



High Speed Rail (West Midlands - Crewe) Act 2021

2021 CHAPTER 2

Miscellaneous and general

55 Environmental Impact Assessment Regulations: miscellaneous

- (1) The Environmental Impact Assessment Regulations have effect as if the definition of “EIA development” in regulation 2(1) included any development not included in paragraph (a) or (b) of the definition where—
 - (a) the development 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) the development does not have deemed planning permission under section 17(1),
 - (c) the development is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (d) the development would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- (2) In regulation 9 of the Environmental Impact Assessment Regulations (subsequent applications where environmental information previously provided)—
 - (a) in paragraph (1)(b)(ii), for the words from “section 10(1)” to “covenants)” substitute “a qualifying enactment”, and
 - (b) after paragraph (1) insert—

“(1A) In paragraph (1)(b)(ii), “qualifying enactment” means—

 - (a) section 10(1) of the Crossrail Act 2008,
 - (b) section 20(1) or 50(5)(a) of the High Speed Rail (London - West Midlands) Act 2017, or
 - (c) section 17(1) or 47(3)(a) of the High Speed Rail (West Midlands - Crewe) Act 2021.”

56 Arbitration

- (1) Where under this Act any difference is to be referred to arbitration, the difference is to be referred to, and settled by, a single arbitrator who is—
 - (a) to be agreed between the parties, or
 - (b) in default of agreement, to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers.
- (2) Subsection (3) applies where—
 - (a) a party has under subsection (1) applied for the arbitrator to be appointed by the President of the Institution of Civil Engineers, and
 - (b) the President notifies either of the parties that he or she is not going to appoint an arbitrator under subsection (1).
- (3) In default of agreement between the parties as to who in the circumstances should be the arbitrator, the arbitrator is to be appointed on the application of either party, after notice to the other, by the Office of Rail and Road.
- (4) The Office of Rail and Road may under subsection (3) appoint a member or employee of that Office as the arbitrator.
- (5) The Secretary of State for Housing, Communities and Local Government and the Secretary of State for Transport acting jointly may by rules make provision about procedure in relation to arbitration under this Act.
- (6) Rules under subsection (5) must be made by statutory instrument; and a statutory instrument containing such rules is subject to annulment in pursuance of a resolution of either House of Parliament.

57 Notices and other documents

- (1) A notice or other document required or authorised to be given to a person for the purposes of this Act may be given by—
 - (a) transmitting the text of the notice or document to the person by agreed electronic means (for example, by email to an agreed address),
 - (b) delivering it to the person or sending it by post to the person at the person's last known address,
 - (c) if the person is a body corporate, delivering it to the secretary of the body corporate or sending it by post to the secretary of the body corporate at its registered or principal office within the United Kingdom, or
 - (d) if the person is a partnership, delivering it to a partner of the partnership or a person having control or management of the partnership business, or sending it by post to such a partner or person at the principal office of the partnership.
- (2) For the purposes of subsection (1), any person to whom a notice or other document is to be given may specify a different address within the United Kingdom as the one to which the notice or document must be sent.
- (3) Where a notice or document is given to a person in accordance with subsection (1)(a) and, within 7 days of receiving it, the person requests a copy of the notice or document in printed form, the sender must provide such a copy as soon as reasonably practicable.
- (4) Subsection (5) applies where—

- (a) a document is required or authorised to be given to a person for the purposes of this Act as the owner of an interest in, or occupier of, any land, and
 - (b) the person's name or address cannot be ascertained after reasonable enquiry.
- (5) The document may be given to the person by addressing it to the person by name or by the description of "owner" or "occupier" (as the case may be) of the land and—
- (a) leaving it with a person who is, or appears to be, resident or employed on the land, or
 - (b) leaving it conspicuously affixed to some building or object on or near the land.
- (6) Any notice given for the purposes of this Act must be in writing.
- (7) In this section—
- "secretary", in relation to a local authority within the meaning of the Local Government Act 1972, means the proper officer within the meaning of that Act;
 - references to giving a document include similar expressions (such as serving).

58 Resumption of previous use of land

- (1) This section applies where the nominated undertaker discontinues development of land in accordance with deemed planning permission under—
- (a) section 20(1) or 50(5)(a) of the High Speed Rail (London - West Midlands) Act 2017, or
 - (b) section 17(1) or 47(3)(a) of this Act.
- (2) Planning permission is not required for the resumption, at the relevant time, of the use of the land for the purpose for which it was normally used immediately before the land started to be developed in accordance with the deemed planning permission.
- (3) For the purposes of subsection (2), "the relevant time" is the time when the nominated undertaker discontinues development of the land in accordance with the deemed planning permission.
- (4) Section 57(2) of TCPA 1990 (which also makes provision disapplying the requirement for planning permission where a previous use is resumed) does not apply in a case where subsection (2) has effect.

59 Ancient woodland

- (1) The nominated undertaker must prepare and publish annual reports about the impact of the construction of each Phase of High Speed 2 on ancient woodland.
- (2) A report must contain—
- (a) information about the impact on ancient woodland of the construction of each Phase of High Speed 2 during the period to which the report relates;
 - (b) such other information as may be specified by the Secretary of State.
- (3) The first report must be published before the end of the period of one year beginning with the day on which this Act comes into force.
- (4) Subsequent reports must be published before the end of the period of one year beginning with the day on which the previous report was published.

- (5) A report is not required in relation to a Phase of High Speed 2 in respect of a period during which no construction works take place for that Phase.
- (6) The nominated undertaker must publish reports under this section in such manner as the nominated undertaker considers appropriate.
- (7) In this section “Phase of High Speed 2” means—
 - (a) Phase One of High Speed 2 (within the meaning of section 1 of the High Speed Rail (London - West Midlands) Act 2017);
 - (b) Phase 2a of High Speed 2;
 - (c) any other railway line which forms part of the high speed railway transport network referred to in section 1 of the High Speed Rail (Preparation) Act 2013.

60 Consultation with residents and stakeholders in relation to Phase 2a of High Speed 2 and associated works

- (1) Before 1 May 2021, the Secretary of State must publish the report of a consultation with—
 - (a) residents of the County of Shropshire, the County of Staffordshire, the County of Cheshire and any other areas deemed relevant by a Minister of the Crown, who may be impacted by the scheduled works, Phase 2a of High Speed 2, and associated works; and
 - (b) any stakeholders deemed relevant by a Minister of the Crown.
- (2) The consultation must ask the views of residents and stakeholders listed in subsection (1) in regard to—
 - (a) the impact of road traffic as a result of the works;
 - (b) the impact of the works on the natural environment, including but not limited to the impact on ancient woodland;
 - (c) whether there are sufficient transport provisions for the purposes of passengers connecting to Phase 2a of High Speed 2, and to address changes to general passenger movements caused by the works; and
 - (d) if not, whether the construction of new railway stations and improvements to railway stations, including any associated reopening of lines, is necessary in relation to paragraph (c).
- (3) The report must be laid before both Houses of Parliament and a Minister of the Crown must make a statement to both Houses detailing any steps which will be taken to implement the findings of the report.