULE 18 — Listed buildings

Buildings authorised to be demolished, altered or extended

- 1 (1) This paragraph applies to— (a) a listed building which—...

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Buildings in respect of which noise mitigation works are authorised

- 2 (1) This paragraph applies to a listed building which—

Damage to buildings

- 3 Section 59 of the Listed Buildings and Conservation Areas Act...

Power to disapply provision made by paragraphs 1 to 3

- 4 (1) The Secretary of State may by regulations make any...

Heritage partnership agreements

- 5 The provisions of any agreement under section 26A of the...

Inspection and observation of works

- 6 (1) Any person duly authorised in writing by the Historic...

Recording of buildings

- 7 (1) The nominated undertaker must not carry out decontrolled works...
8 (1) Following the giving of a notice under paragraph 7(1)...

Interpretation

- 9 (1) In this Schedule— “building” and “listed building” have the...

Tables

TABLE 1: buildings authorised to be demolished, altered or extended...

SCHEDULE 19 — Ancient monuments

Disapplication of controls

- 1 (1) This paragraph has effect in relation to the Ancient...
2 (1) The consent of the nominated undertaker is required for...

Power to disapply provision made by paragraphs 1 and 2

- 3 (1) The Secretary of State may by regulations make any...

Inspection and observation of works etc

- 4 (1) Any person duly authorised in writing by the Commission...

Interpretation

- 5 In this Schedule, references to “the Commission” are to the...

SCHEDULE 20 — Burial grounds

Notice of removal of remains or monument

- 1 (1) Before removing from the land in question any remains...

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Removal of remains under licence

- 2 (1) In the case of remains in relation to which...

Removal of remains by nominated undertaker

- 3 (1) In the case of remains in relation to which...
4 (1) In the case of remains in relation to which...
5 (1) In the case of remains in relation to which...

Removal of monuments

- 6 (1) Where a licence to remove any remains is issued...
7 (1) Where any remains are removed under a licence under...

Records

- 8 (1) Where any remains in relation to which paragraph 1(1)...

Discharge of functions by nominated undertaker

- 9 (1) Where the nominated undertaker removes remains in relation to...
10 The Secretary of State may give such directions as the...

Relatives and personal representatives

- 11 (1) In this Schedule, references to a relative of the...

SCHEDULE 21 — Water

Water abstraction and impounding

- 1 The restriction imposed by section 24(1) of WRA 1991 (restriction...
2 Section 25 of WRA 1991 (restrictions on impounding) does not...
3 (1) Section 48A(1) of WRA 1991 (duty not to cause...

No environmental permit required for operating regulated facility etc

- 4 (1) Regulation 12(1) of the Environmental Permitting Regulations
(which requires...

Floods

- 5 Paragraph 5 of Schedule 1 to FWMA 2010 (consent required...

Drainage

- 6 Paragraph 7 of Schedule 3 to FWMA 2010 (approval required...

Eels

- 7 Part 4 of the Eels (England and Wales) Regulations 2009...

Interpretation

- 8 In this Schedule— “abstraction” has the same meaning as in...

SCHEDULE 22 — Buildings

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Building regulations

1 (1) Nothing in— (a) Part 1 of the 1984 Act...

Drain repairs

2 In section 61 of the 1984 Act—

Drain disconnections

3 Where works described in section 62(1)(a), (b) or (c) of...

Raising of chimneys

4 (1) This paragraph applies where— (a) the nominated undertaker is...

Construction of cellars and rooms below subsoil water level

5 (1) Section 74(1) of the 1984 Act (which requires local...

Demolition of whole or part of building

6 Sections 80(2)(b), 81 and 82 of the 1984 Act (which...

Interpretation

7 In this Schedule— “the 1984 Act” means the Building Act...

SCHEDULE 23 — Party walls etc

1 In this Schedule, “the 1996 Act” means the Party Wall...

2 No notice under section 1(2) or (5) of the 1996...

3 Sections 1(6) and 2 of the 1996 Act (rights of...

4 No party structure notice under section 3 of the 1996...

5 Section 6 of the 1996 Act (underpinning of adjoining buildings)...

6 (1) Where— (a) a building owner (within the meaning of...

7 (1) This paragraph applies where a dispute arises or is...

8 (1) Where, by virtue of paragraph 6, work to which...

SCHEDULE 24 — Street works

Works in or near highways

1 (1) Section 141 of the Highways Act 1980 (restriction on...

Street works

2 (1) The powers conferred by section 56(1) and (1A) of...

Permit schemes

3 (1) Nothing in Part 3 of the Traffic Management Act...

SCHEDULE 25 — Lorries

Lorry ban orders

1 (1) In this Schedule, “lorry ban order” means an order...

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Required provision in lorry ban orders

- 2 (1) If a lorry ban order does not contain the...

Issue of emergency permits

- 3 (1) This paragraph applies where a person proposes to undertake...
4 (1) An authority responsible for dealing with permits under a...

Grant of applications for permit

- 5 (1) This paragraph applies where an application for the issue...

Supplementary interpretation

- 6 (1) In this Schedule— “approved arrangements” means arrangements approved for...

SCHEDULE 26 — Noise

Control of noise on construction sites

- 1 (1) In the Control of Pollution Act 1974, sections 60...

Defences to proceedings relating to statutory nuisance

- 2 In proceedings for an offence under section 80(4) of the...
3 (1) Where proceedings are brought under section 82(1) of the...
4 Section 61(9) of the Control of Pollution Act 1974 (consent...

SCHEDULE 27 — Local Acts

Cheshire County Council Act 1968 (c. xxxvi)

- 1 Section 12 of the Cheshire County Council Act 1968 (prohibition...

Cheshire County Council Act 1980 (c. xiii)

- 2 (1) Section 12 of the Cheshire County Council Act 1980...

Staffordshire Act 1983 (c. xviii)

- 3 (1) Section 7 of the Staffordshire Act 1983 (plans for...

SCHEDULE 28 — Application of other railway legislation etc

Highway (Railway Crossings) Act 1839 (c. 45)

- 1 The Highway (Railway Crossings) Act 1839 does not apply to...

Railway Regulation Act 1840 (c. 97)

- 2 (1) In its application to Phase 2a of High Speed...

Railway Regulation Act 1842 (c. 55)

- 3 Section 9 of the Railway Regulation Act 1842 does not...

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Railways Clauses Consolidation Act 1845 (c. 20)

- 4 (1) The following provisions only of the Railways Clauses Consolidation...

Regulation of Railways Act 1889 (c. 57)

- 5 In its application to Phase 2a of High Speed 2,...

British Transport Commission Act 1949 (c xxix)

- 6 (1) Section 55 of the British Transport Commission Act 1949...

SCHEDULE 29 — Arbitration between railway operators

Directions as to results to be achieved

- 1 (1) This paragraph applies where a difference is referred under...

Directions as to consolidation and grouping of proceedings

- 2 (1) The Secretary of State may, on request or otherwise,...

SCHEDULE 30 — Traffic regulation

Traffic authority to consult Secretary of State before making traffic regulation order

- 1 (1) This paragraph applies where— (a) the traffic authority for...
2 (1) The Secretary of State may by notice designate—
3 (1) Paragraph 1(2) ceases to apply in relation to a...

Power of Secretary of State to direct traffic authority to make traffic regulation order

- 4 (1) The Secretary of State may give a direction to...
5 (1) This paragraph applies where, in pursuance of a direction...
6 (1) This paragraph applies where, in pursuance of a direction...

Further powers of Secretary of State (including in relation to variation or revocation of orders)

- 7 (1) The Secretary of State may direct a traffic authority...
8 (1) Where a traffic authority fails to comply with a...
9 (1) The Secretary of State may by order made by...
10 (1) This paragraph applies to an order under paragraph 8...

Power to restrict traffic authority from making or implementing traffic regulation order

- 11 (1) The Secretary of State may give a direction to...

Consultation requirements applicable to Secretary of State

- 12 (1) The Secretary of State must consult a traffic authority—...

Guidance

- 13 (1) The Secretary of State must prepare a statement setting...

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Removal of vehicles

- 14 (1) An authorised person may remove a vehicle, or arrange...

Interpretation

- 15 In this Schedule— “road” has the same meaning as in...

SCHEDULE 31 — Extension of planning permission for statutory undertakers

Case where planning permission extended

- 1 (1) Article 3(10) of the General Permitted Development Order (which...

Condition of extended planning permission

- 2 (1) Planning permission granted by virtue of paragraph 1 is...

Controls on proposed development

- 3 (1) Where— (a) it appears to the Secretary of State...
4 (1) Where it appears to the Secretary of State that—...

Notices

- 5 (1) A notice under this Schedule must—

SCHEDULE 32 — Protective provisions

PART 1 — HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part have effect, unless...
2 Wherever in this Part provision is made with respect to...
3 In exercising the powers conferred by this Act in relation...
4 (1) This paragraph applies to the construction of any tunnel,...
5 In the construction of any part of the works to...
6 (1) The provisions of this paragraph have effect in relation...
7 The nominated undertaker must— (a) secure that so much of...
8 (1) Any officer of the highway authority duly appointed for...
9 (1) The nominated undertaker must not alter, disturb or in...
10 The nominated undertaker must not remove any soil or material...
11 (1) If the highway authority, after giving to the nominated...
12 The nominated undertaker must not, except with the consent of...
13 The nominated undertaker must, if reasonably so required by the...
14 (1) Where any part of any highway has been broken...
15 (1) This paragraph applies where damage to any highway or...
16 The fact that any act or thing may have been...
17 (1) Any dispute arising between the nominated undertaker and the...

PART 2 — ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

- 18 (1) The following provisions of this Part have effect, unless...
19 (1) The following provisions of this paragraph have effect in...
20 (1) This paragraph applies where— (a) the nominated undertaker for...
21 (1) Any alternative apparatus to be constructed by the undertakers...
22 (1) This paragraph applies where— (a) the manner of construction...
23 (1) This paragraph applies where the nominated undertaker gives notice...
24 (1) This paragraph applies where, in accordance with the provisions...
25 (1) Not less than 28 days before commencing to construct...

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- 26 (1) If in consequence of the exercise of the powers...
- 27 Where, in consequence of this Act, any part of any...
- 28 (1) Subject to the following provisions of this paragraph, the...
- 29 (1) This paragraph applies where, by reason of the construction...
- 30 In any case where Network Rail Infrastructure Limited (“Network Rail”)...
- 31 (1) Any dispute arising between the nominated undertaker and the...
- PART 3 — ELECTRONIC COMMUNICATIONS CODE NETWORKS
- 32 (1) The following provisions of this Part have effect, unless...
- 33 (1) Subject to sub-paragraph (2), Part 10 of the electronic...
- 34 The temporary stopping up or diversion of any highway under...
- 35 (1) Where a highway is stopped up under paragraph 2...
- 36 (1) Where the nominated undertaker or the Secretary of State...
- 37 (1) Sub-paragraph (2) applies where, by reason of the construction...
- 38 In any case where Network Rail Infrastructure Limited (“Network Rail”)...
- 39 (1) Any dispute arising between the nominated undertaker and an...
- PART 4 — LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES
- 40 (1) The following provisions of this Part have effect, unless...
- 41 (1) Before beginning to construct any specified work, the nominated...
- 42 (1) This paragraph applies to any request for approval of...
- 43 The requirements which the drainage authority may make under paragraph...
- 44 (1) Any specified work, and all protective works required by...
- 45 (1) Subject to sub-paragraph (5) the nominated undertaker must from...
- 46 (1) If by reason of the construction of any specified...
- 47 (1) The nominated undertaker must take all such measures as...
- 48 (1) The nominated undertaker must indemnify the drainage authority from...
- 49 Nothing in paragraph 48 requires the nominated undertaker to indemnify...
- 50 The fact that any work or thing has been executed...
- 51 Any dispute arising between the nominated undertaker and the drainage...
- PART 5 — CANAL & RIVER TRUST
- 52 (1) The following provisions of this Part have effect, unless...
- 53 The Secretary of State must not under the powers under...
- 54 (1) Before beginning to construct any specified work, the nominated...
- 55 (1) Any specified work, and any protective works required by...
- 56 (1) The nominated undertaker must not deposit any polluting material...
- 57 In its application to the discharge of water into the...
- 58 (1) If as a result of the construction of any...
- 59 (1) If any canal work is abandoned, Canal & River...
- 60 (1) The nominated undertaker must indemnify Canal & River Trust...
- 61 (1) Nothing in paragraph 60 is to impose any liability...
- 62 (1) Any dispute arising between the nominated undertaker and Canal...

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