



# High Speed Rail (West Midlands - Crewe) Act 2021

## CHAPTER 2

### HIGH SPEED RAIL (WEST MIDLANDS - CREWE) ACT 2021

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- 1 Power to construct and maintain works for Phase 2a 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 and imposition of restrictive covenants
- 6 Acquisition of airspace
- 7 Acquisition of subsoil or under-surface
- 8 Highway subsoil
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- 10 Extinction of rights over land
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- 13 Temporary possession and use of land
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- 35 Disapplication of licensing requirement in pre-operational phase
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- 41 Nominated undertaker

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- 50 Application of powers to Crown land
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- 52 Crown Estate

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- 53 “Deposited plans” and “deposited sections”
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- 63 Financial provision
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SCHEDULES

SCHEDULE 1 — Scheduled works

- 1 Construction and maintenance of works
- Description of scheduled works

SCHEDULE 2 — Works

- 1 Authority to survey and investigate land etc
- 2 Support of buildings and apparatus etc
- 3 (1) The nominated undertaker may, at any time within the...
- 4 (1) The nominated undertaker may, for a purpose mentioned in...
- 5 (1) The nominated undertaker may replace, support or strengthen apparatus...
- 6 (1) This paragraph has effect for the purposes of paragraphs...
- 7 Trees on neighbouring land
- 8 Exercise of powers of entry under paragraphs 2 to 7
- 9 Noise mitigation for buildings
- 10 Discharge of water
- 11 Temporary interference with waterways
- 12 Electronic communications apparatus

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

- 2 Stopping up

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

- 4 Effect of stopping up of highway

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

- 6 Deviation of new footpaths, bridleways etc

- 7 Permanent obstruction

- 8 Temporary interference

- 9 Street works

- 10 (1) Works executed under this Act in relation to a...

- 11 Working sites in highways

## PART 3 — CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

- 12 Construction and alteration

- 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...

- 16 Roads constructed as highways

- 17 Maintenance

- 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...

- 21 Bridges carrying highways

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

## SCHEDULE 6 — Acquisition of land for particular purposes

## SCHEDULE 7 — 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 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

- 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...

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

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

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

- 1 Restriction of power of compulsory acquisition to land under the surface
- 2 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 — 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 15 — Temporary possession and use of land

PART 1 — TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

- 1 Right to enter on 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...

PART 2 — TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS

- 6 Right to enter on and take possession of land
- 7 Procedure and compensation

PART 3 — SUSPENSION OF RIGHTS AND ENFORCEMENT

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

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

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 spoil 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 Termination of approval relating to road transportation arrangements
- 23 Appeals
- 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...
- 27 Guidance by Secretary of State
  - PART 4 — SUPPLEMENTARY AND GENERAL
- 28 Regulations
- 29 Interpretation

#### SCHEDULE 18 — Listed buildings

- 1 Buildings authorised to be demolished, altered or extended
- 2 Buildings in respect of which noise mitigation works are authorised
- 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 consent of the nominated undertaker is required for...
- 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 No environmental permit required for operating regulated facility etc
- 5 Floods
- 6 Drainage
- 7 Eels
- 8 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 Demolition of whole or part of building
- 7 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 — 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 26 — 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 Section 61(9) of the Control of Pollution Act 1974 (consent...

## SCHEDULE 27 — Local Acts

- 1 Cheshire County Council Act 1968 (c. xxxvi)
- 2 Cheshire County Council Act 1980 (c. xiii)
- 3 Staffordshire Act 1983 (c. xviii)

## SCHEDULE 28 — 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 Regulation of Railways Act 1889 (c. 57)
- 6 British Transport Commission Act 1949 (c. xxix)

## SCHEDULE 29 — Arbitration between railway operators

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

## SCHEDULE 30 — 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 31 — 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

## 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...
- 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...