
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (London - West Midlands) Act 2017, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 16

TEMPORARY POSSESSION AND USE OF LAND

PART 1

TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

Procedure and compensation

- 5 (1) Before giving up possession of land of which possession has been taken under paragraph 1(1) or (2), the nominated undertaker must, in accordance with a scheme agreed with the owners of the land and the relevant planning authority, put the land into such condition as the scheme may provide.
- (2) If no scheme has been agreed for the purposes of this paragraph within 6 months of the date of completion mentioned in paragraph 4(2) in relation to the land, the scheme is to be such as may be determined by the appropriate Ministers after consulting the nominated undertaker, the owners of the land and the relevant planning authority.
- (3) Unless the owners of the land and the nominated undertaker otherwise agree, a scheme determined under sub-paragraph (2) must provide for land to be restored to its former condition.
- (4) Sub-paragraph (3) does not require land on which works referred to in paragraph 1(1)(b) or 3(1)(d) have been constructed to be restored to its former condition.
- (5) Unless the nominated undertaker otherwise agrees, a scheme determined under sub-paragraph (2) may not provide for the nominated undertaker to replace a structure removed under paragraph 3, other than a fence.
- (6) Where the appropriate Ministers ask the relevant planning authority for assistance in connection with the carrying out by them of their function under sub-paragraph (2), they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which it reasonably incurs in meeting the request.
- (7) The duty under sub-paragraph (1) in relation to any land is owed separately to the owners of the land and to the relevant planning authority.
- (8) Where a scheme for the purposes of this paragraph provides for any step to be taken by the nominated undertaker before a specified date and that step has not been taken before that date, the relevant planning authority may—
- (a) enter the land concerned and take that step, and
 - (b) require the nominated undertaker to reimburse to it any expenses which it reasonably incurs in acting under paragraph (a).
- (9) In this paragraph—

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““appropriate Ministers”” means the Secretary of State for [^{F1}Levelling Up, Housing and Communities] and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly;

““relevant planning authority”” means the unitary authority or, in a non-unitary area, the district council in whose area the land is situated.

(10) But where—

- (a) the unitary authority in whose area the land is situated is a London borough council, and
- (b) as a result of a Localism Act TCPA order, a Mayoral development corporation is the local planning authority for the purposes of Part 3 of the Town and Country Planning Act 1990 for that area,

the relevant planning authority is the Mayoral development corporation instead of the London borough council.

Textual Amendments

- F1** Words in [Sch. 16 para. 5\(9\)](#) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), [Sch. 2 para. 25\(b\)](#) (with art. 12)

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