



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

## 2017 CHAPTER 7

### *Deregulation*

#### **25 Listed buildings**

Schedule 18 contains provision for the disapplication or modification of controls relating to listed buildings.

#### **26 Ancient monuments**

Schedule 19 contains provision for the disapplication or modification of controls relating to ancient monuments.

#### **27 Burial grounds**

- (1) Nothing in any enactment relating to burial grounds and no obligation or restriction imposed under ecclesiastical law or otherwise has effect to prohibit, restrict or impose any condition on the use of any land comprised in a burial ground for the purpose of constructing any of the works authorised by this Act.
- (2) Subsection (1) does not apply where the use of the land for that purpose would involve disturbing human remains which are buried in it, unless the remains and any monument to the deceased have been dealt with in accordance with Schedule 20.
- (3) In this section and Schedule 20 “monument” includes a tombstone or other memorial; and references to a monument to a person are to a monument commemorating that person, whether alone or with any other person.

**28 Consecrated land**

- (1) No obligation or restriction imposed under ecclesiastical law or otherwise in relation to consecrated land has effect to prohibit, restrict or impose any condition on the exercise of the powers conferred by this Act with respect to works.
- (2) Subsection (1) does not apply in relation to the use of land comprised in a burial ground for the purpose of constructing any of the works authorised by this Act.

**29 Commons and open spaces**

No enactment regulating the use of commons, town or village greens, open spaces or allotments, and no enactment specially regulating any land of any of those kinds, prevents or restricts—

- (a) the doing of anything for Phase One purposes on land held by the Secretary of State or the nominated undertaker for those purposes,
- (b) the exercise of any right of entry under this Act (or the doing of anything pursuant to such a right of entry), or
- (c) the doing of anything in exercise of any other power under this Act.

**30 Trees**

- (1) The enactments specified in subsection (2) do not apply to—
  - (a) tree works which are carried out in relation to a tree growing on land within the Act limits for the purposes of or in connection with the construction of the works authorised by this Act, or
  - (b) tree works which are carried out in relation to a tree growing on land used for Phase One purposes and are necessary—
    - (i) to enable works authorised by this Act to be maintained, or
    - (ii) for reasons of safety in connection with such works or the operation of Phase One of High Speed 2.
- (2) The enactments referred to in subsection (1) are—
  - (a) an order under section 198(1) or 202(1) of the Town and Country Planning Act 1990 and regulations under section 202A(1) of that Act (tree preservation orders), and
  - (b) section 211(1) and (5) of that Act (preservation of trees in conservation areas).
- (3) In this section, “tree works” means works consisting of the removal, topping or lopping of a tree or the cutting back of the roots of a tree.

**31 Overhead lines**

- (1) Section 37(1) of the Electricity Act 1989 (which requires the consent of the Secretary of State in relation to overhead lines) does not apply in relation to an electric line where—
  - (a) the line is installed above land within the Act limits, and
  - (b) the installation of the line—
    - (i) is a work authorised by this Act, and
    - (ii) has deemed planning permission under section 20(1).
- (2) Where section 37(1) of the Electricity Act 1989 applies in relation to an electric line—

- (a) the installation of which is a work authorised by this Act, or
- (b) which is installed, or is to be installed, for the purposes of, in connection with or in consequence of the construction of any work authorised by this Act,

Schedule 8 to that Act (procedure for obtaining consent) has effect as if paragraph 2(2) (public inquiry to be held where planning authority object to consent application) were omitted.

- (3) The installation of an electric line by a person other than the nominated undertaker is to be treated for the purposes of subsection (1)—
  - (a) as a work authorised by this Act, and
  - (b) as having deemed planning permission under section 20(1),if, were it carried out by the nominated undertaker, it would be a work authorised by this Act and would have such permission.
- (4) The installation of an electric line for the purposes of, in connection with or in consequence of the construction of any work authorised by this Act does not require consent under the Planning Act 2008 (development consent).
- (5) In this section, “electric line” has the same meaning as in Part 1 of the Electricity Act 1989 (see section 64 of that Act).

## **32 Water**

Schedule 21 contains provision about water abstraction and impounding and other matters related to water and drainage.

## **33 Buildings**

- (1) Schedule 22 contains provision about the application of various provisions of the Building Act 1984 and building regulations.
- (2) Schedule 23 contains provision about the application of the Party Wall etc Act 1996.

## **34 Street works**

Schedule 24 disapplies various controls relating to works in or near streets and highways.

## **35 Traffic**

Schedule 25 contains provision relating to traffic regulation.

## **36 Lorries**

Schedule 26 contains provision about the use of heavy commercial vehicles.

## **37 Noise**

Schedule 27 contains provision about—

- (a) noise on construction sites, and
- (b) noise which constitutes a statutory nuisance.

**38 Local Acts**

Schedule 28 disapplies various controls under local Acts relating to London, Oxfordshire, Staffordshire and the West Midlands.