



# High Speed Rail (London - West Midlands) Act 2017

## CHAPTER 7

### HIGH SPEED RAIL (LONDON - WEST MIDLANDS) ACT 2017

#### *Works*

- 1 Power to construct and maintain works for Phase One of High Speed 2
- 2 Further provision about works
- 3 Highways

#### *Compulsory acquisition of land*

- 4 Power to acquire land compulsorily
- 5 Acquisition of rights in land
- 6 Acquisition of part of land
- 7 Acquisition of airspace
- 8 Acquisition of subsoil or under-surface
- 9 Highway subsoil
- 10 Termination of power to acquire land
- 11 Amendments consequential on the Housing and Planning Act 2016

#### *Extinction and exclusion of rights over land*

- 12 Extinction of rights over land
- 13 Extinction of rights of statutory undertakers
- 14 Exclusion of new rights of way

#### *Temporary possession and use of land*

- 15 Temporary possession and use of land
- 16 Use of roads

- 17 Cranes
- 18 Enforcement of restrictions on land use
- 19 Compensation for injurious affection

#### *Planning*

- 20 Deemed planning permission
- 21 Time limit on deemed planning permission
- 22 Power to disapply deemed planning permission
- 23 Parking at Birmingham Interchange: limit on deemed planning permission
- 24 Development consent

#### *Deregulation*

- 25 Listed buildings
- 26 Ancient monuments
- 27 Burial grounds
- 28 Consecrated land
- 29 Commons and open spaces
- 30 Trees
- 31 Overhead lines
- 32 Water
- 33 Buildings
- 34 Street works
- 35 Traffic
- 36 Lorries
- 37 Noise
- 38 Local Acts

#### *Railway matters*

- 39 Objectives of Office of Rail and Road
- 40 Disapplication of licensing requirement in pre-operational phase
- 41 Disapplication of statutory closure provisions
- 42 Other railway legislation etc
- 43 Co-operation
- 44 Transfer of functions relating to works

#### *Nominated undertaker and other Phase One function-holders*

- 45 Nominated undertaker
- 46 Transfer schemes

#### *Statutory undertakers*

- 47 Extension of planning permission for statutory undertakers
- 48 Protective provisions

#### *Reinstatement and environmental works*

- 49 Compulsory acquisition of land for relocation
- 50 Power to carry out reinstatement works
- 51 Enforcement of environmental covenants

*Further high speed rail works*

- 52 Works in Scotland for Phase One purposes
- 53 Power to apply Act to further high speed rail works
- 54 Rights of entry for further high speed rail works
- 55 Exercise of rights of entry

*Grants*

- 56 Grants for affected communities and businesses etc

*The Crown*

- 57 Application of powers to Crown land
- 58 Highways for which Secretary of State is highway authority
- 59 Crown Estate
- 60 Royal parks

*Deposited plans and sections*

- 61 “Deposited plans” and “deposited sections”
- 62 Correction of deposited plans

*Miscellaneous and general*

- 63 Environmental Impact Assessment Regulations
- 64 Arbitration
- 65 Notices and other documents
- 66 Vocational qualifications

*Interpretation*

- 67 “Phase One purposes”
- 68 Interpretation

*Final*

- 69 Financial provision
- 70 Commencement and short title

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SCHEDULES

SCHEDULE 1 — Scheduled works

- 1 Construction requirements
- Description of scheduled works

SCHEDULE 2 — Works

Part 1 — FURTHER AND SUPPLEMENTARY PROVISIONS

- 1 Authority to survey and investigate land etc
- 2 Support of buildings
- 3 (1) The nominated undertaker may, at any time within the...
- 4 (1) The nominated undertaker may, for a purpose mentioned in...
- 5 (1) Paragraphs 2 to 4 apply in relation to—
- 6 (1) This paragraph has effect for the purposes of paragraphs...
- 7 Trees on neighbouring land

- 8 Discharge of water
- 9 Temporary interference with waterways
- 10 Electronic communications apparatus
- 11 Level crossings
  - Part 2 — EXERCISE OF POWERS OF ENTRY ETC
- 12 (1) This paragraph applies where the nominated undertaker has a...
- 13 (1) This paragraph applies where the nominated undertaker proposes to...
- 14 (1) Where the nominated undertaker exercises any power under paragraphs...

### SCHEDULE 3 — Overhead line diversions

### SCHEDULE 4 — Highways

#### Part 1 — HIGHWAY ACCESS

- 1 (1) The nominated undertaker may, for Phase One purposes—

#### Part 2 — INTERFERENCE WITH HIGHWAYS

- 2 Stopping-up
- 3 (1) The nominated undertaker may, for the purposes of or...
- 4 (1) On a highway or part of a highway being...
- 5 Permanent obstruction
- 6 Temporary interference
- 7 Street works
- 8 (1) Works executed under this Act in relation to a...
- 9 Working sites in highways
  - Part 3 — CONSTRUCTION AND MAINTENANCE OF HIGHWAYS
- 10 Construction and alteration
- 11 (1) Sub-paragraph (2) applies where under this Act the nominated...
- 12 (1) Where under this Act the nominated undertaker is authorised...
- 13 (1) This paragraph applies in relation to a work authorised...
- 14 Maintenance
- 15 Where the nominated undertaker is responsible for maintaining a bridge...
- 16 Section 58(1) and (2) of the Highways Act 1980 (special...
- 17 Notwithstanding anything in section 46 of the Railways Clauses Consolidation...
- 18 Bridges carrying highways
  - Part 4 — TABLES RELATING TO PART 2 OF SCHEDULE

### SCHEDULE 5 — Acquisition of land for particular purposes

### SCHEDULE 6 — Acquisition of land: application of compulsory purchase legislation

- 1 Land Clauses Consolidation Act 1845 (c. 18)
- 2 Compulsory Purchase Act 1965 (c. 56)
- 3 Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)
- 4 Acquisition of Land Act 1981 (c. 67)

### SCHEDULE 7 — Acquisition of rights in land: power to impose restrictive covenants

### SCHEDULE 8 — Land in which only rights may be acquired compulsorily

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

- 1 Compulsory Purchase Act 1965 and compensation enactments
- 2 (1) The modifications referred to in paragraph 1(a) are as...
- 3 Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments
- 4 (1) The modifications referred to in paragraph 3(1)(a) are as...

SCHEDULE 10 — Acquisition of part of land only

- 1 (1) The person to whom the notice to treat mentioned...
- 2 (1) If, on a reference under paragraph 1(4), the Upper...
- 3 (1) Where under paragraph 2 a notice to treat is...

SCHEDULE 11 — Land with restrictions relating to surface acquisition

- 1 Restriction of power of compulsory acquisition to land under the surface
- 2 Restriction of power of compulsory acquisition to land under the surface or rights of passage
- 3 Supplementary

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 — Amendments consequential on the Housing and Planning Act 2016

- 1 Omit section 6.
- 2 In section 7(2) (acquisition of airspace), for paragraphs (a) and...
- 3 In section 8(2) (acquisition of subsoil or under-surface), for paragraphs...
- 4 In section 49 (compulsory acquisition of land for relocation)—
- 5 (1) Paragraph 2 of Schedule 6 (acquisition of land: application...
- 6 For paragraph 3 of Schedule 6 (acquisition of rights in...
- 7 This is the section referred to in paragraph 3(a) of...
- 8 (1) Paragraph 2 of Schedule 9 (acquisition of rights in...
- 9 In paragraph 4 of Schedule 9 (acquisition of rights in...
- 10 Omit Schedule 10.

SCHEDULE 15 — Extinction of rights over land

- 1 Land to which Schedule applies
- 2 Private rights
- 3 (1) The Secretary of State may, in relation to a...
- 4 (1) Any person who suffers loss by the extinction of...
- 5 General rights
- 6 (1) The Secretary of State may, in relation to a...
- 7 Meaning of “the appropriate time”
- 8 Amendments to registers of common land or town or village greens
- 9 Interpretation

## SCHEDULE 16 — Temporary possession and use of land

## Part 1 — TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

- 1 Right to enter upon and take possession of land
- 2 Exceptions
- 3 Powers exercisable on land of which temporary possession has been taken
- 4 Procedure and compensation
- 5 (1) Before giving up possession of land of which possession...
- 6 (1) The Secretary of State may make regulations modifying the...

## Part 2 — TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS

- 7 Right to enter upon and take possession of land
- 8 Procedure and compensation

## Part 3 — SUSPENSION OF RIGHTS AND ENFORCEMENT

- 9 Suspension of rights relating to land
- 10 (1) All general rights over land of which the nominated...
- 11 Enforcement

## Part 4 — LAND WHICH MAY BE OCCUPIED AND USED FOR CONSTRUCTION OF WORKS

## SCHEDULE 17 — Conditions of deemed planning permission

## Part 1 — CONDITIONS

- 1 Introductory
- 2 Condition relating to building works
- 3 Condition relating to other construction works
- 4 Condition relating to matters ancillary to development
- 5 (1) The Secretary of State may for the purposes of...
- 6 Condition relating to road transport
- 7 Conditions relating to waste and soil disposal and excavation
- 8 (1) If the relevant planning authority is a qualifying authority,...
- 9 Conditions on bringing scheduled works and depots into use
- 10 Where the relevant planning authority approves a scheme for the...
- 11 Condition relating to discontinuation of ancillary operations
- 12 Condition relating to site restoration

## Part 2 — QUALIFYING AUTHORITIES

- 13 Specification of qualifying authorities
- 14 Transition

## Part 3 — APPROVALS: SUPPLEMENTARY

- 15 Requests for planning approval
- 16 (1) A planning authority need not consider a request for...
- 17 Fees for requests for approval
- 18 Consultation on requests for approval
- 19 Directions restricting powers of approval
- 20 Compulsory reference of requests for approval
- 21 Non-material changes to approvals
- 22 Appeals
- 23 (1) Unless the appropriate Ministers direct otherwise, their functions in...
- 24 The decision of the person appointed under paragraph 23, or,...
- 25 (1) An appeal under paragraph 22 is to be dealt...
- 26 Guidance by Secretary of State

## Part 4 — SUPPLEMENTARY AND GENERAL

- 27 Mayoral development corporations
- 28 The Secretary of State may make regulations modifying the operation...

- 29 Regulations and orders
- 30 Interpretation

#### SCHEDULE 18 — Listed buildings

- 1 Buildings authorised to be demolished, altered or extended
- 2 Buildings authorised to be altered or extended for heritage or monitoring purposes
- 3 Damage to buildings
- 4 Power to disapply provision made by paragraphs 1 to 3
- 5 Heritage partnership agreements
- 6 Inspection and observation of works
- 7 Recording of buildings
- 8 (1) Following the giving of a notice under paragraph 7(1)...
- 9 Interpretation
- Tables

#### SCHEDULE 19 — Ancient monuments

- 1 Disapplication of controls
- 2 (1) The power of entry under section 36(1) of the...
- 3 Power to disapply provision made by paragraphs 1 and 2
- 4 Inspection and observation of works etc
- 5 Interpretation

#### SCHEDULE 20 — Burial grounds

- 1 Notice of removal of remains or monument
- 2 Removal of remains under licence
- 3 Removal of remains by nominated undertaker
- 4 (1) In the case of remains in relation to which...
- 5 (1) In the case of remains in relation to which...
- 6 Removal of monuments
- 7 (1) Where any remains are removed under a licence under...
- 8 Records
- 9 Discharge of functions by nominated undertaker
- 10 The Secretary of State may give such directions as the...
- 11 Relatives and personal representatives

#### SCHEDULE 21 — Water

- 1 Water abstraction and impounding
- 2 Section 25 of WRA 1991 (restrictions on impounding) does not...
- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause...
- 4 Structures in, over or under a main river
- 5 Floods
- 6 Drainage
- 7 Communication with public sewers in London
- 8 Eels
- 9 Interpretation

#### SCHEDULE 22 — Buildings

- 1 Building regulations
- 2 Drain repairs
- 3 Drain disconnections
- 4 Raising of chimneys
- 5 Construction of cellars and rooms below subsoil water level

## 6 Interpretation

### 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

- 1 Works in or near highways
- 2 Street works
- 3 Permit schemes

### SCHEDULE 25 — Traffic regulation

- 1 Traffic authority to consult Secretary of State before making traffic regulation order
- 2 (1) The Secretary of State may by notice designate—
- 3 (1) Paragraph 1(2) ceases to apply in relation to a...
- 4 Power of Secretary of State to direct traffic authority to make traffic regulation order
- 5 (1) This paragraph applies where, in pursuance of a direction...
- 6 (1) This paragraph applies where, in pursuance of a direction...
- 7 Further powers of Secretary of State (including in relation to variation or revocation of orders)
- 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...
- 11 Power to restrict traffic authority from making or implementing traffic regulation order
- 12 Consultation requirements applicable to Secretary of State
- 13 Guidance
- 14 Removal of vehicles
- 15 Interpretation

### SCHEDULE 26 — Lorries

- 1 Lorry ban orders
- 2 Required provision in lorry ban orders
- 3 Issue of emergency permits
- 4 (1) An authority responsible for dealing with permits under a...
- 5 Grant of applications for permit
- 6 Supplementary interpretation

### SCHEDULE 27 — Noise

- 1 Control of noise on construction sites
- 2 Defences to proceedings relating to statutory nuisance
- 3 (1) Where proceedings are brought under section 82(1) of the...
- 4 The following provisions of the Control of Pollution Act 1974—...

### SCHEDULE 28 — Local Acts



- 1 London Squares Preservation Act 1931 (c. xciii)
- 2 London Overground Wires &c. Act 1933 (c. xliv)
- 3 London Building Acts (Amendment) Act 1939 (c. xcvi)
- 4 West Midlands County Council Act 1980 (c. xi)
- 5 Staffordshire Act 1983 (c. xviii)
- 6 Oxfordshire Act 1985 (c. xxxiv)
- 7 Greater London Council (General Powers) Act 1986 (c. iv)

SCHEDULE 29 — Application of other railway legislation etc

- 1 Highway (Railway Crossings) Act 1839 (c. 45)
- 2 Railway Regulation Act 1840 (c. 97)
- 3 Railway Regulation Act 1842 (c. 55)
- 4 Railways Clauses Consolidation Act 1845 (c. 20)
- 5 Railways Clauses Act 1863 (c. 92)
- 6 Regulation of Railways Act 1889 (c. 57)
- 7 British Transport Commission Act 1949 (c. xxix)
- 8 North Pole Depot

SCHEDULE 30 — Arbitration between railway operators

- 1 Directions as to results to be achieved
- 2 Directions as to consolidation and grouping of proceedings

SCHEDULE 31 — Transfer schemes: further provision

- 1 Property, rights and liabilities
- 2 The power under section 46 to make a scheme for...
- 3 Transfer of employees and continuity of employment
- 4 (1) This paragraph applies where— (a) a transfer scheme provides...
- 5 (1) If a transfer scheme provides for the transfer of...
- 6 Where a person holds employment in the civil service of...
- 7 Provision for contraventions etc to be treated as not occurring
- 8 (1) This paragraph applies where a transfer scheme provides for...
- 9 Power to modify interests, rights and liabilities of third parties
- 10 (1) Where a person would (apart from this paragraph) have...
- 11 Obligations to enter into agreements or execute instruments
- 12 Supplementary provisions of schemes
- 13 Effect of scheme
- 14 Modification of scheme by agreement
- 15 Provision of information to person making scheme
- 16 Agreements relating to schemes
- 17 Power to make provision about tax consequences of schemes
- 18 Interpretation

SCHEDULE 32 — Extension of planning permission for statutory undertakers

- 1 Case where planning permission extended
- 2 Condition of extended planning permission
- 3 Controls on proposed development
- 4 (1) Where it appears to the Secretary of State that—...
- 5 Notices
- 6 Mayoral development corporations: regulations

SCHEDULE 33 — 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...
- 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), paragraph 23 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 — CANAL & RIVER TRUST
- 40 (1) The following provisions of this Part have effect, unless...
- 41 The Secretary of State must not under the powers under...
- 42 (1) Before beginning to construct any specified work, the nominated...
- 43 (1) Any specified work, and any protective works required by...
- 44 (1) The nominated undertaker must not deposit any polluting material...
- 45 In its application to the discharge of water into the...
- 46 (1) If as a result of the construction of any...
- 47 (1) If any canal work is abandoned, Canal & River...
- 48 (1) The nominated undertaker must indemnify Canal & River Trust...

- 49 (1) Nothing in paragraph 48 is to impose any liability...
- 50 (1) Any dispute arising between the nominated undertaker and Canal...  
Part 5 — LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND  
FISHERIES
- 51 (1) The following provisions of this Part have effect, unless...
- 52 (1) Before beginning to construct any specified work, the nominated...
- 53 The requirements which the drainage authority may make under  
paragraph...
- 54 (1) Any specified work, and all protective works required by...
- 55 (1) Subject to sub-paragraph (5) the nominated undertaker must from...
- 56 (1) If by reason of the construction of any specified...
- 57 (1) The nominated undertaker must take all such measures as...
- 58 (1) The nominated undertaker must indemnify the drainage authority  
from...
- 59 Nothing in paragraph 58 requires the nominated undertaker to  
indemnify...
- 60 The fact that any work or thing has been executed...
- 61 Any dispute arising between the nominated undertaker and the  
drainage...