

High Speed Rail (West Midlands - Crewe) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as Bill 6 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Chris Grayling has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the High Speed Rail (West Midlands - Crewe) Bill are compatible with the Convention rights.

High Speed Rail (West Midlands - Crewe) Bill

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Make provision for a railway between a junction with Phase One of High Speed 2, near Fradley Wood in Staffordshire, and a junction with the West Coast Main Line near Crewe in Cheshire; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Works

1 Power to construct and maintain works for Phase 2a of High Speed 2

- (1) The nominated undertaker may construct and maintain the works specified in Schedule 1, being—
- (a) works for the construction of a railway between— 5
 - (i) a junction with Phase One of High Speed 2 near Fradley Wood in Staffordshire, and
 - (ii) a junction with the West Coast Main Line near Crewe in Cheshire,
 - (b) other railway works which are required for the purposes of— 10
 - (i) the railway mentioned in paragraph (a), or
 - (ii) a high speed railway transport system of which that railway forms or is to form part, and
 - (c) works consequent on, or incidental to, works within paragraph (a) or (b). 15
- (2) In this Act, the works specified in Schedule 1 are called the “scheduled works”.
- (3) References in this Act to “Phase 2a of High Speed 2” are to the railway mentioned in subsection (1)(a).
- (4) In subsection (1)(a), “Phase One of High Speed 2” has the same meaning as in the High Speed Rail (London - West Midlands) Act 2017 (see section 1(3) of that Act). 20

2 Further provision about works

- (1) The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for Phase 2a purposes, do any of the following within the Act limits—
- (a) carry out and maintain railway electrification and signalling works; 5
 - (b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, buildings, apparatus, plant and machinery as may be necessary or expedient;
 - (c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or expedient; 10
 - (d) demolish the whole or part of any building or structure;
 - (e) alter or remove any structure erected upon any highway or adjoining land; 15
 - (f) alter, or alter the position of, railway track and any apparatus associated with railway track;
 - (g) install or alter, or alter the position of, other apparatus, including mains, sewers, drains and cables;
 - (h) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses; 20
 - (i) carry out and maintain such other works, of whatever description, as may be necessary or expedient.
- (2) Subsection (1) does not authorise the making of any cut for drainage purposes which is more than 3.4 metres wide at the bottom. 25
- (3) The nominated undertaker may within the Act limits—
- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, and
 - (b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Act. 30
- (4) Schedule 2 contains further and supplementary provision about works.
- (5) Without prejudice to subsection (1)(g), the nominated undertaker may, for the purposes of or in connection with the works authorised by this Act, undertake the electric line diversions and other works specified in the table in Schedule 3. 35

3 Highways

- (1) The powers conferred on the nominated undertaker under this Act with respect to works may not be exercised in relation to a highway for which a strategic highways company is the highway authority unless the company consents. 40
- (2) Schedule 4 contains provision about—
- (a) highway access;
 - (b) power to stop up and interfere with highways;
 - (c) construction and maintenance of highways.
- (3) Schedule 5 contains tables that are relevant to the powers exercisable under Part 2 of Schedule 4. 45

*Compulsory acquisition of land***4 Power to acquire land compulsorily**

- (1) The Secretary of State may acquire compulsorily so much of the land within the Act limits as may be required for Phase 2a purposes.
- (2) Schedule 6 contains provision about the particular purposes for which land within the limits of land to be acquired or used may be acquired under subsection (1). 5
- (3) Part 1 of the Compulsory Purchase Act 1965, so far as not inconsistent with this Act, applies to an acquisition of land under subsection (1) –
 - (a) as it applies to a compulsory purchase to which Schedule 1 to the Acquisition of Land Act 1981 applies, and 10
 - (b) as if this Act were a compulsory purchase order under that Act.
- (4) The Compulsory Purchase (Vesting Declarations) Act 1981 applies as if this Act were a compulsory purchase order.
- (5) Schedule 7 contains further provision about the application of compulsory purchase legislation. 15

5 Acquisition of rights and imposition of restrictive covenants

- (1) The power under section 4(1) includes power –
 - (a) to acquire such easements or other rights over land to which the power relates as may be required for Phase 2a purposes, by – 20
 - (i) creating new easements or other rights, or
 - (ii) acquiring easements or other rights already in existence;
 - (b) to impose such restrictive covenants over land to which the power relates as may be required for Phase 2a purposes.
- (2) In the case of land specified in the table in Schedule 8, the power under section 4(1) may be exercised only in either or both of the following ways – 25
 - (a) so as to acquire rights for purposes specified in relation to the land in column (3) of the table;
 - (b) so as to impose restrictive covenants for such specified purposes.
- (3) The Secretary of State may by order provide that section 4(1), so far as relating to compulsory acquisition by virtue of this section, is to be treated as also authorising acquisition of rights or imposition of restrictive covenants by such person as may be specified in the order. 30
- (4) The power to make an order under subsection (3) includes power to make an order varying or revoking any order previously made under that subsection. 35
- (5) Schedules 9 and 10 contain provision about the application of compulsory purchase legislation to a compulsory acquisition where rights are acquired or restrictive covenants imposed.

6 Acquisition of airspace

- (1) The power under section 4(1) in relation to land may be exercised in relation to the airspace over the land only. 40

- (2) The following do not apply in connection with the exercise of the power under section 4(1) in relation to airspace only –
- (a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
 - (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);
 - (c) section 153(4A) of TCPA 1990 (blighted land: proposed acquisition of part interest - material detriment test).
- 7 Acquisition of subsoil or under-surface**
- (1) The power under section 4(1) in relation to land may be exercised in relation to the subsoil or under-surface of the land only. 10
- (2) The following do not apply in connection with the exercise of the power under section 4(1) in relation to subsoil or under-surface only –
- (a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat); 15
 - (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);
 - (c) section 153(4A) of TCPA 1990 (blighted land: proposed acquisition of part interest - material detriment test).
- (3) Subsection (2) is to be disregarded where the power under section 4(1) is exercised in relation to a cellar, vault, arch or other construction forming part of a house, building or factory. 20
- (4) Schedule 11 contains provision which in certain cases restricts the power under section 4(1) to the subsoil or under-surface of land.
- 8 Highway subsoil** 25
- (1) The nominated undertaker may enter upon, take and use for the purposes of the works authorised by this Act so much of the subsoil of any highway within the Act limits as is required for the purposes of the construction or maintenance of those works, without being required to acquire that subsoil or any interest in it. 30
- (2) Subsection (1) does not apply in relation to any cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway.
- (3) In the case of land specified in the table in Schedule 12 –
- (a) the power under subsection (1) is not exercisable in relation to the subsoil of a highway comprised in the land, and
 - (b) the power under section 4(1) is not exercisable in relation to the land so far as the surface of the land is comprised in a highway. 35
- (4) Subsection (3)(b) does not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where –
- (a) the building is within the Act limits, and
 - (b) the power under section 4(1) is exercisable in relation to the building. 40

- (5) In the case of a highway comprised in land specified in the table in paragraph 1 of Schedule 11, the power under subsection (1) is exercisable only in relation to so much of the subsoil of the highway as lies more than 9 metres beneath the level of the surface of the highway.
- (6) The restrictions imposed by subsections (3) and (5) on the power under subsection (1) do not affect the power under paragraph 9(1) of Schedule 4 (power of nominated undertaker to enter upon highway to carry out certain street works). 5
- (7) The nominated undertaker must compensate any person who – 10
- (a) is an owner or occupier of land in respect of which the power under subsection (1) is exercised, and
- (b) suffers loss by the exercise of that power.
- (8) Any dispute as to a person's entitlement to compensation under subsection (7), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 15
- (9) Compensation is not payable under subsection (7) to any person who is an undertaker to whom section 85 of the New Roads and Street Works Act 1991 applies (sharing of cost of necessary measures) in respect of measures of which the allowable costs are to be borne in accordance with that section.
- 9 Termination of power to acquire land 20**
- (1) After the end of the period of 5 years beginning with the day on which this Act is passed –
- (a) no notice to treat may be served under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and 25
- (b) no declaration may be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1).
- (2) The Secretary of State may by order extend the period under subsection (1) in relation to any land, but may only do so – 30
- (a) once, and
- (b) by not more than 5 years.
- (3) An order under subsection (2) is subject to special parliamentary procedure (as to which, see the Statutory Orders (Special Procedure) Act 1945).
- (4) Schedule 13 contains provision about a right to require acquisition where an order is made under subsection (2). 35

Extinction and exclusion of rights over land

10 Extinction of rights over land

Schedule 14 contains provision about the extinction of private and other rights over land. 40

11 Extinction of rights of statutory undertakers

- (1) Sections 271 to 273 of TCPA 1990 (extinguishment of rights of statutory undertakers etc) apply in relation to land held by the Secretary of State as being land which is required for or in connection with the works authorised by this Act as they apply in relation to land acquired or appropriated as mentioned in section 271(1) of that Act. 5
- (2) In their application by virtue of subsection (1) –
- (a) sections 271 to 273 of TCPA 1990 have effect as if references to the acquiring or appropriating authority were to the nominated undertaker, and 10
 - (b) sections 271 and 272 of that Act also have effect as if –
 - (i) in subsection (2), for the words from “with” to “appropriated” there were substituted “authorised by the High Speed Rail (West Midlands - Crewe) Act 2018”, and
 - (ii) in subsection (5), for the words from “local” to “or undertakers” there were substituted “a person other than a Minister, the Minister”. 15
- (3) Any reference in TCPA 1990 to section 271, 272 or 273 (including a reference to a provision of any of those sections) includes a reference to that section (or provision) as applied by subsection (1). 20
- (4) In their application by virtue of subsection (3) –
- (a) section 274(3) of TCPA 1990 has effect as if for “local authority or statutory undertakers” there were substituted “person”, and
 - (b) sections 274(5), 279(2) to (4) and 280(6) of that Act have effect as if references to the acquiring or appropriating authority were to the nominated undertaker. 25

12 Exclusion of new rights of way

- (1) No right of way may be acquired by prescription or user over land which –
- (a) forms an access or approach to any railway infrastructure, and
 - (b) falls within subsection (2). 30
- (2) Land falls within this subsection if it is within the Act limits and –
- (a) the land, or a right of way over the land, has been acquired under this Act,
 - (b) the land, or a right of way over the land, is acquired by the Secretary of State for Phase 2a purposes otherwise than under this Act on or after the day on which this Act comes into force, or
 - (c) the land, or a right of way over the land, was held by the Secretary of State for Phase 2a purposes immediately before that day. 35
- (3) In subsection (1), “railway infrastructure” means any building, structure, railway track or other work used, or intended to be used, for Phase 2a purposes. 40

*Temporary possession and use of land***13 Temporary possession and use of land**

Schedules 15 and 16 contain provision about temporary possession and use of land in connection with the works authorised by this Act.

14 Use of roads

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- (1) The nominated undertaker may use any road situated on land specified in the table in Schedule 8 for the passage of persons or vehicles (with or without materials, plant or machinery) for Phase 2a purposes.
- (2) The power under subsection (1) is exercisable on giving at least 7 days' notice (or, where access is urgently required, such notice as is reasonably practicable) to the owners and occupiers of the land. 10
- (3) But subsection (2) does not require notice to be given in relation to a road where notice under that subsection has already been given in relation to the road.
- (4) The power under subsection (1) may not be exercised after the end of 5 years beginning with the date on which Phase 2a of High Speed 2 is brought into general use. 15
- (5) The nominated undertaker must compensate the person having the management of a road to which subsection (1) applies for any loss which the person may suffer by reason of the exercise of the power under that subsection. 20
- (6) Any dispute as to a person's entitlement to compensation under subsection (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

15 Enforcement of restrictions on land use

- (1) This section applies where – 25
 - (a) a prohibition or restriction relating to the use of land is imposed by a covenant or agreement between a person interested in the land (“the promisor”) and the Secretary of State, and
 - (b) the covenant or agreement is made for Phase 2a purposes.
- (2) The Secretary of State may enforce the prohibition or restriction against persons deriving title from or under the promisor in respect of land to which it relates as if – 30
 - (a) the Secretary of State were possessed of adjacent land, and
 - (b) the covenant or agreement had been expressed to be made for the benefit of such land. 35
- (3) Section 2(c) of the Local Land Charges Act 1975 (under which a prohibition or restriction enforceable by a Minister of the Crown under a covenant or agreement is not a local land charge if binding on successive owners because made for the benefit of land of the Minister) does not apply to the prohibition or restriction. 40

16 Compensation for injurious affection

Section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of works under this Act by the nominated undertaker, as if for “acquiring authority have” there were substituted “nominated undertaker has”. 5

*Planning***17 Deemed planning permission**

- (1) Planning permission is deemed to be granted under Part 3 of TCPA 1990 for the carrying out of development authorised by this Act. 10
This is subject to the other provisions of this Act.
- (2) Where development authorised by this Act consists of the carrying out of a work which is not a scheduled work, subsection (1) does not apply if –
 - (a) the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, 15
 - (b) the development is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (c) the development is not covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill.
- (3) Schedule 17 imposes conditions on deemed planning permission under subsection (1). 20
- (4) Deemed planning permission under subsection (1) is specific planning permission for the purposes of section 264(3)(a) of TCPA 1990 (specific planning permission for development of statutory undertakers’ land relevant to whether the land is operational land). 25
- (5) Development which has deemed planning permission under subsection (1) is not development of a class for which planning permission is granted by the Town and Country Planning (General Permitted Development) Order 2015 (S.I. 2015/596) (or any instrument replacing that order).

18 Time limit on deemed planning permission 30

- (1) In relation to development consisting of the construction of a scheduled work, it is a condition of the deemed planning permission under section 17(1) that the development must be begun not later than the end of 10 years beginning with the day on which this Act is passed.
- (2) The Secretary of State may, in relation to any such development, by regulations extend the period within which the development must be begun by virtue of this section. 35
- (3) Regulations under subsection (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (4) Section 91 of TCPA 1990 (limit on duration of planning permission) does not apply to deemed planning permission under section 17(1).

19 Power to disapply deemed planning permission

- (1) The Secretary of State may by regulations provide, in relation to any work constructed in exercise of the powers conferred by this Act, that section 17(1) is not to apply to development consisting of operations for the maintenance or alteration of the work which are begun on or after a day specified in the regulations. 5
- (2) The Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (or any instrument replacing that order) has effect in relation to any development excepted from section 17(1) by subsection (1) as if this Act were a local Act. 10
- (3) Regulations under subsection (1) may make different provision for different cases.
- (4) Regulations under subsection (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made. 15

20 Development consent

The works authorised by this Act do not require consent under the Planning Act 2008 (development consent).

*Deregulation***21 Listed buildings and ancient monuments** 20

- (1) Schedule 18 contains provision for the disapplication or modification of controls relating to listed buildings.
- (2) Schedule 19 contains provision for the disapplication or modification of controls relating to ancient monuments.

22 Burial grounds 25

- (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. 30
- (3) In this section and Schedule 20— 35
- “burial ground” means—
- (a) a churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of burial, and
- (b) any other place of burial;
- “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. 40

23 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. 5
- (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.

24 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 – 10

- (a) the doing of anything for Phase 2a 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 15
- (c) the doing of anything in exercise of any other power under this Act.

25 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 20
- (b) tree works which are carried out in relation to a tree growing on land used for Phase 2a 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 2a of High Speed 2. 25
- (2) The enactments referred to in subsection (1) are –
- (a) an order under section 198(1) or 202(1) of TCPA 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). 30
- (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.

26 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 – 35
- (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 40
- (ii) has deemed planning permission under section 17(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. 5
- (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 10
 (b) as having deemed planning permission under section 17(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). 15
- (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).
- 27 Water**
- Schedule 21 contains provision about water abstraction and impounding and other matters related to water and drainage. 20
- 28 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. 25
- 29 Street works**
- Schedule 24 disapplies various controls relating to works in or near streets and highways.
- 30 Lorries** 30
- Schedule 25 contains provision about the use of heavy commercial vehicles.
- 31 Noise**
- Schedule 26 contains provision about –
 (a) noise on construction sites, and
 (b) noise which constitutes a statutory nuisance. 35
- 32 Local Acts**
- Schedule 27 disapplies various controls under local Acts relating to Staffordshire and Cheshire.

33 Community Infrastructure Levy

Liability to Community Infrastructure Levy under Part 11 of the Planning Act 2008 does not arise in relation to development authorised by this Act.

*Railway matters***34 Objectives of Office of Rail and Road** 5

- (1) The list of objectives in section 4(1) of the Railways Act 1993 (objectives of Office of Rail and Road and Secretary of State) is to be treated, in relation to the Office of Rail and Road only, as including the objective of facilitating the construction of Phase 2a of High Speed 2 and the railway works referred to in section 1(1)(b). 10
- (2) The Office of Rail and Road must consult the Secretary of State about the discharge of its duty under section 4(1) of the Railways Act 1993 so far as relating to that objective.
- (3) This section ceases to have effect on such day as the Secretary of State may specify by regulations. 15
- (4) Regulations under subsection (3) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made.

35 Disapplication of licensing requirement in pre-operational phase

- (1) Section 6(1) of the Railways Act 1993 (which prohibits any person from acting as the operator of a railway asset unless authorised by a licence under section 8 of that Act) does not apply in relation to – 20
 - (a) a railway asset, other than a train, which is constructed in exercise of the powers conferred under this Act but which is not yet ready for commercial use, or 25
 - (b) a train being used on a network where the network is a railway asset falling within paragraph (a).
- (2) For the purposes of subsection (1), a railway asset is to be taken to be ready for commercial use only if the Secretary of State has laid before Parliament notice of his or her determination that it is ready for such use. 30
- (3) The exemption granted by subsection (1) is an appropriate licence exemption for the purposes of section 122 of the Railways Act 1993 (which provides a defence to actions in nuisance etc to persons who hold a licence under section 8 of that Act or have an appropriate licence exemption).
- (4) In this section, “network”, “railway asset” and “train” have the same meaning as in Part 1 of the Railways Act 1993. 35

36 Disapplication of statutory closure provisions

- (1) The Secretary of State may at any time before Phase 2a of High Speed 2 is ready for commercial use direct that the statutory closure provisions (so far as otherwise relevant) are not to apply to any discontinuance which the Secretary of State considers necessary or expedient because of – 40

- (a) the carrying out or proposed carrying out of works authorised by this Act, or
 - (b) the proposed operation of Phase 2a of High Speed 2.
- (2) In subsection (1), “statutory closure provisions” means the following provisions of the Railways Act 2005— 5
- sections 22 to 25 (discontinuance of railway passenger services),
 - sections 26 to 28 (discontinuance of operation of passenger networks),
 - sections 29 to 31 (discontinuance of use or operation of stations), and
 - section 37 (discontinuance of experimental passenger services).
- (3) For the purposes of this section, Phase 2a of High Speed 2 is to be taken to be ready for commercial use only if the Secretary of State has laid before Parliament notice of his or her determination that it is ready for such use. 10

37 Other railway legislation etc

Schedule 28 contains provision about the application of railway legislation.

38 Co-operation 15

- (1) Where the nominated undertaker considers that a matter affects—
- (a) the construction, maintenance or operation of Phase 2a of High Speed 2, and
 - (b) the construction, maintenance or operation of a railway asset, or other railway facility, which is not a Phase 2a asset or facility, 20
- the nominated undertaker may by notice require a controller of the asset or facility to enter into an agreement with the nominated undertaker about how the matter is to be dealt with.
- (2) Where a controller of a railway asset, or other railway facility, that is not a Phase 2a asset or facility considers that a matter affects— 25
- (a) the construction, maintenance or operation of the asset or facility, and
 - (b) the construction, maintenance or operation of Phase 2a of High Speed 2,
- the controller may by notice require the nominated undertaker to enter into an agreement with the controller about how the matter is to be dealt with.
- (3) The terms of an agreement under subsection (1) or (2) are to be such as the nominated undertaker and the controller may agree or, in default of agreement, as may be determined by arbitration. 30
- (4) Schedule 29 contains provision about arbitration under subsection (3) (which is in addition to the general provision about arbitration in section 56).
- (5) For the purposes of this section, a railway asset or other railway facility is a “Phase 2a asset or facility” if— 35
- (a) in the case of a railway asset consisting of any train being used on a network, the network is comprised in Phase 2a of High Speed 2, and
 - (b) in any other case, if the railway asset or other railway facility is used, or intended for use, for Phase 2a purposes. 40
- (6) Subsections (1) and (2) do not apply in relation to—
- (a) a matter which pursuant to any enactment must or may be dealt with by the Office of Rail and Road, or

- (b) a matter relating to an agreement which pursuant to any provision of that or any other agreement must or may be dealt with by the Office of Rail and Road.
- (7) In this section –
- “controller”, in relation to a railway asset or facility, means – 5
- (a) the person having the management of the asset or facility for the time being, or
- (b) a person who owns, or has rights in relation to, the asset or facility;
- “network”, “railway asset” and “train” have the same meaning as in Part 1 of the Railways Act 1993; 10
- “railway facility” includes a maintenance depot, electrical supply facility or stabling facility.
- 39 Transfer of functions relating to works**
- (1) If for the purposes of this Act the Secretary of State acquires any land from a railway operator on which works authorised by any enactment are situated, the Secretary of State may by order provide for the transfer to the Secretary of State or the nominated undertaker of any power or duty which – 15
- (a) was previously exercisable by the railway operator, and
- (b) was conferred under an enactment. 20
- (2) The Secretary of State may by order provide for the further transfer, to the Secretary of State or the nominated undertaker, of a power or duty transferred under subsection (1) or this subsection.
- (3) If a railway operator acquires any land from the Secretary of State on which works authorised by this Act are situated, the Secretary of State may, with the consent of the railway operator, by order provide for the transfer to the railway operator of any duty under this Act relating to the works. 25
- (4) An order under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient in connection with the order. 30
- (5) In subsections (1) and (3), references to a railway operator are to a person who has the management for the time being of any network, station or light maintenance depot.
- (6) In this section, “light maintenance depot”, “network” and “station” have the same meaning as in Part 1 of the Railways Act 1993. 35

Traffic

40 Traffic

Schedule 30 contains provision relating to traffic regulation.

*Nominated undertaker***41 Nominated undertaker**

- (1) The Secretary of State may by regulations—
- (a) appoint a person specified in the regulations as the nominated undertaker for such purposes of such provisions of this Act as may be so specified; 5
 - (b) provide that an appointment under paragraph (a) ceases to have effect in such circumstances as may be specified in the regulations.
- (2) Where, in the case of any provision of this Act which refers to the nominated undertaker, there is any purpose of the provision for which no one has been appointed as the nominated undertaker under subsection (1), any reference in the provision to the nominated undertaker is to be read, in relation to that purpose, as a reference to the Secretary of State. 10
- (3) The Secretary of State may fetter the exercise of his or her discretion under subsection (1) by agreement with a person who is, or is proposed to be, specified in regulations under that subsection. 15
- (4) The Secretary of State may by regulations make such modifications of any provision of this Act referring to the Secretary of State, so far as applying for a purpose in relation to which subsection (2) has effect, as appear to the Secretary of State to be necessary or expedient in consequence of the Secretary of State's having functions by virtue of that subsection. 20
- (5) Regulations under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient.
- (6) Regulations under this section must be made by statutory instrument. 25
- (7) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.

*Statutory undertakers etc***42 Extension of planning permission for statutory undertakers**

Schedule 31 contains provision about certain works carried out by statutory undertakers, including provision extending the planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) for works covered by an environmental assessment. 30

43 Protective provisions

Schedule 32 contains provision protecting the interests of certain persons who may be affected by provisions of this Act. 35

44 Existing agreements

- (1) The agreements listed in subsection (2) apply in relation to the exercise of the powers conferred by this Act as they apply in relation to the exercise of the powers conferred by the High Speed Rail (London - West Midlands) Act 2017. 40

- (2) The agreements are –
- (a) the undertaking given on 25 February 2015 by the Secretary of State for Transport to the Commonwealth War Graves Commission;
 - (b) the undertaking given on 1 April 2015 by the Secretary of State for Transport to the Archbishops’ Council of Church House. 5
- (3) For the purposes of this section –
- (a) references in the agreements listed in subsection (2) to a provision of the Bill for the High Speed Rail (London - West Midlands) Act 2017 are to be read as references to the corresponding provision of this Act;
 - (b) references in those agreements to the promoter are to be read as references to the nominated undertaker; 10
 - (c) in the agreement referred to in subsection (2)(b), references to the Heritage Memorandum are to be read as references to the draft Heritage Memorandum prepared in connection with the High Speed Rail (West Midlands - Crewe) Bill or to any memorandum superseding that draft. 15

Reinstatement and environmental works

45 Compulsory acquisition of land for relocation of an undertaking

- (1) If the whole or part of any undertaking is displaced, or is likely to be displaced, as a result of the exercise of any power under this Act, the Secretary of State may acquire land compulsorily –
- (a) for the relocation of the undertaking, or
 - (b) in a case relating to part of an undertaking –
 - (i) for the relocation of the displaced part, or
 - (ii) for the purpose of providing land in substitution for the site of the displaced part. 25
- (2) For the purposes of subsection (1), the whole or part of an undertaking is displaced if the site on which it has previously been carried on is no longer reasonably capable of being used for the purposes of the undertaking.
- (3) The Acquisition of Land Act 1981 (which makes provision about a compulsory purchase to which that Act applies, including provision about the authorisation of a purchase and the assessment of compensation) applies to the compulsory acquisition of land under this section. 30
- (4) In relation to a compulsory acquisition under this section –
- (a) section 234 of TCPA 1990 (disposal of land) and section 236 of that Act (extinguishment of rights) apply as they apply where land is acquired as mentioned in those sections, 35
 - (b) sections 238, 239 and 241 of TCPA 1990 (use and development of consecrated land, burial grounds and open spaces) apply as if, in subsection (1)(a) of each of those sections, for “for any purpose for which he acquired the land” there were substituted “, or by any other person, for any purpose for which the land was acquired”, and 40
 - (c) section 245 of TCPA 1990 (modified application of Acquisition of Land Act 1981 and Compulsory Purchase Act 1965) applies as it applies where land is proposed to be acquired as mentioned in that section. 45

- (5) Sections 238, 239 and 241 of TCPA 1990 also apply as mentioned in subsection (4)(b) where land is acquired by the Secretary of State, otherwise than under this section, for a purpose for which land may be acquired under this section.
- (6) The power to acquire land compulsorily under this section includes power to acquire an easement or other right over land by creating a new easement or right. 5
- (7) Section 13(2), (3) and (5) of, and Part 2 of Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1976 (application of compulsory purchase legislation) apply to a compulsory acquisition by virtue of subsection (6) as they apply to an acquisition of rights by virtue of section 13(1) of that Act. 10
- (8) In this section, “undertaking” includes a business or facility.

46 Power to carry out reinstatement works

- (1) The nominated undertaker may, where the operation or use of the whole or part of an undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act, carry out reinstatement works within the Act limits. 15
- (2) For the purposes of this section, “reinstatement works” means works for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of the undertaking in question.
- (3) Where the power under subsection (1) is exercised for the purpose of carrying out temporary reinstatement works, it may be further exercised for the purpose of carrying out permanent reinstatement works. 20
- (4) In this section, “undertaking” includes a business or facility.

47 Planning permission: works involving reinstatement of undertaking

- (1) The Secretary of State may direct that section 17(1) (deemed planning permission for development authorised by this Act) does not apply in relation to development consisting of— 25
- (a) particular reinstatement works, or
 - (b) a particular scheduled work, where the construction of the work is for the purposes of or in connection with the reinstatement (whether on the same site or otherwise) of the whole or part of a relevant undertaking. 30
- (2) An undertaking is a “relevant undertaking” if the operation or use of the whole or part of the undertaking is discontinued or substantially impaired as a result of the exercise of any power under this Act.
- (3) Where a direction under subsection (1) has effect in relation to development, the Secretary of State may direct— 35
- (a) that planning permission for the development is deemed to be granted under Part 3 of TCPA 1990, subject to such conditions as may be specified in the direction (but see subsection (6));
 - (b) that, where the development has deemed planning permission under paragraph (a), such person as may be specified in the direction is to be treated as also being authorised to carry out the development. 40
- (4) The provisions of TCPA 1990 (other than section 92 and Part 12) apply in relation to deemed planning permission under subsection (3)(a) as if it had

- been granted by the Secretary of State on an application referred to the Secretary of State under section 77 of that Act.
- (5) Where development authorised by subsection (3)(a) consists of the carrying out of reinstatement works, section 18 (time limit on deemed planning permission) applies in relation to the development as it applies in relation to development consisting of the construction of a scheduled work. 5
- (6) The power in subsection (3)(a) does not apply in relation to development which—
- (a) is likely to have significant effects on the environment by virtue of factors such as its nature, size or location, 10
 - (b) is not exempt development within the meaning of the Environmental Impact Assessment Regulations, and
 - (c) is not covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill.
- (7) The Secretary of State must— 15
- (a) publish any direction under subsection (3)(a) in such manner as the Secretary of State thinks appropriate, and
 - (b) give copies of any such direction to—
 - (i) the owners and occupiers of the land to which the deemed planning permission relates, and 20
 - (ii) the unitary authority or, in a non-unitary area, the district council in whose area the development to which the direction relates is or is to be carried out.
- (8) Where development in relation to which a direction under subsection (1) has effect is carried out by a person other than the nominated undertaker— 25
- (a) section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of the works, as if for “acquiring authority have” there were substituted “person carrying out the works has”;
 - (b) section 6 of the Railways Clauses Consolidation Act 1845 (as applied by paragraph 4(1) of Schedule 28) has effect as if references to “the company” were to the person carrying out the works. 30
- (9) Directions given under this section may revoke or vary previous directions under this section.
- (10) In this section, “reinstatement works” and “undertaking” have the same meaning as in section 46. 35

48 Enforcement of environmental covenants

- (1) This section applies where—
- (a) a covenant relating to land is made between a person interested in the land (the “promisor”) and the Secretary of State, 40
 - (b) the covenant imposes on the promisor—
 - (i) an obligation (which may be an obligation to make payments) relating to the carrying out, maintenance, protection or enhancement of relevant environmental works in respect of the land, or 45
 - (ii) a prohibition or restriction relating to the use of the land, for the purposes of the maintenance, protection or enhancement of

- relevant environmental works which have been carried out in respect of the land, and
- (c) the covenant is made by an agreement (whether entered into before or after the day on which this Act is passed) which satisfies the requirements mentioned in subsection (6). 5
- (2) In this section –
- a covenant to which this section applies is referred to as an “environmental covenant”;
- an obligation, prohibition or restriction of a kind mentioned in subsection (1)(b) is referred to as a “qualifying provision” of an environmental covenant; 10
- “relevant environmental works” means –
- (a) landscaping or other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, or 15
- (b) works for the restoration of land affected by any of the works authorised by this Act,
- and may include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals.
- (3) The Secretary of State or an authorised person may enforce – 20
- (a) a qualifying provision of an environmental covenant, and
- (b) any ancillary obligation, prohibition or restriction imposed by the covenant on the promisor,
- against the promisor or persons deriving title from or under the promisor in respect of land (including Crown land) to which the covenant relates. 25
- (4) In subsection (3), “authorised person” means a person authorised by the Secretary of State (whether generally or in specified circumstances) to exercise the power under that subsection.
- (5) The reference in subsection (3)(b) to an ancillary obligation, prohibition or restriction imposed by an environmental covenant is a reference to an obligation, prohibition or restriction (other than one within subsection (1)(b)) which – 30
- (a) relates to land or relevant environmental works to which the covenant relates, and
- (b) is imposed – 35
- (i) to enable works authorised by this Act or relevant environmental works to be maintained, or
- (ii) for reasons of safety in connection with such works or the operation of Phase 2a of High Speed 2.
- (6) The agreement by which an environmental covenant is made must – 40
- (a) describe the qualifying provision or provisions of the covenant and the relevant environmental works to which the covenant relates,
- (b) identify the land to which the covenant relates, and
- (c) be entered into by an instrument executed as a deed.
- (7) Where, in the case of an environmental covenant, the Secretary of State authorises a person for the purposes of subsection (3), the Secretary of State must give notice of that to the person or persons against whom a qualifying provision of the covenant is enforceable at the time of the authorisation. 45

- (8) An environmental covenant is a local land charge.
- (9) Subsection (10) applies in the case of a breach of a qualifying provision of an environmental covenant by a person against whom the provision is enforceable.
- (10) A court may award exemplary damages against the person if the court thinks it appropriate to do so in the circumstances. 5
- (11) Exemplary damages may be awarded under subsection (10) whether or not another remedy is granted.

Further high speed rail works

- 49 Power to apply Act to further high speed rail works 10**
- (1) A TWA order which relates to a relevant Phase 2a matter may apply any provision of this Act, with or without modification, to anything authorised by the order, so far as relating to that matter.
- (2) The following are “relevant Phase 2a matters” – 15
- (a) a power exercisable or to be exercisable in connection with the works authorised by this Act,
- (b) an extension of Phase 2a of High Speed 2, and
- (c) any other works carried out or to be carried out for Phase 2a purposes.
- (3) A TWA order which relates to an extension or works referred to in subsection (2)(b) and (c) may also provide for any provision of this Act to have effect as if Phase 2a of High Speed 2 included the extension or works. 20
- (4) Section 13(2) of the Transport and Works Act 1992 (power of Secretary of State to refuse application on ground that objects of order sought could be achieved by other means) does not apply where, for purposes relating to the diversion of apparatus belonging to a utility undertaker, an application is made under section 6 of that Act for a TWA order in relation to a relevant Phase 2a matter. 25
- (5) Subsection (1) does not confer power to apply any of the following – section 9(2) and Schedule 13 (extension of time-limit on compulsory acquisition); Schedules 18 and 19 (listed buildings and ancient monuments). 30
- (6) In this section, “TWA order” means an order under section 1 of the Transport and Works Act 1992.

The Crown

- 50 Application of powers to Crown land**
- (1) The powers conferred on the nominated undertaker under this Act may be exercised in relation to Crown land with the consent of the Crown authority. 35
- (2) The Crown authority may give consent under this section –
- (a) subject to conditions, and
- (b) notwithstanding anything in any lease or other grant granted by or to that authority. 40

- (3) In this Act, “Crown land” means land in which there is –
- (a) an interest belonging to a government department or held in trust for Her Majesty for the purposes of a government department,
 - (b) an interest belonging to Her Majesty in right of the Crown, or
 - (c) an interest belonging to Her Majesty in right of the Duchy of Lancaster. 5
- (4) In this Act, “Crown authority”, in relation to any Crown land, means –
- (a) in a subsection (3)(a) case, the government department in question;
 - (b) in a subsection (3)(b) case –
 - (i) if the land forms part of the Crown Estate, the Crown Estate Commissioners, and 10
 - (ii) in any other case, the government department having management of the land;
 - (c) in a subsection (3)(c) case, the Chancellor of the Duchy of Lancaster.
- (5) If for the purposes of this section a question arises as to which authority is the Crown authority for any land – 15
- (a) the question is to be decided by the Treasury, and
 - (b) the Treasury’s decision is final.
- 51 Highways for which Secretary of State is highway authority**
- (1) The powers conferred on the nominated undertaker under this Act with respect to works may be exercised in relation to a highway for which the Secretary of State is the highway authority with the Secretary of State’s consent. 20
- (2) The Secretary of State may give consent subject to conditions.
- 52 Crown Estate**
- Section 3(1) and (2) of the Crown Estate Act 1961 (limitations on Crown Estate Commissioners’ powers of disposal in relation to land under their management) do not apply in relation to land within the Act limits which appears to the Crown Estate Commissioners to be required for Phase 2a purposes. 25
- Deposited plans and sections* 30
- 53 “Deposited plans” and “deposited sections”**
- (1) In this Act “deposited plans” and “deposited sections” mean, respectively, the plans and sections deposited in July 2017 in connection with the High Speed Rail (West Midlands - Crewe) Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons. 35
- (2) A copy of the deposited plans or deposited sections, or any extract from those plans or sections, certified as such by the Secretary of State is admissible in any proceedings as evidence of its contents.
- 54 Correction of deposited plans**
- (1) If the deposited plans are inaccurate in their description of any land, the Secretary of State, after giving not less than 10 days’ notice to the owners and 40

- occupiers of the land in question, may apply to two justices having jurisdiction in the place where the land is situated for the correction of the plans.
- (2) If on such an application it appears to the justices that the wrong description arose from mistake or inadvertence, the justices—
- (a) must certify accordingly, and 5
 - (b) must in their certificate state in what respect a matter is wrongly described.
- (3) A certificate under subsection (2) must be deposited in the office of the Clerk of the Parliaments, and a copy of it must be deposited—
- (a) in the Private Bill Office of the House of Commons, and 10
 - (b) with the proper officer of each local authority in whose area the land to which the certificate relates is situated.
- (4) Upon deposit of the certificate—
- (a) the deposited plans are deemed to be corrected according to the certificate, and 15
 - (b) it is lawful for the Secretary of State, in accordance with the certificate, to proceed under this Act as if the deposited plans had always been in the corrected form.
- (5) A copy certificate deposited under subsection (3) must be kept with the documents to which it relates. 20
- (6) A justice of the peace may act under this section in relation to land which is partly in one area and partly in another if the justice may act in respect of land in either area.
- (7) In this section “local authority” means a unitary authority or, in a non-unitary area, a county council. 25

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, 30
 - (b) the development does not have deemed planning permission under section 17(1), 35
 - (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 40

(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 2018.”

5

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 – 10
 - (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 – 15
 - (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. 20
- (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 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. 25
- (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. 30

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), 35
 - (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 40
 - (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. 45

- (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. 5
- (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 10
 - (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 – 15
- (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. 20
- (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; 25
 - 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 – 30
- (a) section 20(1), 22(6)(a) 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. 35
- (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. 40
- (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.

*Interpretation***59 “Phase 2a purposes”**

References in this Act to anything being done or required for “Phase 2a purposes” are to the thing being done or required –

- (a) for the purposes of or in connection with the works authorised by this Act, 5
- (b) for the purposes of or in connection with trains all or part of whose journey is on Phase 2a of High Speed 2, or
- (c) otherwise for the purposes of or in connection with Phase 2a of High Speed 2 or any high speed railway transport system of which Phase 2a of High Speed 2 forms or is to form part. 10

60 Interpretation

(1) In this Act –

- “Act limits” is to be construed in accordance with subsection (2);
- “allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act; 15
- “common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882;
- “covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill” is to be construed in accordance with subsection (3); 20
- “Crown authority” has the meaning given by section 50(4);
- “Crown land” has the meaning given by section 50(3);
- “deposited plans” and “deposited sections” have the meaning given by section 53; 25
- “deposited statement” has the meaning given by subsection (5);
- “development” has the same meaning as in TCPA 1990;
- “enactment” means either of the following (or a provision of either of the following) –
 - (a) an Act (including a local or private Act), or 30
 - (b) any subordinate legislation, within the meaning given by section 21 of the Interpretation Act 1978;
- “Environmental Impact Assessment Regulations” means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) (or any regulations replacing them); 35
- “highway” and “highway authority” have the same meaning as in the Highways Act 1980;
- “limits of deviation” means the limits of deviation for the scheduled works, as shown on the deposited plans;
- “limits of land to be acquired or used” means the limits of land to be acquired or used which are shown on the deposited plans; 40
- “nominated undertaker” is to be construed in accordance with section 41;
- “non-unitary area” means an area for which there is both a district and a county council;
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground; 45
- “Phase 2a of High Speed 2” has the meaning given by section 1(3);

- “Phase 2a purposes” is to be construed in accordance with section 59;
- “scheduled works” has the meaning given by section 1(2);
- “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015;
- “TCPA 1990” means the Town and Country Planning Act 1990; 5
- “unitary authority” means –
- (a) a county council, so far as its area is not part of the area of a district council, or
 - (b) a district council whose area is not part of the area of a county council; 10
- “utility undertaker” means –
- (a) a gas transporter within the meaning of Part 1 of the Gas Act 1986,
 - (b) the holder of a licence under Part 1 of the Electricity Act 1989,
 - (c) a water undertaker or sewerage undertaker, 15
 - (d) a local authority (within the meaning of the Water Industry Act 1991) which is a relevant authority for the purposes of section 97 of that Act, or
 - (e) the operator of an electronic communications code network (within the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003). 20
- (2) For the purposes of this Act, land or any other thing is within the Act limits if it is –
- (a) within the limits of deviation, or
 - (b) within the limits of land to be acquired or used, 25
- and references to the doing of anything within the Act limits are to be construed accordingly.
- (3) For the purposes of this Act, development is covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill if it is development in relation to which information contained in a deposited statement constituted, at the time of the statement’s deposit, an environmental statement within the meaning of the Environmental Impact Assessment Regulations. 30
- (4) References in this Act to land or a building held by the nominated undertaker include references to land or a building in the nominated undertaker’s temporary possession. 35
- (5) “Deposited statement” means –
- (a) the statement deposited in July 2017 in connection with the High Speed Rail (West Midlands - Crewe) Bill, in pursuance of the relevant Standing Order, in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons, and 40
 - (b) any subsequent statement containing additional environmental information in connection with that Bill, where the statement is deposited, in pursuance of the relevant Standing Order, in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons. 45
- “The relevant Standing Order” is Standing Order 27A of the Standing Orders of the House of Commons or of the House of Lords (as the case may be) relating to private business (environmental assessment).

- (6) In this Act—
- (a) a reference to a highway or any other place identified by letters and numbers is a reference to the highway or place shown as such on the deposited plans;
 - (b) a reference to a work identified by numbers (or numbers and a letter) is a reference to the scheduled work of those numbers (or those numbers and letter); 5
 - (c) a reference to a sheet identified by numbers is a reference to the sheet of those numbers contained in the deposited plans;
 - (d) a reference in any description of works, powers or land to area, distance, length or direction, or to a particular location, is to be read as if qualified by the words “or thereabouts”; 10
 - (e) a reference to distance, in relation to points on a road or railway, is to distance measured along the centre line of the road or railway.
- (7) For the purposes of this Act, the level of the surface of land is to be taken— 15
- (a) in the case of land on which a building is erected, to be the level of the surface of the ground adjoining the building, and
 - (b) in the case of a watercourse or other area of water, to be the level of the surface of the adjoining ground which is at all times above water level.

Final 20

61 Financial provision

There is to be paid out of money provided by Parliament—

- (a) *any expenditure incurred by the Secretary of State in consequence of this Act, and*
- (b) *any increase attributable to this Act in the sums payable out of money so provided under any other enactment.* 25

62 Commencement and short title

- (1) This Act comes into force on the day on which it is passed.
- (2) This Act may be cited as the High Speed Rail (West Midlands - Crewe) Act 2018. 30

SCHEDULES

SCHEDULE 1

Section 1

SCHEDULED WORKS

Construction and maintenance of works

- 1 (1) The scheduled works must be constructed – 5
- (a) in the lines or situations shown on the deposited plans,
 - (b) in accordance with the levels shown on the deposited sections, and
 - (c) in the case of any station, depot or shaft for which an upper limit is shown on the deposited sections, within the limit so shown.
- This is subject to sub-paragraphs (2) and (3). 10
- (2) In constructing or maintaining any of the scheduled works, the nominated undertaker may deviate –
- (a) laterally to any extent from the lines or situations shown on the deposited plans, within the limits of deviation so shown,
 - (b) vertically downwards to any extent from the level shown for that work on the deposited sections, and 15
 - (c) vertically upwards to any extent not exceeding 3 metres from the level shown for that work on the deposited sections, but doing so in a case mentioned in sub-paragraph (1)(c) does not increase the limit referred to in that sub-paragraph. 20
- (3) In constructing any of the scheduled works, the nominated undertaker may substitute an engineering work not shown on the deposited plans or sections for an engineering work which is so shown.
- (4) In sub-paragraph (3), “engineering work” includes a bridge, tunnel, viaduct, cutting or embankment. 25

Description of scheduled works

County of Staffordshire, District of Lichfield, parishes of Fradley and Streethay, Kings Bromley, Alrewas, Armitage with Handsacre and Mavesyn Ridware –

- Work No. 1 – A railway (7.49 kilometres in length) partly on viaduct commencing by a junction with the termination of Work No. 3/48A authorised under the High Speed Rail (London – West Midlands) Act 2017 at a point 975 metres south-east of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating at a point 260 metres south-west of the junction of Footpath Mavesyn Ridware 8 with Pipe Lane. Work No. 1 includes viaducts over Pyford Brook, Works Nos. 7, 9 and 10, the A513 Rugeley Road, the River Trent and Pipe Lane. 30 35

Parishes of Fradley and Streethay, Alrewas and Kings Bromley –	
Work No. 2 – An access road commencing at a point 895 metres south of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating at a point 955 metres north-east of the junction of Footpaths Fradley and Streethay 33 and Fradley and Streethay 41.	5
Parishes of Fradley and Streethay and Kings Bromley –	
Work No. 3 – A temporary bridge over Pyford Brook commencing at a point 780 metres south of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating at a point 160 metres north-west of its commencement.	10
Parishes of Kings Bromley and Alrewas –	
Work No. 4 – A diversion of a fuel pipeline commencing beneath a point 310 metres south of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating beneath a point 220 metres east of its commencement;	15
Work No. 5 – A diversion of a gas main commencing beneath a point 110 metres south-west of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating at a point 380 metres south-west of its commencement.	
Parish of Kings Bromley –	20
Work No. 6 – An access road commencing at a point 265 metres north-west of the junction of Footpaths Kings Bromley 0.392(a) and Alrewas 0.248 and terminating at the junction of Crawley Lane and Common Lane;	
Work No. 6A – A realignment of Crawley Lane commencing at the junction of Crawley Lane with Common Lane and terminating at a point 170 metres east of the junction of Footpath Kings Bromley 12 with Crawley Lane;	25
Work No. 6B – A realignment of Crawley Lane commencing at a point 65 metres east of the junction of Footpath Kings Bromley 12 with Crawley Lane and terminating at a point 85 metres north of that junction;	30
Work No. 7 – A diversion of the A515 Lichfield Road commencing at a point 90 metres north-east of the bridge carrying that road over the Trent and Mersey canal and terminating at a point 200 metres south-west of the junction of the A513 Rugeley Road with that road. Work No. 7 includes a bridge over Bourne Brook;	35
Work No. 7A – An access road commencing by a junction with Work No. 7 at a point 160 metres north of the junction of Shaw Lane with the A515 Lichfield Road and terminating by a junction with Work No. 7B at a point 260 metres north-east of its commencement;	40
Work No. 7B – An access road commencing at a point 380 metres north-east of the junction of Shaw Lane with the A515 Lichfield Road and terminating at a point 85 metres north-east of its commencement;	
Work No. 7C – An access road commencing at a point 590 metres north of the junction of Shaw Lane with the A515 Lichfield Road and terminating by a junction with Work No. 7 at a point 125 metres west of its commencement;	45
Work No. 8 – A realignment of the A513 Rugeley Road and the A515 Lichfield Road commencing at a point 360 metres north-west of the junction of Footpath Kings Bromley 12 with Crawley Lane and	50

terminating at a point 200 metres east of the junction of Shaw Lane with the A513 Rugeley Road;	
Work No. 9 – A diversion of Shaw Lane commencing at a point 835 metres north-west of the junction of that road with the A515 Lichfield Road and terminating at a point 60 metres south of the junction of Shaw Lane with the A513 Rugeley Road;	5
Work No. 9A – An access road commencing by a junction with Work No. 9 at a point 270 metres south-west of the junction of Shaw Lane with the A513 Rugeley Road and terminating at a point 280 metres south-west of that junction;	10
Work No. 10 – A watercourse diversion commencing at a point 250 metres south of the junction of Shaw Lane with the A513 Rugeley Road and terminating at a point 60 metres south of that junction;	
Work No. 11 – A temporary diversion of the A513 Rugeley Road commencing at a point 15 metres south-east of the junction of Footpath Kings Bromley 3 with that road and terminating at a point 240 metres west of its commencement.	15
Parish of Armitage with Handsacre –	
Work No. 12 – A temporary bridge commencing at a point 440 metres north-east of the junction of Footpath Armitage with Handsacre 26 with the A513 Kings Bromley Lane and terminating at a point 95 metres north-west of its commencement.	20
Parishes of Armitage with Handsacre and Mavesyn Ridware –	
Work No. 13 – A temporary bridge, over the River Trent, commencing at a point 530 metres north-east of the junction of Footpath Armitage with Handsacre 26 with the A513 Kings Bromley Lane and terminating at a point 70 metres north-west of its commencement.	25
Parish of Mavesyn Ridware –	
Work No. 14 – A diversion of a gas main commencing beneath a point 195 metres north-east of the junction of Footpath Mavesyn Ridware 29 with Pipe Lane and terminating at a point 80 metres east of the junction of Footpath Mavesyn Ridware 28 with Pipe Lane;	30
Work No. 15 – A diversion of Pipe Lane commencing at a point 140 metres east of the junction of Footpath Mavesyn Ridware 29 with Pipe Lane and terminating at a point 380 metres south-east of the junction of Footpath Mavesyn Ridware 38 with Pipe Lane;	35
Work No. 15A – A realignment of Pipe Lane and Common Lane commencing at a point 150 metres east of the junction of Footpath Mavesyn Ridware 29 with Pipe Lane and terminating at a point 20 metres south of the junction of Common lane with Pipe Lane;	40
Work No. 15B – A realignment of Uttoxeter Road commencing at a point 40 metres south of the junction of Common Lane with that road and terminating at a point 120 metres north-west of that junction;	
Work No. 15C – A realignment of Uttoxeter Road commencing at a point 230 metres north-west of the junction of Common Lane with that road and terminating at a point 490 metres west of its commencement;	45
Work No. 16 – An access road commencing at a point 260 metres south-west of the junction of Footpath Mavesyn Ridware 38 with Pipe Lane and terminating at a point 230 metres north-west of the junction of	50

Footpath Mavesyn Ridware 37 with Pipe Lane. Work No. 16 includes a bridge over Work No. 1.	
District of Lichfield, Parishes of Mavesyn Ridware and Colton, Borough of Stafford, Parishes of Colwich, Ingestre and Tixall –	
Work No. 17 – A railway (12.03 kilometres in length) partly on viaduct commencing by a junction with the termination of Work No. 1 at a point 650 metres north-east of the junction of Stonyford Lane with Uttoxeter Road and terminating at a point 810 metres south-west of the junction of Byway Open to all Traffic Ingestre 2 with Byway Open to all Traffic Ingestre 3. Work No. 17 includes viaducts over Works Nos. 26A, 27 and 28, the Macclesfield to Colwich Line, the Trent and Mersey Canal, the River Trent, Hoo Mill Lane and Ingestre Park Road and bridges over Works Nos. 24, 26, 34, 36 and 45.	5 10
District of Lichfield, Parish of Mavesyn Ridware –	
Work No. 18 – A diversion of Uttoxeter Road commencing at a point 10 metres south-east of the junction of that road with Stonyford Lane and terminating at a point 270 metres south-east of the junction of Godwins Lane with Blithbury Road. Work No. 18 includes a bridge over Work No. 17;	15
Work No. 18A – A diversion of Stonyford Lane commencing by a junction with Work No. 18 at a point 60 metres north of the junction of that road with Uttoxeter Road and terminating at a point 140 metres north-west of its commencement;	20
Work No. 18B – An access road commencing by a junction with Work No. 18 at a point 260 metres north of the junction of Stonyford Lane with Uttoxeter Road and terminating at a point 230 metres north-east of its commencement;	25
Work No. 18C – A road commencing at a point 625 metres south-east of the junction of Godwins Lane with Blithbury Road and terminating by a junction with Work No. 18 at a point 345 metres south-east of the junction of Godwins Lane with Blithbury Road;	30
Work No. 18D – A realignment of Uttoxeter Road and Blithbury Road commencing at a point 270 metres south-east of the junction of Godwins Lane with Blithbury Road and terminating at a point 60 metres east of that junction;	35
Work No. 18E – A realignment of Uttoxeter Road commencing at a point 70 metres south of the junction of Footpath Mavesyn Ridware 6 with that road and terminating at a point 10 metres west of the junction of Footpath Mavesyn Ridware 40 with that road;	
Work No. 19 – An access road commencing at a point 320 metres south of the junction of Godwins Lane with Blithbury Road and terminating at a point 440 metres south west of that junction. Work No. 19 includes a bridge over Work No. 17.	40
Parishes of Mavesyn Ridware and Colton –	
Work No. 20 – A diversion of Blithbury Road commencing at a point 230 metres north-west of the junction of that road with Godwins Lane and terminating at a point 90 metres east of the junction of Hollow Lane with Blithbury Road. Work No. 20 includes a bridge over Work No. 17.	45
Parish of Mavesyn Ridware –	50

Work No. 20A – A diversion of Stonyford Lane commencing at a point 255 metres south-east of the junction of that lane with Footpath Colton 15 and terminating by a junction with Work No. 20 at a point 80 metres north-east of the junction of that lane with Footpath Colton 15.	5
Parishes of Mavesyn Ridware and Colton –	
Work No. 20B – A diversion of Hadley Gate Lane commencing by a junction with Work No. 20 at a point 450 metres north-west of the junction of Godwins Lane with Blithbury Road and terminating at a point 250 metres north of the junction of Hadley Gate Lane with Blithbury Road;	10
Work No. 20C – A diversion of Hadley Gate Lane commencing by a junction with Work No. 20B at a point 440 metres north-west of the junction of Godwins Lane with Blithbury Road and terminating at a point 70 metres north-east of its commencement.	15
Parish of Colton –	
Work No. 20D – A diversion of Blithbury Road commencing by a junction with Work No. 20 at a point 260 metres north-west of the junction of that road with Hollow Lane and terminating at a point 50 metres south-west of its commencement;	20
Work No. 21 – A bridge, over Work No. 17, commencing at a point 25 metres north-east of the junction of Footpath Colton 74 with Bridleway Colton 32 and terminating at a point 100 metres north-east of its commencement;	
Work No. 22 – A diversion of Newlands Lane commencing at a point 35 metres north-east of the junction of Footpath Colton 19 with that lane and terminating at a point 75 metres north-east of the junction of Footpath Colton 30 with Footpath Colton 23. Work No. 22 includes a bridge over Work No. 17;	25
Work No. 22A – An access road commencing by a junction with Hollow Lane at a point 40 metres west of the junction of Footpath Colton 12 with that lane and terminating by a junction with Work No. 22 at a point 100 metres north-east of the junction of Footpath Colton 30 with Footpath Colton 23;	30
Work No. 22B – An access road commencing by a junction with Work No. 22 at a point 270 metres south-west of the junction of Footpath Colton 19 with Newlands Lane and terminating at a point 300 metres north-west of its commencement.	35
Parishes of Colton and Mavesyn Ridware –	
Work No. 23 – An access road commencing at a point 130 metres south-east of the junction of Footpath Mavesyn Ridware 10 with Footpath Mavesyn Ridware 13 and terminating at the junction of Footpath Colton 20 with Blithbury Road.	40
Parish of Colton –	
Work No. 24 – A realignment of Newlands Lane commencing at a point 130 metres north-west of the junction of that lane with High Street and terminating at a point 170 metres north of its commencement;	45
Work No. 24A – A diversion of Moor Lane commencing by a junction with Work No. 24 at a point 180 metres north-west of the junction of Newlands Lane with High Street and terminating at a point 15	50

metres north-east of the junction of Footpath Colton 51 with Moor Lane;	
Work No. 24B – A realignment of Moor Lane commencing at a point 5 metres south-west of the junction of Footpath Colton 15 and that road and terminating at a point 10 metres west of the junction of Footpath Colton 54 with that road;	5
Work No. 25 – A diversion of a watercourse commencing at a point 110 metres south of the junction of Moor Lane with Newlands Lane and terminating at a point 280 metres west of its commencement;	
Work No. 26 – A diversion of Uttoxeter Road commencing at a point 40 metres south-west of the junction of Lount Lane with that road and terminating at a point 245 metres south of the junction of Sherracop Lane with that road;	10
Work No. 26A – A road commencing by a junction with Work No. 26 at a point 120 metres north of the junction of Moor Lane with Uttoxeter Road and terminating at a point 480 metres north-east of the junction of Bridleway Colton 58 with Footpath Colton 59;	15
Work No. 26B – An access road commencing at a point 560 metres west of the junction of Footpath Colton 41 with Sherracop Lane and terminating by a junction with Work No. 26 at a point 450 metres south of the junction of Sherracop Lane with Uttoxeter Road;	20
Work No. 27 – A diversion of Moreton Brook commencing at a point 400 metres north-east of the junction of Bridleway Colton 58 and Footpath Colton 59 and terminating at a point 110 metres north-west of its commencement;	25
Work No. 28 – An access road commencing at a point 390 metres north-east of the junction of Bridleway Colton 58 and Footpath Colton 59 and terminating at a point 85 metres north of its commencement;	
Work No. 29 – A temporary bridge over Moreton Brook commencing at a point 500 metres north-east of the junction of Bridleway Colwich 19 and Bridleway Colton 58 and terminating at a point 80 metres west of its commencement.	30
Borough of Stafford, Parish of Colwich –	
Work No. 30 – A realignment of Bishton Lane and an access road commencing at a point 280 metres south of the bridge carrying that lane over the West Coast Main Line and terminating at a point 5 metres south of the junction of Footpath Colwich 32 with Footpath Colwich 21. Work No. 30 includes a bridge over Work No. 17.	35
Borough of Stafford, Parish of Colwich, District of Lichfield, Parish of Colton –	
Work No. 30A – An access road commencing at a point 15 metres north-west of the junction of Bridleway Colton 58 and Bridleway Colwich 19 and terminating by a junction with Work No. 30 at a point 160 metres south-west of the junction of Bridleway Colwich 23 and Bridleway Colwich 19.	40 45
Borough of Stafford, Parish of Colwich –	
Work No. 30B – An access road commencing at a point 250 metres south-east of the junction of Footpath Colwich 32 with Footpath Colwich 21 and terminating at a point 165 metres south-west of that junction;	50

Work No. 31 – An access road commencing at a point 385 metres south-east of the junction of Bridleway Colwich 22 with Bridleway Colwich 23 and terminating at a point 220 metres south-west of its commencement. Work No. 31 includes a bridge over Work No. 17;	5
Work No. 32 – A diversion of a gas main commencing beneath a point 545 metres south-west of the junction of Footpath Colwich 26 with Tolldish Lane and terminating beneath a point 520 metres south-west of that junction;	5
Work No. 33 – A diversion of a gas main commencing beneath a point 600 metres south-west of the junction of Footpath Colwich 54 with Tolldish Lane and terminating beneath a point 460 metres north-east of the junction of Tolldish Lane with the A51 Lichfield Road;	10
Work No. 34 – An access road commencing at a point 615 metres south-west of the junction of Footpath Colwich 54 with Tolldish Lane and terminating at a point 395 metres south-west of that junction;	15
Work No. 35 – A diversion of a fuel pipeline commencing beneath a point 690 metres south-east of the junction of Footpath Colwich 54 with Tolldish Lane and terminating at a point 325 metres north-west of the junction of Tolldish Lane with the A51 Lichfield Road;	15
Work No. 36 – A realignment of the A51 Lichfield Road commencing at a point 60 metres north-west of the junction of Tolldish Lane with that road and terminating at a point 385 metres north of its commencement;	20
Work No. 36A – A diversion of Tolldish Lane commencing at a point 495 metres south-west of the junction of Footpath Colwich 54 with that Lane and terminating by a junction with Work No. 36 at a point 260 metres north-west of the junction of that lane with the A51 Lichfield Road;	25
Work No. 36B – A temporary diversion of Tolldish Lane commencing at a point 320 metres south-west of the junction of Footpath Colwich 54 with that lane and terminating at a point 380 metres north of the junction of the A51 Lichfield Road with that lane;	30
Work No. 37 – A temporary bridge over the Macclesfield to Colwich Line commencing at a point 470 metres north-west of the junction of Tolldish Lane with the A51 Lichfield Road and terminating at a point 45 metres north-west of its commencement;	35
Work No. 38 – A temporary bridge over the Trent and Mersey Canal commencing at a point 330 metres south-east of the bridge carrying Hoo Mill Lane over the River Trent and terminating at a point 50 metres north-west of its commencement.	40
Parishes of Colwich and Ingestre –	
Work No. 39 – A temporary bridge over the River Trent commencing at a point 325 metres south-west of the bridge carrying Hoo Mill Lane over the Trent and Mersey Canal and terminating at a point 30 metres north-west of its commencement.	45
Parish of Colwich –	
Work No. 40 – A temporary bridge over the Trent and Mersey Canal commencing at a point 460 metres south-west of the bridge carrying Hoo Mill Lane over that canal and terminating at a point 35 metres west of its commencement.	50
Parishes of Colwich and Ingestre –	

Work No. 41 – A temporary bridge over the River Trent commencing at a point 480 metres south-west of the bridge carrying Hoo Mill Lane over the Trent and Mersey Canal and terminating at a point 35 metres north-west of its commencement.	
Parish of Ingestre –	5
Work No. 42 – A diversion of a gas main commencing beneath a point 200 metres south-east of the bridge carrying Hoo Mill Lane over the River Trent and terminating at a point 380 metres north-west of that bridge.	
Parish of Tixall –	10
Work No. 43 – A diversion of Hoo Mill Lane commencing at a point 110 metres north-east of the junction of Great Haywood Road with Ingestre Park Road and terminating at a point 20 metres north of that junction;	
Work No. 43A – A realignment of Great Haywood Road commencing at a point 1120 metres south-west of the junction of Byway Open to all Traffic Ingestre 2 with Byway Open to all Traffic Ingestre 3 and that road and terminating at a point 230 metres east of the junction of Bridleway Tixall 1 with that road;	15
Work No. 43B – A realignment of Great Haywood Road commencing at a point 250 metres east of the junction of Tixall Village Road with that road and terminating at a point 25 metres south-west of that junction.	20
Parishes of Ingestre and Tixall –	
Work No. 44 – A diversion of a fuel pipeline commencing beneath a point 685 metres south of the junction of Byway Open to all Traffic Ingestre 2 with Byway Open to all Traffic Ingestre 3 and terminating beneath a point 365 metres north-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane.	25
Parish of Ingestre –	30
Work No. 45 – An access road commencing at a point 435 metres south-west of the junction of Byway Open to All Traffic Ingestre 2 with Byway Open to All Traffic Ingestre 3 and terminating at a point 160 metres south-west of its commencement.	
Parishes of Ingestre and Tixall –	35
Work No. 46 – A diversion of a gas main commencing beneath a point 545 metres south-west of the junction of Byway Open to All Traffic Ingestre 2 with Byway Open to All Traffic Ingestre 3 and terminating beneath a point 600 metres south-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane;	40
Work No. 47 – A bridge over Work No. 17 commencing at a point 805 metres south-west of the junction of Byway Open to All Traffic Ingestre 2 with Byway Open to All Traffic Ingestre 3 and terminating at a point 770 metres north-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane.	45
Parishes of Ingestre, Tixall, Hopton and Coton, Marston and Stone Rural –	
Work No. 48 – A railway (9.00 kilometres in length) commencing by a junction with the termination of Work No. 17 at a point 835 metres south-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane and terminating at a point 1155 metres north-west of the	50

junction of Yarlet Lane with the A34 Stone Road. Work No. 48 includes bridges over Works Nos. 50, 59 and 60.

Parish of Tixall—

Work No. 49 – An access road commencing at a point 400 metres north-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane and terminating at a point 145 metres north-east of that junction. Work No. 49 includes a bridge over Work No. 48; 5

Work No. 49A – An access road commencing by a junction with Work No. 49 at a point 315 metres north-east of the junction of Bridleway Tixall 0.1629 with Hanyards Lane and terminating at a point 280 metres north-west of its commencement. 10

Parish of Hopton and Coton—

Work No. 50 – An access road commencing at a point 465 metres south-east of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road and terminating at a point 100 metres north-east of its commencement; 15

Work No. 51 – A diversion of the A518 Weston Road commencing at a point 60 metres north-east of the junction of Trent Walk with that road and terminating at a point 30 metres south-west of the junction of Footpath Hopton and Coton 23 with that road. Work No. 51 includes a bridge over Work No. 48; 20

Work No. 51A – An access road commencing at a point 340 metres south-east of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road and terminating by a junction with Work No. 51 at a point 185 metres south-west of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road; 25

Work No. 51B – An access road commencing by a junction with Work No. 51 at a point 100 metres south-west of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road and terminating at a point 360 metres west of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road; 30

Work No. 52 – An access road commencing at a point 420 metres north-west of the junction of Footpath Hopton and Coton 23 with the A518 Weston Road and terminating at a point 170 metres south-west of its commencement. Work No. 52 includes a bridge over Work No. 48; 35

Work No. 53 – A footbridge over Work No. 48 commencing by a junction with Work No. 53A at a point 270 metres east of the junction of Hopton Lane with Sandon Road and terminating by a junction with Work No. 54B at a point 110 metres north-east of its commencement; 40

Work No 53A – An access road commencing at a point 520 metres south-east of the junction of Hopton Lane with Sandon Road and terminating at a point 205 metres east of that junction;

Work No. 54 – A diversion of Sandon Road commencing at a point 370 metres south-west of the junction of Hopton Lane with that road and terminating at a point 195 metres north-east of the junction of Footpath Hopton and Coton 9 with Footpath Hopton and Coton 14. Work No. 54 includes a bridge over Work No. 48; 45

Work No. 54A – A road commencing at a point 160 metres north-west of the junction of Spode Avenue with Mount Edge and terminating by a junction with Work No. 54 at a point 240 metres north-west of its commencement; 50

Work No. 54B – A diversion of Hopton Lane commencing at a point 295 metres west of the junction of Hopton Hall Lane with Footpath Hopton and Coton 14 and terminating by a junction with Work No. 54 at a point 900 metres south-east of the junction of Bridleway Hopton and Coton 11 with Bridleway Salt and Enson 8;	5
Work No. 55 – An access road commencing at a point 150 metres west of the junction of Footpath Hopton and Coton 9 with Footpath Hopton and Coton 14 and terminating at a point 100 metres north-west of that junction;	
Work No. 56 – An access road commencing at a point 160 metres south-west of the junction of Bridleway Hopton and Coton 12 with Bridleway Hopton and Coton 11 and terminating at a point 255 metres south-west of the junction of Bridleway Hopton and Coton 11 with Bridleway Salt and Enson 8. Work No. 56 includes a bridge over Work No. 48;	10 15
Work No. 56A – An access road commencing at a point 390 metres south-east of the junction of Bridleway Hopton and Coton 12 with Bridleway Hopton and Coton 11 and terminating at a point 100 metres north of that junction;	
Work No. 57 – A diversion of a fuel pipeline commencing beneath a point 335 metres south-east of the junction of Bridleway Hopton and Coton 12 with Bridleway Hopton and Coton 11 and terminating beneath a point 270 metres north-west of that junction;	20
Work No. 58 – A diversion of a gas main commencing beneath a point 295 metres south-west of the junction of Bridleway Hopton and Coton 11 with Bridleway Salt and Enson 8 and terminating at a point 245 metres south-west of its commencement.	25
Parish of Marston –	
Work No. 59 – An access road commencing at a point 145 metres south-west of the junction of Bridleway Marston 8 with Marston Lane and terminating by a junction with Work No. 60 at a point 290 metres south-west of the junction of Footpath Marston 11 with Marston Lane;	30
Work No. 60 – A diversion of Marston Lane commencing at a point 115 metres south-west of the junction of Footpath Marston 11 with that road and terminating at a point 170 metres south-east of the junction of Footpath Marston 9 with Yarlet Lane;	35
Work No. 60A – A realignment of Marston Lane and Yarlet Lane commencing at a point 140 metres south of the junction of those roads and terminating at a point 30 metres north of that junction.	40
Parishes of Marston and Creswell –	
Work No. 60B – A realignment of Marston Lane commencing at a point 255 metres south of the junction of Yarlet Lane with that road and terminating at a point 595 metres south of its commencement.	
Parishes of Marston and Whitgreave –	
Work No. 61 – A realignment of the A34 Stone Road commencing at a point 115 metres south-west of the junction of Yarlet Lane with that road and terminating at a point 845 metres north-east of its commencement. Work No. 61 includes a bridge over Work No. 48;	45
Work No. 61A – A temporary diversion of the A34 Stone Road commencing at a point 115 metres south-west of the junction of	50

Yarlet Lane with that road and terminating at a point 845 metres north-east of its commencement.	
Parish of Stone Rural –	
Work No. 62 – A railway (6.00 kilometres in length) partly on viaduct commencing by a junction with the termination of Work No. 48 at a point 190 metres east of the junction of Footpath Stone Rural 28 with Footpath Whitgreave 3 and terminating at a point 465 metres north-west of the underpass taking Footpath Stone Rural 33 beneath the M6 motorway. Work No. 62 includes a bridge over Work No. 69 and viaducts over Works Nos. 67C, 67D and 70 and Filly Brook;	5 10
Work No. 63 – A diversion of a gas main commencing beneath a point 250 metres south-east of the junction of Footpath Stone Rural 28 with Footpath Whitgreave 3 and terminating beneath a point 305 metres north-east of its commencement.	
Parishes of Stone Rural and Whitgreave –	15
Work No. 64 – An access road commencing at a point 360 metres north of the junction of Footpath Stone Rural 28 with Footpath Whitgreave 3 and terminating at a point 300 metres south-west of that junction. Work No. 64 includes a bridge over Work No. 62.	
Parish of Stone Rural –	20
Work No. 65 – A diversion of Pirehill Lane commencing at a point 330 metres south-west of the junction of Footpath Stone Rural 31 with that lane and terminating at a point 220 metres north-east of its commencement. Work No. 65 includes a bridge over Work No. 62;	
Work No. 66 – An access road commencing at a point 480 metres north-east of the underpass taking Footpath Stone Rural 32 beneath the M6 Motorway and terminating at a point 300 metres north-east of that underpass. Work No. 66 includes a bridge over Work No. 62;	25
Work No. 67 – A railway (2.86 kilometres in length), partly on viaduct, commencing by a junction with Work No. 62 at a point 540 metres north of the underpass taking Footpath Stone Rural 32 beneath the M6 Motorway and terminating at a point 160 metres north of that underpass taking Footpath Stone Rural 33 beneath the M6 Motorway. Work No. 67 includes a viaduct over Works Nos. 67C and 67D and Filly Brook, a bridge over Work No. 69 and stabling sidings;	30 35
Work No. 67A – A railway siding (1.32 kilometres in length), partly on viaduct, commencing at a point 470 metres north of the underpass taking Footpath Stone Rural 32 beneath the M6 Motorway and terminating by a junction with Work No. 67 at a point 290 metres north-east of the bridge carrying the M6 Motorway over the Norton Bridge to Stone railway.	40
Parishes of Stone Rural and Chebsey –	
Work No. 67B – A railway siding (1.86 kilometres in length) commencing by a junction with Work No. 67A at a point 170 metres east of the bridge carrying Eccleshall Road over the M6 Motorway and terminating at a point 420 metres south-east of the underpass taking Footpath Stone Rural 33 beneath the M6 Motorway. Work No. 67B includes bridges over Works Nos. 67D and 69 and depot buildings.	45
Parish of Stone Rural –	50

Work No. 67C – A railway (1.84 kilometres in length) commencing by a junction with Work No. 67A at a point 170 metres east of the bridge carrying Eccleshall Road over the M6 Motorway and terminating by a junction with Work No. 67D at a point 395 metres south-west of the bridge carrying the Norton Bridge to Stone railway over the A34 The Fillybrooks;	5
Work No. 67D – A railway (1.56 kilometres in length), being a realignment of the Norton Bridge to Stone railway, commencing at a point 115 metres north-east of the bridge carrying the M6 Motorway over that railway and terminating at a point 25 metres south-west of the bridge carrying that railway over the A34 The Fillybrooks.	10
Parishes of Stone Rural and Stone –	
Work No. 68 – A diversion of Eccleshall Road commencing at a point 230 metres south-west of the junction of Common Lane with that road and terminating at a point 40 metres north-east of the bridge carrying Eccleshall Road over the M6 Motorway. Work No. 68 includes a bridge over Works Nos. 62, 67, 67A, 67B and 67C.	15
Parish of Stone Rural –	
Work No. 68A – An access road commencing at a point 490 metres north-east of the bridge carrying Eccleshall Road over the M6 Motorway and terminating by a junction with Work No. 68 at a point 50 metres north-west of its commencement;	20
Work No. 68B – An access road commencing by a junction with Work No. 68 at a point 470 metres north-east of the bridge carrying Eccleshall Road over the M6 Motorway and terminating at a point 75 metres north of its commencement.	25
Parishes of Stone Rural and Swynnerton –	
Work No. 69 – A diversion of Yarnfield Lane commencing at a point 5 metres south-east of the junction of Bridleway Swynnerton 39 with that lane and terminating at a point 105 metres north-east of the junction of Footpath Stone Rural 33 with that lane. Work No. 69 includes a bridge over Works Nos. 62, 67, 67B and 70.	30
Parish of Swynnerton –	
Work No. 69A – An access road commencing at a point 240 metres north-east of the junction of Bridleway Swynnerton 39 with Yarnfield Lane and terminating by a junction with Work No. 69 at a point 160 metres north-east of the junction of Bridleway Swynnerton 39 with Yarnfield Lane.	35
Parish of Stone Rural –	
Work No. 69B – A realignment of Yarnfield Lane commencing at a point 565 metres south-west of the junction of that road with the A34 The Fillybrooks and terminating at a point 140 metres west of that junction.	40
Parishes of Swynnerton and Stone Rural –	
Work No. 70 – A realignment of the M6 Motorway commencing at a point 210 metres north-west of the bridge carrying that motorway over the Norton Bridge to Stone railway and terminating at a point 395 metres south-east of the bridge carrying Footpath Swynnerton 27 over that motorway;	45

Work No. 70A – An access road commencing by a junction with Work No. 69 at a point 275 metres north-east of the junction of Bridleway Swynnerton 39 with Yarnfield Lane and terminating by a junction with Work No. 70 at a point 120 metres north-west of the bridge carrying Yarnfield Lane over the M6 Motorway.	5
Parish of Stone Rural –	
Work No. 70B – An access road commencing by a junction with Work No. 69 at a point 120 metres north-east of the bridge carrying Yarnfield Lane over the M6 Motorway and terminating by a junction with Work No. 70 at a point 250 metres north-west of that bridge.	10
Parishes of Stone Rural and Swynnerton –	
Work No. 71 – A railway (4.5 kilometres in length) partly on viaduct commencing by a junction with the termination of Work No. 62 at a point 845 metres south-east of the bridge carrying Footpath Swynnerton 27 over the M6 motorway and terminating at a point 930 metres north-west of the junction of the A51 Stone Road and the A519 Newcastle Road; Work No. 71 includes a viaduct over the M6 Motorway and bridges over Works Nos. 72, 73, 74 and 80;	15
Work No. 72 – An access road commencing at a point 545 metres south-west of the junction of Footpath Stone Rural 36 with the A51 Stone Road and terminating at a point 220 metres north-east of the junction of Footpath Swynnerton 27 with Hall Lane.	20
Parish of Swynnerton –	
Work No. 72A – An access road commencing at a point 640 metres south-east of the bridge carrying Footpath Swynnerton 27 over the M6 motorway and terminating by a junction with Work No. 72 at a point 250 metres south-west of that bridge;	25
Work No. 73 – An access road commencing at a point 680 metres north-west of the bridge carrying Footpath Swynnerton 27 over the M6 motorway and terminating at a point 380 metres north-east of the junction of Footpath Swynnerton 17 with Hall Lane;	30
Work No. 74 – An access road commencing at a point 525 metres south-west of the junction of Tittensor Road with the A51 Stone Road and terminating at a point 205 metres south-west of that junction;	
Work No. 75 – A diversion of Tittensor Road commencing at the junction of Stab Lane with that road and terminating by a junction with Work No. 78A at a point 520 metres west of the junction of Tittensor Road with the A51 Stone Road. Work No. 75 includes a bridge over Work No. 71;	35
Work No. 75A – An access road commencing at a point 175 metres north-east of the junction of Tittensor Road with Stab Lane and terminating by a junction with Work No. 75 at a point 45 metres north-west of its commencement;	40
Work No. 76 – A diversion of a gas main commencing beneath a point 495 metres north-east of the junction of Tittensor Road with Stab Lane and terminating beneath a point 140 metres south-west of its commencement;	45
Work No. 77 – A diversion of a gas main commencing beneath a point 370 metres south-west of the junction of Tittensor Road with the A51 Stone Road and terminating beneath a point 125 metres south-west of its commencement;	50

Work No. 78 – A realignment of the A519 Newcastle Road commencing at a point 100 metres north-east of the junction of the A51 Stone Road with that road and terminating at a point 350 metres south-west of the junction of Bottom Lane with the A519 Newcastle Road. Work No. 78 includes a bridge over Work No. 71;	5
Work No. 78A – A diversion of the A51 Stone Road commencing at a point 360 metres north-west of the junction of Tittensor Road with that road and terminating by a junction with Work No. 78 at a point 425 metres south-west of the junction of Bottom Lane with the A519 Newcastle Road;	10
Work No. 78B – A temporary diversion of the A519 Newcastle Road commencing at a point 190 metres north-east of the junction of the A51 Stone Road with that road and terminating at a point 220 metres south-west of the junction of Bottom Lane with the A519 Newcastle Road;	15
Work No. 78C – An access road commencing by a junction with Work No. 78 at a point 200 metres north-east of the junction of the A51 Stone Road with the A519 Newcastle Road and terminating at a point 315 metres north of its commencement. Work No. 78C includes a bridge over Work No. 71;	20
Work No. 79 – A temporary bridge over Work No. 78A commencing at a point 420 metres north-east of the junction of the A519 Newcastle Road with the A51 Stone Road and terminating at a point 45 metres north-east of its commencement;	
Work No. 80 – An access road beneath Work No. 71 commencing at a point 840 metres north west of the junction of the A51 Stone Road and the A519 Newcastle Road and terminating at a point 100 metres north-east of its commencement.	25
Borough of Stafford, Parish of Swynnerton, Borough of Newcastle-under-Lyme, Parish of Whitmore –	
Work No. 81 – A railway (6.00 kilometres in length) partly in tunnel and partly on viaduct commencing by a junction with the termination of Work No. 71 at a point 1000 metres north-east of the junction of Common Lane with the A51 Stone Road and terminating at a point 270 metres north of the junction of Footpath Whitmore 6 with Snape Hall Road. Work No. 81 includes a viaduct over Work No. 88A and bridges over Works Nos. 84 and 89.	35
Borough of Stafford, Parish of Swynnerton –	
Work No. 82 – An access road commencing at a point 855 metres north-east of the junction of Common Lane with the A51 Stone Road and terminating at a point 225 metres north-east of its commencement. Work No. 82 includes a bridge over Work No. 81;	40
Work No. 83 – An access road commencing at a point 1025 metres north-east of the junction of Common Lane with the A51 Stone Road and terminating at a point 80 metres north of its commencement;	45
Work No. 84 – A realignment of Common Lane commencing at a point 15 metres north-east of the junction of the A51 Stone Road with that lane and terminating at a point 1270 metres north of its commencement;	
Work No. 85 – A bridge over Work No. 81 commencing at a point 1450 metres north of the junction of Common Lane with the A51 Stone	50

Road and terminating at a point 55 metres north-east of its commencement;	
Work No. 86 – A bridge over Work No. 81 commencing at a point 635 metres east of the junction of Dog Lane with the A51 The Rowe and terminating at a point 155 metres north-east of its commencement;	5
Work No. 87 – A diversion of Dog Lane commencing by a junction with Work No. 88 at a point 535 metres north-east of the junction of Dog Lane with the A51 The Rowe and terminating at a point 20 metres north-east of the junction of Dog Lane with the A51 The Rowe. Work No. 87 includes a bridge over Work No. 81.	10
Borough of Stafford, Parish of Swynnerton, Borough of Newcastle-under-Lyme, Parish of Whitmore –	
Work No. 88 – A diversion of Dog Lane and Bent Lane commencing at a point 830 metres north-east of the junction of Dog Lane with the A51 The Rowe and terminating at a point 640 metres north-east of the junction of Footpath Chapel and Hill Chorlton 5 with Chapel and Hill Chorlton 6.	15
Borough of Newcastle-under-Lyme, Parish of Whitmore –	
Work No. 88A – A diversion of Meece Brook commencing at a point 470 metres east of the junction of Footpath Chapel and Hill Chorlton 6 with Footpath Chapel and Hill Chorlton 5 and terminating at a point 60 metres north of its commencement.	20
Borough of Stafford, Parish of Swynnerton, Borough of Newcastle-under-Lyme, Parish of Whitmore –	
Work No. 89 – An access road commencing by a junction with Work No. 90 at a point 175 metres north-east of the bridge carrying Footpath Whitmore 8 over the West Coast Main Line and terminating by a junction with Work No. 88 at a point 150 metres north-east of its commencement;	25
Work No. 90 – A diversion of Bent Lane commencing at a point 420 metres north of the junction of Dog Lane with the A51 The Rowe and terminating at a point 725 metres south-east of the junction of Footpath Chapel and Hill Chorlton 5 with Chapel and Hill Chorlton 6.	30
Borough of Newcastle-under-Lyme, Parish of Whitmore –	
Work No. 91 – A diversion of the A53 Newcastle Road commencing at a point 60 metres south-west of the bridge carrying that road over Meece Brook and terminating at a point 65 metres east of the junction of Common Lane with that road. Work No. 91 includes a bridge over Work No. 81;	40
Work No. 91A – A temporary diversion of the A53 Newcastle Road commencing at a point 60 metres south-west of the bridge carrying that road over Meece Brook and terminating at a point 105 metres east of the junction of Common Lane with that road;	
Work No. 91B – An access road commencing by a junction with Work No. 91 at a point 295 metres east of the junction of Common Lane with the A53 Newcastle Road and terminating at a point 75 metres north of its commencement.	45
Parishes of Whitmore and Madeley –	

Work No. 92 – A road commencing at a point 100 metres north-east of the junction of the A53 Newcastle Road with Coneygreave Lane and terminating at a point 100 metres north-west of the junction of Footpath Whitmore 6 with Footpath Madeley 14.	
Parish of Whitmore –	5
Work No. 92A – An access road commencing at a point 160 metres north-east of the junction of Footpath Whitmore 6 with Snape Hall Road and terminating at a point 160 metres south-west of its commencement;	
Work No. 92B – An access road commencing by a junction with Work No. 92 at a point 430 metres north-east of the bridge carrying Footpath Whitmore 5 over the West Coast Main Line and terminating at a point 220 metres north-east of its commencement. Work No. 92B includes a bridge over Work No. 93.	10
Parishes of Whitmore and Madeley –	15
Work No. 93 – A railway (6.00 kilometres in length) partly in tunnel and partly on viaduct commencing by a junction with the termination of Work No. 81 at a point 470 metres north-east of the bridge carrying Footpath Whitmore 5 over the West Coast Main Line and terminating at a point 200 metres north-west of the junction of Footpath Madeley 28 with Bridleway Madeley 2. Work No. 93 includes a viaduct over Work No. 92, the West Coast Main Line, the Stoke to Market Drayton Railway, the Madeley Chord and the River Lea and a bridge over Work No. 104.	20
Parish of Whitmore –	25
Work No. 94 – A temporary bridge over the West Coast Main Line commencing at a point 205 metres south-west of the junction of Footpath Whitmore 6 with Footpath Madeley 14 and terminating at a point 40 metres north-east of its commencement.	
Parish of Madeley –	30
Work No. 95 – An access road commencing at a point 150 metres south of the junction of Footpath Madeley 15 with Manor Road and terminating at a point 450 metres north-east of its commencement;	
Work No. 96 – An access road commencing at a point 420 metres north of the bridge carrying the Stoke to Market Drayton Railway over the West Coast Main Line and terminating at a point 235 metres north of its commencement;	35
Work No. 97 – A diversion of Manor Road commencing at a point 255 metres north-east of the junction of Footpath Madeley 15 with that road and terminating at a point 425 metres south of the junction of that road with the A525 Bar Hill Road. Work No. 97 includes a bridge over Work No. 93;	40
Work No. 97A – An access road commencing by a junction with Work No. 97 at a point 415 metres north-east of the junction of Footpath Madeley 15 with Manor Road and terminating at a point 145 metres north-east of its commencement;	45
Work No. 97B – A road commencing at a point 1075 metres north-east of the junction of Footpath Madeley 15 with Manor Road and terminating by a junction with Work No. 97 at a point 40 metres north of its commencement;	50

Work No. 98 – An access road commencing at a point 700 metres north-east of the junction of Footpath Madeley 15 with Manor Road and terminating at a point 185 metres north-west of its commencement;	
Work No. 99 – An access road commencing at a point 800 metres north of the junction of Footpath Madeley 15 with Manor Road and terminating at a point 170 metres north of its commencement. Work No. 99 includes a bridge over Work No. 93;	5
Work No. 100 – An access road commencing at a point 625 metres south-west of the junction of Bridleway Madeley 1 with the A525 Bar Hill Road and terminating at a point 80 metres west of the bridge carrying the A525 Bar Hill Road over the West Coast Main Line. Work No. 100 includes a bridge over Work No. 93;	10
Work No. 101 – A diversion of the A525 Bar Hill Road commencing at a point 305 metres south-west of the junction of Footpath Madeley 24 with that road and terminating at a point 220 metres east of that junction. Work No. 101 includes a bridge over Work No. 93;	15
Work No. 101A – An access road commencing by a junction with Work No. 101 at a point 35 metres south-east of the junction of Footpath Madeley 24 with the A525 Bar Hill Road and terminating at a point 25 metres north-east of the junction of Footpath Madeley 24 with Footpath Madeley 26;	20
Work No. 101B – A realignment of the A525 Bar Hill Road commencing at a point 70 metres east of the junction of Footpath Madeley 64 with that road and terminating at a point 440 metres north-east of its commencement;	25
Work No. 101C – A realignment of the A525 Bar Hill Road commencing at a point 355 metres west of the junction of Footpath Madeley 64 with that road and terminating at a point 215 metres north-east of its commencement;	
Work No. 101D – A realignment of the A525 Bar Hill Road commencing at a point 55 metres west of the junction of Footpath Madeley 46 with that road and terminating at a point 95 metres east of its commencement.	30
County of Staffordshire, Borough of Newcastle-under-Lyme, Parish of Madeley and Unitary District of Shropshire, Parish of Woore –	35
Work No. 101E – A realignment of the A525 Bar Hill Road and the A525 Woore Road commencing at a point 35 metres south-west of the junction of Bridleway Woore 0236/30/1 with that road and terminating at a point 160 metres north-east of that junction.	
Unitary District of Shropshire, Parish of Woore –	40
Work No. 101F – A realignment of the A525 Newcastle Road and the A525 Woore Road commencing at a point 305 metres west of the junction of Footpath Woore 0236/28/1 with that road and terminating at a point 115 metres north-east of that junction;	
Work No. 101G – A realignment of the A525 Newcastle Road commencing at a point 430 metres west of the junction of Footpath Woore 0236/28/1 with that road and terminating at a point 40 metres east of its commencement;	45
Work No. 101H – A realignment of the A525 Newcastle Road commencing at a point 180 metres east of the junction of Gravenhunger Lane with that road and terminating at a point 30 metres west of the junction of Aston Lane with that road.	50

County of Staffordshire, Borough of Newcastle-under-Lyme, Parish of Madeley –

- Work No. 102 – A bridge over Work No. 93 commencing at a point 305 metres south-west of the junction of Footpath Madeley 24 and Footpath Madeley 26 and terminating 90 metres north-east of its commencement; 5
- Work No. 103 – A road commencing at a point 25 metres west of the junction of Footpath Madeley 53 with Bower End Lane and terminating at a point 475 metres south of the junction of Bridleway Madeley 5 with Footpath Madeley 28; 10
- Work No. 104; - An access road beneath Work No. 93 commencing at a point 240 metres south-west of the junction of Footpath Madeley 28 with Bridleway Madeley 2 and terminating at a point 200 metres north-east of its commencement.

County of Staffordshire, Borough of Newcastle-under-Lyme, Parish of Madeley, County of Cheshire, Borough of Cheshire East, Parishes of Checkley cum Wrinehill, Blakenhall, Chorlton and Basford – 15

- Work No. 105 – A railway (6.67 kilometres in length) partly on viaduct commencing by a junction with the termination of Work No. 93 at a point 455 metres east of the junction of Footpath Checkley cum Wrinehill 4 with Footpath Checkley cum Wrinehill 8 and terminating at a point 270 metres south of the bridge carrying Casey Lane over the West Coast Main Line. Work No. 105 includes a viaduct over the River Lea and Checkley Brook and a bridge over Work No. 111. 20
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County of Cheshire, Borough of Cheshire East, Parishes of Checkley cum Wrinehill and Blakenhall –

- Work No. 106 – A railway (3.71 kilometres in length) partly on viaduct commencing by a junction with Work No. 105 at a point 200 metres north-east of the junction of Footpath Checkley cum Wrinehill 4 with Footpath Checkley cum Wrinehill 8 and terminating by a junction with Work No. 107 at a point 330 metres north-west of the bridge carrying Footpath Blakenhall 12 over the West Coast Main Line. Work No. 106 includes a viaduct over Work No. 105 and bridges over Works Nos. 111 and 116. 30
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Borough of Cheshire East, Parishes of Checkley cum Wrinehill, Blakenhall, Chorlton and Basford, Town of Crewe –

- Work No. 107 – A railway (8.98 kilometres in length) partly on viaduct commencing by a junction with Work No. 105 at a point 200 metres north-east of the junction of Footpath Checkley cum Wrinehill 4 with Footpath Checkley cum Wrinehill 8 and terminating by a junction with the West Coast Main Line at a point 285 metres south-west of the junction of Cowley Way with Weston Road. Work No. 107 includes a viaduct over Work No. 112 and a bridge over Work No. 111. 40
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Parish of Checkley cum Wrinehill –

- Work No. 108 – A diversion of Checkley Lane commencing at a point 240 metres south-west of the bridge carrying the West Coast Main Line over that lane and terminating at a point 160 metres north-east of the junction of Footpath Checkley cum Wrinehill 16 with that lane. Work No. 108 includes bridges over Works Nos. 105, 106 and 107. 50

Parishes of Checkley cum Wrinehill and Blakenhall –	
Work No. 108A – An access road commencing by a junction with Work No. 108 at a point 300 metres south-west of the bridge carrying the West Coast Main Line over Checkley Lane and terminating at a point 520 metres north-east of the junction of Footpath Checkley cum Wrinehill 16 with Checkley Lane.	5
Parish of Checkley cum Wrinehill –	
Work No. 108B – An access road commencing by a junction with Work No. 108A at a point 420 metres south-west of the bridge carrying the West Coast Main Line over Checkley Lane and terminating at a point 50 metres north of its commencement;	10
Work No. 108C – An access road commencing at a point 110 metres north-east of the junction of Footpath Checkley cum Wrinehill 5 with Checkley Lane and terminating by a junction with Work No. 108 at a point 45 metres north-east of its commencement.	15
Parish of Blakenhall –	
Work No. 109 – A diversion of a gas main commencing beneath a point 650 metres south-east of the junction of Mill Lane with Den Lane and terminating beneath a point 340 metres north-east of that junction;	
Work No. 110 – A diversion of a gas main commencing beneath a point 550 metres south-east of the junction of Mill Lane with Den Lane and terminating beneath a point 300 metres north-east of that junction;	20
Work No. 111 – A diversion of Den Lane and Wrinehill Road commencing at a point 510 metres south-east of the junction of that lane with Mill Lane and terminating at a point 35 metres north-west of that junction;	25
Work No 111A – An access road commencing at a point 365 metres south-west of the bridge carrying Den Lane over the West Coast Main Line and terminating by a junction with Work No. 111 at a point 365 metres north-west of its commencement.	30
Parishes of Blakenhall, Chorlton and Basford –	
Work No. 112 – A railway (5.06 kilometres in length) being a diversion of the West Coast Main Line commencing at a point 10 metres south-west of the bridge carrying Den Lane over the West Coast Main Line and terminating at a point 5 metres south of the bridge carrying Weston Lane over the West Coast Main Line.	35
Parishes of Blakenhall and Chorlton –	
Work No. 113 – A railway (2.24 kilometres in length) being a realignment of the West Coast Main Line commencing at a point 50 metres south-east of the bridge carrying Den Lane over that railway and terminating at a point 30 metres north-west of the bridge carrying Footpath Chorlton 3 over that railway.	40
Parish of Blakenhall –	
Work No. 114 – An access road commencing at a point 105 metres south-west of the bridge carrying Bridleway Blakenhall 8 over the West Coast Main Line and terminating at a point 285 metres north-east of its commencement. Work No. 114 includes a bridge over Works Nos. 112 and 113;	45
Work No. 115 – An access road commencing by a junction with Work No. 114 at a point 70 metres south-west of the bridge carrying	50

Bridleway Blakenhall 8 over the West Coast Main Line and terminating by a junction with Work No. 116 at a point 405 metres south of the bridge carrying Footpath Chorlton 3 over the West Coast Main Line;	
Work No. 116 – An access road commencing by a junction with Wrinehill Road at a point 240 metres north-west of the junction of Bridleway Blakenhall 12 with Wrinehill Road and terminating at a point 30 metres south-west of the bridge carrying that bridleway over the West Coast Main Line. Work No. 116 includes bridges over Works Nos. 105 and 112.	5 10
Parishes of Blakenhall and Chorlton –	
Work No. 116A – An access road commencing by a junction with Work No. 116 at a point 190 metres north-west of the bridge carrying Bridleway Blakenhall 12 over the West Coast Main Line and terminating at a point 515 metres south-east of the bridge carrying the West Coast Main Line over Chorlton Lane.	15
Parish of Chorlton –	
Work No. 117 – An access road commencing at a point 210 metres south-west of the bridge carrying Footpath Chorlton 3 over the West Coast Main Line and terminating by a junction with Work No. 118 at a point 210 metres south-west of the bridge carrying the West Coast Main Line over Chorlton Lane;	20
Work No. 117A – An access road commencing at a point 535 metres south of the bridge carrying the West Coast Main Line over Chorlton Lane and terminating by a junction with Work No. 117 at a point 65 metres north-east of its commencement;	25
Work No. 118 – A road commencing at a point 230 metres south-west of the bridge carrying the West Coast Main Line over Chorlton Lane and terminating at a point 200 metres west of the bridge carrying Newcastle Road over the West Coast Main Line;	30
Work No. 118A – An access road commencing at a point 390 metres west of the junction of Footpath Chorlton 9 with Chorlton Lane and terminating by a junction with Work No.118 at a point 110 metres north-east of its commencement;	
Work No. 119 – A diversion of a gas main commencing beneath a point 360 metres north of the bridge carrying the West Coast Main Line over Chorlton Lane and terminating beneath a point 450 metres north-west of that bridge;	35
Work No. 120 – A footbridge over Works Nos. 105, 107, 112 and 121 and the West Coast Main Line commencing at a point 300 metres south of the bridge carrying Newcastle Road over the West Coast Main Line and terminating at a point 320 metres south-west of the junction of Chorlton Lane with Newcastle Road.	40
Parishes of Chorlton and Basford –	
Work No. 121 – A loop railway (1.35 kilometres in length) commencing by a junction with Work No. 107 at a point 330 metres north-west of the bridge carrying the West Coast Main Line over Chorlton Lane and terminating by a junction with Work No. 107 at a point 85 metres south-east of the bridge carrying Casey Lane over the West Coast Main Line;	45 50

Work No. 122 – A diversion of Newcastle Road commencing at a point 330 metres south-east of the junction of Chorlton Lane with that road and terminating at a point 40 metres south-west of the junction of Casey Lane with Back Lane. Work No. 122 includes a bridge over Works Nos. 105, 107, 112 and 121.	5
Parish of Chorlton –	
Work No. 122A – A road commencing at a point 260 metres south of the junction of Footpath Basford 8 with Casey Lane and terminating by a junction with Work No. 122 at a point 50 metres north-west of its commencement.	10
Parishes of Chorlton and Basford –	
Work No. 122B – A road commencing at a point 10 metres south of the junction of Chorlton Lane with Newcastle Road and terminating by a junction with Work No. 122 at a point 80 metres north-east of its commencement.	15
Parish of Chorlton –	
Work No. 123 – A road commencing at a point 145 metres east of the bridge carrying the West Coast Main Line over Newcastle Road and terminating at a point 80 metres west of its commencement.	
Parish of Basford –	20
Work No. 124 – An access road commencing at a point 260 metres south-west of the bridge carrying Casey Lane over the West Coast Main Line and terminating at a point 90 metres south-west of that bridge;	
Work No. 125 – An access road commencing at a point 130 metres north-west of the bridge carrying Casey Lane over the West Coast Main Line and terminating at a point 50 metres west of the bridge carrying Weston Lane over the West Coast Main Line;	25
Work No. 126 – A road commencing by a junction with Work No. 122 at a point 255 metres north-east of the bridge carrying Newcastle Road over the West Coast Main Line and terminating at a point 170 metres east of the bridge carrying Weston Lane over the West Coast Main Line;	30
Work No. 126A – A diversion of Casey Lane commencing at a point 35 metres north-east of the bridge carrying that Lane over the West Coast Main Line and terminating by a junction with Work No. 126 at a point 195 metres north-east of that bridge.	35
Parishes of Basford and Weston –	
Work No. 127 – An access road commencing at a point 365 metres north-east of the junction of Footpath Basford 1 with Footpath Basford 2 and terminating at a point 825 metres north-west of that junction.	40
Town of Crewe –	
Work No. 128 – A railway (0.9 kilometres in length) commencing by a junction with the Crewe and Shrewsbury Railway at a point 750 metres south-east of the junction of Gresty Road with the A534 Nantwich Road and terminating by a junction with the Crewe to Manchester Line at a point 180 metres north-east of the junction of Gresty Road with the A534 Nantwich Road. Work No. 128 includes an extension and reconfiguration of Crewe station.	45
	50

Borough of Cheshire East, Parish of Haslington and Town of Crewe –	
Work No. 129 – A railway (0.9 kilometres in length) being an improvement of the Crewe to Manchester Line commencing at a point 330 metres north-east of the bridge carrying that line over Maw Green Road and terminating at a point 630 metres north-north-east of its commencement.	5
Town of Sandbach –	
Work No. 130 – A railway (1.88 kilometres in length) being an improvement of the Crewe to Manchester Line commencing at a point 80 metres north-east of the bridge carrying that line over the Trent and Mersey canal and terminating at a point 290 metres north-east of the bridge carrying the A533 London Road over that line;	10
Work No. 131 – A footbridge over Work No. 130 commencing at a point 50 metres east of the junction of Clifton Road with Foundry Lane and terminating at a point 265 metres south-west of the junction of Station Road with the A533 London Road.	15

SCHEDULE 2

Section 2(4)

WORKS

Authority to survey and investigate land etc

1	(1) The nominated undertaker may for the purposes of this Act –	20
	(a) survey or investigate land which is within the Act limits or which may be affected by the works authorised by this Act;	
	(b) take steps to protect or remove any flora or fauna on land which may be affected by the works authorised by this Act.	
	(2) The nominated undertaker may, in connection with the exercise of the powers under sub-paragraph (1), enter –	25
	(a) land within the Act limits, or	
	(b) land which may be affected by the works authorised by this Act.	
	(3) The land referred to in sub-paragraph (2)(a) or (b) need not be the same as the land in relation to which the powers under sub-paragraph (1) are being or are to be exercised.	30
	(4) The power under sub-paragraph (1)(a) includes power to monitor the effectiveness of landscaping or other measures which have been taken to mitigate the adverse effects of the construction, maintenance or operation of the works authorised by this Act.	35
	(5) The following provisions of Part 7 of the Housing and Planning Act 2016 apply in relation to the exercise of the powers conferred by sub-paragraphs (1) and (2) as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land –	
	section 172(2), (3) and (5) (right to enter and survey land);	40
	section 173 (warrant authorising use of force to enter and survey land);	
	section 174 (notice of survey and copy of warrant);	
	section 175 (enhanced authorisation procedures etc for certain surveys);	

section 176 (right to compensation after entry on or survey of land);
section 177 (offences in connection with powers to enter land).

- (6) In the application of the provisions specified in sub-paragraph (5) –
- (a) references to the acquiring authority are to be read as references to the nominated undertaker; 5
 - (b) references to –
 - (i) a person authorised in writing by the acquiring authority, or
 - (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016, 10
 are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise any of the powers conferred by sub-paragraphs (1) and (2) on the nominated undertaker’s behalf;
 - (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to exercise the power in question. 15

Support of buildings and apparatus etc

- 2 (1) The nominated undertaker may support or strengthen a building within 50 metres of any of the works authorised by this Act if – 20
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the work, for the building to be supported or strengthened, and
 - (b) the nominated undertaker gives at least 8 weeks’ notice to the owners and occupiers of the building of its intention to support or strengthen it. 25
- (2) If, within 21 days of the giving of a notice under sub-paragraph (1)(b), the person to whom the notice has been given gives to the nominated undertaker notice disputing that the condition in sub-paragraph (1)(a) is met, the dispute must be referred to arbitration. 30
- (3) If –
- (a) on a referral under sub-paragraph (2) the arbitrator decides that the condition in sub-paragraph (1)(a) is met, and
 - (b) one of the parties to the dispute so requires, 35
- the arbitrator must prescribe how the supporting or strengthening is to be carried out.
- (4) Where the supporting or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days’ notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work. 40
- (5) In case of emergency, the power under sub-paragraph (1) or (4) is exercisable without notice.
- (6) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey – 45

- (a) any building within 50 metres of any of the works authorised by this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (7) Before exercising the power under sub-paragraph (6), the nominated undertaker must give at least 14 days’ notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land. 5
- (8) The nominated undertaker may, in connection with the exercise of the power under this paragraph to support or strengthen a building, place and leave (temporarily or permanently) any equipment or material in, next to or under the building or on or under land in the vicinity of the building. 10
- 3 (1) The nominated undertaker may, at any time within the permitted period, further support or strengthen a building which has been supported or strengthened under paragraph 2 if –
 - (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of any of the works authorised by this Act, for the building to be further supported or strengthened, and 15
 - (b) the nominated undertaker gives at least 8 weeks’ notice to the owners and occupiers of the building of its intention further to support or strengthen it. 20
- (2) In sub-paragraph (1), “the permitted period” is the period beginning with the completion of the supporting or strengthening under paragraph 2 and ending 5 years after the date on which the work which necessitated the supporting or strengthening was brought into general use. 25
- (3) If, within 21 days of the giving of a notice under sub-paragraph (1)(b), the person to whom the notice has been given gives to the nominated undertaker notice disputing that the condition in sub-paragraph (1)(a) is met, the dispute must be referred to arbitration.
- (4) If – 30
 - (a) on a referral under sub-paragraph (3), the arbitrator decides that the condition in sub-paragraph (1)(a) is met, and
 - (b) one of the parties to the dispute so requires,the arbitrator must prescribe how the supporting or strengthening is to be carried out. 35
- (5) Where the supporting or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days’ notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work. 40
- (6) In case of emergency, the power under sub-paragraph (1) or (5) is exercisable without notice.
- (7) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey –
 - (a) any building which has been supported or strengthened under paragraph 2, or 45
 - (b) any land adjacent to such a building (but not any building on any such land).

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- (8) Before exercising the power under sub-paragraph (7), the nominated undertaker must give at least 14 days' notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land.
- (9) Paragraph 2(8) (power to place and leave equipment or material) applies for the purposes of this paragraph. 5
- 4 (1) The nominated undertaker may, for a purpose mentioned in sub-paragraph (2), affix movement-measuring apparatus to a building within 50 metres of any of the works authorised by this Act on giving at least 8 weeks' notice to the owners and occupiers of the building of its intention to do so.
- (2) The purposes referred to in sub-paragraph (1) are – 10
- (a) determining the extent of any movement in the building;
- (b) determining the effectiveness of support or strengthening work in respect of the building under paragraph 2 or 3.
- (3) In a case where movement-measuring apparatus is to be affixed inside a building, the notice under sub-paragraph (1) must state that fact. 15
- (4) If, within 21 days of the giving of the notice under sub-paragraph (1), the person to whom the notice has been given gives to the nominated undertaker notice objecting to the affixing of movement-measuring apparatus (generally or in relation to how or where it is affixed), the question must be referred to arbitration. 20
- (5) Where, on a referral under sub-paragraph (4), the arbitrator decides that movement-measuring apparatus may be affixed to the building, the arbitrator must, if the nominated undertaker or the person who made the objection so requires, prescribe how or where the affixing of the apparatus is to be carried out. 25
- (6) Where the affixing of movement-measuring apparatus under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the affixing. 30
- (7) The nominated undertaker may –
- (a) maintain, repair or alter the position of movement-measuring apparatus affixed under sub-paragraph (1);
- (b) take readings or data from any such apparatus.
- (8) In case of emergency, the power under sub-paragraph (1) or (6) is exercisable without notice. 35
- (9) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey – 40
- (a) any building within 50 metres of any of the works authorised by this Act, or
- (b) any land adjacent to such a building (but not any building on any such land).
- (10) In this paragraph, “movement-measuring apparatus” means apparatus for use in measuring any movement in a building or the ground on which a building is erected. 45

- 5 (1) The nominated undertaker may replace, support or strengthen apparatus belonging to a utility undertaker, or relevant pipe-line belonging to a person other than a utility undertaker, where –
- (a) the apparatus or pipe-line is within 50 metres of any of the works authorised by this Act (“the relevant work”), and 5
 - (b) the conditions specified in sub-paragraph (2) are met.
- (2) Those conditions are that –
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the relevant work, for the apparatus or pipe-line to be replaced, supported or strengthened, 10
 - (b) the nominated undertaker gives at least 8 weeks’ notice to the owner of the apparatus or pipe-line of its intention to replace, support or strengthen it, and
 - (c) where the nominated undertaker proposes to replace the apparatus or pipe-line, the replacement apparatus or pipe-line is likely to operate at least as effectively as the apparatus or pipe-line which is proposed to be replaced. 15
- (3) Paragraphs 2(2) to (8), 3 and 4 apply to the exercise of the power under sub-paragraph (1) as they apply to the exercise of the power under paragraph 2(1), subject to the modifications specified in sub-paragraph (4). 20
- (4) Those modifications are that –
- (a) references to a building are to be read as references to the apparatus or pipe-line (and references to the support or strengthening of a building are to be read as references to the replacement, support or strengthening of the apparatus or pipe-line); 25
 - (b) references to the owners and occupiers of a building are to be read as references to the owner of the apparatus or pipe-line;
 - (c) references to land adjacent to a building are to be read, in the case of apparatus or a pipe-line situated below the surface of the ground, as including land above the site of the apparatus or pipe-line; 30
 - (d) in paragraph 2 –
 - (i) the reference in sub-paragraph (2) to a notice under sub-paragraph (1)(b) is to be read as a reference to a notice under sub-paragraph (2)(b) of this paragraph,
 - (ii) references to the condition in sub-paragraph (1)(a) are to be read as references to the conditions in sub-paragraph (2)(a) and (if applicable) (c) of this paragraph, and 35
 - (iii) in sub-paragraph (8), the reference to placing or leaving equipment or material in, next to or under the building or on or under land in the vicinity of the building were to placing and leaving equipment or material on any land above, next to or below the site of the apparatus or pipe-line, or on or under land in the vicinity of that site. 40
- (5) In this paragraph, “relevant pipe-line” means –
- (a) a cross-country pipe-line (within the meaning of the Pipe-lines Act 1962), and 45
 - (b) a local pipe-line (within the meaning of that Act) in relation to the construction of which a direction under section 6 of that Act has or had effect.

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- 6 (1) This paragraph has effect for the purposes of paragraphs 2 to 5.
- (2) “Building” includes any structure.
- (3) A building (or, in the case of paragraph 5, apparatus or pipe-line) is within 50 metres of a work if all or part of it is within that distance.
- (4) In the case of a work under the surface of the ground, a reference to a building (or, in the case of paragraph 5, apparatus or pipe-line) within 50 metres of that work includes a reference to a building (or apparatus or pipe-line) all or part of which is within 50 metres of any point on the surface below which the work is situated. 5

Trees on neighbouring land 10

- 7 (1) This paragraph applies where—
- (a) a tree overhangs land used for Phase 2a purposes, or
- (b) the roots of a tree encroach on such land.
- (2) The nominated undertaker may by notice to the occupier of the land on which the tree is growing (a “tree works notice”) require the tree to be removed, topped or lopped, or its roots to be cut back, if it is necessary for that to be done— 15
- (a) to enable works authorised by this Act to be constructed or maintained, or
- (b) for reasons of safety in connection with such works or the operation of Phase 2a of High Speed 2. 20
- (3) The person to whom a tree works notice is given may object to the notice by giving the nominated undertaker a counter-notice to that effect before the end of 28 days beginning with the day on which the tree works notice is given. 25
- (4) If a counter-notice is given, the tree works notice has no effect unless confirmed by an order of the county court.
- (5) The nominated undertaker may carry out the works required by a tree works notice if the notice has been in effect for a continuous period of at least 28 days and has not been complied with. 30
- (6) Where the power under sub-paragraph (5) is exercisable, the nominated undertaker may, after giving 7 days’ notice to the occupier of the land on which the tree concerned is growing, enter the land for the purpose of exercising the power in relation to it.
- (7) If the nominated undertaker tops or lops a tree, or cuts back the roots of a tree, in exercise of the power under sub-paragraph (5), it must do so— 35
- (a) in accordance with good arboricultural practice, and
- (b) in such a way as to cause the minimum of damage to the tree.
- (8) The following do not apply to works required by a tree works notice— 40
- (a) an order under section 198(1) or 202(1) of TCPA 1990 and regulations under section 202A(1) of that Act (tree preservation orders);
- (b) section 211(1) and (5) of that Act (preservation of trees in conservation areas).

- (9) On application by a person who has incurred expenses in complying with a tree works notice, the county court must order the nominated undertaker to pay the person such compensation in respect of the expenses as the court thinks fit.

Exercise of powers of entry under paragraphs 2 to 7 5

- 8 (1) This paragraph applies where the nominated undertaker has a power to enter land under any provision of paragraphs 2 to 7.
- (2) The following provisions of Part 7 of the Housing and Planning Act 2016 (compulsory purchase etc) apply in relation to the exercise of the power as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land – 10
- section 172(2), (3) and (5) (right to enter and survey land);
 - section 173 (warrant authorising use of force to enter and survey land);
 - section 174(4) (copy of warrant to be given to those to whom notice of entry is given); 15
 - section 175 (enhanced authorisation procedures etc for certain surveys);
 - section 176 (right to compensation after entry on or survey of land);
 - section 177 (offences in connection with powers to enter land).
- (3) The following modifications have effect for the purposes of the application of the provisions of the Housing and Planning Act 2016 specified in subparagraph (2) – 20
- (a) references to the acquiring authority are to be read as references to the nominated undertaker;
 - (b) references to – 25
 - (i) a person authorised in writing by the acquiring authority, or
 - (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016,are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise the power on the nominated undertaker’s behalf; 30
 - (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to enter the land; 35
 - (d) the reference in section 174(4) to a notice given in accordance with section 174(1) is to be read as a reference to the notice required in relation to the exercise of the power of entry in question (and the reference in section 175(1)(b) to the notice period mentioned in section 174(1) is to be construed accordingly); 40
 - (e) references in section 175(3) to a survey are to be read as including references to the activity for the purposes of which the nominated undertaker has the power to enter land.

Noise mitigation for buildings 45

- 9 (1) The nominated undertaker may carry out noise mitigation works in respect of a building if it is necessary or expedient to do so in consequence of, for the

purposes of or in connection with the construction or operation of any of the works authorised by this Act.

- (2) “Noise mitigation works” means works for the purpose of mitigating the effects of noise caused, or expected to be caused, by the construction or operation of any of the works authorised by this Act. 5
- (3) The nominated undertaker must not exercise the power under subparagraph (1) without the consent of the owners and occupiers of the building.

Discharge of water

- 10 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water for the purposes of or in connection with the construction or maintenance of the works authorised by this Act and for that purpose – 10
- (a) may lay down, take up and alter pipes, and
- (b) on any land within the Act limits, may make connections with the watercourse, sewer or drain. 15
- (2) The nominated undertaker must not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld. 20
- (3) The nominated undertaker must not make any opening into any public sewer or drain except –
- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, such approval not to be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening. 25
- (4) The nominated undertaker must not, in the exercise of the powers under this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river. 30
- (5) The nominated undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers under this paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension. 35
- (6) Any dispute as to the giving of consent under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- (7) In this paragraph –
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, the Homes and Communities Agency, an internal drainage board, a local authority, a joint planning board, an urban development corporation or a harbour authority within the meaning of the Harbours Act 1964; 40
- (b) “watercourse” includes a river, stream, ditch, drain, cut, culvert, dyke, sluice, sewer or passage through which water flows, except a public sewer or drain; 45

- (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meaning as in that Act.

Temporary interference with waterways

- 11 (1) The powers under this paragraph are exercisable in relation to the following waterways for the purposes of or in connection with the works authorised by this Act— 5
- the River Trent;
 - the Trent and Mersey Canal.
- (2) The nominated undertaker may – 10
- (a) temporarily interfere with a waterway mentioned in sub-paragraph (1) at any point within the Act limits by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient; 10
 - (b) temporarily moor or anchor barges or other vessels or craft in a waterway mentioned in sub-paragraph (1); 15
 - (c) temporarily close a waterway mentioned in sub-paragraph (1), or a part of such a waterway, to navigation.
- (3) The power under sub-paragraph (2)(c) must be exercised in a way which secures – 20
- (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and 20
 - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it. 25
- (4) The nominated undertaker is not liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference in accordance with this paragraph with a public right of navigation.
- (5) The nominated undertaker must compensate any person who suffers loss as a result of any interference in accordance with this paragraph with a private right of navigation. 30
- (6) Any dispute as to a person’s entitlement to compensation under sub-paragraph (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 35

Electronic communications apparatus

- 12 (1) The nominated undertaker may, in installing any electronic communications apparatus in exercise of the powers conferred by this Act – 40
- (a) provide additional capacity for electronic communications apparatus belonging to any other person; 40
 - (b) construct any extension or other alteration of electronic communications apparatus in connection with providing such additional capacity.
- (2) In sub-paragraph (1), “electronic communications apparatus” –

- (a) has the meaning given by paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, but
- (b) excludes any radio mast.

SCHEDULE 3

Section 2(5)

OVERHEAD LINE DIVERSIONS

5

(1) Area	(2) Overhead line to be taken down	(3) New overhead line to be provided	
County of Staffordshire District of Lichfield Parish of Kings Bromley	Overhead electric line to be taken down between points E1, E2, E3 (on Sheet No. 1-06), points E4, E5, E6 (on Sheet No. 1-05), points E7, E8, E9 (on Sheet No. 1-08) and point E10 (on Sheet No. 1-09)	Overhead electric line to be subsequently reinstated on land within Act limits between points E1, E2, E3 and E4 (on Sheet No. 1-06), reinstated and raised	10
		between points E4, E5, E6 (on Sheet No.1-05) and reinstated between points E6, E7, E8, E9 (on Sheet No. 1-08) and point E10 (on Sheet No. 1-09)	15
			20
Parishes of Colton and Colwich	Overhead electric line to be taken down between points E1 (on Sheet No. 1-20) and E10 (on Sheet No. 1-21)	Temporary overhead electric line to be provided on land within Act limits between points E1, E4, E6 (on Sheet No. 1-20), E9 (on Sheets Nos. 1-20 and 1-21) and E10 (on Sheet No. 1-21) and between points E1, E3, E5 (on Sheet No. 1-20), E7 and E10 (on Sheet No. 1-21)	25
		New permanent electric line to be provided on land within Act limits overhead between points E1 and E2, buried underground between points E2 and E8 and overhead between points E8 and E10	35
Borough of Stafford Parishes of Stone Rural and Swynnerton	Overhead electric line to be taken down between points E1, E2, E6 (on Sheet No. 1-41) and E7 (on Sheet No. 1-42)	New permanent electric line to be provided on land within Act limits overhead between points E1 and E3 (on Sheet No. 1-41), buried underground between	40
		points E3 and E5 (on Sheet No. 1-41) and overhead between points E5 (on Sheet No. 1-41) and E7 (on Sheet No. 1-42)	45

(1) Area	(2) Overhead line to be taken down	(3) New overhead line to be provided	
Parish of Swynnerton	Overhead electric line to be taken down between points E1, E2, E3 (on Sheet No. 1-46) and E4 (on Sheet No. 1-47)	Electric line to be provided on land within Act limits overhead between points E1 and E2 (on Sheet No. 1-46), buried underground between points E2 and E3 (on Sheet No. 1-46) and overhead between points E3 (on Sheet No. 1-46) and E4 (on Sheet No. 1-47)	5
			10
County of Cheshire Borough of Cheshire East Parishes of Checkley cum Wrinehill, Blakenhall and Chorlton	Overhead electric line to be taken down between points E1, E2 (on Sheet No. 1-58), points E3, E3A, E4, E5, E6, E7, E8 (on Sheet No. 1-59), and points E9, E10, E11, E12 and E13 (on Sheet No. 1-60)	Overhead electric line to be subsequently reinstated and raised on land within Act limits between points E1, E2 (on Sheet No. 1-58), points E3, E3A, E4, E5, E6, E7, E8 (on Sheet No. 1-59), points E9, E10, E10A, E11, E11A, E12 and E13 (on Sheet No. 1-60)	15
			20

SCHEDULE 4

Section 3(2)

HIGHWAYS

25

PART 1

HIGHWAY ACCESS

- 1 (1) The nominated undertaker may, for Phase 2a purposes—
 - (a) form and lay out means of access, and
 - (b) improve existing means of access,
 at any place within the Act limits. 30

- (2) In the case of works at a place shown on the deposited plans which require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, the power under sub-paragraph (1) is exercisable on giving at least 28 days' notice to the highway authority. 35

- (3) Works which are the subject of a notice under sub-paragraph (2) may not be carried out at the place shown on the deposited plans if, within 28 days of the giving of the notice, the highway authority objects to the works being carried out there by giving the nominated undertaker notice to that effect.

- (4) The only ground on which the highway authority may object under sub-paragraph (3) is that works under sub-paragraph (1) should be carried out instead at another place within the Act limits to prevent or reduce—
 - (a) injury to local amenity, or
 - (b) prejudicial effects on road safety or on the free flow of traffic in the local area,
 and are reasonably capable of being carried out there. 45

-
- (5) If, in the case of works under sub-paragraph (1) at a place shown on the deposited plans, the works require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, they must be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker. 5
- (6) The only ground on which the highway authority may refuse to approve plans or specifications for the purposes of sub-paragraph (5) is that they ought to be modified to prevent or reduce—
- (a) injury to local amenity, or
 - (b) prejudicial effects on road safety or on the free flow of traffic in the local area, 10
- and are reasonably capable of being so modified.
- (7) Works under sub-paragraph (1) may only be carried out at a place not shown on the deposited plans if the highway authority consents to the siting of the works; and such consent is not to be unreasonably withheld. 15
- (8) Works under sub-paragraph (1) at a place not shown on the deposited plans must be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld.
- (9) In considering whether to give consent for the purposes of sub-paragraph (7), or approval for the purposes of sub-paragraph (8), in a case where the works require the opening of an access on to, or the alteration of, a highway used by vehicular traffic, the highway authority must have regard in particular to effects on road safety and on the free flow of traffic in the local area. 20
25
- (10) If, on application by the nominated undertaker for the approval of plans or specifications under sub-paragraph (5) or (8), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans or specifications as submitted. 30
- (11) If a highway authority which receives an application for consent under sub-paragraph (7) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted it. 35
- (12) Where an objection under sub-paragraph (3) leads to the carrying out of works under sub-paragraph (1) at a place not shown on the deposited plans, sub-paragraphs (5), (7) and (8) have effect in relation to the works as if the place were shown on the deposited plans.
- (13) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 40

PART 2

INTERFERENCE WITH HIGHWAYS

Stopping up

- 2 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up each highway or part of a highway specified in table 1 or 2 in Schedule 5. 5
- (2) Where a highway or part of a highway is specified in table 1 in Schedule 5, it may not be stopped up under sub-paragraph (1) unless all of the land which abuts on it falls within one or more of the following categories, namely – 10
- (a) land to which there is no right of access directly from the highway or part to be stopped up;
 - (b) land to which there is reasonably convenient access otherwise than directly from the highway or part to be stopped up;
 - (c) land the owners and occupiers of which have agreed to the stopping up of the highway or part; 15
 - (d) land which is in the possession of the Secretary of State.
- (3) Where a highway or part of a highway is specified in columns (1) and (2) of table 2 in Schedule 5 – 20
- (a) it may not be stopped up under sub-paragraph (1) until the date on which the new highway to be provided in substitution for the highway or part, as specified in column (3) of table 2, is first open for public use, but
 - (b) the nominated undertaker may, at any time before that date, temporarily stop up so much of the highway or part as is within the Act limits for the purposes of or in connection with the provision of the new highway to be provided in substitution for the highway or part. 25
- (4) Before exercising the power conferred by sub-paragraph (3)(b) in relation to a highway or part of a highway, the nominated undertaker must consult the highway authority. 30
- (5) The purpose of consultation under sub-paragraph (4) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.
- (6) Where a new highway specified in column (3) of table 2 in Schedule 5 is provided in exercise of the powers conferred by this Act, the date on which the new highway is first open for public use is to be taken for the purposes of sub-paragraph (3) to be – 35
- (a) where a date has been determined in relation to the highway under paragraph 16(6), the date so determined, and
 - (b) where it has not, the date certified under paragraph 16(5). 40
- (7) There is no need to reinstate a highway or part of a highway in relation to which the power conferred by sub-paragraph (3)(b) has been exercised where the exercise of the power comes to an end on the exercise, in relation to the highway or part, of the power under sub-paragraph (1).

-
- 3 (1) The nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act, stop up a bridleway or footpath, or part of a bridleway or footpath, where –
- (a) the bridleway or footpath (or part) is within the Act limits, and
 - (b) there is no power under paragraph 2 to stop up the bridleway or footpath (or part). 5
- (2) The power under sub-paragraph (1) may not be exercised unless the proposed stopping up has been confirmed by the appropriate Ministers on application by the nominated undertaker.
- (3) The appropriate Ministers must grant an application under sub-paragraph (2) if, but only if, they are satisfied – 10
- (a) that an alternative bridleway or footpath has been provided,
 - (b) that an alternative bridleway or footpath will be provided before the proposed stopping up takes place, or
 - (c) that the provision of an alternative bridleway or footpath is not required. 15
- (4) Where the appropriate Ministers grant an application under sub-paragraph (2), they must notify the nominated undertaker of the basis on which the application is granted.
- (5) Where an application under sub-paragraph (2) is granted on the basis that an alternative bridleway or footpath will be provided, the proposed stopping up may not take place until the alternative has been provided. 20
- (6) Before making an application under sub-paragraph (2), the nominated undertaker must publish in at least one local newspaper circulating in the relevant area a notice – 25
- (a) specifying –
 - (i) the bridleway or footpath, or part, proposed to be stopped up,
 - (ii) what, if any, alternative bridleway or footpath is proposed, and 30
 - (iii) if no alternative is proposed, the reasons why,
 - (b) specifying a place in the relevant area where a map or plan illustrating the proposals may be inspected by any person free of charge at all reasonable hours during a period of 28 days from the date of the publication of the notice (“the publication date”), 35
 - (c) stating that any person may within that period make representations about confirmation under sub-paragraph (2) of the proposed stopping up, and
 - (d) specifying the manner in which such representations may be made.
- (7) Not later than the publication date, the nominated undertaker must – 40
- (a) give a copy of the notice, together with any map or plan to which it refers, to every local authority whose area includes any of the land on which the bridleway or footpath, or part, proposed to be stopped up is situated, and
 - (b) cause a copy of the notice to be displayed in a prominent position at the ends of the bridleway or footpath, or part, proposed to be stopped up. 45

- (8) Before granting an application under sub-paragraph (2), the appropriate Ministers must consider any representations made to them in accordance with the nominated undertaker’s notice which have not been withdrawn.
- (9) Unless they direct otherwise, the appropriate Ministers’ functions in relation to an application under sub-paragraph (2) must, instead of being carried out by them, be carried out by a person appointed by them for the purpose. 5
- (10) In sub-paragraph (6), references to the relevant area are to the area in which the bridleway or footpath, or part, proposed to be stopped up is situated.
- (11) In sub-paragraph (7)(a), “local authority” means – 10
- (a) the council of a county, district or parish,
 - (b) a joint authority established by Part 4 of the Local Government Act 1985,
 - (c) a housing action trust established under Part 3 of the Housing Act 1988, and
 - (d) the parish meeting of a rural parish not having a separate parish council. 15
- (12) In this paragraph, references to the appropriate Ministers are to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs and, in relation to the carrying out of any functions, are to those Ministers acting jointly. 20

Effect of stopping up of highway

- 4 (1) On a highway or part of a highway being stopped up under paragraph 2(1) or 3 –
- (a) all rights of way over or along it are extinguished, and
 - (b) the Secretary of State may appropriate and use, without making any payment, so much of the site of it as is bounded on both sides by land owned by the Secretary of State. 25
- (2) The nominated undertaker must compensate any person who suffers loss by the extinction under this paragraph of a private right of way.
- (3) Any dispute as to a person’s entitlement to compensation under sub-paragraph (2), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 30
- (4) The Secretary of State is not entitled to any mines or minerals under land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b), with the exception of minerals necessarily extracted or used in the construction of the undertaking which the nominated undertaker is authorised to carry on by this Act. 35
- (5) Part 3 of Schedule 2 to the Acquisition of Land Act 1981 (regulation of the working of mines or minerals underlying an authorised undertaking) has effect in relation to the working of any mines or minerals underlying land which the Secretary of State is entitled to appropriate and use under sub-paragraph (1)(b) as if – 40
- (a) references to the undertaking were to the undertaking which the nominated undertaker is authorised to carry on by this Act,
 - (b) in paragraphs 3 to 5 and 7 to 9, references to the acquiring authority were to the nominated undertaker, and 45

- (c) in paragraph 6, the first reference to the acquiring authority were to the nominated undertaker.

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

- 5 (1) This paragraph applies where a footpath, bridleway or other kind of way specified in column (3) of table 2 in Schedule 5 (substitute highways) or in table 3 in that Schedule (new rights of way) is provided in exercise of the powers conferred by this Act. 5
- (2) A public right of way of the kind specified in column (3) of table 2 or in table 3 in Schedule 5 (as the case may be) is created on the date on which the footpath, bridleway or other way is first open for public use. 10
- (3) Section 28 of the Highways Act 1980 (compensation for loss suffered by landowner) applies as if the public right of way created by virtue of sub-paragraph (2) had been created by an order under section 26 of that Act (public path creation orders).
- (4) In its application by virtue of sub-paragraph (3), section 28 of that Act has effect as if it were modified as follows – 15
- (a) in subsection (1), for “the authority by whom the order was made” there were substituted “the Secretary of State”;
- (b) for subsection (2) there were substituted –
- “(2) A claim for compensation under this section must be made by notice in writing to the Secretary of State before the end of the period of 6 months beginning with the day on which the public right of way first becomes exercisable.”; 20
- (c) subsection (3) were omitted.
- (5) In its application to a claim under section 28 of that Act (as applied by virtue of sub-paragraph (3)), section 307 of that Act (determination of disputes as to compensation) has effect as if, in subsection (2), for “the authority from whom the compensation in question is claimed” there were substituted “the Secretary of State”. 25
- (6) For the purposes of sub-paragraph (2), the date on which a path or way is first open for public use is to be taken to be – 30
- (a) where a date has been determined in relation to the path or way under paragraph 16(6), the date so determined, and
- (b) where it has not, the date certified under paragraph 16(5).

Deviation of new footpaths, bridleways etc

- 6 (1) This paragraph applies where the nominated undertaker, in exercise of the powers conferred by this Act, provides a footpath, bridleway or other kind of way which is specified in column (3) of table 2 in Schedule 5 (substitute highways) or in table 3 in that Schedule (new rights of way). 35
- (2) In providing the path or way, the nominated undertaker may deviate laterally to any extent from the lines shown on the deposited plans, within the limits shown on those plans (and references in this Part of this Schedule to a highway specified in column (3) of table 2 or in table 3 in Schedule 5 are to be construed accordingly). 40

Permanent obstruction

- 7 (1) The powers under section 2(1), (3) and (5) may be exercised in such a way as to obstruct the highway, but only with the consent of the highway authority, such consent not to be unreasonably withheld.
- (2) Any dispute with a highway authority under sub-paragraph (1) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 5
- (3) If a highway authority which receives an application for consent under sub-paragraph (1) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted it. 10

Temporary interference

- 8 (1) For the purposes of the works authorised by this Act, the nominated undertaker may –
- (a) temporarily stop up or alter or divert any highway or part of a highway; 15
- (b) for any reasonable time divert traffic from, and prevent persons passing along, any highway or part of a highway;
- (c) break up or interfere with any highway or part of a highway (including any sewer, drain or tunnel in it); 20
- (d) temporarily remove any street furniture in or beside a highway.
- (2) The nominated undertaker must provide reasonable access for pedestrians going to or from premises abutting on a highway affected by the exercise of the powers under sub-paragraph (1)(a) to (c) if there would otherwise be no such access. 25
- (3) Before exercising the powers under sub-paragraph (1) in relation to a highway, and to an extent, specified in table 4 in Schedule 5, the nominated undertaker must consult the relevant authority.
- (4) The purpose of consultation under sub-paragraph (3) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience. 30
- (5) Before exercising the powers under sub-paragraph (1) in relation to a highway, or to an extent, not specified in table 4 in Schedule 5, the nominated undertaker must obtain the consent in writing of the relevant authority.
- (6) Consent under sub-paragraph (5) must not be unreasonably withheld, but may be given subject to such conditions as the relevant authority may reasonably require in the interest of public safety or convenience. 35
- (7) If a relevant authority which receives an application for consent under sub-paragraph (5) fails to notify the applicant of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having granted the application. 40
- (8) Any dispute with a relevant authority about consent under sub-paragraph (5) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.

- (9) There is no need to reinstate a highway or part of a highway in relation to which any of the powers under sub-paragraph (1)(a) to (c) has been exercised where the exercise of the power comes to an end on the exercise, in relation to the highway or part, of the power under paragraph 2(1) or 3(1).
- (10) In this paragraph – 5
“relevant authority” means –
(a) the highway authority, in the case of the powers in sub-paragraph (1)(a) to (c);
(b) the owner of the street furniture, in the case of the power in sub-paragraph (1)(d); 10
“street furniture” includes traffic signs, street lighting and bus shelters.

Street works

- 9 (1) The nominated undertaker may, for the purposes of the works authorised by this Act, enter upon any highway within the Act limits and – 15
(a) place, maintain or alter, or change the position of, apparatus in it,
(b) remove apparatus from it, and
(c) execute any works required for, or incidental to, any works authorised by paragraph (a) or (b).
- (2) In this paragraph, “apparatus” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991. 20
- 10 (1) Works executed under this Act in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 of the New Roads and Street Works Act 1991 (street works) as major transport works if – 25
(a) they are of a description mentioned in section 86(3)(a), (c) to (e), (g) or (h) of that Act (which defines what highway authority works are major highway works), or
(b) they are works which, had they been executed under the powers of the highway authority, might have been carried out in exercise of the powers under section 64 (dual carriageways and roundabouts) or 184 (vehicle crossings over footways and verges) of the Highways Act 1980. 30
- (2) Sub-paragraph (1) does not apply to works executed under powers delegated to a highway authority by an agreement under paragraph 14(2) of this Schedule (construction delegation agreements). 35

Working sites in highways

- 11 Any highway or part of a highway which is stopped up under paragraph 2(3)(b) or 8(1)(a) may be used as a working site if it is within the Act limits.

PART 3

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS 40

Construction and alteration

- 12 (1) Where under this Act the nominated undertaker –
(a) constructs a new highway, or

- (b) alters a highway, otherwise than by carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991, the construction or alteration must be completed to the reasonable satisfaction of the highway authority.
- (2) Where work mentioned in sub-paragraph (1) has been completed to the reasonable satisfaction of a highway authority, it must certify that fact in writing to the nominated undertaker. 5
- (3) If the nominated undertaker requests a highway authority to issue a certificate under sub-paragraph (2) and the highway authority does not before the end of the period of 28 days beginning with the date on which the request was made – 10
- (a) issue a certificate under that sub-paragraph, or
- (b) notify the nominated undertaker of its decision to refuse to issue such a certificate,
- it is to be treated as having issued such a certificate at the end of that period. 15
- (4) Any dispute with a highway authority under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- 13 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker – 20
- (a) constructs a new highway which is constituted by or comprises a carriageway, or
- (b) realigns a highway which is constituted by or comprises a carriageway.
- (2) The construction or realignment must be carried out in accordance with plans, sections and specifications approved by the highway authority at the request of the nominated undertaker; and such approval is not to be unreasonably withheld. 25
- (3) Any dispute with a highway authority under sub-paragraph (2) must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State. 30
- (4) If, on application by the nominated undertaker for the approval of plans, sections or specifications under sub-paragraph (2), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of 28 days beginning with the date on which the application was made, it is to be treated as having approved the plans, sections or specifications as submitted. 35
- 14 (1) Where under this Act the nominated undertaker is authorised to stop up or interfere with an existing highway or part of an existing highway, it may enter into an agreement with the controllers of the highway concerning the construction (or contribution towards the expenses of construction) of – 40
- (a) any new highway to be provided in substitution,
- (b) any alteration of the existing highway, and
- (c) any related matters.
- (2) Where the nominated undertaker has entered into an agreement under sub-paragraph (1) with the controllers of an existing highway, the nominated undertaker may, by agreement with them, delegate to them the power of constructing – 45

- (a) any new highway to be provided in substitution, or
 (b) any alteration of the existing highway,
 including any bridge over any railway.
- (3) Works executed by the controllers of an existing highway under a delegation agreement under sub-paragraph (2) which could have been carried out by them under section 64 or 184 of the Highways Act 1980 are to be treated for the purposes of section 86(3) of the New Roads and Street Works Act 1991 as having been so carried out by them. 5
- (4) References in this paragraph to the controllers of a highway are to the persons having the charge, management or control of it. 10
- 15 (1) This paragraph applies in relation to a work authorised by this Act which appears to the Secretary of State to constitute –
 (a) the construction of an extension to a trunk road or special road, or
 (b) the realignment of a trunk road or special road.
- (2) The Secretary of State may by regulations made by statutory instrument provide that the highway comprising the extension or realignment is to become a trunk road or special road (or both) as from a date – 15
 (a) specified in the regulations, or
 (b) if the regulations so provide, specified in an instrument in writing after the making of the regulations. 20
- (3) Where, under regulations under this paragraph, a highway becomes a special road –
 (a) the regulations must specify the special road authority for the highway,
 (b) the highway is to be regarded as provided by the specified special road authority under a scheme under section 16 of the Highways Act 1980 made on the day the regulations are made, and 25
 (c) the highway is to be regarded as so provided for the use of traffic of such classes referred to in Schedule 4 to that Act as may be provided for in the regulations (and the regulations may make different provision for different parts of the highway). 30
- (4) Provision under sub-paragraph (3)(c) may be expressed by reference to classes of traffic which are at any time authorised under a scheme under section 16 of the Highways Act 1980 in relation to the road of which the highway is a realignment or extension. 35

Maintenance

- 16 (1) Sub-paragraph (2) applies where under this Act the nominated undertaker –
 (a) provides a new highway, or
 (b) alters a highway, otherwise than by carrying out street works within the meaning of Part 3 of the New Roads and Street Works Act 1991. 40
- (2) The new or altered highway must be maintained by and at the expense of the nominated undertaker for a period of 12 months from –
 (a) the date of practical completion, or
 (b) if later, the date on which it is first open for public use; 45

- and after the end of that period must be maintained by and at the expense of the highway authority.
- (3) Sub-paragraph (2) is subject to –
- (a) any agreement between the nominated undertaker and the highway authority as to alternative arrangements relating to the maintenance of the highway, and
 - (b) sub-paragraph (4), in respect of a period for which the nominated undertaker is under a duty to maintain the highway.
- (4) Unless otherwise agreed between the highway authority and the nominated undertaker, the highway authority must ensure, so far as reasonably practicable, that safe passage along the new or altered highway is not endangered by snow or ice.
- (5) Where the highway authority is satisfied that a highway mentioned in sub-paragraph (2) is practically complete or is open for public use, it must, at the request of the nominated undertaker, certify to it in writing the date of practical completion of the highway or, as the case may be, the date on which it was first open for public use.
- (6) If the highway authority refuses a request to issue a certificate under sub-paragraph (5), or if the nominated undertaker disputes the date given in a certificate under that sub-paragraph, the matter must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State.
- (7) For the purposes of sub-paragraph (2), the date of practical completion of a highway, or the date on which it is first open for public use, is to be taken to be –
- (a) where the date has been determined under sub-paragraph (6), the date so determined, and
 - (b) where it has not, the date certified under sub-paragraph (5).
- (8) Sub-paragraph (2) does not have effect to impose any obligation in relation to –
- (a) the structure of any bridge carrying a highway over any railway of the nominated undertaker, or
 - (b) the structure of any tunnel carrying a highway under any such railway.
- (9) Nothing in this paragraph affects the operation of section 87 of the New Roads and Street Works Act 1991.
- 17 Where the nominated undertaker is responsible for maintaining a bridge carrying either of the following over a railway –
- (a) a new highway constructed under this Act, or
 - (b) a highway altered under this Act,
- the nominated undertaker may, by agreement with the persons having the charge, management or control of the highway, delegate to them the function of maintaining the bridge.
- 18 Section 58(1) and (2) of the Highways Act 1980 (special defence in action against highway authority for damages for non-repair of highway) applies to an action against the nominated undertaker in respect of damage resulting from its failure to maintain a highway under paragraph 16(2) or 16(3)(a) as it applies to an action against a highway authority as mentioned

in section 58(1) of that Act (and references in section 58(1) and (2) to the highway authority are to be read accordingly).

- 19 Notwithstanding anything in section 46 of the Railways Clauses Consolidation Act 1845, as incorporated with this Act (see paragraph 4 of Schedule 28 to this Act), the nominated undertaker is not liable to maintain the surface of any highway under or over which the scheduled works are constructed, or the immediate approaches to any such highway. 5

Bridges carrying highways

- 20 Each of sections 116 and 117 of the Transport Act 1968 (duties as respects bridges carrying highways over railways) has effect as if the nominated undertaker were one of the boards mentioned in the section in question. 10

SCHEDULE 5

Section 3(3)

HIGHWAYS: TABLES RELEVANT TO PART 2 OF SCHEDULE 4

TABLE 1

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	15
County of Staffordshire District of Lichfield Parish of Kings Bromley	Common Lane between points P6 and P7	
Parishes of Mavesyn Ridware and Colton	Hadley Gate Lane between points P5 and P11	20
Parish of Colton	Byway Open to all Traffic Colton 16 between points P5 (on Sheet No. 1-14) and P11 (on Sheet No. 1-15)	
	Footpath Colton 52 between points P10 and P9	
Borough of Stafford Parish of Colwich	Bridleway Colwich 58 within the limits of deviation of Work No. 17	25
Parish of Swynnerton	Bridleway Swynnerton 54 between points P11 and P12	
	Stab Lane between points P10 and P14	
	Bottom Lane between points P15 (on Sheet No. 1-43) and P2 (on Sheet No. 1-44)	30
	Bent Lane between points P1 and P2	
Borough of Newcastle-under-Lyme Parish of Madeley	Footpath Madeley 14 between points P7 and P6	
County of Cheshire Borough of Cheshire East Parish of Chorlton	Footpath Chorlton 13 between points P12 and P13	35
	Footpath Chorlton 17 between points P6 and P7	

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	
	Footpath Chorlton 11 between points P7 and P15	
	Footpath Chorlton 12 between points P2 and P3	
Parish of Basford	Footpath Basford 5 between points P8 and P15	5
	Casey Lane between points P1 and P18	

TABLE 2

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be provided in substitution</i>	
County of Staffordshire District of Lichfield Parish of Kings Bromley	Crawley Lane within the limits of deviation of Work No. 6	Work No. 6	10
	Crawley Lane within the limits of deviation of Work No. 6A	Work No. 6A	15
	Crawley Lane within the limits of deviation of Work No. 6B	Work No. 6B	
	A515 Lichfield Road between points P12 and P16 (on Sheet No. 1-05) and between points P17 (on Sheet No. 1-05) and P13 (on Sheet No. 1-06)	Work No. 7	20
	A515 Lichfield Road between points P14 (on Sheet No. 1-08) and P15 (on Sheet No. 1-05)	Work No. 8 (part)	25
	Footpath Kings Bromley 0.390 between points P3 and P5	Footpath between points P3, P4 and P5	30
	Shaw Lane between points P11 (on Sheet No. 1-05) and P2 (on Sheet No. 1-10) and between points P3 and P4 (on Sheet No. 1-10)	Work No. 9	35
	A513 Rugeley Road between points P15 (on Sheet No. 1-05) and P1 (on Sheet No. 1-10)	Work No. 8 (part)	40
	Footpath Kings Bromley 1 between points P5 and P6	Footpath between points P6, P7, P8 and P9 (connecting to the A513 Rugeley Road)	

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
Parish of Mavesyn Ridware	Footpath Mavesyn Ridware 30 between points P1 and P3	Footpath between points P1, P2 and P3	5
	Pipe Lane within the limits of deviation of Work No. 15 and between points P4 (on Sheet No. 1-11) and P1 (on Sheet No. 1-13)	Work No. 15	10
	Pipe Lane and Common Lane within the limits of deviation of Work No. 15A	Work No. 15A	
	Dawson Lane within Act limits	Work No. 15	15
	Footpath Mavesyn Ridware 32 between points P5 and P7	Footpath between points P5, P6 and P7	
	Footpath Mavesyn Ridware 33 between points P8 and P9	Footpath between points P8 and P10 (connecting to Mavesyn Ridware 32), footpath between points P5, P6, P7 (connecting to Mavesyn Ridware 32), Work No. 15A (part) and footpath between Work No. 15A and point P9	20 25
	Footpath Mavesyn Ridware 38 between points P2 and P3	Footpath between point P2, Work No. 16 (part) and point P3	30
	Uttoxeter Road within the limits of deviation of Work No. 18	Work No. 18	
	Footpath Mavesyn Ridware 8 between points P4 and P5	Footpath between points P4, P6 and P7, between points P7 and P8 over Work No. 16 (part) and between points P8, P9 and P5	35
	Stonyford Lane within the limits of deviation of Work No. 18A	Work No. 18A	40
	Uttoxeter Road within the limits of deviation of Work No. 15B	Work No. 15B	45
	Uttoxeter Road within the limits of deviation of Work No. 15C	Work No. 15C	
	Uttoxeter Road within the limits of deviation of Work No. 18E	Work No. 18E	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Uttoxeter Road/Blithbury Road within the limits of deviation of Work No. 18D	Work No. 18D	5
Parishes of Mavesyn Ridware and Colton	Stonyford Lane within the limits of deviation of Works Nos. 20 and 20A	Work No. 20A	
	Hadley Gate Lane within the limits of deviation of Works Nos. 20B and 20C	Works Nos. 20B and 20C	10
	Blithbury Road between points P3 (on Sheet No. 1-14), P1 (on Sheet No. 1-15) and between points P2 and P3 (on Sheet No. 1-15)	Work No. 20 (part)	15
	Footpath Colton 17 between points P4 and P5 (on Sheet No. 1-15)	Footpath between points P4 (on Sheet No. 1-15) and P4 (on Sheet No. 1-14)	20
Parish of Colton	Footpath Colton 73 between points P8 and P9	Footpath between points P8 and P9 over Work No. 21	
	Newlands Lane between points P12 and P13	Work No. 22	
	Footpath Colton 34 between points P10 (on Sheet No. 1-15) and P1 (on Sheet No. 1-19)	Footpath between points P10 and P11 (on Sheet No. 1-15) over Work No. 22B (part), Work No. 22 (part) (connecting to Newlands Lane)	25 30
	Footpath Colton 36 between points P4 and P5	Footpath between points P4 and P6, and Work No. 24 (part)	
	Footpath Colton 76 between points P7 and P8	Footpath between points P7 and P6 and between Work No. 24 (part) and point P8	35
	Newlands Lane between points P2 and P3	Work No. 24	
	Moor Lane between points P11 and P12	Work No. 24A	40
	Moor Lane within the limits of deviation of Work No. 24B	Work No. 24B	
	Uttoxeter Road within the limits of deviation of Work No. 26	Work No. 26	45
	Jonghams Lane within Act limits	Work No. 26A (up to existing termination point of Jonghams Lane)	

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Hollow Lane within the limits of deviation of Work No. 20	Work No. 20	5
Borough of Stafford Parish of Colwich	Bridleway Colwich 23 between points P1 and P2	Work No. 30 (part), bridleway over Work No. 30A and bridleway between Work No. 30A and point P2	10
	Footpath Colwich 36 between points P3 and P4	Footpath between points P4 and P5 and Work No. 30 (part)	
	Bishton Lane within the limits of deviation of Work No. 30	Work No. 30 (to the junction with the termination of Work No. 30A)	15
	Bridleway Colwich 35 between points P1 and P2	Bridleway between points P1 and P2 over Work No. 31	
	Footpath Colwich 26 between points P3 and P4	Footpath between points P3, P15, P6 and P16 (connecting to Bridleway Colwich 35) and footpath between points P5 and P4	20
	Footpath Colwich 54 between points P7, P9, P8 and P10	Footpath between points P7 and P11, bridleway between points P11 and P16, between P16 and P12 over Work No. 34, and between points P12 and P10	25
	Footpath Colwich 55 between points P1 (on Sheet No. 1-24) and P2 and P10 (on Sheet No. 1-23)	Work No. 36A (part) (connecting to Tolldish Lane) and Bridleway between points P13 and P11	30
	Tolldish Lane between points P14 (on Sheet No. 1-23) and P2 on (Sheet No. 1-24)	Work No. 36A	35
	A51 Lichfield Road between points P3 and P4	Work No. 36	
Parish of Tixall	Hoo Mill Lane within the limits of deviation of Work No. 43	Work No. 43	40
	Footpath Tixall 0.1630(b) between points P1 and P2	Footpath between point P1 and Work No. 49 and footpath between that Work and point P2	45
	Bridleway Tixall 0.1628 between points P3 and P4	Bridleway between points P3 and P2 over Works Nos. 49A and Work No. 49 (part)	
	Footpath Tixall 0.1630(b) between points P2 and P4	Bridleway between points P2 and P4	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Great Haywood Road within the limits of deviation of Work No. 43A	Work No. 43A	5
	Great Haywood Road within the limits of deviation of Work No. 43B	Work No. 43B	
Parish of Hopton and Coton	A518 Weston Road within the limits of deviation of Work No. 51	Work No. 51	10
	Footpath Hopton and Coton 5 and Footpath Hopton and Coton 24 between points P1, P4 and P6	Footpath between points P1 and P2 over Work No. 52, and between points P2 and P6	15
	Footpath Hopton and Coton 6 between points P1 (on Sheet No. 1-31) and P4 (on Sheet No. 1-31)	Footpath between points P1 (on Sheet No. 1-31), P3 (on Sheet No. 1-30), P6 and P2, between P2 and P5 over Work No. 52 (part), footpath between points P5, P4 (on Sheet No. 1-30) P2 and P3 (connecting to Hopton and Coton 7) (on Sheet No. 1-31)	20 25
	Hopton Lane between points P5 and P6	Work No. 54B, Work No. 54 (part) and Work No. 54A (part) (connecting into Sandon Lane)	30
	Sandon Road between points P9 and P10, between points P11 and P12 and between points P13 and P14	Work No. 54	
	Bridleway Hopton and Coton 12 between points P1 and P2	Bridleway between points P1 and P3	35
	Bridleway Hopton and Coton 11 between points P3 and P4	Bridleway between point P3, Work No. 56 and point P4	40
	Bridleway Hopton and Coton 16 between points P5 and P6	Bridleway between points P5 and P7	
Parish of Marston	Bridleway Marston 8 between points P8 and P9	Bridleway between points P8 and P9 over Work No. 59 (part)	45
	Footpath Marston 2 between points P2 and P3	Footpath between points P2 and P4 and Work No. 60 (part) (connecting into Marston 9)	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Marston Lane between points P10, P9 (on Sheet No. 1-32) and P1 (on Sheet No. 1-33)	Work No. 60	5
	Marston Lane/Yarlet Lane within the limits of deviation of Work No. 60A	Work No. 60A	10
Parishes of Marston and Cresswell	Marston Lane within the limits of deviation of Work No. 60B	Work No. 60B	
Parishes of Marston and Whitgreave	A34 Stone Road between points P1 and P2	Work No. 61	15
Parish of Stone Rural	Footpath Stone Rural 28 between points P1 and P2	Footpath between points P1, P3, P4 and P5, between points P5 and P6 over Work No. 64 (part) and between points P6 and P2	20
	Bridleway Stone Rural 0.1135 between points P1 and P2	Bridleway between points P1, Work No. 65 and point P2	
	Footpath Stone Rural 32 between points P3 and P4	Footpath between points P3, P5, P6 and P7, between points P7 and P8 over Work No. 66 (part) and between points P8, P9 and P4	25
	Footpath Stone Rural 33 between points P1 and P2	Footpath between points P1, P3 and P2	30
	Byway Open to All Traffic Stone Rural 34 within the limits of deviation of Work No. 72	Work No. 72 (part)	
	Yarnfield Lane within the limits of deviation of Work No. 69B	Work No. 69B	35
Parishes of Stone Rural and Stone	Eccleshall Road within the limits of deviation of Work No. 68	Work No. 68	40
Parishes of Stone Rural and Swynnerton	Yarnfield Lane within the limits of deviation of Work No. 69	Work No. 69	
Parishes of Stone Rural, Chebsy and Swynnerton	M6 Motorway within the limits of deviation of Work No. 70	Work No. 70	45
Parish of Swynnerton	Footpath Swynnerton 27 between points P1 and P2	Work No. 72 (part)	

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Footpath Swynnerton 17 between points P3 and P4	Footpath between points P4 and P1 and between points P1 and P5 (connecting into Swynnerton 17) over Work No. 72 (part)	5
	Tittensor Road between points P1 and P4	Work No. 75	10
	A51 Stone Road between points P9 (on Sheet No. 1-43) and P1 (on Sheet No. 1-44)	Work No. 78A	
	A519 Newcastle Road between points P3 and P4	Work No. 78	15
	Footpath Swynnerton 52 within the limits of deviation of Work No. 84	Work No. 84	
	Common Lane within the limits of deviation of Work No. 84	Work No. 84 (part)	20
	Footpath Swynnerton 15 between points P1 and P2	Footpath between point P1, Work No. 85 and point P2	
	Footpath Swynnerton 10 between points P4 and P5	Footpath between points P4, P6, P7 and P5	25
Borough of Stafford Parish of Swynnerton and Borough of Newcastle-under-Lyme Parish of Whitmore	Footpath Swynnerton 10 between points P8 and P9	Work No. 90 (part) and footpath between points P10 and P9 over Work No. 89	30
	Bent Lane between points P3 (on Sheet No. 1-46) and P2 (on Sheet No. 1-47)	Work No. 90	
Borough of Newcastle-under-Lyme Parish of Whitmore	A53 Newcastle Road within the limits of deviation of Work No. 91	Work No. 91	35
	Snape Hall Road between points P1 and P3	Works Nos. 92 (from its junction with Common Lane to its junction with the termination of Work No. 92A) and 92A	40
	Common Lane within the limits of deviation of Work No. 92	Work No. 92 (part)	45

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Footpath Whitmore 6 between points P1 and P2, between points P3 and P4 and between points P5 and P6	Footpath between points P1 and P9 over Work No. 92 (part), between points P9 and P4 (connecting into Whitmore 6), between points P5 and P8 and between points P8 and P7 over Work No 92 (part)	5 10
Parish of Madeley	Manor Road between points P1 and P2 (on Sheet No. 1-51) and between points P3 (on Sheet No. 1-51) and P1 (on Sheet No. 1-53)	Work No. 97	15
	A525 Bar Hill Road within the limits of deviation of Work No. 101	Work No. 101	20
	A525 Bar Hill Road within the limits of deviation of Work No. 101B	Work No. 101B	
	A525 Bar Hill Road within the limits of deviation of Work No. 101C	Work No. 101C	25
	A525 Bar Hill Road within the limits of deviation of Work No. 101D	Work No. 101D	
	Bridleway Madeley 1(Red Lane) within the limits of deviation of Work No. 100	Work No. 100	30
	Footpath Madeley 24 between points P1 and P6	Work No. 101A	
	Footpath Madeley 26 between points P2, P6, P5 and P3	Footpath between points P2 and P3 over Work No. 101A (part)	35
	Bridleway Madeley 5 between points P2, P8 and P3 and Footpath Madeley 28 between points P2, P4 and P5	Bridleway between points P2, P4 and P5 (connecting to Madeley 2) and bridleway between points P7 and P3 over Work No. 104 (part)	40
	Bridleway Madeley 5 between points P4 (on Sheet No. 1-53) and P1 (on Sheet No. 1-57)	Bridleway between point P4 (on Sheet No. 1-53) and Work No. 103, Work No. 103 (part) and bridleway between that Work and point P1 (on Sheet No. 1-57)	45
	Bridleway Madeley 2 between points P6 and P7	Work No. 104	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
	Bower End Lane within the limits of deviation of Work No. 103	Work No. 103 (part)	5
County of Staffordshire Borough of Newcastle-under-Lyme Parish of Madeley and Unitary District of Shropshire Parish of Woore	A525 Bar Hill Road/ A525 Woore Road within the limits of deviation of Work No. 101E	Work No. 101E	10
Unitary District of Shropshire Parish of Woore	A525 Newcastle Road/ A525 Woore Road within the limits of deviation of Work No. 101F	Work No. 101F	15
	A525 Newcastle Road within the limits of deviation of Work No. 101G	Work No. 101G	20
	A525 Newcastle Road within the limits of deviation of Work No. 101H	Work No. 101H	
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Footpath Checkley cum Wrinehill 8 between points P1 and P2	Footpath between point P1 and Checkley cum Wrinehill 4 and between points P3, P4 and P2	25
	Footpath Checkley cum Wrinehill 5 between points P5 and P6	Footpath between points P5 and P12 (at the commencement of Work No. 108C), between points P12 (at the commencement of Work No. 108C), and P7 over Work No. 108C	30
	Checkley Lane within the limits of deviation of Work No. 108	Work No. 108	35
Parishes of Checkley cum Wrinehill and Blakenhall	Footpath Checkley cum Wrinehill 9, Footpath Checkley cum Wrinehill 15 and Footpath Blakenhall 17 between points P8, P9 and P11	Footpath between points P9, P10 and P8 (connecting into Checkley cum Wrinehill 9) and footpath between points P12 (on the centreline of Work No. 108) and P11	40
Parish of Blakenhall	Den Lane and Wrinehill Road between points P1 and P2	Work No. 111	45
	Footpath Blakenhall 9 between points P3 and P1	Footpath between points P3 and P4, and Work No. 111 (part)	
	Bridleway Blakenhall 8 between points P5 and P6	Work No. 114	50

(1) <i>Area</i>	(2) <i>Highway or part to be stopped up</i>	(3) <i>New highway to be provided in substitution</i>	
	Bridleway Blakenhall 12 between points P2, P4 and P5	Work No. 116	5
	Footpath Blakenhall 7 between points P1 and P2	Footpath between points P1 and P5 over Work No. 116 (part) (connecting into Wrinehill Road)	10
	Footpath Blakenhall 11 between points P4 and P6	Footpath between points P6 and P7, Work No. 116 (part) and point P5	
Parish of Chorlton	Footpath Chorlton 7 between points P4 and P5	Footpath between points P4 and P10, between points P10 and P11 over Work No. 120 (part) and between points P11 and P5	15
	Footpath Chorlton 9 between points P6, P10 (on Sheet No. 1-61) and P14 (on Sheet No. 1-62)	Footpath between points P6, P4 and P10 (on Sheet No. 1-61) and between points P10 (on Sheet No. 1-61) and P14 (on Sheet No. 1-62) over Work No.120 (part)	20
	Chorlton Lane between points P8 and P9	Work No. 118	25
	Newcastle Road within the limits of deviation of Work No. 123	Work No. 123	
Parishes of Chorlton and Hough	Footpath Chorlton 3 between points P8 and P9	Footpath between points P9 and P7 over Works Nos. 116A (part) and 116 (part) and footpath between points P7 and P6 (connecting with Hough 11)	30 35
Parishes of Chorlton and Basford	Newcastle Road within the limits of deviation of Work No. 122 and between points P6 and P7	Work No. 122	
Parish of Basford	Casey Lane between points P1 and P2	Works Nos. 126 and 122 (part)	40
	Casey Lane between points P2 and P18	Works Nos. 126 (part) and 126A	
	Footpath Basford 4 between points P3 and P4	Footpath between points P3, P5 and Work No. 122, Work No. 122 (part), Work No. 126 (part) and footpath between points P16 and P4	45
	Footpath Basford 3 between points P11 and P12	Work No. 126A (part)	50

(1) Area	(2) Highway or part to be stopped up	(3) New highway to be provided in substitution	
Town of Sandbach	Footpath not on definitive map within the limits of deviation of Work No. 131	Work No. 131	5

NOTE: References in column (3) of table 2 to a footpath or bridleway include any highway over which members of the public have, or are to have, a right of way on foot and (in the case of a bridleway) on horseback or leading a horse, whether or not with any other public rights of way.

10

TABLE 3

(1) Area	(2) Right of way which may be provided	
County of Staffordshire District of Lichfield Parish of Kings Bromley	New footpath between points P1 and P2	15
Parish of Mavesyn Ridware	New footpath between points P1 and P2	
Borough of Stafford Parish of Colwich	New footpath between points P6 (on Sheet No. 1-21) and P1 (on Sheet No. 1-23)	20
	New bridleway between points P11 and P13	
Parish of Hopton and Coton	New bridleway between points P6, P7, Work No. 53 and point P8	25
	New footpath between point P6, Work No. 53A point P7, Work No. 53 and point P8	
Parish of Stone Rural	New byway open to all traffic between points P1 and P10	30
Parish of Swynnerton	New bridleway between points P5, P6 and P13	
	New bridleway between points P2, P7, P8, Work No. 74 (part) and point P1	35
Borough of Cheshire East Parish of Blakenhall	New footpath between points P1 and P5 New bridleway along Work No. 115	
Parish of Chorlton	New bridleway between points P10 (on Sheet No. 1-60) and P1 (on Sheet No. 1-61)	40
	New footpath between points P1, P13 and P6	

(1) Area	(2) Right of way which may be provided	
	New footpath between point P11 (on Sheet No. 1-61), Work No. 120 and point P13 (on Sheet No. 1-62)	5

TABLE 4

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
County of Staffordshire District of Lichfield Parish of Fradley and Streethay	Footpath Fradley and Streethay 35	Within Act limits	10
	Footpath Fradley and Streethay 53	Within Act limits	15
	Bridleway Fradley and Streethay 33	Within Act limits	
	Wood End Lane	Within Act limits	
	Netherstowe Lane	Within Act limits	
Parishes of Fradley and Streethay and Kings Bromley	Trent and Mersey Canal Towpath	Within Act limits	20
Parish of Kings Bromley	Footpath Kings Bromley 0.392(a)	Within Act limits	
	Common Lane	Within Act limits	25
	Bridleway Kings Bromley 13	Within Act limits	
	Footpath Kings Bromley 12	Within Act limits	
	A515 Lichfield Road	Within Act limits	
	Shaw Lane	Within Act limits	30
	Footpath Kings Bromley 0.390	Within Act limits	
	Footpath Kings Bromley 0.391	Within Act limits	
	Lichfield Road	Within Act limits	35
	Footpath Kings Bromley 11	Within Act limits	
Footpath Kings Bromley 8	Within Act limits		
Footpath Kings Bromley 7	Within Act limits		

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	A513 Alrewas Road	Within Act limits	
	Footpath Kings Bromley 1	Within Act limits	5
	Tuppenhurst Lane	Within Act limits	
	Crawley Lane	Within Act limits	
Parish of Alrewas	Footpath Alrewas 0.248	Within Act limits	
	Bridleway Alrewas 33	Within Act limits	
	Alrewas Hayes Road	Within Act limits	10
Parishes of Kings Bromley and Armitage with Handsacre	A513 Rugeley Road	Within Act limits	
Parish of Armitage with Handsacre	Footpath Armitage with Handsacre 25	Within Act limits	15
	Footpath Armitage with Handsacre 26	Within Act limits	
	A513 Uttoxeter Road	Within Act limits	
	A513 Kings Bromley Lane	Within Act limits	
Parish of Hamstall Ridware	Footpath Hamstall Ridware 3	Within Act limits	20
	Footpath Hamstall Ridware 26	Within Act limits	
Parish of Mavesyn Ridware	Footpath Mavesyn Ridware 29	Within Act limits	25
	Footpath Mavesyn Ridware 18	Within Act limits	
	Footpath Mavesyn Ridware 32	Within Act limits	
	Footpath Mavesyn Ridware 30	Within Act limits	30
	Pipe Lane	Within Act limits	
	Footpath Mavesyn Ridware 28	Within Act limits	
	Footpath Mavesyn Ridware 33	Within Act limits	35
	Footpath Mavesyn Ridware 38	Within Act limits	
	Footpath Mavesyn Ridware 8	Within Act limits	40

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
Parishes of Mavesyn Ridware and Colton Parish of Colton	Footpath Mavesyn Ridware 7	Within Act limits	5
	Footpath Mavesyn Ridware 13	Within Act limits	
	Quintons Orchard	Within Act limits	
	Footpath Mavesyn Ridware 6	Within Act limits	10
	Dawson Lane	Within Act limits	
	Footpath Mavesyn Ridware 9	Within Act limits	
	Footpath Mavesyn Ridware 10	Within Act limits	15
	Footpath Mavesyn Ridware 31	Within Act limits	
	Uttoxeter Road	Within Act limits	
	Common Lane	Within Act limits	
	Hadley Gate Lane	Within Act limits	20
	Hollow Lane	Within Act limits	
	Blithbury Road	Within Act limits	
	Byway Open to All Traffic Colton 16	Within Act limits	25
	Footpath Colton 15	Within Act limits	
	Footpath Colton 73	Within Act limits	
	Bridleway Colton 32	Within Act limits	
	Bridleway Colton 31	Within Act limits	
	Bridleway Colton 33	Within Act limits	30
	Footpath Colton 19	Within Act limits	
Newlands Lane	Within Act limits		
Moor Lane	Within Act limits and between points T1 and T2		
Footpath Colton 74	Within Act limits	35	
Footpath Colton 4	Within Act limits		
Footpath Colton 11	Within Act limits		
Footpath Colton 12	Within Act limits		

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
District of East Staffordshire Parish of Blithfield	Footpath Colton 20	Within Act limits	
	Footpath Colton 21	Within Act limits	5
	Footpath Colton 36	Within Act limits	
	Footpath Colton 52	Within Act limits	
	Footpath Colton 76	Within Act limits	
	Footpath Colton 17	Within Act limits	
	Footpath Colton 6	Within Act limits	10
	Footpath Colton 34	Within Act limits	
	Footpath Colton 5	Within Act limits	
	Footpath Colton 10	Within Act limits	
	Footpath Colton 77	Within Act limits	
	High Street	Within Act limits	15
	Narrow Lane	Within Act limits	
	Uttoxeter Road	Within Act limits	
	Lount Lane	Within Act limits	
	Sherracop Lane	Within Act limits	
	Footpath Colton 23	Within Act limits	20
	Footpath Colton 30	Within Act limits	
	Uttoxeter Road	Within Act limits	
	Borough of Stafford Parish of Colwich	Bridleway Colwich 19	Within Act limits
Footpath Colwich 20		Within Act limits	
Footpath Colwich 6		Within Act limits	
Footpath Colwich 26		Within Act limits	
Tolldish Lane		Within Act limits	
Footpath Colwich 56		Within Act limits	30
A51 Lichfield Road		Within Act limits	
Footpath Colwich 63		Within Act limits	
Bridleway Colwich 23	Within Act limits		
Bridleway Colwich 21	Within Act limits		

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Footpath Colwich 32	Within Act limits	
	Bridleway Colwich 35	Within Act limits	5
	Bridleway Colwich 58	Within Act limits	
	Main Road	Within Act limits	
Parish of Hixon	Pasturefields Lane	Within Act limits	
	Footpath Hixon 3	Between points T1 and T2	
Parish of Ingestre	Byway open to all traffic Ingestre 1	Within Act limits	10
	Hoo Mill Lane	Within Act limits	
Parish of Tixall	Ingestre Park Road	Within Act limits	
	Great Haywood Road	Within Act limits and between points T1 (on Sheet No. 1-24) and T1 (on Sheet No. 1-26) and between points T1 and T2 (on Sheet No. 1-27)	15
	Mill Lane	Within Act limits	20
	Bridleway Tixall 0.1629	Within Act limits	
	Footpath Tixall 0.1630(b)	Within Act limits	
	Bridleway Tixall 0.1628	Within Act limits	
	Tixall Village Road	Within Act limits	
Parish of Hopton and Coton	Hopton Lane	Within Act limits	25
	Bridleway Hopton and Coton 12	Within Act limits	
	Footpath Hopton and Coton 5	Within Act limits	
	Lower Lane	Within Act limits	30
	Bridleway Hopton and Coton 16	Within Act limits	
	A518 Weston Road	Within Act limits	
	Footpath Hopton and Coton 14	Within Act limits	35
	Station Road	Within Act limits	
Parish of Salt and Enson	Footpath Salt and Enson 6	Within Act limits	
Parish of Marston	Bridleway Marston 8	Within Act limits	
	Footpath Marston 2	Within Act limits	

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
	Marston Lane	Within Act limits and between points T1 and T2	5
Parishes of Marston and Whitgreave	Footpath Marston 9	Within Act limits	
	A34 Stone Road	Within Act limits	
	Footpath Whitgreave 2	Within Act limits	
Parish of Whitgreave			
Parish of Stone Rural	Bridleway Stone Rural 0.1135	Within Act limits	10
	Footpath Stone Rural 31	Within Act limits	
	Footpath Stone Rural 33	Within Act limits	
	Footpath Stone Rural 28	Within Act limits	
	Yarnfield Lane	Within Act limits	15
	A51 Stone Road	Within Act limits	
Parishes of Stone Rural and Swynnerton	M6 Motorway	Within Act limits	
Parish of Swynnerton	Footpath Swynnerton 27	Within Act limits	
	Footpath Swynnerton 17	Within Act limits	20
	Hall Lane	Within Act limits	
	Bridleway Swynnerton 54	Within Act limits	
	Footpath Swynnerton 53	Within Act limits	
	Bottom Lane	Within Act limits	
	A519 Newcastle Road	Within Act limits	25
	Stab Lane	Within Act limits	
	Footpath Swynnerton 9	Within Act limits	
	Footpath Swynnerton 10	Within Act limits	
	A51 The Rowe	Within Act limits	
	Green Lane G2084	Within Act limits	30
	Footpath Swynnerton 38	Within Act limits	
	Bridleway Swynnerton 39	Within Act limits	
	Footpath Swynnerton 58	Within Act limits	
	Main Street	Within Act limits	
	Footpath Swynnerton 15	Within Act limits	35
	Bent Lane	Within Act limits	

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Highway or part to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	
Borough of Newcastle-under-Lyme Parish of Whitmore	A51 Stone Road	Within Act limits	
	Footpath Whitmore 4	Within Act limits	5
	Green Lane G2085	Within Act limits	
	Heath Road	Within Act limits	
	Byway Open to All Traffic Whitmore 3	Within Act limits	10
	Footpath Whitmore 5	Within Act limits and between points T1 and T2	
	Footpath Whitmore 6	Within Act limits	
Parish of Chapel and Hill Chorlton	Snape Hall Road	Within Act limits	15
	A53 Newcastle Road	Within Act limits	
Parishes of Whitmore and Madeley	A51 The Rowe	Within Act limits	
	Footpath Madeley 14	Within Act limits	20
Parish of Madeley	Manor Road	Within Act limits	
	Footpath Madeley 33	Within Act limits	
	Bridleway Madeley 1	Within Act limits	
	Footpath Madeley 26	Within Act limits	
	Bridleway Madeley 5	Within Act limits	25
	Footpath Madeley 28	Within Act limits	
	Bridleway Madeley 2	Within Act limits	
	Footpath Madeley 27	Within Act limits	
	Netherset Hey Lane	Within Act limits	
	Footpath Madeley 53	Within Act limits	30
	Bower End Lane	Within Act limits	
	A525 Bar Hill Road	Within Act limits	
	Footpath Madeley 7	Within Act limits	
	Footpath Madeley 70	Within Act limits	
	Footpath Madeley 23	Within Act limits	35
School Lane	Within Act limits		

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up	
County of Staffordshire Borough of Newcastle- under-Lyme Parish of Madeley and Unitary District of Shropshire Parish of Woore	A525 Newcastle Road	Within Act limits	5
Unitary District of Shropshire Parish of Woore	A525 Woore Road	Within Act limits	10
Unitary District of Shropshire Parish of Woore	Footpath Woore 0236/29/1	Within Act limits	15
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	A51 Nantwich Road	Within Act limits	15
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Audlem Road	Within Act limits	20
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Turncocks Lane	Within Act limits	20
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Footpath Checkley cum Wrinehill 5	Within Act limits	25
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Footpath Checkley cum Wrinehill 4	Within Act limits	25
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	Footpath Checkley cum Wrinehill 15	Within Act limits	25
Parish of Blakenhall	Footpath Blakenhall 7	Within Act limits	30
Parish of Blakenhall	Mill Lane	Within Act limits	30
Parish of Blakenhall	Wrinehill Road	Within Act limits	30
Parish of Blakenhall	Bridleway Blakenhall 12	Within Act limits	30
Parish of Blakenhall	Footpath Blakenhall 17	Within Act limits	30
Parish of Blakenhall	Footpath Blakenhall 6	Within Act limits	35
Parish of Blakenhall	Footpath Blakenhall 9	Within Act limits	35
Parish of Blakenhall	Footpath Blakenhall 13	Within Act limits	35
Parish of Blakenhall	Bridleway Blakenhall 8	Within Act limits	35
Parish of Blakenhall	Den Lane	Within Act limits	35
Parish of Wybunbury	Wybunbury Road	Within Act limits	35
County of Staffordshire Borough of Newcastle- under-Lyme Parish of Betley	Footpath Betley 29	Within Act limits	40
County of Staffordshire Borough of Newcastle- under-Lyme Parish of Betley	Den Lane	Within Act limits	40

(1) Area	(2) Highway or part to be stopped up	(3) Extent of temporary stopping up		
County of Cheshire Borough of Cheshire East Parish of Chorlton	Footpath Chorlton 3	Within Act limits	5	
	Footpath Chorlton 7	Within Act limits		
	Footpath Chorlton 9	Within Act limits		
	Bridleway Chorlton 2	Within Act limits		
	Waybutt Lane	Within Act limits		10
	Footpath Chorlton 8	Within Act limits		
	Footpath Chorlton 9	Within Act limits		
	Footpath Chorlton 12	Within Act limits		
	Chorlton Lane	Within Act limits		
	Footpath Chorlton 14	Within Act limits		15
Parishes of Chorlton and Basford	Newcastle Road	Within Act limits		
Parish of Hough	Footpath Hough 11	Within Act limits		
Parish of Basford	Casey Lane	Within Act limits		
	Weston Lane	Within Act limits	20	
	Footpath Basford 6	Within Act limits		
	Footpath Basford 11	Within Act limits		
	Footpath Basford 4	Within Act limits		
	Footpath Basford 3	Within Act limits		
	Footpath Basford 10	Within Act limits	25	
	Back Lane	Within Act limits		
	Footpath Basford 1	Within Act limits		
	Parishes of Basford and Shavington cum Gresty	A500 Shavington Bypass	Within Act limits	
B5071 Link Road		Within Act limits	30	
Parishes of Basford and Weston	David Whitby Way	Within Act limits		
Town of Sandbach	Footpath Sandbach 46	Within Act limits		
	Footpath not on definitive map between Foundry Lane and Footpath Sandbach 46	Within Act limits	35	

SCHEDULE 6

Section 4(2)

ACQUISITION OF LAND FOR PARTICULAR PURPOSES

The purposes for which land specified in the following table may be acquired under section 4(1) include (but are not limited to) the purpose specified in relation to that land in the third column of the table.

5

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
County of Staffordshire District of Lichfield Parish of Fradley and Streethay	1 to 15, 22	Provision of railway infrastructure and access	10
	16	Provision of railway infrastructure and access Utility works	
	20, 21, 24, 29, 35	Worksite and access for construction	
	23, 28	Utility works	15
	30 to 32	Provision of environmental mitigation Worksite and access for construction	
Parish of Kings Bromley	1, 2, 23, 37, 41, 42, 87, 88, 90, 200, 222	Provision of environmental mitigation	20
	9, 16, 50, 96	Provision of environmental mitigation Worksite and access for construction	
	12, 116	Utility works Worksite and access for construction	
	15, 17, 25, 29 to 31, 43, 55, 56, 58, 62, 63, 84, 102, 113, 141, 153, 160, 182, 185, 187, 198, 202 to 206, 209, 214, 243 to 246, 248 to 250, 252	Utility works	25
	20, 21, 35, 101, 125, 133, 136, 137, 139, 142, 147, 149, 152, 155, 162, 211	Worksite and access for construction	30
	38, 39, 52, 54, 134, 172	Borrow pit	
	49	Highway works	
	51	Provision of railway infrastructure and access Borrow pit	35
	66, 140	Worksite and access for construction Borrow pit	
70, 169	Provision of railway infrastructure and access Provision of environmental mitigation	40	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	77	Highway works Worksite and access for construction	
	92a, 93, 112	Provision of environmental mitigation Utility works	5
	100a	Provision of environmental mitigation Utility works Provision of a public right of way	
	122	Provision of environmental mitigation Worksite and access for construction Borrow pit	10
	143	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	15
	148	Provision of environmental mitigation Borrow pit	
	260	Provision of environmental mitigation Utility works Worksite and access for construction Provision of a public right of way	20
	261	Provision of environmental mitigation Utility works Worksite and access for construction	
Parish of Alrewas	1	Provision of environmental mitigation Worksite and access for construction	25
	3, 7, 10	Worksite and access for construction	
	11 to 13	Borrow pit	
Parish of Armitage with Handsacre	3, 7, 10, 11	Provision of environmental mitigation	30
	6, 17, 18, 20, 21	Worksite and access for construction	
	14, 15, 22 to 26	Utility works	
Parish of Hamstall Ridware	1, 3	Worksite and access for construction	
	2	Provision of environmental mitigation	35
	4, 5, 8	Worksite and access for construction Borrow pit	
Parish of Mavesyn Ridware	2, 4, 39, 40a, 40c, 45, 46, 50, 63, 80, 112, 113, 115, 125, 132, 133, 148, 152, 179, 180, 190, 192, 193	Worksite and access for construction	40
	6 to 8, 13, 14, 16, 35, 40b, 51, 53, 72, 79, 97, 102, 118, 119, 126, 131, 139, 159, 161, 162, 166, 167, 172, 173	Provision of environmental mitigation	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	9	Borrow pit	
	11	Borrow pit	
		Provision of a public right of way	5
	23, 30, 32, 33	Utility works Worksite and access for construction	
	28, 34, 38, 41, 70, 98, 104, 117, 216	Utility works	
	40	Provision of environmental mitigation Utility works Worksite and access for construction	10
	42 to 44, 89	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	15
	49	Provision of environmental mitigation Provision of a public right of way	
	64, 105	Provision of railway infrastructure and access Provision of environmental mitigation	20
	66, 93, 114, 134, 147, 150, 156, 205	Provision of environmental mitigation Highway works	
	71	Highway works Worksite and access for construction	25
	74	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	
	76, 82	Worksite and access for construction Provision of a public right of way	30
	90	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	35
	93a, 95a, 108, 140, 142, 143, 160, 163, 169, 175, 177, 182	Provision of environmental mitigation Worksite and access for construction	
	185, 202	Highway works	
Parish of Colton	1 to 4, 9 to 11, 22 to 24, 26, 45, 46, 48, 56, 57, 61, 63, 73, 95, 98, 100, 103, 106, 111, 112, 120, 121, 124, 134 to 136, 144, 145, 183, 187, 191, 215, 221 to 224, 226, 232, 243, 244, 251	Utility works	40
			45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	18 to 20, 25a, 26a, 27a, 32, 67, 70, 90, 115, 118, 127, 138, 155, 169, 177, 195, 199, 201, 205, 206, 209, 228, 230, 238	Provision of environmental mitigation	5
	25, 27, 197	Provision of environmental mitigation Utility works	
	33	Provision of environmental mitigation Highway works	10
	43, 44, 49, 65, 65a, 66, 69, 71, 78, 82, 83, 109, 137, 185, 186, 193, 202, 212, 250	Worksite and access for construction	15
	79, 91, 113, 117	Provision of environmental mitigation Worksite and access for construction	
	151, 158, 161, 165, 220	Highway works	
	214	Provision of environmental mitigation Highway works Worksite and access for construction	20
	217, 218, 240, 242	Utility works Worksite and access for construction	
	231, 236	Provision of railway infrastructure and access Provision of environmental mitigation	25
District of Cannock Chase Parish of Brereton and Ravenhill	8 to 11, 13, 15	Utility works	30
Borough of East Staffordshire Parish of Blithfield	1	Highway works	
Borough of Stafford Parish of Colwich	22, 142 to 144, 151	Provision of environmental mitigation Worksite and access for construction	35
	25, 52a, 54, 58, 64a, 76 to 79, 158, 207, 220	Provision of environmental mitigation	
	28, 30, 32, 33, 37, 40, 42, 52, 55, 57, 59, 60, 64, 65, 104, 107, 110, 180	Utility works	40
	47, 83, 85, 86, 95, 105, 114	Worksite and access for construction Provision of a public right of way	
	49, 51, 99, 100, 113, 133, 134, 140, 146, 159, 171, 172, 182, 185, 187, 193, 198, 199, 201, 203, 210, 212, 216, 217, 224 to 228	Worksite and access for construction	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	69, 90, 101	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	5
	103, 112, 121, 124, 129, 130, 157, 164, 170, 184, 188	Utility works Worksite and access for construction	
	126, 149, 215	Provision of railway infrastructure and access Worksite and access for construction	10
	132	Highway works Worksite and access for construction	
	155	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	15
	229 to 232	Provision of railway infrastructure and access	
Parish of Hixon	1	Provision of railway infrastructure and access	20
	2	Provision of railway infrastructure and access Worksite and access for construction	
Parish of Ingestre	1, 4, 5, 7, 10, 11, 43	Utility works	25
	12	Provision of environmental mitigation Worksite and access for construction	
	14, 18, 21, 23, 30, 33	Provision of environmental mitigation	
	15	Highway works	
	16	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	30
	19	Provision of railway infrastructure and access Worksite and access for construction	35
	20	Provision of environmental mitigation Utility works	
	27	Worksite and access for construction	
Parish of Tixall	4, 5, 39, 73	Utility works	40
	7, 38, 43	Provision of railway infrastructure and access Provision of environmental mitigation	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	8, 30, 36, 49, 51, 56, 57, 60, 84	Worksite and access for construction	
	12, 14, 40	Highway works	5
	15, 24, 62	Utility works Worksite and access for construction	
	20, 27, 33, 46, 47, 55, 61, 64, 67, 72	Provision of environmental mitigation	
	48	Provision of environmental mitigation Worksite and access for construction	10
	50	Provision of environmental mitigation Utility works Worksite and access for construction	
	63	Provision of railway infrastructure and access	15
Parish of Hopton and Coton	1, 15, 21, 28, 29, 32, 80, 103, 104, 108, 109, 121, 161, 173, 175	Provision of environmental mitigation	
	3, 34, 56, 89, 93 to 96, 117, 166, 186	Worksite and access for construction	20
	11, 16, 17, 23, 123	Provision of railway infrastructure and access Provision of environmental mitigation	
	13, 36, 42, 44, 48, 66, 68, 72, 73, 84, 85, 99, 105, 148, 153, 156, 157, 163, 164, 180, 188, 194	Utility works	25
	18, 19, 64	Utility works Worksite and access for construction	30
	33, 37, 74	Provision of environmental mitigation Utility works	
	35	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	35
	57, 181	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	
	60, 61, 63, 65	Provision of environmental mitigation Provision of a public right of way	40
	70, 116, 187	Provision of railway infrastructure and access	
	78	Highway works	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	183, 184	Provision of environmental mitigation Worksite and access for construction	
Parish of Salt and Enson	2, 3	Utility works	5
Parish of Marston	1, 44, 61, 70, 103, 105, 109	Provision of environmental mitigation Worksite and access for construction	
	6, 43	Provision of railway infrastructure and access	10
	7, 16, 29, 31, 36, 63, 74, 78, 82, 83, 110	Utility works	
	12, 39, 46, 47, 50, 53, 56, 59, 60, 62, 64, 69, 75, 77, 94, 99, 104, 108	Provision of environmental mitigation	15
	20, 54, 92	Provision of railway infrastructure and access Worksite and access for construction	
	27, 49	Worksite and access for construction	
	42	Highway works	20
	45	Worksite and access for construction Provision of a public right of way	
	90	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	25
	98	Provision of railway infrastructure and access Provision of environmental mitigation	
Parish of Whitgreave	3	Provision of environmental mitigation Worksite and access for construction	30
	4	Provision of environmental mitigation	
Parish of Stone Rural	1, 3, 10, 30, 35, 40, 47, 59 to 61, 68, 88, 89, 113, 118, 119	Worksite and access for construction	35
	4, 13, 24 to 26, 44, 51, 55, 56, 74 to 76, 81, 122, 123, 126, 153, 155	Provision of environmental mitigation	
	6	Worksite and access for construction Provision of a public right of way	40
	11, 14, 17, 31, 41, 42, 70, 105, 128	Provision of environmental mitigation Worksite and access for construction	
	15, 18, 19, 22, 23, 48, 135, 139, 140	Utility works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	20, 91, 92	Provision of railway infrastructure and access Worksite and access for construction	5
	37, 107, 116	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	
	54, 57	Provision of environmental mitigation Provision of a public right of way	10
	73, 157	Provision of railway infrastructure and access Provision of environmental mitigation Utility works Worksite and access for construction	15
	77, 129	Provision of railway infrastructure and access	
	90	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	20
	131	Provision of railway infrastructure and access Provision of environmental mitigation	
Parish of Stone	5, 7	Provision of environmental mitigation Worksite and access for construction	25
Parish of Chebsey	1, 3	Provision of environmental mitigation	
	4, 7, 11	Provision of railway infrastructure and access	
Parish of Swynnerton	1, 221, 273, 274	Provision of railway infrastructure and access	30
	13, 14, 28, 32, 34, 39, 40, 44, 60, 75, 83, 84, 98, 99, 107, 108, 111, 140, 169, 170, 188, 190 to 192, 199, 200, 204, 218, 223, 231, 234, 236, 237, 240, 242, 245, 247, 269, 278, 284, 294, 308, 322, 324, 325	Provision of environmental mitigation	35
	19, 23, 55, 56, 62, 92, 104, 112, 115, 117, 174, 179, 208, 219, 225, 246, 256, 264, 271, 272, 281, 283, 288, 290, 292, 293, 298, 313, 329	Worksite and access for construction	40
	35, 38, 41, 46, 51 to 53, 57, 93, 103, 109, 121, 122, 125, 165, 196, 201, 228, 232, 241, 251 to 253, 266, 279, 282	Provision of environmental mitigation Worksite and access for construction	45
			50

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	63, 77, 81, 82, 85, 91, 95, 97, 105, 118, 135, 146, 148, 153 to 155, 157, 159, 163, 175, 177, 257, 301, 309, 310, 316, 319	Utility works	5
	64, 261	Provision of railway infrastructure and access Provision of environmental mitigation	10
	67, 72, 259	Provision of environmental mitigation Utility works Worksite and access for construction	
	68	Provision of environmental mitigation Utility works Worksite and access for construction Provision of a public right of way	15
	86, 88, 137	Utility works Worksite and access for construction	
	132	Provision of railway infrastructure and access Provision of environmental mitigation Utility works Worksite and access for construction	20
	149, 150, 156, 158	Utility works Provision of a public right of way	25
	151	Utility works Worksite and access for construction Provision of a public right of way	
	152, 167, 168	Worksite and access for construction Provision of a public right of way	30
	202, 226, 227, 229, 230, 332	Highway works	
	203, 326	Provision of environmental mitigation Highway works	35
	207	Highway works Worksite and access for construction	
	217	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	40
	295	Provision of railway infrastructure and access Utility works Worksite and access for construction Provision of a public right of way	45

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	276, 300	Provision of railway infrastructure and access Worksite and access for construction	5
Borough of Newcastle-under-Lyme Parish of Whitmore	1, 2, 38, 57, 62, 131, 133, 136, 137, 148, 166	Worksite and access for construction	
	11, 13, 14, 18 to 20, 32, 44, 49, 66, 118	Utility works	10
	16	Utility works Worksite and access for construction	
	21	Provision of environmental mitigation Highway works Worksite and access for construction	15
	23 to 25, 102, 114, 134, 142, 146, 147, 152, 153, 158, 163, 165, 168, 169, 174	Provision of environmental mitigation	
	30	Highway works	20
	27, 42, 139, 149, 150	Provision of environmental mitigation Worksite and access for construction	
	36	Provision of environmental mitigation Highway works	
	120	Provision of railway infrastructure and access Provision of environmental mitigation	25
	140, 143	Provision of environmental mitigation and installation of ground anchors	
	144	Provision of railway infrastructure and access Worksite and access for construction	30
	151, 159, 172, 173, 176, 177	Provision of railway infrastructure and access	
Parish of Chapel Hill and Chorlton	1	Highway works	35
Parish of Madeley	1, 2, 3, 23, 24, 26, 29, 34, 36, 37, 65, 81, 99 to 101, 134, 135, 147, 148, 174, 175, 183, 184, 191, 192, 199, 200, 219 to 221, 242, 243	Provision of railway infrastructure and access	40
	5, 12, 25, 30, 83, 85, 89, 91, 126, 139, 140, 156, 180, 185, 198, 251	Provision of environmental mitigation Worksite and access for construction	45

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
	6, 27, 40, 45 to 47, 51, 52, 68, 71, 72, 74, 76, 78, 82, 102, 104, 109, 112, 116, 138, 177, 179, 188, 189	Provision of environmental mitigation	5
	14, 15, 17, 18, 39, 57, 60, 61, 63, 73, 79, 90, 115, 117, 121, 129, 136, 186, 190, 193, 210, 211, 214, 216 to 218	Worksite and access for construction	10
	31, 37a, 77, 241	Provision of environmental mitigation Worksite and access for construction Borrow pit	
	35, 48	Utility works Worksite and access for construction	15
	69	Provision of railway infrastructure and access Utility works	
	70	Borrow pit	20
	92, 173, 209	Utility works	
	97, 144, 197, 202	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction	25
	152 to 155	Provision of railway infrastructure and access Provision of environmental mitigation	
	203	Worksite and access for construction Provision of a public right of way	30
	206	Provision of environmental mitigation Utility works Worksite and access for construction	
	222, 232, 237	Provision of environmental mitigation Highway works	35
Unitary District of Shropshire	21 to 23	Provision of environmental mitigation Highway works	
Parish of Woore	26	Provision of environmental mitigation	
Parish of Betley	1	Worksite and access for construction	
	2, 3, 5 to 7	Utility works	40
	8, 10, 11	Provision of railway infrastructure and access	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	1, 3	Provision of environmental mitigation Worksite and access for construction	5
		Provision of a public right of way	
	4, 5, 26, 27	Provision of environmental mitigation	
	6, 7, 33	Utility works	
	14, 15, 28 to 32	Provision of railway infrastructure and access	10
	16, 19	Worksite and access for construction Provision of a public right of way	
	20, 24	Worksite and access for construction	
	22	Borrow pit Provision of a public right of way	15
	22a	Borrow pit	
Parish of Blakenhall	1, 1b	Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	20
	1a, 31, 136, 136a, 143	Provision of a public right of way Worksite and access for construction	
	3	Provision of environmental mitigation Utility works Worksite and access for construction Borrow pit	25
	4	Utility works Borrow pit	
	5, 97, 121, 124, 126, 141	Provision of environmental mitigation	
	7, 10, 10a, 13, 50, 115, 123, 127, 130	Utility works Worksite and access for construction	30
	8, 9, 9a	Utility works Worksite and access for construction Borrow pit	
	11	Provision of railway infrastructure and access Provision of environmental mitigation Utility works	35
	14, 28, 44, 46, 52 to 54	Provision of railway infrastructure and access Provision of environmental mitigation	40
	15, 21	Provision of environmental mitigation Borrow pit	
16, 18, 24, 25	Provision of railway infrastructure and access	45	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which land may be acquired or used</i>	
	12, 48	Worksite and access for construction Provision of a public right of way	
	16, 41, 44, 56, 59, 81, 84, 86	Provision of environmental mitigation	5
	22, 34, 36, 46,	Provision of railway infrastructure and access	
	25	Highway works Utility works	10
	38	Provision of railway infrastructure and access Provision of environmental mitigation Worksite and access for construction Provision of a public right of way	15
	47	Provision of railway infrastructure and access Worksite and access for construction Provision of a public right of way	
	49	Provision of environmental mitigation Provision of a public right of way	20
	71, 73	Provision of environmental mitigation Highway works	
Parish of Basford	6, 7, 11, 48	Provision of environmental mitigation Highway works	25
	9, 13	Utility works	
	14, 16, 19, 22, 44	Provision of environmental mitigation Worksite and access for construction	
	18, 20, 40, 41, 55, 56, 59, 69, 72, 73, 76	Provision of environmental mitigation	30
	23, 26, 27, 31, 37, 39, 43, 47, 63, 75, 78 to 81, 86, 88, 91, 97	Worksite and access for construction	
	32	Provision of environmental mitigation Provision of a public right of way	35
	33	Worksite and access for construction Provision of a public right of way	
	57	Provision of railway infrastructure and access Provision of environmental mitigation	40
	66	Provision of railway infrastructure and access	
Parish of Weston	1, 2	Utility works	

Area	Number of land shown on deposited plans	Purpose for which land may be acquired or used	
Parish of Shavington cum Gresty	2 to 5, 5a, 6	Worksite and access for construction	5
	7	Provision of environmental mitigation	
Town of Crewe	3, 41	Worksite and access for construction	
	9, 16, 17, 19 to 22, 24, 26, 29 to 32, 34, 37, 38	Provision of railway infrastructure and access	
Parish of Haslington	2	Provision of railway infrastructure and access	10
Parish of Moston	1	Provision of railway infrastructure and access	
Town of Sandbach	2	Provision of railway infrastructure and access Worksite and access for construction	15
	5	Worksite and access for construction	
	6 to 9	Provision of railway infrastructure and access	

SCHEDULE 7

Section 4(5)

ACQUISITION OF LAND: APPLICATION OF COMPULSORY PURCHASE LEGISLATION 20

Land Clauses Consolidation Act 1845 (c. 18)

- 1 The Land Clauses Consolidation Act 1845 does not apply to the acquisition of land under section 4(1).

Compulsory Purchase Act 1965 (c. 56)

- 2 (1) In its application by virtue of section 4(3), the Compulsory Purchase Act 1965 has effect with the following modifications. 25
- (2) Omit section 4 (time for exercise of compulsory purchase powers).
- (3) In section 11(1B) (power to enter on and take possession of land the subject of a notice to treat after giving the specified notice) – 30
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface;
- (ii) the acquisition of airspace over land; 35
- (iii) an easement, restrictive covenant or other right over land, for “3 months” substitute “1 month”, and
- (b) after “11A(4)” insert “or (6) and (7)”.
- (4) In section 11A (powers of entry: further notices of entry) –

- (a) in section (1)(a), after “land” insert “under that provision”,
- (b) in subsection (2), after “land” insert “under that provision, to the extent that the newly identified person is the owner, lessee or occupier of the land,”,
- (c) in subsection (4)(a), for “14 days” substitute “7 days”, and 5
- (d) at the end insert –
- “(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply. 10
- (6) The period specified in the notice must be –
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or under-surface lies more than 9 metres below the surface; 15
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land,
- a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and 20
- (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served. 25
- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.”
- (5) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “section 9(1) of the High Speed Rail (West Midlands - Crewe) Act 2018”. 30
- (6) In Schedule 2A (proposal to acquire part only of a house, building or factory) – 35
- (a) omit paragraphs 1(2) and 14(2), and
- (b) at the end insert –

“PART 4

INTERPRETATION

- 30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 15 to the High Speed Rail (West Midlands - Crewe) Act 2018 (temporary possession and use of land).” 40

Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66)

- 3 In its application by virtue of section 4(4), the Compulsory Purchase (Vesting Declarations) Act 1981 has effect as if –
- (a) before section 4 there were inserted –
- “3A Preliminary notices** 5
- (1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority must include the particulars specified in subsection (3) in a notice which is –
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession), and 10
- (b) published in the London Gazette.
- (2) A notice under subsection (1) must be given before the service of any notice to treat in respect of the land with respect to which the declaration is to be made. 15
- (3) The notice must –
- (a) contain a statement, in the form prescribed for the purposes of section 15(4)(e) of the Acquisition of Land Act 1981 (with any necessary modifications), about the effect of Parts 2 and 3 of this Act, and 20
- (b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 to give the acquiring authority information about the person’s name, address and interest in land, using the form prescribed for the purposes of section 15(4)(f) of the Acquisition of Land Act 1981 (with any necessary modifications). 25
- (4) A notice complying with the preceding provisions of this section must be sent to the Chief Land Registrar and it shall be a local land charge. 30
- (5) For the purposes of this section, a person has a relevant interest in land if –
- (a) the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion, or 35
- (b) the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.” 40
- (b) sections 5 and 5A (which respectively set out the earliest date, and the time limit, for the execution of a general vesting declaration) were omitted,
- (c) in section 6 (notices after execution of general vesting declaration), the reference to the invitation under section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981 were a reference to the invitation under section 3A(3) (as set out in sub-paragraph (a) above), 45

- (d) in section 9 (minor tenancies and tenancies about to expire: power to enter on and take possession of land the subject of a notice to treat after giving the specified notice), for “3 months” there were substituted “14 days”,
- (e) in Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration), paragraph 1(2) were omitted, and 5
- (f) references to the Compulsory Purchase Act 1965 were to that Act as applied by section 4(3) to the acquisition of land under section 4(1).

Acquisition of Land Act 1981 (c. 67)

- 4 (1) Section 4 of the Acquisition of Land Act 1981 (assessment of compensation in relation to compulsory purchase where unnecessary things done with view to obtaining compensation) has effect in relation to a compulsory purchase under this Act as if it were a compulsory purchase for the purposes of that Act. 10
- (2) Section 5A of the Acquisition of Land Act 1981 (power to require information) has effect in relation to land to which section 4(1) applies as if it were land referred to in section 5A(1) of that Act. 15
- (3) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (exception of minerals from compulsory purchase and regulation of working of mines or minerals underlying an authorised undertaking) have effect in relation to land to which section 4(1) applies as if it were comprised in a compulsory purchase order providing for the incorporation with that order of those Parts of that Schedule. 20
- (4) In their application by virtue of sub-paragraph (3), Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 have effect as if— 25
 - (a) references to the acquiring authority, except the second reference in paragraph 6, were to the nominated undertaker, and
 - (b) references to the undertaking were to the undertaking which the nominated undertaker is authorised by this Act to carry on.

SCHEDULE 8

Section 5(2) 30

LAND WHERE POWERS OF ACQUISITION ARE LIMITED TO ACQUISITION OF RIGHTS OR
 IMPOSITION OF RESTRICTIVE COVENANTS

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired or restrictive covenants imposed</i>	35
County of Staffordshire District of Lichfield Parish of Kings Bromley	40	Provision of access for construction	
Parish of Armitage with Handsacre	1	Preservation of ground reprofiling	40
	12, 27	Provision of access for construction	
Parish of Mavesyn Ridware	37, 69, 120, 121	Provision of access for construction	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	<i>Purpose for which rights may be acquired or restrictive covenants imposed</i>	
Parish of Colton	77	Provision of access for construction	
District of Cannock Chase Parish of Brereton and Ravenhill	1, 2, 4 to 7	Provision of access for construction	5
Borough of Stafford Parish of Colwich	71, 74, 91 to 93, 96, 115	Provision of access for construction	
Parish of Ingestre	32, 38	Provision of access for construction	10
Parish of Tixall	19, 22, 28, 29, 41, 45, 48a, 65, 66, 68	Provision of access for construction	
Parish of Hopton and Coton	4, 5, 12, 38, 41, 52, 58, 114	Provision of access for construction	15
Parish of Marston	84, 91, 96	Provision of access for construction	
Parish of Stone Rural	5, 125	Provision of access for construction	
Parish of Swynnerton	5, 6, 29, 31, 43, 96, 102, 110, 136, 195, 197, 233, 270, 275, 277, 320, 321, 323, 331	Provision of access for construction	20
Borough of Newcastle-under-Lyme Parish of Whitmore	154	Provision of access for construction	25
Parish of Madeley	7, 207 33, 67	Preservation of ground reprofiling Provision of access for construction	
County of Cheshire Borough of Cheshire East Parish of Chorlton	50	Provision of access for construction	30
Parish of Basford	95	Provision of access for construction	
Town of Crewe	1, 5, 40	Provision of access for construction	
Town of Sandbach	3, 10	Provision of access for construction	

SCHEDULE 9

Section 5(5)

35

ACQUISITION OF RIGHTS IN LAND ETC: APPLICATION OF COMPULSORY PURCHASE LEGISLATION

Compulsory Purchase Act 1965 and compensation enactments

- 1 Part 1 of the Compulsory Purchase Act 1965 (referred to in this Schedule as “CPA 1965”), as applied by section 4(3) to the acquisition of land under 40

- section 4(1), and the enactments relating to compensation for the compulsory purchase of land, apply to a compulsory acquisition under section 4(1) by virtue of section 5 –
- (a) with the modifications specified in paragraph 2, and
 - (b) with such other modifications as may be necessary. 5
- 2 (1) The modifications referred to in paragraph 1(a) are as follows.
- (2) References in CPA 1965 to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to –
- (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or 10
 - (b) the land over which the right is, or is to be, exercisable or (as the case may be) the land over which the restrictive covenant is, or is to be, enforceable.
- (3) For section 7 of CPA 1965 substitute – 15
- “7 Measure of compensation in case of purchase of new right or imposition of new restrictive covenant**
- In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had, not only to the extent (if any) to which the value of the land over which the right is acquired or the restrictive covenant is imposed is depreciated by the acquisition of the right or the imposition of the covenant, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.” 20
- (4) The following provisions of CPA 1965 (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land) – 25
- section 9(4) (failure of owners to convey), 30
 - paragraph 10(3) of Schedule 1 (owners under incapacity),
 - paragraph 2(3) of Schedule 2 (absent and untraced owners), and
 - paragraphs 2(3) and 7(2) of Schedule 4 (common land),
- are so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be acquired compulsorily or the benefit of the covenant which is to be imposed is vested absolutely in the acquiring authority. 35
- (5) Section 11 of CPA 1965 (powers of entry) is modified so as to secure that, where the acquiring authority have served notice to treat in respect of any right or restrictive covenant as well as the notice required by subsection (1) of that section (as it applies to a compulsory acquisition under section 4(1)), they have power, exercisable in the same circumstances and subject to the same conditions, to enter for the purpose of exercising that right or enforcing that covenant; and sections 12 (penalty for unauthorised entry) and 13 (entry on enforcement officer’s or sheriff’s warrant in the event of obstruction) of that Act are modified accordingly. 40
- (6) Section 20 of CPA 1965 (compensation for short-term tenants) applies with the modifications necessary to secure that persons with such interests in 45

- land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the land, but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right or enforcement of the restrictive covenant in question. 5
- (7) Section 22 of CPA 1965 (protection of acquiring authority’s possession of land where interest accidentally omitted from purchase) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation. 10
- (8) For Schedule 2A to CPA 1965 substitute the version of that Schedule set out in Schedule 10 to this Act.
- (9) In section 5A of the Land Compensation Act 1961 (relevant valuation date) – 15
- (a) for subsection (5A) substitute –
- “(5A) If –
- (a) the acquiring authority enters on land for the purpose of exercising a right or enforcing a restrictive covenant in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965, 20
- (b) the authority is subsequently required by a determination under paragraph 13 of Schedule 2A to that Act (as substituted by paragraph 2(8) of Schedule 9 to the High Speed Rail (West Midlands - Crewe) Act 2018) to acquire an interest in the land, and 25
- (c) the authority enters on and takes possession of that land, 30
- the authority is deemed for the purposes of subsection (3)(a) to have entered on and taken possession of that land when it entered on it for the purpose of exercising the right or enforcing the covenant.”, and
- (b) in subsection (5B), for paragraphs (a) and (b) substitute – 35
- “(a) a right over, or restrictive covenant affecting, land is the subject of a general vesting declaration, 40
- (b) by virtue of paragraph 11(2) or 16(2) of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, the declaration has effect as if it included an interest in the land, and
- (c) the vesting date for the right or covenant is different from the vesting date for the interest in the land.”.
- (10) In the Land Compensation Act 1973, for section 44 substitute –
- “44 Compensation for injurious affection**
- (1) Where – 45
- (a) a right over land is acquired from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, or

(b) a restrictive covenant over land is imposed on any person for the purpose of such works, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land over which the right is exercisable or the covenant is enforceable. 5

(2) In this section, “compensation for injurious affection” means compensation for injurious affection under section 7 or 20 of the Compulsory Purchase Act 1965 as applied by paragraph 1 of Schedule 9 to the High Speed Rail (West Midlands - Crewe) Act 2018.” 10

Compulsory Purchase (Vesting Declarations) Act 1981 and compensation enactments

3 (1) The Compulsory Purchase (Vesting Declarations) Act 1981 (“the 1981 Act”), as applied by section 4(4) to the acquisition of land under section 4(1), applies to a compulsory acquisition under section 4(1) by virtue of section 5— 15

- (a) with the modifications specified in paragraph 4, and
- (b) with such other modifications as may be necessary.

(2) The enactments relating to compensation for the compulsory purchase of land also apply to a compulsory acquisition under section 4(1) by virtue of section 5. 20

4 (1) The modifications referred to in paragraph 3(1)(a) are as follows.

(2) References in the 1981 Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to— 25

- (a) the right acquired or to be acquired or (as the case may be) the restrictive covenant imposed or to be imposed, or
- (b) the land over which the right is, or is to be, exercisable or (as the case may be) the restrictive covenant is, or is to be, enforceable.

(3) References in the 1981 Act to the Compulsory Purchase Act 1965 are to be read as references to that Act as it applies to a compulsory acquisition under section 4(1) by virtue of section 5. 30

(4) Section 8(1) of the 1981 Act (vesting, and right to enter and take possession) is modified so as to secure—

- (a) that a general vesting declaration in respect of any right or restrictive covenant vests the right or the benefit of the covenant in the acquiring authority on the vesting date, and 35

- (b) that, as from the vesting date, the acquiring authority have power, exercisable in the same circumstances and subject to the same conditions, to enter land for the purpose of exercising that right or enforcing that covenant as if the circumstances mentioned in section 8(1)(a) and (b) of the 1981 Act had arisen. 40

(5) Section 9(2) of the 1981 Act (right of entry under section 8(1) not exercisable in respect of land subject to certain tenancies, unless notice has been served on occupiers of the land) is modified so as to require a notice served by the appropriate authority under that provision to refer to the authority’s 45

intention to enter land specified in the notice in order to exercise the right or enforce the restrictive covenant.

- (6) In section 10(1) of the 1981 Act (acquiring authority’s liability on vesting of land), the reference to the acquiring authority’s taking possession of the land under section 11(1) of CPA 1965 is to be read instead as a reference to the authority’s exercising the power to enter the land under that provision as modified by paragraph 2(5) of this Schedule. 5
- (7) Schedule A1 to the 1981 Act (counter-notice requiring purchase of land not in general vesting declaration) has effect as if –
- (a) in paragraph 1(1), for “part only of” there were substituted “only the acquisition of a right over, or the imposition of a restrictive covenant affecting,” 10
 - (b) paragraph 1(2) were omitted,
 - (c) references to the land proposed to be acquired were (subject to paragraph (e) below) to the right proposed to be acquired or the restrictive covenant proposed to be imposed, 15
 - (d) references to the additional land were to the house, building or factory over which the right or covenant is proposed to be exercisable or enforceable,
 - (e) in paragraphs 14 and 15, references to the severance of the land proposed to be acquired were to the acquisition of the right or the imposition of the restrictive covenant, and 20
 - (f) in paragraph 15, after “in addition to” there were substituted “or in substitution for”.

Schedule 9 to High Speed Rail (London - West Midlands) Act 2017 25

- 5 In paragraph 2 of Schedule 9 to the High Speed Rail (London - West Midlands) Act 2017 (which makes provision corresponding to this Schedule), for sub-paragraph (8B) (inserted by paragraph 8(4) of Schedule 14 to that Act) substitute –
- “(8B) In section 5A of the Land Compensation Act 1961 (relevant valuation date) – 30
- (a) for subsection (5A) substitute –
- “(5A) If –
- (a) the acquiring authority enters on land for the purpose of exercising a right or enforcing a restrictive covenant in pursuance of a notice of entry under section 11(1) of the Compulsory Purchase Act 1965, 35
 - (b) the authority is subsequently required by a determination under paragraph 13 of Schedule 2A to that Act (as substituted by paragraph 2(8A) of Schedule 9 to the High Speed Rail (London - West Midlands) Act 2017) to acquire an interest in the land, and 40
 - (c) the authority enters on and takes possession of that land, 45
- the authority is deemed for the purposes of subsection (3)(a) to have entered on and taken possession of that land when it entered on it for the purpose of exercising the right or enforcing the covenant.”, and

- (b) in subsection (5B), for paragraphs (a) and (b) substitute –
- “(a) a right over, or restrictive covenant affecting, land is the subject of a general vesting declaration,
 - (b) by virtue of paragraph 11(2) or 16(2) of Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, the declaration has effect as if it included an interest in the land, and
 - (c) the vesting date for the right or covenant is different from the vesting date for the interest in the land.”

SCHEDULE 10

Section 5(5) 10

ACQUISITION OF RIGHTS IN LAND: SUBSTITUTED SCHEDULE 2A FOR COMPULSORY PURCHASE ACT 1965

This is the version of Schedule 2A to the Compulsory Purchase Act 1965 referred to in paragraph 2(8) of Schedule 9 –

“SCHEDULE 2A 15

COUNTER-NOTICE REQUIRING PURCHASE OF LAND

Introduction

- 1 This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory. 20
- 2 In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

- 3 A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory. 25
- 4 A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

- 5 On receiving a counter-notice, the acquiring authority must decide whether to – 30
- (a) withdraw the notice to treat,
 - (b) accept the counter-notice, or
 - (c) refer the counter-notice to the Upper Tribunal. 35
- 6 The authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

- 7 If the authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.
- 8 If the authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period. 5
- 9 If the authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in the house, building or factory. 10

Determination by Upper Tribunal

- 10 On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would – 15
- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
 - (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.
- 11 In making its determination, the Upper Tribunal must take into account – 20
- (a) the effect of the acquisition of the right or the imposition of the covenant,
 - (b) the use to be made of the right or covenant proposed to be acquired or imposed, and 25
 - (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.
- 12 If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take. 30
- 13 If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land. 35
- 14 (1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land. 40
- (2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice. 45

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 11

Section 7

LAND WHERE POWERS OF ACQUISITION ARE LIMITED TO SUB-SURFACE ACQUISITION

Restriction of power of compulsory acquisition to land under the surface 5

1 In the case of land specified in the following table, the power under section 4(1) may be exercised only in relation to so much of the subsoil or under-surface of the land as lies more than 9 metres below the level of the surface.

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Borough of Newcastle-under-Lyme Parish of Whitmore	74, 77, 79, 82, 85, 87, 89, 92, 94, 96, 98, 100, 103, 105, 107, 109, 110, 116, 178 to 181	10
Parish of Madeley	142, 145, 158, 160, 164, 166	

Supplementary

2 (1) Paragraph 1 is subject to the power to impose restrictive covenants by virtue of section 5(1)(b). 15

(2) Paragraph 1 does not restrict the exercise of the power under section 4(1) in relation to a cellar, vault, arch or other construction in, on or under a highway which forms part of a building fronting on to the highway where –

(a) the building is within the Act limits, and

(b) the power under section 4(1) is exercisable in relation to the building. 20

SCHEDULE 12

Section 8

HIGHWAYS: RESTRICTIONS ON POWERS TO USE SUBSOIL AND ACQUIRE LAND

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
County of Staffordshire District of Lichfield Parish of Kings Bromley	4, 27, 47, 53, 92, 104, 105, 109, 110, 115, 166, 184, 193, 196, 215, 217, 241, 256, 257, 264 to 267	25
Parish of Alrewas	21, 22	
Parish of Armitage with Handsacre	4, 5, 28 to 31	
Parish of Hamstall Ridware	6, 7	
Parish of Mavesyn Ridware	31, 68, 191, 203, 204, 206a, 209, 210	30
Parish of Colton	21, 42, 97, 119, 179, 232	

<i>Area</i>	<i>Number of land shown on deposited plans</i>	
Borough of Stafford Parish of Colwich	127, 128, 131, 173, 186, 204, 223	
Parish of Ingestre	40, 41	
Parish of Tixall	2, 6, 13, 37, 78, 79	5
Parish of Hopton and Coton	2, 54, 76, 83, 98, 115, 119, 150, 152, 172, 174, 193	
Parish of Marston	13, 24, 26, 30, 101	
Parish of Stone Rural	112, 132 to 134	
Parish of Swynnerton	73, 76, 79, 80, 87, 90, 120, 142, 166, 205, 206, 216, 220, 235, 296, 327, 328	10
Borough of Newcastle-under-Lyme Parish of Whitmore	22, 26, 45, 64, 129, 161	
Parish of Madeley	11, 172, 223, 231, 238, 245	
Unitary District of Shropshire Parish of Woore	19, 20, 24, 25, 27 to 31	15
County of Staffordshire Borough of Newcastle-under-Lyme Parish of Betley	4, 9	
County of Cheshire Borough of Cheshire East Parish of Checkley cum Wrinehill	4a, 25	20
Parish of Blakenhall	36, 45, 47, 57, 61, 62, 64, 72, 87	
Parish of Chorlton	15, 37, 51, 71a, 72, 76, 77, 100, 108, 109	
Parish of Basford	4, 5, 10, 10a, 10b, 12, 42, 62, 67, 68, 71	25
Parish of Wybunbury	1	
Parish of Shavington cum Gresty	8, 9	

SCHEDULE 13

Section 9

RIGHT TO REQUIRE ACQUISITION WHERE TIME LIMIT EXTENDED

- | | | |
|---|--|----|
| 1 | (1) If the Secretary of State makes an order under section 9(2), paragraphs 2 to 4 have effect as from the coming into force of the order.

(2) Those paragraphs do not apply to any subsoil or under-surface of land required only for the construction of a work at a level more than 9 metres below the level of the surface of the land. | 30 |
| 2 | (1) Sub-paragraph (2) applies if a person with a qualifying interest in any of the land in relation to which the order is made gives notice to the Secretary of State (a “relevant notice”) that the person desires his or her interest in such | 35 |

- of that land as is specified in the notice to be acquired by the Secretary of State.
- (2) The Secretary of State must, within 3 months immediately following receipt of the relevant notice –
- (a) enter into an agreement with the person for the acquisition of the person’s interest in the whole or part of the land specified in the notice, 5
 - (b) exercise the applicable compulsory acquisition powers in respect of the person’s interest in the whole or part of that land, or
 - (c) give the person notice of the Secretary of State’s intention not to proceed with the purchase of the person’s interest in any of that land. 10
- (3) For the purposes of sub-paragraph (1) a person has a “qualifying interest” in land if the person is the owner or lessee of the land.
- 3 (1) Where a person gives the Secretary of State a relevant notice and the Secretary of State – 15
- (a) fails to comply with the requirements of sub-paragraph (2) of paragraph 2,
 - (b) withdraws a notice to treat served in compliance with paragraph (b) of that sub-paragraph, or
 - (c) gives the person a notice under paragraph (c) of that sub-paragraph, 20
- the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in any of the land specified in the relevant notice.
- (2) Where –
- (a) a person gives the Secretary of State a relevant notice, and 25
 - (b) the Secretary of State acquires in pursuance of paragraph 2(2)(a) or (b) the person’s interest in some, but not all, of the land specified in the notice,
- the applicable compulsory acquisition powers cease to be exercisable in respect of that person’s interest in the remainder of that land. 30
- 4 (1) References in this Schedule to the “applicable compulsory acquisition powers” are to –
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965, as applied by section 4(3) to the acquisition of land under section 4(1), and 35
 - (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981, as applied by section 4(4) to the acquisition of land under section 4(1).
- (2) In this Schedule –
- “lessee” means a person who holds an interest under a lease which has at least 21 years to run at the date of the giving of a relevant notice by that person; 40
 - “owner”, in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or reversion. 45

SCHEDULE 14

Section 10

EXTINCTION OF RIGHTS OVER LAND

Land to which Schedule applies

- 1 This Schedule applies to—
- (a) land within the Act limits which is held by the Secretary of State for Phase 2a purposes, and 5
 - (b) land within the Act limits in relation to which the Secretary of State has acquired a right (whether by creating a new right or acquiring an existing right) or imposed a restrictive covenant for Phase 2a purposes. 10

Private rights

- 2 (1) All private rights over land within paragraph 1(a) are extinguished at the appropriate time.
- (2) All private rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed. 15
- (3) In this Schedule, “private rights” include—
- (a) private rights of way over land,
 - (b) rights of common, 20
 - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
 - (d) restrictions as to the user of land arising under a contract.
- (4) Where the power under section 11(1) of the Compulsory Purchase Act 1965 (power of entry following notice to treat) is exercised in the case of land within paragraph 1(a) or (b), sub-paragraph (1) or (2) (as the case may be) has effect in relation to rights of common over the land notwithstanding anything in Schedule 4 to that Act (which preserves rights of common over land until payment of compensation). 25 30
- 3 (1) The Secretary of State may, in relation to a private right, direct—
- (a) that paragraph 2 does not apply to the right, or
 - (b) that paragraph 2 applies to the right only to the extent specified in the direction.
- (2) A direction under sub-paragraph (1) must be given before the appropriate time. 35
- (3) Paragraph 2 does not apply to—
- (a) a right over land which, were the land held otherwise than by the Secretary of State, would not be capable of being acquired under section 4(1), or 40
 - (b) a right to which section 271 or 272 of TCPA 1990 (extinguishment of rights of statutory undertakers etc) applies (and see section 11 of this Act as to the application of those sections).

- 4 (1) Any person who suffers loss by the extinction of a private right under paragraph 2 is entitled to be compensated by the nominated undertaker.
- (2) Any dispute as to a person’s entitlement to compensation under this paragraph, or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 5
- (3) This paragraph does not apply where compensation in respect of rights of common is payable under Schedule 4 to the Compulsory Purchase Act 1965.

General rights

- 5 (1) All general rights over land within paragraph 1(a) are extinguished at the appropriate time. 10
- (2) All general rights over land within paragraph 1(b) are extinguished at the appropriate time, so far as the continuance of those rights would be inconsistent with the exercise of the right acquired or the restrictive covenant imposed.
- (3) In this Schedule, references to “general rights” over land are to – 15
- (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act,
- (b) other public rights over land which are conferred by an enactment, and 20
- (c) rights exercisable as a result of trusts, or incidents, to which a common, town or village green, open space or allotment is subject.
- 6 (1) The Secretary of State may, in relation to a general right, direct –
- (a) that paragraph 5 does not apply to the right, or
- (b) that paragraph 5 applies to the right only to the extent specified in the direction. 25
- (2) A direction under sub-paragraph (1) must be given before the appropriate time.

Meaning of “the appropriate time”

- 7 (1) References in this Schedule to “the appropriate time” are to be read as follows. 30
- (2) In the case of –
- (a) land held immediately before the day on which this Act is passed, or
- (b) land which, immediately before that day, was land in relation to which a right had been acquired or a restrictive covenant had been imposed, 35
- the appropriate time is the end of the period of 14 days beginning with that day.
- (3) In the case of –
- (a) land acquired on or after the day on which this Act is passed, or 40
- (b) land in relation to which a right has been acquired or a restrictive covenant has been imposed on or after that day,
- the appropriate time is the time of acquisition or (in the case of a restrictive covenant) imposition.

- (4) Sub-paragraph (3) is subject to sub-paragraphs (5) and (6) (which apply to land or a right acquired compulsorily or to a restrictive covenant imposed compulsorily).
- (5) Where the power under section 11(1) of the Compulsory Purchase Act 1965 has been exercised in relation to the land, the appropriate time is – 5
- (a) the time of entry under that provision, or
 - (b) in the case of the acquisition of a right or the imposition of a restrictive covenant, the time when the power to enter the land for the purpose of exercising the right or enforcing the covenant becomes exercisable under that provision (as modified in accordance with paragraph 2(5) of Schedule 9 to this Act). 10
- (6) Where a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 has been made in relation to the land, the appropriate time is the vesting date (within the meaning of that Act).

Amendments to registers of common land or town or village greens 15

- 8 (1) This paragraph applies where –
- (a) the Secretary of State acquires land within the Act limits for Phase 2a purposes, or
 - (b) the Secretary of State acquires a right, or imposes a restrictive covenant, over land within the Act limits. 20
- (2) The Secretary of State must notify the commons registration authority of the acquisition or (in the case of a restrictive covenant) imposition if it relates to –
- (a) land registered in a register of common land as common land,
 - (b) land registered in a register of town or village greens as a town or village green, or 25
 - (c) a right of common registered in relation to land within paragraph (a) or (b).
- (3) A notice under sub-paragraph (2) must include –
- (a) a copy of this Schedule, 30
 - (b) a copy of the instrument by which the acquisition or imposition was effected,
 - (c) the number of the register unit and (where applicable) the number of the rights section entry in the register of common land or of town or village greens to which the notice relates, and 35
 - (d) a description of the amendment required to the register in question in consequence of the acquisition or imposition.
- (4) Sub-paragraph (5) applies where, in connection with the acquisition or imposition –
- (a) other land is given in exchange, or 40
 - (b) other land is to be made subject to a right of common equivalent to a right of common extinguished by virtue of paragraph 2.
- (5) The notice under sub-paragraph (2) must contain –
- (a) details of the land being given or the right of common being granted, and 45
 - (b) an application for (as the case may be) –

- (i) the registration of the land as common land or as a town or village green, or
 - (ii) the registration of the right being granted.
- (6) The commons registration authority must make such amendments as may be necessary to a register in consequence of sub-paragraph (2) (including any amendments necessary in consequence of sub-paragraph (5)). 5
- (7) Nothing in—
- (a) regulations under section 14 of the Commons Act 2006, or
 - (b) regulations under section 13 of the Commons Registration Act 1965, applies to an acquisition or imposition mentioned in sub-paragraph (1). 10

Interpretation

- 9 In this Schedule—
- (a) references to section 11(1) of the Compulsory Purchase Act 1965 are to that provision as applied by section 4(3) of this Act to the acquisition of land under section 4(1) of this Act; 15
 - (b) references to section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 are to that section as applied by section 4(4) of this Act to the acquisition of land under section 4(1) of this Act;
 - (c) “right of common” has the same meaning as in the Commons Act 2006. 20

SCHEDULE 15

Section 13

TEMPORARY POSSESSION AND USE OF LAND

PART 1

TEMPORARY POSSESSION FOR CONSTRUCTION OF WORKS

Right to enter on and take possession of land 25

- 1 (1) The nominated undertaker may enter on and take possession of the land specified in the table in Schedule 16—
- (a) for the purpose specified in relation to the land in column (3) of that table in connection with the authorised works specified in column (4) of the table, 30
 - (b) for the purpose of constructing such works as are mentioned in column (5) of that table in relation to the land, or
 - (c) otherwise for Phase 2a purposes.
- (2) The nominated undertaker may (subject to paragraph 2(1)) enter on and take possession of any other land within the Act limits for Phase 2a purposes. 35
- (3) The reference in sub-paragraph (1)(a) to the authorised works specified in column (4) of the table in Schedule 16 includes a reference to any works which are necessary or expedient for the purposes of or in connection with those works.

Exceptions

- 2 (1) Paragraph 1(2) does not apply in relation to—
- (a) land which is subject to a restricted power of compulsory acquisition,
 - (b) land in respect of which a notice of entry has been served under section 11 of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant, or 5
 - (c) land in respect of which a declaration has been made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as applied by section 4(4) to the acquisition of land under section 4(1)), other than in connection with the acquisition of rights or subsoil only or the imposition of a restrictive covenant. 10
- (2) The power under section 4(1) (power to acquire land compulsorily) is not exercisable in relation to land specified in the table in Schedule 16. 15
- (3) But sub-paragraph (2) does not apply in relation to land specified in that table to the extent (if any) that the land is subject to a restricted power of compulsory acquisition.
- (4) For the purposes of this Schedule, land is subject to a restricted power of compulsory acquisition if the power under section 4(1) may be exercised in relation to the land only— 20
- (a) so as to acquire rights or impose restrictive covenants relating to the land (see section 5(2));
 - (b) so as to acquire the subsoil or under-surface of the land (ignoring the power by virtue of section 5(1)(b) to impose restrictive covenants over the land). 25

Powers exercisable on land of which temporary possession has been taken

- 3 (1) Where under paragraph 1(1) or (2) the nominated undertaker has entered upon and taken possession of land, the nominated undertaker may, for the purposes of or in connection with the construction of the works authorised by this Act— 30
- (a) remove any structure or vegetation from the land;
 - (b) construct such works as are mentioned in relation to the land in column (5) of the table in Schedule 16; 35
 - (c) construct temporary works (including the provision of means of access) and structures on the land;
 - (d) construct landscaping and other works on the land to mitigate any adverse effects of the construction, maintenance or operation of the works authorised by this Act. 40
- (2) The other works referred to in sub-paragraph (1)(d) include works involving the planting of trees and shrubs and the provision of replacement habitat for wild animals.
- (3) In this paragraph, “structure” includes any erection.

Procedure and compensation

- 4 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 1(1) or (2), the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so.
- (2) The nominated undertaker may not, without the agreement of the owners of the land, remain in possession of land under paragraph 1(1) or (2) after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken. 5
- (3) Sub-paragraph (2) does not apply, in the case of land mentioned in paragraph 1(2), if before the end of the one-year period either of the following powers has been exercised in relation to the land – 10
- (a) the power to serve a notice to treat under Part 1 of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1));
- (b) the power to execute a declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (as applied by section 4(4) of this Act to the acquisition of land under section 4(1)). 15
- (4) The nominated undertaker must pay compensation to the owners and occupiers of land of which possession is taken under paragraph 1(1) or (2) for any loss which they may suffer by reason of the exercise in relation to the land of the power or powers under that paragraph. 20
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.
- (6) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) to the acquisition of land under section 4(1)) or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (4). 25
- 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. 30
- (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. 35
- (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. 40
- (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. 45

- (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. 5
- (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 – 10
- (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 – 15
- “appropriate Ministers” means the Secretary of State for Communities and Local Government 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. 20

PART 2

TEMPORARY POSSESSION FOR MAINTENANCE OF WORKS

Right to enter on and take possession of land

- 6 (1) At any time during the maintenance period relating to any of the scheduled works, the nominated undertaker may – 25
- (a) enter on and take possession of any land which is –
 - (i) within 20 metres from that work, and
 - (ii) within the Act limits,if possession of the land is reasonably required for the purposes of or in connection with maintaining the work or any ancillary works connected with it, and 30
 - (b) construct on the land such temporary works (including the provision of means of access) and structures as may be reasonably so required, unless the land is specified in the table in Schedule 16.
- (2) Sub-paragraph (1) does not authorise the nominated undertaker to take possession of – 35
- (a) a house, any other structure which is for the time being occupied, or a garden belonging to a house, or
 - (b) land which is subject to a restricted power of compulsory acquisition. 40
- (3) The nominated undertaker may only remain in possession of the land for so long as may be reasonably required to carry out the maintenance works for which possession of the land was taken.
- (4) In this paragraph –

- (a) “the maintenance period”, in relation to any work, means the period beginning with the date on which the work is completed and ending 5 years after the date on which it is brought into general use;
- (b) “structure” includes any erection;
- (c) the reference in sub-paragraph (1)(a) to land within a specified distance of a work includes, in the case of a work under the surface of the ground, a reference to land within the specified distance of any point on the surface below which the work is situated. 5

Procedure and compensation

- 7 (1) Not less than 28 days before entering upon and taking possession of land under paragraph 6, the nominated undertaker must give notice to the owners and occupiers of the land of its intention to do so. 10
- (2) Before giving up possession of the land, the nominated undertaker must restore the land to the reasonable satisfaction of its owners.
- (3) The nominated undertaker must pay compensation to the owners and occupiers of the land for any loss which they may suffer by reason of the exercise in relation to the land of the powers under paragraph 6. 15
- (4) Any dispute as to a person’s entitlement to compensation under sub-paragraph (3), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 20
- (5) Nothing in this paragraph affects any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965 (as applied by section 4(3) of this Act to the acquisition of land under section 4(1)), or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (3). 25

PART 3

SUSPENSION OF RIGHTS AND ENFORCEMENT

Suspension of rights relating to land

- 8 (1) All private rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 6 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 30
- (2) The nominated undertaker may, in relation to a private right, direct—
 - (a) that sub-paragraph (1) does not apply to the right, or
 - (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction. 35
- (3) In this paragraph, “private rights” include—
 - (a) private rights of way over land,
 - (b) rights of common,
 - (c) easements, liberties, privileges, rights or advantages annexed to land and adversely affecting other land, including any natural right to support, and
 - (d) restrictions as to the user of land arising under a contract. 40

- (4) Any person who suffers loss by reason of the suspension of a right under sub-paragraph (1) is entitled to be compensated by the nominated undertaker.
- (5) Any dispute as to a person’s entitlement to compensation under sub-paragraph (4), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961. 5
- (6) This paragraph applies to a private right which is for the benefit of Crown land if the Crown authority consents (and consent may be subject to conditions).
- 9 (1) All general rights over land of which the nominated undertaker takes possession under paragraph 1(1) or (2) or 6 are suspended and unenforceable for as long as the nominated undertaker remains in lawful possession of the land. 10
- (2) The nominated undertaker may, in relation to a general right, direct – 15
- (a) that sub-paragraph (1) does not apply to the right, or
- (b) that sub-paragraph (1) applies to the right only to the extent specified in the direction.
- (3) In this paragraph, references to “general rights” over land are to – 20
- (a) rights to access land (however expressed) which are exercisable as a result of section 2(1) of the Countryside and Rights of Way Act 2000 or an enactment mentioned in section 15 of that Act,
- (b) other public rights over land which are conferred by an enactment, and
- (c) rights exercisable as a result of trusts, or incidents, to which a common, town or village green, open space or allotment is subject. 25

Enforcement

- 10 (1) Section 13 of the Compulsory Purchase Act 1965 (refusal to give possession to acquiring authority) applies for the purposes of this Schedule as if – 30
- (a) references to the acquiring authority were to the nominated undertaker,
- (b) references to compensation payable to the person refusing to give possession were to compensation payable under this Schedule, and
- (c) in subsection (1), for “this Act” there were substituted “Schedule 15 to the High Speed Rail (West Midlands - Crewe) Act 2018”.
- (2) In the case of Crown land, that section does not, by virtue of sub-paragraph (1), apply as against the Crown authority for that land. 35

SCHEDULE 16

Section 13

TEMPORARY POSSESSION AND USE OF LAND: TABLE OF LAND

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
County of Staffordshire District of Lichfield Parish of Kings Bromley	3, 6, 8, 10, 11, 18, 19, 32, 34, 36, 46, 57, 60, 69, 74, 78, 82, 83, 85, 89, 103, 107, 114, 123, 159, 164, 165, 168, 170, 173, 174, 180, 181, 183, 188, 199, 201, 208, 212, 216, 218 219 221, 224, 226 to 228, 230 to 237, 239, 240, 247, 268 to 270, 272	Diversion or installation of, or works to, utilities apparatus Provision of access for construction and diversion of, or works to, utilities apparatus Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus Diversion or installation of, or works to, utilities apparatus Diversion or installation of, or works to, utilities apparatus		5 10 15 20 25 30 35
Parish of Longdon	1, 2	Provision of access for construction and diversion of, or works to, utilities apparatus	Diversion or installation of, or works to, utilities apparatus		40
Parish of Armitage with Handsacre	1	Provision of environmental mitigation	Environmental mitigation works		
Parish of Mavesyn Ridware	12, 77, 78	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of a new public right of way	45 50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Colton	25b, 101, 102, 142	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		5
	189, 194	Provision of access for construction and diversion of, or works to, utilities apparatus	Diversion or installation of, or works to, utilities apparatus		10
District of Cannock Chase Parish of Breerton and Ravenhill	3	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		15
Borough of Stafford, Parish of Colwich	44, 56, 66, 84, 88, 89, 97, 168, 169, 221, 222	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of a new public right of way	20
	87	Creation of new public right of way and provision of access for utility works	Creation of new public right of way and diversion or installation of, or works to, utilities apparatus	Works required in connection with the provision of a new public right of way	25
	122, 139, 166, 175, 176, 181	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		30
	125	Provision of access for construction works	Work No. 1		35
					40
Parish of Ingestre	28	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		45
Parish of Tixall	1, 3, 9	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		50

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Hopton and Coton	10, 40, 46, 59, 67, 69, 71, 86, 87, 90, 110, 113, 120, 122, 124 to 126, 129, 131 to 133, 135, 137, 139, 141, 143, 144, 146, 149, 151, 167, 171, 182, 185, 190 51 179	Provision of access for utility works Creation of new public right of way Provision of access for utility works and creation of new public right of way	Diversion or installation of, or works to, utilities apparatus Creation of new public right of way Diversion or installation of, or works to, utilities apparatus and creation of new public right of way	Works required in connection with the provision of a new public right of way Works required in connection with the provision of a new public right of way	5 10 15 20 25 30 35
Parish of Salt and Enson	1	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		40
Parish of Marston	10, 17, 21, 33, 72, 79 to 81, 85, 97, 100	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		45
Parish of Stone Rural	8, 36, 38, 46, 58 52, 67, 136, 138	Creation of new public right of way Provision of access for utility works	Creation of new public right of way Diversion or installation of, or works to, utilities apparatus	Works required in connection with the provision of a new public right of way	50 55

(1) Area	(2) Number of land shown on deposited plans	(3) Purpose for which temporary possession may be taken	(4) Specified authorised works	(5) Specified works which may be carried out	
Parish of Swynnerton	66, 70, 74, 91a, 138, 147, 160, 164, 171, 173, 176, 178, 302 to 304, 317, 318	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		5
Borough of Newcastle-under-Lyme Parish of Whitmore	12, 51, 55 102a	Provision of access for utility works Creation of new public right of way	Diversion or installation of, or works to, utilities apparatus Creation of new public right of way	Works required in connection with the provision of a new public right of way	15 20 25
Parish of Madeley	7, 207 38, 181, 195, 196, 201 58, 93	Provision of environmental mitigation Creation of new public right of way Provision of access for utility works	Environmental mitigation works Creation of new public right of way Diversion or installation of, or works to, utilities apparatus	Works required in connection with the provision of a new public right of way	30 35 40
County of Cheshire Borough of Cheshire East Parish of Blakenhall	22, 26, 33, 37, 42, 78, 107, 137, 139	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		45
Parish of Chorlton	2, 10, 11	Provision of access for utility works	Diversion or installation of, or works to, utilities apparatus		50

(1) <i>Area</i>	(2) <i>Number of land shown on deposited plans</i>	(3) <i>Purpose for which temporary possession may be taken</i>	(4) <i>Specified authorised works</i>	(5) <i>Specified works which may be carried out</i>	
	14, 53, 58, 60	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of a new public right of way	5
	50	Provision of access for utility works and creation of new public right of way	Diversion or installation of, or works to, utilities apparatus and creation of new public right of way	Works required in connection with the provision of a new public right of way	10
					15
					20
Parish of Basford	21	Creation of new public right of way	Creation of new public right of way	Works required in connection with the provision of a new public right of way	25

SCHEDULE 17

Section 17

CONDITIONS OF DEEMED PLANNING PERMISSION

PART 1

30

CONDITIONS

Introductory

- 1 The requirements in paragraphs 2 to 12 are conditions of deemed planning permission under section 17(1).

Condition relating to building works

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- 2 (1) To the extent that development consists of building works, it must be carried out in accordance with plans and specifications for the time being approved by the relevant planning authority.
- (2) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (3) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires additional details of the building works to be submitted for approval.

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- (4) Where the relevant planning authority exercises the power conferred under sub-paragraph (3), the plans and specifications referred to in sub-paragraph (1) must, as regards the specified respect, include a plan or specification showing the additional details.
- (5) If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—
- (a) the design or external appearance of the building works ought to be modified—
 - (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value,and is reasonably capable of being so modified, or
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (6) If the relevant planning authority is not a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—
- (a) the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified, or
 - (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground referred to in sub-paragraph (5) or (6) (as the case may be).
- (8) In this paragraph, “building works” means the erection, construction, alteration or extension of any building, other than a temporary building.
- (9) For these purposes, a building ancillary to a scheduled work is only a temporary building if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use.
- (10) The requirements in this paragraph do not apply to building works to the extent that they are ancillary to development consisting of—
- (a) the disposal of waste or spoil, or
 - (b) the excavation of bulk materials from borrow pits.
- (See paragraph 7 as to such development.)

Condition relating to other construction works

- 3 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of the construction of any of the following—
- (a) a road vehicle park;
 - (b) earthworks;

- (c) sight, noise or dust screens;
- (d) transformers, telecommunications masts or pedestrian accesses to railway lines;
- (e) fences or walls;
- (f) lighting equipment. 5
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out.
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1). 10
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 15
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in relation to the work in question in the following table. 20

<i>Development</i>	<i>Possible grounds for refusal of approval</i>	
1. A road vehicle park.	That the design or external appearance of the works ought to, and could reasonably, be modified –	
	(a) to preserve the local environment or local amenity,	25
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or	30
	(c) to preserve a site of archaeological or historic interest or nature conservation value.	
	That the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	35

<i>Development</i>	<i>Possible grounds for refusal of approval</i>	
2. Earthworks. 3. Sight, noise or dust screens.	That the design or external appearance of the works ought to, and could reasonably, be modified –	
	(a) to preserve the local environment or local amenity,	5
	(b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or	10
	(c) to preserve a site of archaeological or historic interest or nature conservation value.	
	If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	15 20
4. Transformers, telecommunications masts or pedestrian accesses to railway lines.	That the design or external appearance of the works ought to, and could reasonably, be modified to preserve the local environment or local amenity.	
	That the development ought to, and could reasonably, be carried out on land elsewhere within the development’s permitted limits.	25
5. Fences and walls (except for sight, noise and dust screens).	That the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	30
6. Artificial lighting equipment.	That the design of the equipment, with respect to the emission of light, ought to, and could reasonably, be modified to preserve the local environment or local amenity.	35
	If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.	40
(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph on a ground specified in the table in subparagraph (6) in relation to the work in question.		45

- (8) Any reference in sub-paragraph (2) or (6) to a description of works does not include works of that description of a temporary nature.
- (9) In this paragraph –
- “construction” includes erection, alteration, extension and (in the case of lighting equipment) installation; 5
 - “earthworks” means terracing, cuttings, embankments or other earth works;
 - “road vehicle park” does not include anything which is a building;
 - “sight, noise or dust screens” means any fences, walls or other barriers (including bunds) for visual or noise screening or dust suppression. 10
- (10) The requirements in this paragraph do not apply where development to which this paragraph applies is ancillary to development consisting of –
- (a) the disposal of waste or spoil, or
 - (b) the excavation of bulk materials from borrow pits.
- (See paragraph 7 as to such development.) 15

Condition relating to matters ancillary to development

- 4 (1) If the relevant planning authority is a qualifying authority, development must be carried out in accordance with arrangements about ancillary matters which have been approved by that authority.
- (2) In this paragraph “ancillary matters” means – 20
- (a) handling of re-useable spoil or topsoil;
 - (b) storage sites for construction materials, spoil or topsoil;
 - (c) construction camps;
 - (d) works screening;
 - (e) artificial lighting; 25
 - (f) dust suppression;
 - (g) road mud control measures.
- (3) In this paragraph, “relevant planning authority” means, subject to sub-paragraph (4), the unitary authority or, in a non-unitary area, the district council in whose area the development is carried out. 30
- (4) Where the development is in a non-unitary area and consists of the disposal of waste or spoil or the excavation of bulk material from borrow pits, the relevant planning authority in respect of arrangements relating to ancillary matters is the county council.
- (5) The reference in sub-paragraph (1) to arrangements does not, in the case of artificial lighting, include detailed arrangements. 35
- (6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph –
- (a) on the ground that the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with other development which has deemed planning permission under section 17(1) and which is to be carried out in the authority’s area, or
 - (b) on a ground specified in relation to the matter in the following table. 40

<i>Matters</i>	<i>Grounds</i>	
1. Handling of re-useable spoil and topsoil	That the arrangements ought to be modified to ensure that the spoil or topsoil remains in good condition, and are reasonably capable of being so modified.	5
2. Storage sites for construction materials, spoil or topsoil. 3. Construction camps. 4. Works screening.	That the arrangements ought to be modified – (a) to preserve the local environment, local amenity or a site of archaeological or historic interest or nature conservation value, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.	10 15
5. Artificial lighting. 6. Dust suppression.	That the arrangements ought to be modified to preserve the local environment or local amenity, and are reasonably capable of being so modified.	20
7. Road mud control measures.	That the arrangements ought to be modified – (a) to preserve the local environment or local amenity, or (b) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and are reasonably capable of being so modified.	25 30 35
(7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph – (a) with the agreement of the nominated undertaker, and (b) on a ground specified in the table in sub-paragraph (6)(b) in relation to the matter in question.		40
(8) In this paragraph – “artificial lighting” means the use of artificial lighting on land within the Act limits for the purpose of carrying out the development; “construction camps” means sites on land within the Act limits which are to be used for the residential accommodation of persons engaged in carrying out the development;		45

-
- “construction materials” means minerals, aggregates or other construction materials required for the development;
- “dust suppression” means the suppression of dust caused by construction operations carried out on land within the Act limits for the purpose of carrying out the development; 5
- “handling of re-useable spoil and topsoil” means handling during removal, storage and re-use of any spoil or topsoil removed during the course of carrying out the development;
- “road mud control measures” means measures to be taken on land within the Act limits to prevent or reduce the carrying of mud on to any public highway as a result of carrying out the development; 10
- “storage sites” means sites on land within the Act limits at which materials are to be stored until used or re-used in carrying out the development or disposed of as waste;
- “works screening” means the provision where necessary on land within the Act limits of any screening for working sites on such land required for the purpose of carrying out the development. 15
- 5 (1) The Secretary of State may for the purposes of paragraph 4 make a class approval of arrangements relating to the ancillary matters referred to in paragraph 4(2)(a), (b) and (d) to (g). 20
- (2) A class approval may be made –
- (a) generally or in relation to specific areas or specific descriptions of works, and
- (b) subject to conditions.
- (3) A class approval may make different provision for different cases. 25
- (4) Before making a class approval the Secretary of State must consult the planning authorities who would be affected by it.
- (5) Where arrangements made by the nominated undertaker are approved under a class approval, they do not require the approval of the relevant planning authority under paragraph 4. 30
- (6) But the nominated undertaker may in the case of any particular arrangements request approval under paragraph 4.
- (7) If the relevant planning authority to which such a request is made considers that the circumstances of the case justify it, the authority may grant approval under paragraph 4 (and, accordingly, the arrangements are subject to that approval instead of the class approval). 35
- (8) A class approval may be varied or revoked.

Condition relating to road transport

- 6 (1) Where –
- (a) the relevant planning authority is a qualifying authority, and 40
- (b) development consists of the use of an authorised site, arrangements relating to the routes by which anything is to be transported to the site on a highway by a large goods vehicle must be approved by the relevant planning authority.
- (2) In this paragraph, “authorised site” means – 45

- (a) a working or storage site,
 - (b) a site where anything transported to the site will be re-used, or
 - (c) a waste disposal site.
- (3) Where a route to an authorised site includes a special road or trunk road, sub-paragraph (1) requires arrangements to be approved only in relation to transportation on so much of the route as lies between (but does not include) the site and – 5
- (a) the special road or trunk road, or
 - (b) where the route includes more than one special road or trunk road, the last such road before reaching the site. 10
- (4) Where a relevant authority has approved arrangements for the purposes of this paragraph, the arrangements apply in relation to transportation to an authorised site only on days on which the number of large goods vehicle movements (whether to or from the site) exceeds 24.
- (5) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 15
- (6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that –
- (a) the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 17(1) and which is to be carried out in the authority’s area, or 20
 - (b) the arrangements ought to be modified – 25
 - (i) to preserve the local environment or local amenity,
 - (ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) to preserve a site of archaeological or historic interest or nature conservation value, 30and are reasonably capable of being so modified.
- (7) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph –
- (a) with the agreement of the nominated undertaker, and
 - (b) on the ground referred to in sub-paragraph (6)(b). 35
- (8) Sub-paragraph (1) does not require arrangements in relation to transportation to an authorised site where the number of large goods vehicle movements (whether to or from the site) does not on any day exceed 24.
- (9) In this paragraph – 40
- “large goods vehicle” has the same meaning as in Part 4 of the Road Traffic Act 1988;
 - “special road” and “trunk road” have the same meaning as in the Highways Act 1980.

Conditions relating to waste and spoil disposal and excavation

- 7 (1) If the relevant planning authority is a qualifying authority, development to which this paragraph applies must be carried out in accordance with plans and specifications for the time being approved by that authority.
- (2) This paragraph applies to development to the extent that it consists of— 5
- (a) the disposal of waste or spoil, or
- (b) the excavation of bulk materials from borrow pits.
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the county council in whose area the development is carried out. 10
- (4) The relevant planning authority may, on approving a plan or specification for the purposes of this paragraph, specify any respect in which it requires there to be submitted for approval additional details of the operation or work which gives rise to the need for approval under sub-paragraph (1).
- (5) Where the relevant planning authority exercises the power conferred under sub-paragraph (4), the plans and specifications in accordance with which the development is required under sub-paragraph (1) to be carried out must, as regards the specified respect, include a plan or specification showing the additional details. 15
- (6) The relevant planning authority may only refuse to approve plans or specifications for the purposes of this paragraph on a ground specified in sub-paragraph (7) or (8). 20
- (7) The grounds in this sub-paragraph are that—
- (a) the design or external appearance of disposal sites (in the case of the disposal of waste or spoil) or borrow pits (in the case of excavation of bulk material from such pits) on land within the Act limits, 25
- (b) the methods by which such sites or pits are worked, or
- (c) the noise, dust, vibration or screening arrangements during the operation of such sites or pits,
- ought to, and could reasonably, be modified. 30
- (8) The grounds in this sub-paragraph are that in order to—
- (a) preserve the local environment or local amenity,
- (b) prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
- (c) preserve a site of archaeological or historic interest or nature conservation value, 35
- the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.
- (9) The grounds in sub-paragraph (8) do not apply where the development is— 40
- (a) within the limits of deviation for the scheduled works, or
- (b) consists of the use of land specified in columns (1) and (2) of the table in Schedule 6 for a purpose specified in relation to the land in column (3) of that table.
- (10) The relevant planning authority may only impose conditions on approval for the purposes of this paragraph— 45
- (a) with the agreement of the nominated undertaker, and

- (b) on a ground referred to in sub-paragraph (7) or (8) (taken with sub-paragraph (9)).
- 8 (1) If the relevant planning authority is a qualifying authority, development to which paragraph 7 applies may not be begun unless the authority has approved a scheme for the restoration of the land on which the development is to be carried out. 5
- (2) In this paragraph “relevant planning authority” has the same meaning as in paragraph 7.
- (3) The relevant planning authority may only refuse to approve, or impose conditions on the approval of, a scheme for the purposes of this paragraph on the ground that the scheme ought to be modified, and is reasonably capable of being modified. 10
- (4) The nominated undertaker must carry out a scheme approved for the purposes of this paragraph once it has completed its use of the land to which the scheme relates for the purpose of carrying out the development to which paragraph 7 applies. 15
- (5) In sub-paragraph (1), the reference to restoration includes a reference to restoration in the longer term; and, accordingly, a scheme for the restoration of land may include provision about aftercare.
- Conditions on bringing scheduled works and depots into use* 20
- 9 (1) If the relevant planning authority is a qualifying authority, no work to which this paragraph applies may be brought into use without the approval of that authority.
- (2) This paragraph applies to—
- (a) any scheduled work, except to the extent that the work is underground, and 25
- (b) any depot constructed, in exercise of the powers conferred under this Act, for use for or in connection with the maintenance of railway vehicles or track, whether or not constructed for use also for other purposes. 30
- (3) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out.
- (4) The relevant planning authority must grant approval for the purposes of this paragraph if— 35
- (a) it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or
- (b) it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose. 40
- (5) The relevant planning authority may not refuse to approve, or impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified— 45
- (a) to preserve the local environment or local amenity,

-
- (b) to preserve a site of archaeological or historic interest, or
(c) in the interests of nature conservation,
and that the scheme is reasonably capable of being so modified.
- (6) In this paragraph “railway vehicle” and “track” have the same meaning as in Part 1 of the Railways Act 1993. 5
- 10 Where the relevant planning authority approves a scheme for the purposes of paragraph 9(4)(b), the nominated undertaker must –
- (a) carry out the scheme, and
(b) comply with any condition subject to which the scheme is approved.
- Condition relating to discontinuation of ancillary operations* 10
- 11 Where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, the operations must be discontinued as soon as reasonably practicable after the completion of the scheduled work or works.
- Condition relating to site restoration* 15
- 12 (1) The nominated undertaker must, after discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the relevant planning authority.
- (2) In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out. 20
- (3) For the purposes of sub-paragraph (1) the nominated undertaker must, within four months of the discontinuation of the use, submit a proposed scheme to the relevant planning authority. 25
- (4) If –
- (a) the nominated undertaker fails to submit a proposed scheme in accordance with sub-paragraph (3), or
(b) the nominated undertaker submits a proposed scheme in accordance with sub-paragraph (3) but no scheme is agreed for the purposes of sub-paragraph (1) before the end of the relevant period,
the scheme for the purposes of sub-paragraph (1) is to be such as the appropriate Ministers may determine after consulting the nominated undertaker and the relevant planning authority. 30
- (5) In sub-paragraph (4)(b) “the relevant period” means – 35
- (a) eight weeks beginning with the date on which the proposed scheme is submitted, or
(b) such longer period as the nominated undertaker and the relevant planning authority may agree.
- (6) A scheme agreed or determined for the purposes of sub-paragraph (1) may reserve particulars for subsequent agreement between the nominated undertaker and the relevant planning authority. 40
- (7) Where a particular reserved under sub-paragraph (6) is not agreed –

- (a) by the time specified by or determined in accordance with the scheme, or
 - (b) by such later time as the nominated undertaker and the relevant planning authority may agree,that particular is to be determined by the appropriate Ministers after consulting the nominated undertaker and the authority. 5
- (8) Where, independently of any consultation under sub-paragraph (4) or (7), the appropriate Ministers ask the relevant planning authority for assistance in connection with their function under the sub-paragraph in question, they may require the nominated undertaker to reimburse to the relevant planning authority any expenses which the authority reasonably incurs in meeting the request. 10
- (9) Sub-paragraph (1) does not apply to a site—
 - (a) to the extent that the site consists of land to which a scheme under paragraph 8 (waste or spoil etc) applies, or 15
 - (b) in relation to which the nominated undertaker is subject to an obligation under paragraph 5(1) of Schedule 15 (obligation to put land into such condition as an agreed scheme provides, before giving up possession of the land).

PART 2 20

QUALIFYING AUTHORITIES

Specification of qualifying authorities

- 13 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, the Secretary of State must by regulations specify every planning authority which— 25
 - (a) had, on or before the day on which the Bill for this Act was reported from Select Committee in the House of Lords, given the Secretary of State undertakings with respect to the handling of planning matters arising under this Schedule which he or she considered satisfactory, and 30
 - (b) has not subsequently been released from its undertakings.
- (2) Subject to the following provisions of this paragraph, an authority which is specified under sub-paragraph (1) is a qualifying authority for the purposes of this Schedule.
- (3) The Secretary of State may, if he or she considers it expedient to do so, by regulations provide that an authority is to cease to be a qualifying authority for the purposes of this Schedule. 35
- (4) If, in relation to a planning authority which is not a qualifying authority for the purposes of this Schedule, the Secretary of State considers that the way in which the authority carries out its functions has been significantly affected by a change of circumstances occurring since the relevant day, the Secretary of State may by regulations provide that the authority is to be a qualifying authority for the purposes of this Schedule. 40
- (5) In sub-paragraph (4), the reference to the relevant day is—

- (a) in relation to an authority which has never been a qualifying authority for the purposes of this Schedule, to the day mentioned in sub-paragraph (1)(a), and
 - (b) in relation to an authority which has been a qualifying authority for the purposes of this Schedule, to the day on which it ceased, or last ceased, to be such an authority. 5
- (6) Before making regulations under sub-paragraph (3) or (4), the Secretary of State must consult –
- (a) the nominated undertaker, and
 - (b) unless the authority concerned has requested the making of the regulations, that authority. 10

Transition

- 14 (1) Regulations under paragraph 13 may contain such transitional provision and savings as the Secretary of State thinks fit.
- (2) Without prejudice to the generality of sub-paragraph (1), provision under that sub-paragraph may include provision with respect to the effect of the authority becoming or ceasing to be a qualifying authority in relation to an approval which has already been requested or given. 15
- (3) The Secretary of State may by agreement fetter the exercise of his or her discretion under sub-paragraph (1). 20

PART 3

APPROVALS: SUPPLEMENTARY

Requests for planning approval

- 15 A planning authority may only grant approval under Part 1 of this Schedule at the request of the nominated undertaker. 25
- 16 (1) A planning authority need not consider a request for approval under Part 1 of this Schedule unless –
- (a) the nominated undertaker has deposited with the authority a document setting out its proposed programme with respect to the making of requests under that Part to the authority, and 30
 - (b) the request is accompanied by a document explaining how the matters to which the request relates fit into the overall scheme of the works authorised by this Act.
- (2) Sub-paragraph (1) does not apply to a request for approval of additional details. 35

Fees for requests for approval

- 17 (1) The appropriate Ministers may by regulations make provision about fees for requests to a planning authority for approval under Part 1 of this Schedule.
- (2) Regulations under this paragraph may, in particular, make provision –
- (a) for the payment of a fee and for the amount of a fee; 40
 - (b) about when a fee must be paid;
 - (c) for circumstances in which a fee is to be treated as paid;

- (d) for the remission or refunding of a fee in whole or part;
 - (e) about the consequences of non-payment of a fee, including provision for the termination of the application concerned or any appeal against its refusal;
 - (f) for the resolution of disputes. 5
- (3) Regulations under this paragraph may make such supplementary, incidental or consequential provision as the appropriate Ministers think fit.
- (4) Nothing in regulations under section 303 of TCPA 1990 (fees for planning applications) applies to a request for approval under Part 1 of this Schedule.
- Consultation on requests for approval* 10
- 18 (1) This paragraph applies where a planning authority considers that a request for approval under Part 1 of this Schedule relates to matters which may affect any of the following –
- (a) nature conservation,
 - (b) the conservation of the natural beauty or amenity of the countryside, 15
 - (c) the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,
 - (d) the conservation of flora or fauna which are dependent on an aquatic environment,
 - (e) the use of inland or coastal waters, or land associated with them, for recreational purposes, or 20
 - (f) a site of archaeological or historic interest.
- (2) The planning authority must, within 5 days of receiving the request, invite the appropriate body or bodies to make representations.
- (3) The appropriate body is – 25
- (a) for the matters in sub-paragraph (1)(a) and (b), Natural England,
 - (b) for the matters in sub-paragraph (1)(c) to (e), the Environment Agency, and
 - (c) for the matter in sub-paragraph (1)(f), the Historic Buildings and Monuments Commission for England. 30
- (4) Where under sub-paragraph (2) a planning authority has invited a body to make representations about a request for approval under Part 1 of this Schedule, it must not make any decision about the request until –
- (a) it has received representations from the body about the request,
 - (b) it has been informed by the body that it does not wish to make any representations, or 35
 - (c) 21 days have elapsed since the date of the invitation.
- (5) An invitation under sub-paragraph (2) must specify the time limit for making representations.
- Directions restricting powers of approval* 40
- 19 (1) The appropriate Ministers may by directions restrict a planning authority’s powers in relation to the giving of approval under Part 1 of this Schedule.
- (2) Directions under this paragraph may –

- (a) be given in relation to a specified approval or approvals of a specified description,
- (b) be expressed to have effect without a time-limit or during a specified period, and
- (c) revoke or vary previous directions under this paragraph. 5

Compulsory reference of requests for approval

- 20 (1) The appropriate Ministers may by directions require a planning authority to refer any request for approval under Part 1 to them.
- (2) In determining a request referred to them under this paragraph, the appropriate Ministers have the same powers as the authority making the reference. 10
- (3) The determination by the appropriate Ministers of a request referred to them under this paragraph is final.
- (4) Directions under this paragraph may – 15
- (a) be given in relation to a specified request or requests of a specified description, and
 - (b) revoke or vary previous directions under this paragraph.

Non-material changes to approvals

- 21 (1) A planning authority may at the request of the nominated undertaker make a non-material change to any approval given under Part 1 of this Schedule. 20
- (2) In deciding whether a change is material, a planning authority must have regard to the effect of the change, together with any previous changes made under this paragraph, on the approval as originally given.
- (3) The power under sub-paragraph (1) includes power to impose new conditions or to alter or remove existing conditions. 25
- (4) The approval as changed must represent an approval the authority could have given originally.
- (5) The consultation requirements in this Part of this Schedule do not apply to a change under this paragraph.

Appeals 30

- 22 (1) Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval under Part 1 (including a decision to require additional details), it may appeal to the appropriate Ministers by giving notice of the appeal in the prescribed form to them and to the authority whose decision is appealed against within 42 days of notification of the decision. 35
- (2) On an appeal under this paragraph, the appropriate Ministers may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against, but may only make a determination involving – 40
- (a) the refusal of approval, or
 - (b) the imposition of conditions on approval,
- on a ground open to that authority.

- (3) Where, following receipt by a planning authority of a request by the nominated undertaker for approval under Part 1, the authority does not notify the undertaker within the appropriate period –
- (a) of its decision on the request, or
 - (b) that the request has been referred to the appropriate Ministers in accordance with directions under paragraph 20,
- this paragraph applies as if the authority had refused the request and notified the undertaker of its decision on the last day of the appropriate period. 5
- (4) For the purposes of sub-paragraph (3), the appropriate period is – 10
- (a) the period of 8 weeks beginning with the date on which the request was received by the planning authority, or
 - (b) such extended period as may be agreed upon in writing between the authority and the nominated undertaker.
- (5) The appropriate Ministers may by regulations make provision for the extension of the appropriate period for the purposes of sub-paragraph (3) in connection with the payment of fees by means of cheque. 15
- (6) An agreement under sub-paragraph (4)(b) may be made after, as well as before, the end of the appropriate period.
- (7) No agreement may be made under sub-paragraph (4)(b) to extend a period after it has ended if the nominated undertaker has given notice of appeal against the refusal which is deemed under sub-paragraph (3) to have occurred because of the ending of the period. 20
- (8) Where an agreement under sub-paragraph (4)(b) to extend a period is made after the period has ended, sub-paragraph (3) is to be treated as not having applied when the period ended. 25
- (9) In this paragraph, “prescribed” means prescribed by regulations made by the appropriate Ministers.
- (10) No appeal under section 78 of TCPA 1990 (right to appeal against planning decisions and failure to take such decisions) may be made against a decision, or failure to notify a decision, in relation to which a right of appeal arises under this paragraph. 30
- 23 (1) Unless the appropriate Ministers direct otherwise, their functions in relation to the determination of an appeal under paragraph 22 must, instead of being carried out by them, be carried out by a person appointed by them for the purpose. 35
- (2) The appropriate Ministers may by a further direction revoke a direction under sub-paragraph (1) at any time before the determination of the appeal.
- (3) A direction under sub-paragraph (1) or (2) must be served on the nominated undertaker and the planning authority whose decision is appealed against. 40
- (4) At any time before the determination of an appeal by a person appointed for the purpose under this paragraph, the appropriate Ministers may revoke the appointment and appoint another person to determine the appeal instead.
- (5) Where the function of determining an appeal under paragraph 22 is transferred from one person to another, the person to whom the function is transferred must consider the matter afresh, but the fact that the function is 45

- transferred does not entitle any person to make fresh representations or to modify or withdraw any representations already made.
- (6) If the appropriate Ministers determine an appeal which another person was previously appointed to determine, they may, in determining it, take into account any report made to them by that person. 5
- 24 The decision of the person appointed under paragraph 23 or, as the case may be, of the appropriate Ministers on an appeal under paragraph 22 is final.
- 25 (1) An appeal under paragraph 22 is to be dealt with on the basis of written representations, unless the person deciding the appeal directs otherwise.
- (2) Subject to that, the appropriate Ministers may by regulations make such provision as they think fit about procedure in relation to appeals under paragraph 22. 10
- (3) Regulations under this paragraph may, in particular –
- (a) make provision for a time limit within which any person entitled to make representations must submit them in writing and any supporting documents, 15
- (b) empower the person deciding an appeal to proceed to a decision taking into account only such written representations and supporting documents as were submitted within the time limit, and
- (c) empower the person deciding an appeal, after giving written notice of intention to do so to the nominated undertaker and the planning authority whose decision is appealed against, to proceed to a decision notwithstanding that no written representations were made within the time limit, if it appears to the person that there is sufficient material before the person to enable a decision on the merits of the case. 20
25
- (4) Regulations under this paragraph may, in relation to such a time limit as is mentioned in sub-paragraph (3)(a) –
- (a) prescribe the time limit in regulations, or
- (b) enable the appropriate Ministers to give directions setting the time limit in a particular case or class of case. 30

Guidance by Secretary of State

- 26 (1) The Secretary of State may give guidance to planning authorities in relation to the exercise of their functions under this Schedule.
- (2) A planning authority must have regard to the guidance. 35
- (3) The guidance may make different provision for different cases.
- (4) The guidance may be varied or revoked.

PART 4

SUPPLEMENTARY AND GENERAL

Regulations 40

- 27 (1) Regulations under this Schedule may make different provision for different cases.

- (2) Regulations under this Schedule must be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

28	In this Schedule –	5
	“appropriate Ministers” means the Secretary of State for Communities and Local Government and the Secretary of State for Transport and, in relation to the carrying out of any function, means those Ministers acting jointly;	
	“building” includes any structure other than –	10
	(a) anything in the nature of plant or machinery,	
	(b) any gate, fence, wall or other means of enclosure,	
	(c) any tunnel, earthworks (within the meaning of paragraph 3) or railway track bed,	
	(d) any sight, noise or dust screens (within the meaning of paragraph 3),	15
	(e) transformers, telecommunication masts or pedestrian accesses to railway lines,	
	(f) lighting equipment, and	
	(g) anything underground, except where forming part of a station and intended for use by members of the public without a ticket or other permission to travel;	20
	“permitted limits”, in relation to any development, means the limits of the land on which the works of which the development forms part may be carried out under this Act;	25
	“planning authority” means a county council or a district council.	

SCHEDULE 18

Section 21(1)

LISTED BUILDINGS

Buildings authorised to be demolished, altered or extended

1	(1) This paragraph applies to –	30
	(a) a listed building which –	
	(i) was a listed building immediately before 12 June 2017, and	
	(ii) is specified in table 1 (see the end of this Schedule), and	
	(b) a listed building which was not a listed building immediately before that date.	35
	(2) If a listed building is one to which this paragraph applies –	
	(a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to works carried out in relation to the building in exercise of the powers under this Act,	40
	(b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by	

- works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect,
- (c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and 5
- (d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act. 10
- (3) In the case of a building specified in table 1 in relation to which any description of works is specified in column (3) of the table, sub-paragraph (2)(a) has effect as if the reference to works carried out in exercise of the powers under this Act were, as regards demolition or alteration works (as opposed to extension works), to works so carried out which are of the specified description. 15
- (4) The reference in sub-paragraph (3) to alteration works does not include alteration works carried out— 20
- (a) for heritage or monitoring purposes (see paragraph 9(2)), or
- (b) for noise mitigation purposes (see paragraph 9(3)).

Buildings in respect of which noise mitigation works are authorised

- 2 (1) This paragraph applies to a listed building which— 25
- (a) was a listed building immediately before 12 June 2017, and
- (b) is specified in table 2 (see the end of this Schedule).
- (2) In the case of a listed building to which this paragraph applies—
- (a) section 7 of the Listed Buildings and Conservation Areas Act (restriction on works affecting listed buildings) does not apply to works carried out in relation to the building for noise mitigation purposes (see paragraph 9(3)), 30
- (b) to the extent that a notice issued in relation to the building under section 38(1) of that Act (enforcement) requires the taking of steps which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, the notice does not have effect or, as the case may be, ceases to have effect, 35
- (c) no steps may be taken in relation to the building under section 42(1) of that Act (execution of works specified in notice under section 38(1)) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act, and 40
- (d) no works may be executed for the preservation of the building under section 54 of that Act (urgent works to preserve unoccupied listed buildings) which would be rendered ineffective, or substantially ineffective, by works proposed to be carried out in exercise of the powers under this Act. 45

Damage to buildings

- 3 Section 59 of the Listed Buildings and Conservation Areas Act (acts causing or likely to result in damage to listed buildings) does not apply to anything done in exercise of the powers under this Act with respect to works.

Power to disapply provision made by paragraphs 1 to 3 5

- 4 (1) The Secretary of State may by regulations make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act.
- (2) The provision referred to in sub-paragraph (1) is—
- (a) provision that paragraph 1(2)(a) or 2(2)(a) does not apply in relation to relevant works; 10
 - (b) provision that paragraph 1(2)(b) to (d) or 2(2)(b) to (d) does not apply in relation to proposed relevant works;
 - (c) provision that paragraph 3 does not apply in relation to relevant works. 15
- (3) “Relevant works” means works which are—
- (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and
 - (b) begun on or after such day as may be specified in regulations under that sub-paragraph. 20
- (4) Regulations under sub-paragraph (1) may make different provision for different purposes.
- (5) Regulations under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made. 25

Heritage partnership agreements

- 5 The provisions of any agreement under section 26A of the Listed Buildings and Conservation Areas Act (heritage partnership agreements) in relation to a building have effect subject to the powers under this Act with respect to works. 30

Inspection and observation of works

- 6 (1) Any person duly authorised in writing by the Historic Buildings and Monuments Commission for England (“the Commission”) or the relevant planning authority may at any reasonable time enter land for the purpose of inspecting or observing the carrying out in relation to any building on the land of decontrolled works. 35
- (2) “Relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the building is situated.
- (3) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it. 40

- (4) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions.

Recording of buildings

- 7 (1) The nominated undertaker must not carry out decontrolled works consisting of the demolition of a listed building unless – 5
- (a) notice of the proposal to carry out the works has been given to the Commission, and
 - (b) the appropriate period since the giving of the notice has expired.
- (2) The appropriate period, subject to sub-paragraph (3), is – 10
- (a) 8 weeks, or
 - (b) such longer period as may have been agreed between the nominated undertaker and the Commission.
- (3) In case of emergency, the appropriate period is such period as is reasonable in the circumstances. 15
- (4) In determining whether the appropriate period has expired, any day on which entry to the building is refused under paragraph 8(2) is to be disregarded.
- 8 (1) Following the giving of a notice under paragraph 7(1) in relation to a listed building, any person duly authorised in writing by the Commission may, at any reasonable time during the inspection period, enter the building for the purpose of recording it. 20
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 25
- (4) For the purposes of sub-paragraph (1), the inspection period, in relation to a building which is the subject of a notice under paragraph 7(1), is the period – 30
- (a) beginning when notice under that provision is given, and
 - (b) ending when the prohibition under that provision ceases to apply to the building.

Interpretation

- 9 (1) In this Schedule – 35
- “building” and “listed building” have the same meaning as in the Listed Buildings and Conservation Areas Act;
 - “decontrolled works” means works to which section 7 of the Listed Buildings and Conservation Areas Act would apply, but for paragraph 1(2)(a) or 2(2)(a) of this Schedule; 40
 - “the Listed Buildings and Conservation Areas Act” means the Planning (Listed Buildings and Conservation Areas) Act 1990.

- (2) For the purposes of this Schedule, works relating to a building are carried out for heritage or monitoring purposes if the works are carried out for the purpose of—
- (a) maintaining or restoring the building’s character as a building of special architectural or historical interest, or 5
 - (b) affixing apparatus to any part of the building with a view to measuring any movement in the building or the ground on which it is erected in consequence of the carrying out of works in exercise of the powers under this Act.
- (3) For the purposes of this Schedule, works relating to a building are carried out for noise mitigation purposes if the works are carried out in exercise of the power in paragraph 9 of Schedule 2. 10
- (4) Anything which, by virtue of section 1(5) of the Listed Buildings and Conservation Areas Act (objects or structures fixed to, or within curtilage of, a building), is treated as part of a building for the purposes of that Act is to be treated as part of the building for the purposes of this Schedule. 15

Tables

TABLE 1: buildings authorised to be demolished, altered or extended

(1) <i>Area</i>	(2) <i>Building</i>	(3) <i>Works</i>	20
County of Staffordshire District of Newcastle-under-Lyme Parish of Madeley	Milepost at NGR SJ 7687 4413 LB Grade II	Removal to storage and replacement following completion of the authorised works	
Parish of Whitmore	Milepost at NGR SJ 7980 4054 Grade II	Removal to storage and replacement following completion of the authorised works	25
County of Cheshire Town of Crewe	1867 buildings at Crewe Railway Station Grade II		30

TABLE 2: buildings in respect of which noise mitigation works are authorised

(1) <i>Area</i>	(2) <i>Building</i>	35
County of Staffordshire District of Rugeley Parish of Blithbury	Woodhouse Farm Grade II	
District of Newcastle-under-Lyme Parish of Madeley	Hey House Grade II	
Parish of Whitmore	Snape Hall Farmhouse Grade II	40

SCHEDULE 19

Section 21(2)

ANCIENT MONUMENTS

Disapplication of controls

- | | | |
|---|--|----|
| 1 | (1) This paragraph has effect in relation to the Ancient Monuments and Archaeological Areas Act 1979. | 5 |
| | (2) Section 2 (control of works affecting scheduled monuments) does not apply to works authorised by this Act. | |
| | (3) The powers of entry under the following provisions are not exercisable in relation to land used for or in connection with the carrying out of any of the works authorised by this Act – | 10 |
| | section 6(1) (entry to ascertain condition of scheduled monument); | |
| | section 6A(1) (entry to enforce control of works affecting scheduled monument); | |
| | section 26 (entry to record matters of archaeological or historical interest). | 15 |
| | (4) The provisions of the Act with respect to the functions of a person as a guardian by virtue of the Act, and the provisions of any agreement under section 17 (agreement concerning ancient monuments and land in their vicinity), have effect subject to the powers under this Act with respect to works. | 20 |
| | (5) Section 19 (public access to monuments under public control) does not apply in relation to a monument which is closed by the nominated undertaker for the purposes of, in connection with or in consequence of the carrying out of any of the works authorised by this Act. | |
| | (6) Regulations under section 19(3) or (4A) (which may include provision prohibiting or regulating acts which would tend to injure or disfigure a monument or its amenities or to disturb the public in their enjoyment of it) do not apply to anything done in exercise of the powers under this Act with respect to works. | 25 |
| | (7) The power under section 19(6) (power to refuse admission to monuments under public control) is not exercisable so as to prevent or restrict the exercise of the powers under this Act with respect to works. | 30 |
| | (8) In section 25 (treatment of ancient monuments) – | |
| | (a) subsection (2) (superintendence by Commission) does not authorise the superintendence of the carrying out of any of the works authorised by this Act, and | 35 |
| | (b) subsection (3) (power of Commission to charge for advice under subsection (1)) does not apply in relation to advice given in connection with the carrying out of any of those works. | |
| | (9) Section 28 (offence of damaging certain ancient monuments) does not apply to anything done in exercise of the powers under this Act with respect to works. | 40 |
| | (10) Section 35 (notice required of operations in areas of archaeological importance) does not apply to operations carried out in exercise of the powers under this Act with respect to works. | 45 |

- (11) Section 39(1) (power to investigate in advance of operations notice any site which may be acquired compulsorily) has effect as if operations carried out in exercise of the powers under this Act with respect to works were exempt operations for the purposes of that provision.
- (12) Section 42(1) (prohibition on use of metal detectors in protected places without consent) does not apply to the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 5
- (13) Section 42(3) (prohibition on removal without consent of object discovered by use of a metal detector in a protected place) does not apply to the removal of objects discovered by the use of a metal detector for the purposes of or in connection with the exercise of the powers under this Act with respect to works. 10
- 2 (1) The consent of the nominated undertaker is required for the exercise of the power of entry under section 36(1) of the National Heritage Act 1983 (entry to obtain information about ancient monuments and historic buildings for the purposes of the records kept by the Commission) in relation to land used, or intended for use, for or in connection with the carrying out of any of the works authorised by this Act. 15
- (2) Consent for the purposes of sub-paragraph (1) – 20
- (a) must not be unreasonably withheld;
- (b) may be granted subject to compliance with any reasonable requirements or conditions imposed for reasons of safety or for the purpose of preventing interference with or delay to the works.
- (3) Section 36(6) of the National Heritage Act 1983 (which, in relation to land on which works are being carried out, regulates the exercise of the power under section 36(1) to enter land to obtain information) does not apply in relation to land on which works authorised by this Act are being carried out. 25
- (4) Any dispute under this paragraph must be referred to arbitration if the parties so agree, but must otherwise be determined by the Secretary of State for Transport and the Secretary of State for Digital, Culture, Media and Sport acting jointly. 30

Power to disapply provision made by paragraphs 1 and 2

- 3 (1) The Secretary of State may by regulations make any provision specified in sub-paragraph (2) in relation to any work constructed in exercise of the powers under this Act. 35
- (2) The provision referred to in sub-paragraph (1) is –
- (a) provision that paragraph 1(2) does not apply in relation to relevant works;
- (b) provision that paragraph 1(3) does not apply in relation to land used for or in connection with the carrying out of relevant works; 40
- (c) provision that paragraph 1(8)(a) and (b) do not apply in relation to relevant works;
- (d) provision that paragraph 1(10) and (11) do not apply in relation to operations carried out in exercise of the powers under this Act which are, or are carried out in connection with, relevant works; 45

- (e) provision that paragraph 1(12) does not apply in relation to use of a metal detector for the purposes of or in connection with relevant works;
 - (f) provision that paragraph 1(13) does not apply in relation to removal of objects discovered by any such use; 5
 - (g) provision that paragraph 2(1) does not apply in relation to land used, or intended for use, for or in connection with the carrying out of relevant works;
 - (h) provision that paragraph 2(3) does not apply in relation to land on which relevant works are being carried out. 10
- (3) In this paragraph, “relevant works” means works which are –
- (a) carried out in exercise of the powers under this Act for the maintenance or alteration of the work referred to in sub-paragraph (1), and
 - (b) begun on or after such day as may be specified in regulations under that sub-paragraph. 15
- (4) Regulations under sub-paragraph (1) may make different provision for different purposes.
- (5) Regulations under sub-paragraph (1) must be made by statutory instrument; and a statutory instrument containing such regulations must be laid before Parliament after being made. 20

Inspection and observation of works etc

- 4 (1) Any person duly authorised in writing by the Commission may at any reasonable time enter land on which (or in or under which) a scheduled monument is situated – 25
- (a) for the purpose of observing or advising upon the exercise in relation to the land of any of the powers under paragraph 1 of Schedule 2 to this Act, or
 - (b) for the purpose of inspecting, observing or advising upon the carrying out of any works on the land in exercise of any of the other powers under this Act. 30
- (2) The right under sub-paragraph (1) is not exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right under sub-paragraph (1) must comply with directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions. 35
- (4) In this paragraph, “scheduled monument” has the same meaning as in the Ancient Monuments and Archaeological Areas Act 1979.

Interpretation

- 5 In this Schedule, references to “the Commission” are to the Historic Buildings and Monuments Commission for England. 40

SCHEDULE 20

Section 22

BURIAL GROUNDS

Notice of removal of remains or monument

- 1 (1) Before removing from the land in question any remains or any monument to the deceased, the nominated undertaker must— 5
 - (a) publish a notice complying with sub-paragraph (2) in each of two successive weeks in a newspaper circulating in the area where the land is situated, and
 - (b) at the same time leave such a notice displayed in a conspicuous place on or near the land. 10
- (2) A notice under sub-paragraph (1) must—
 - (a) identify the land to which it relates,
 - (b) set out in general terms the effect of paragraphs 2 to 7 (so far as relevant to remains to which sub-paragraph (1) applies),
 - (c) state where, and in what form, an application under paragraph 2(1) may be made, and 15
 - (d) state how the nominated undertaker proposes to carry out its functions under this Schedule with respect to the disposal of the remains or monument.
- (3) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased where the Secretary of State notifies the nominated undertaker that the Secretary of State is satisfied— 20
 - (a) that the remains were buried more than 100 years ago, and
 - (b) that no relative or personal representative of the deceased is likely to object to the remains or monument being removed in accordance with this Schedule. 25
- (4) No notice is required under sub-paragraph (1) before the removal of any remains or any monument to the deceased if—
 - (a) a court has granted a faculty, in relation to the remains, to the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker, or 30
 - (b) on the passing of this Act, a licence under section 25 of the Burial Act 1857 (bodies not to be removed from burial grounds without licence of the Secretary of State) is in force in relation to the remains and the holder of the licence is the nominated undertaker or a body corporate which is a member of the same group as the nominated undertaker. 35
- (5) In sub-paragraph (4)—

“court” has the meaning given by section 25(4) of the Burial Act 1857;

“group” means a body corporate and all other bodies corporate which are its subsidiaries within the meaning given by section 1159 of the Companies Act 2006. 40

Removal of remains under licence

- 2 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker must issue a licence for the removal of the remains if— 45

- (a) it receives an application in writing from a relative or personal representative of the deceased, and
 - (b) the application is received before the end of the period of 56 days after the day on which notice relating to the remains is first published under paragraph 1(1)(a). 5
- (2) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker must issue a licence for the removal of the remains if—
- (a) it receives an application in writing from a relative or personal representative of the deceased, and 10
 - (b) the application is received before the nominated undertaker has removed the remains under paragraph 4(1).
- (3) A licensee under this paragraph may remove the remains to which the licence relates and bury them elsewhere or cremate them.
- (4) The nominated undertaker must pay the reasonable costs of removal and reburial or cremation under this paragraph. 15

Removal of remains by nominated undertaker

- 3 (1) In the case of remains in relation to which paragraph 1(1) applies, the nominated undertaker may remove the remains after the expiry of the period of 56 days referred to in paragraph 2(1)— 20
- (a) if no application under paragraph 2(1) has been received, or
 - (b) in a case where one or more applications under paragraph 2(1) have been received, if in the case of each application—
 - (i) a licence has been issued, and
 - (ii) at least 28 days have passed since the issue of the licence without the remains having been removed. 25
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1)—
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or 30
 - (b) cremate them in a crematorium.
- (3) If—
- (a) an application is made to the nominated undertaker under paragraph 2(1),
 - (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased, 35
 - (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that he or she is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and 40
 - (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased. 45

- (4) The nominated undertaker must, pending the court's determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct.
- 4 (1) In the case of remains in relation to which paragraph 1(3) applies, the nominated undertaker may remove the remains – 5
- (a) if no application under paragraph 2(2) has been received, or
 - (b) in a case where one or more applications under paragraph 2(2) have been received, if in the case of each application –
 - (i) a licence has been issued, and
 - (ii) at least 28 days have passed since the issue of the licence without the remains having been removed. 10
- (2) The nominated undertaker must after the removal of remains under sub-paragraph (1) –
- (a) within 12 months or such longer period as the Secretary of State may direct in relation to the case – 15
 - (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
 - (ii) cremate them in a crematorium, or
 - (b) deal with them in such other manner, and subject to such conditions, as the Secretary of State may direct. 20
- (3) If –
- (a) an application is made to the nominated undertaker under paragraph 2(2),
 - (b) the application is refused on the ground that the nominated undertaker is not satisfied that the applicant is a relative or personal representative of the deceased, 25
 - (c) within the period of 28 days beginning with the date of the notice of refusal the applicant has applied to the county court for a declaration that he or she is a relative or personal representative of the deceased (see paragraph 11(2)(b)), and 30
 - (d) that period of 28 days has elapsed without the court having determined the application made to it,
- the nominated undertaker may remove the remains and any monument to the deceased.
- (4) The nominated undertaker must, pending the court's determination, deal with any remains or monument removed under sub-paragraph (3) in such manner as the Secretary of State may direct. 35
- 5 (1) In the case of remains in relation to which paragraph 1(4) applies –
- (a) the nominated undertaker may remove the remains, and
 - (b) if it does so, it is to be treated for the purposes of this Act as acting under this paragraph and not under the faculty or licence mentioned in paragraph 1(4). 40
- (2) The nominated undertaker must within two months of the removal of remains under sub-paragraph (1) –
- (a) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or 45
 - (b) cremate them in a crematorium.

- (3) Sub-paragraph (2) does not apply if the Secretary of State is satisfied that the remains were buried more than 100 years ago; and in such a case the nominated undertaker must, after the removal of remains under sub-paragraph (1) –
- (a) within 12 months or such longer period as the Secretary of State may direct in relation to the case –
 - (i) bury them in a place (whether or not consecrated) which is set apart for the purposes of burial, or
 - (ii) cremate them in a crematorium, or
 - (b) deal with them in such other manner, and subject to such conditions, as the Secretary of State may direct.

Removal of monuments

- 6 (1) Where a licence to remove any remains is issued under paragraph 2(1) or (2), the licensee may remove from the land any monument to the deceased and re-erect it elsewhere or otherwise dispose of it. 15
- (2) The nominated undertaker must pay the reasonable costs of removal and re-erection under sub-paragraph (1).
- 7 (1) Where any remains are removed under a licence under paragraph 2(1) or (2), the nominated undertaker may remove from the land any monument to the deceased which is not removed by the licensee within 28 days of the issue of the licence. 20
- (2) Where the nominated undertaker removes any remains under paragraph 3, 4 or 5, it may also remove from the land any monument to the deceased.
- (3) Where any remains are removed (by a person other than the nominated undertaker) under a faculty or a licence under section 25 of the Burial Act 1857, the nominated undertaker may remove from the land any monument to the deceased which is not removed by the person to whom the faculty is granted or the licensee (as the case may be). 25
- (4) The nominated undertaker may move any monument removed under this paragraph to the place, if any, where the remains of the deceased are buried or to some other appropriate place. 30
- (5) The nominated undertaker must break and deface any monument removed under this paragraph which is not dealt with under sub-paragraph (4).

Records

- 8 (1) Where any remains in relation to which paragraph 1(1) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies are removed under paragraph 5(2), the nominated undertaker must, within two months of the removal, provide the Registrar General with a certificate which – 35
- (a) identifies the remains, so far as practicable, 40
 - (b) states the date on which, and the place from which, the remains were removed, and
 - (c) states the date and place of reburial or cremation.
- (2) Where any remains in relation to which paragraph 1(3) applies are removed under this Schedule, or remains in relation to which paragraph 1(4) applies 45

- are removed under paragraph 5(3), the nominated undertaker must, within 12 months of the removal or such longer period as the Secretary of State may direct in relation to the case, provide the Registrar General with a certificate which—
- (a) identifies the remains, so far as practicable, 5
 - (b) states the date on which, and the place from which, the remains were removed,
 - (c) if at the time the certificate is provided the remains have been reburied or cremated, states the date and place of reburial or cremation, and 10
 - (d) if at that time the remains have not been reburied or cremated, states where and by whom they are kept.
- (3) Where any monument is removed under this Schedule, the nominated undertaker must, within two months of the removal—
- (a) deposit with the local authority in whose area the monument was situated prior to the removal a record which— 15
 - (i) identifies the monument,
 - (ii) gives any inscription on it,
 - (iii) states the date on which, and the place from which, it was removed, and 20
 - (iv) states the place, if any, to which it was moved or how it was disposed of, and
 - (b) provide the Registrar General with a copy of the record deposited under paragraph (a).
- (4) The nominated undertaker may require any person who removes remains or a monument under this Schedule to provide it with any information about the remains or monument removed which it needs in order to comply with sub-paragraph (1), (2) or (3). 25
- (5) In sub-paragraph (3)(a), “local authority” means the unitary authority or, in a non-unitary area, the district council. 30

Discharge of functions by nominated undertaker

- 9 (1) Where the nominated undertaker removes remains in relation to the removal of which a licence has been granted under paragraph 2(1) or (2), it must carry out in accordance with the reasonable requests of the licensee—
- (a) its functions under paragraph 3 or 4 with respect to disposal of the remains, and 35
 - (b) if it removes any monument to the deceased, the functions under paragraph 7 with respect to disposal of the monument.
- (2) In a case where more than one licence is granted under paragraph 2(1) or (2) and the licensees make different reasonable requests for the purposes of sub-paragraph (1), the nominated undertaker must carry out the functions referred to in that sub-paragraph in accordance with directions given by the Secretary of State. 40
- (3) Directions under sub-paragraph (2) may include directions that—
- (a) a licensee may apply to the county court to determine how remains or a monument are to be disposed of, and 45

- (b) how the remains or monument are to be dealt with pending the court's determination.
- 10 The Secretary of State may give such directions as the Secretary of State thinks fit with respect to the carrying out of any function of the nominated undertaker under this Schedule. 5

Relatives and personal representatives

- 11 (1) In this Schedule, references to a relative of the deceased are to a person who –
- (a) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased, or 10
- (b) is, or is a child of, a brother, sister, uncle or aunt of the deceased.
- (2) For the purposes of this Schedule, a person is to be taken to be a relative or personal representative of the deceased if –
- (a) the nominated undertaker is satisfied that the person is a relative or personal representative of the deceased, or 15
- (b) the county court, on the application of the person, has declared that the person is a relative or personal representative of the deceased.

SCHEDULE 21

Section 27

WATER

Water abstraction and impounding 20

- 1 The restriction imposed by section 24(1) of WRA 1991 (restriction on the abstraction of water) does not apply in relation to the abstraction of water for the purposes of or in connection with the construction of the works authorised by this Act.
- 2 Section 25 of WRA 1991 (restrictions on impounding) does not apply to anything done in exercise of the powers conferred by this Act with respect to works. 25
- 3 (1) Section 48A(1) of WRA 1991 (duty not to cause loss or damage to another by the abstraction of water) does not apply in relation to the abstraction of water in connection with the exercise of the powers conferred by this Act. 30
- (2) Where –
- (a) the nominated undertaker causes loss or damage to another person by the abstraction of water in connection with the exercise of the powers conferred by this Act, and
- (b) the circumstances are such that causing the loss or damage would have constituted breach of the duty under section 48A(1) of WRA 1991, but for sub-paragraph (1), 35
- the nominated undertaker must compensate the other person for the loss or damage.
- (3) Compensation under sub-paragraph (2) is to be assessed on the same basis as damages for breach of the duty under section 48A(1) of WRA 1991. 40

- (4) Section 48A(5) of WRA 1991 (prohibition of claims in respect of loss or damage caused by abstraction of water which are not claims under that section) has no application to claims under –
- (a) this paragraph, or
 - (b) Part 4 of Schedule 32.

5

No environmental permit required for operating regulated facility etc

- 4 (1) Regulation 12(1) of the Environmental Permitting Regulations (which requires an environmental permit for certain activities) does not apply to the carrying on of a relevant flood risk activity, a water discharge activity or a groundwater activity in exercise of the powers conferred by this Act with respect to works.

10

- (2) In this paragraph –

- (a) “groundwater activity” and “water discharge activity” have the meaning given, respectively, by paragraph 3 of Schedule 22 and paragraph 3 of Schedule 21 to the Environmental Permitting Regulations;
- (b) “relevant flood risk activity” means an activity within paragraph 3(1)(a), (b) or (c) of Schedule 25 to those Regulations;
- (c) “Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154).

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Floods

- 5 Paragraph 5 of Schedule 1 to FWMA 2010 (consent required for alteration, removal or replacement of designated feature) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.

Drainage

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- 6 Paragraph 7 of Schedule 3 to FWMA 2010 (approval required for drainage system for construction work) does not apply in relation to anything done in exercise of the powers conferred by this Act with respect to works.

Eels

- 7 Part 4 of the Eels (England and Wales) Regulations 2009 (S.I. 2009/3344) (passage of eels) does not apply to anything done in exercise of the powers conferred by this Act with respect to works.

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Interpretation

- 8 In this Schedule –

- “abstraction” has the same meaning as in WRA 1991;
- “FWMA 2010” means the Flood and Water Management Act 2010;
- “WRA 1991” means the Water Resources Act 1991.

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SCHEDULE 22

Section 28(1)

BUILDINGS

Building regulations

- 1 (1) Nothing in—
- (a) Part 1 of the 1984 Act with respect to building regulations, or 5
 - (b) any building regulations,
- applies to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (2) Sub-paragraph (1) does not apply in relation to a building which is a house or hotel. 10
- (3) Sub-paragraph (1) does not apply in relation to a building which is used as offices or showrooms unless it forms part of a railway station or other railway facility.
- (4) In sub-paragraph (3), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway. 15
- (5) The reference in sub-paragraph (1)(b) to building regulations does not include the provisions listed in regulation 34(1) of the Building Regulations 2010 (S.I. 2010/2214) (requirements relating to energy efficiency). 20

Drain repairs

- 2 In section 61 of the 1984 Act—
- (a) subsection (2) (local authority officers to have access to drain repair works), and
 - (b) subsection (3) (offence for failure to comply with section 61), 25
- do not apply to the repair, reconstruction or alteration of an underground drain which is carried out for Phase 2a purposes.

Drain disconnections

- 3 Where works described in section 62(1)(a), (b) or (c) of the 1984 Act (reconstruction and other drain works) are carried out for Phase 2a purposes, section 62 of the 1984 Act (which requires drains to be disconnected when they become disused or unnecessary in consequence of reconstruction and other works) has effect as if— 30
- (a) in subsection (1), for “as the local authority may reasonably require” there were substituted “as the person considers necessary”, 35
 - (b) subsections (2) and (3) were omitted,
 - (c) for subsection (4) there were substituted—
 - “(4) Before carrying out works described in subsection (1)(a), (b) or (c), the person carrying out the works must give at least 48 hours’ notice to the local authority.”, and 40
 - (d) subsection (5) were omitted.

Raising of chimneys

- 4 (1) This paragraph applies where—
- (a) the nominated undertaker is given a notice under section 73(1) of the 1984 Act (notice requiring chimney of adjoining building to be raised and requiring owner or occupier of that building to allow access to it for that purpose), 5
 - (b) the taller building is a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, and 10
 - (c) the owner or occupier of the adjoining building referred to in section 73(1)(b) of the 1984 Act serves a counter-notice on the nominated undertaker.
- (2) The owner or occupier of the adjoining building may not enter upon relevant Phase 2a land, for the purposes of carrying out the work to which the counter-notice relates, without the consent of the Secretary of State or the nominated undertaker. 15
- (3) “Relevant Phase 2a land” means land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under the Act. 20
- (4) Where, by reason of the withholding of consent for the purposes of sub-paragraph (2), the owner or occupier of the adjoining building is unable to carry out the work to which the counter-notice relates, the counter-notice ceases to have effect.
- (5) In this paragraph, references to “the taller building” and a “counter-notice” are to be construed in accordance with section 73 of the 1984 Act. 25

Construction of cellars and rooms below subsoil water level

- 5 (1) Section 74(1) of the 1984 Act (which requires local authority consent for the construction of a cellar or room below subsoil water level in, or as part of, a house, shop, inn, hotel or office) does not apply to the construction of a cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station or other railway facility which is being used, or which is intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 30
- (2) In sub-paragraph (1), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway. 35

Interpretation

- 6 In this Schedule—
- “the 1984 Act” means the Building Act 1984; 40
 - “building regulations” has the same meaning as in the 1984 Act (see section 122 of that Act).

SCHEDULE 23

Section 28(2)

PARTY WALLS ETC

- 1 In this Schedule, “the 1996 Act” means the Party Wall etc. Act 1996.
- 2 No notice under section 1(2) or (5) of the 1996 Act (notice before building on
line of junction with adjoining land) is required before the building of any
wall for Phase 2a purposes. 5
- 3 Sections 1(6) and 2 of the 1996 Act (rights of adjoining owners) do not have
effect to confer rights in relation to—
- (a) anything held by the Secretary of State or the nominated undertaker
and used, or intended for use, by the nominated undertaker for the
purposes of its undertaking under this Act, or 10
- (b) land on which there is any such thing.
- 4 No party structure notice under section 3 of the 1996 Act is required before
the exercise of any right conferred by section 2 of that Act (right to repair etc
party wall) for the purposes of or in connection with— 15
- (a) the construction of the works authorised by this Act, or
- (b) the maintenance of any such work during the period beginning with
the date on which the work is completed and ending 5 years after the
date on which it is brought into general use.
- 5 Section 6 of the 1996 Act (underpinning of adjoining buildings) does not
apply in relation to a proposal to excavate, or excavate for and erect
anything, for Phase 2a purposes. 20
- 6 (1) Where—
- (a) a building owner (within the meaning of the 1996 Act) serves a notice
under section 6(5) of that Act, and 25
- (b) the building or structure of the adjoining owner (within the meaning
of that Act) referred to in that provision is a building or structure—
- (i) erected for Phase 2a purposes, or
- (ii) situated on land held by the Secretary of State or the
nominated undertaker for the purposes of the nominated
undertaker’s undertaking under this Act, 30
- section 6 of that Act has effect with the following modifications.
- (2) Those modifications are—
- (a) subsection (3) is omitted;
- (b) for subsections (6) and (7) substitute— 35
- “(6) The notice referred to in subsection (5) (“the proposals
notice”)—
- (a) shall be accompanied by plans and sections
showing—
- (i) the site and depth of any excavation the
building owner proposes to make; and 40
- (ii) if he proposes to erect a building or structure,
its site; and
- (b) where the notice includes a proposal to underpin or
otherwise strengthen or safeguard the foundations of 45

- the building or structure of the adjoining owner, shall –
- (i) include a detailed description of those works; and
 - (ii) specify the building owner’s programme for carrying them out. 5
- (6A) The adjoining owner may serve a notice on the building owner consenting to the proposals notice.
- (6B) Where the proposals include the carrying out of works mentioned in subsection (6)(b), the consent notice served under subsection (6A) must state whether the adjoining owner – 10
- (a) is to carry out those works himself, or
 - (b) requires the works to be carried out by the building owner. 15
- (7) If an owner on whom a proposals notice has been served does not serve a consent notice within the period of 14 days beginning with the day on which the proposals notice was served, he shall be deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties. 20
- (7A) Works to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner (whether proposed in the proposals notice or otherwise) are to be carried out by the adjoining owner, unless the building owner is required to carry them out – 25
- (a) by virtue of a requirement within subsection (6B)(b), or
 - (b) where a dispute is deemed to have arisen between the parties in relation to any matter, by a notice served by the adjoining owner on the building owner within the period of 14 days beginning with – 30
 - (i) the day on which the parties settle the dispute, or
 - (ii) the day on which an award is made under section 10 in relation to the dispute. 35
- (7B) The works (whether carried out by the adjoining owner or the building owner) are to be carried out – 40
- (a) at the building owner’s expense, and
 - (b) in accordance with the description and programme agreed by the parties (whether by virtue of a consent notice or in connection with the settlement of any dispute) or determined in accordance with section 10 (in the case of a dispute in relation to which an award is made under that section).” 45
- 7 (1) This paragraph applies where a dispute arises or is deemed to have arisen in respect of a matter connected with any work to which the 1996 Act relates and the work –
- (a) is required for Phase 2a purposes, or

- (b) relates to a building or structure situated on land held by the Secretary of State or the nominated undertaker for the purposes of the nominated undertaker's undertaking under this Act.
- (2) In such a case, the 1996 Act has effect as if for section 10 (resolution of disputes) there were substituted – 5
- “10 Resolution of disputes**
- (1) Where a dispute arises or is deemed to have arisen between a building owner and an adjoining owner in respect of any matter connected with any work to which this Act applies, the dispute is to be settled by a single arbitrator, who is to be – 10
- (a) agreed on by both parties, or
 - (b) in default of agreement, appointed on the application of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.
- (2) If the arbitrator – 15
- (a) refuses to act,
 - (b) neglects to act for a period of 10 days beginning with the day on which either party serves a request on the arbitrator,
 - (c) dies before the dispute is settled, or
 - (d) becomes or deems himself or herself incapable of acting, 20
- subsection (1) applies again.
- (3) The arbitrator must settle by award any matter –
- (a) which is connected with any work to which this Act relates, and
 - (b) which is in dispute between the building owner and the adjoining owner. 25
- (4) An award may determine –
- (a) the right to execute any work;
 - (b) the time and manner of executing any work; and
 - (c) any other matter arising out of or incidental to the dispute including the costs of making the award. 30
- (5) But, unless otherwise agreed between the building owner and the adjoining owner, any period appointed by the award for executing any work does not begin to run until after the end of the period prescribed by this Act for service of the notice in respect of which the dispute arises or is deemed to have arisen. 35
- (6) The reasonable costs incurred in –
- (a) making or obtaining an award under this section,
 - (b) reasonable inspections of work to which the award relates, and
 - (c) any other matter arising out of the dispute, 40
- are to be paid by such of the parties as the arbitrator determines.
- (7) Where the arbitrator makes an award, the arbitrator must serve it forthwith on the parties.
- (8) The award is conclusive and must not except as provided by this section be questioned in any court. 45

- (9) Either of the parties to the dispute may appeal to the county court against the award within the period of 14 days beginning with the day on which the award is served on the party making the appeal.
- (10) On such an appeal, the county court may –
- (a) rescind the award or modify it in such manner as the court thinks fit; and
 - (b) make such order as to costs as the court thinks fit.”
- (3) Where the 1996 Act has effect as mentioned in sub-paragraph (2) –
- (a) section 7(5) has effect as if the words “(or surveyors acting on their behalf)” were omitted,
 - (b) section 8(5) has effect as if the reference to a surveyor appointed or selected under section 10 were to an arbitrator agreed or appointed under section 10 (as modified by sub-paragraph (2)),
 - (c) section 8(6) has effect as if it provided for the arbitrator to give notice of its intention to enter land or premises, and
 - (d) section 12(3)(b) has effect as if the reference to the surveyor or surveyors were to the arbitrator.
- 8 (1) Where, by virtue of paragraph 6, work to which a notice under section 6(5) of the 1996 Act relates is carried out by an adjoining owner, sections 13 and 14 of that Act have effect subject to the following modifications.
- (2) Section 13(1) has effect as if it enabled the adjoining owner, within the period of two months beginning with the day of the completion of the work, to serve on the building owner an account in writing showing particulars and expenses of the work.
- (3) Section 13(2) has effect as if it enabled the building owner to serve on the adjoining owner a notice objecting to the account served under section 13(1) (as modified by sub-paragraph (2)).
- (4) Section 14 has effect as if –
- (a) for subsection (1) there were substituted –
“(1) All expenses to be defrayed by a building owner in accordance with an account served under section 13 shall be paid by the building owner.”, and
 - (b) subsection (2) were omitted.

SCHEDULE 24

Section 29

STREET WORKS

35

Works in or near highways

- 1 (1) Section 141 of the Highways Act 1980 (restriction on planting trees or shrubs in or near carriageway) does not apply to any tree or shrub planted for the purposes of or in connection with the exercise of the powers conferred by this Act.
- (2) Section 167 of that Act (powers relating to retaining walls near streets) does not apply to any length of a retaining wall erected on land held by the

Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.

- (3) Section 169(1) of that Act (control of scaffolding on highways) does not apply to anything erected, placed or retained in, upon or over a highway for the purposes of or in connection with the exercise of the powers conferred by this Act. 5
- (4) The provisions of this paragraph apply in relation to a highway for which the Secretary of State or a strategic highways company is the highway authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 10

Street works

- 2 (1) The powers conferred by section 56(1) and (1A) of the New Roads and Street Works Act 1991 (powers to give directions as to the timing of proposed and subsisting street works) do not apply in relation to works proposed to be, or being, carried out under the powers conferred by this Act. 15
- (2) Section 56A of that Act (power to give directions as to placing of apparatus) does not apply in relation to the placing of apparatus in exercise of the powers conferred by this Act.
- (3) No restriction under section 58(1) of that Act (power to impose restriction on execution of street works following completion of substantial road works) has effect in relation to works carried out under the powers conferred by this Act. 20
- (4) Section 61(1) of that Act (under which the consent of the street authority is required for the placing of apparatus in a protected street) does not apply to the placing of apparatus in exercise of the powers conferred by this Act. 25
- (5) Section 62(2) of that Act (power following designation of protected street to require removal or repositioning of apparatus already placed in the street) does not apply in relation to apparatus placed in exercise of the powers conferred by this Act. 30
- (6) Section 62(4) of that Act (power, when designation as protected street commences or ceases, to give directions with respect to works in progress) does not apply in relation to works being carried out under the powers conferred by this Act.
- (7) Section 63(1) of that Act (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) does not apply in relation to works to be executed under the powers conferred by this Act. 35
- (8) The power conferred by section 73A(1) of that Act (power to require undertaker to re-surface street) may not be exercised in relation to an undertaker who is within subsection (2) of that section because of— 40
- (a) having given a notice in respect of works proposed to be carried out under the powers conferred by this Act, or
- (b) executing, or having executed, works under those powers. 45

- (9) Nothing in section 74A of that Act (power to make regulations requiring payment of charges for street works), or in regulations made under it, applies in relation to the execution of works under the powers conferred by this Act.
- (10) No contribution is payable under section 78A(1)(b) of that Act (contributions by other undertakers to costs incurred in executing works specified in a re-surfacing notice) because of the execution of works under the powers conferred by this Act. 5
- (11) Schedule 3A to that Act (restriction on works following substantial street works) does not apply where a notice under section 54 (advance notice of certain works) or section 55 (notice of starting date of works) of that Act is in respect of works to be executed under the powers conferred by this Act. 10
- (12) No notice under paragraph 2(1)(d) of that Schedule (power by notice to require notification of works which an undertaker proposes to carry out in a part of a highway to which a proposed restriction applies) has effect to require the notification of works proposed to be carried out under the powers conferred by this Act. 15
- (13) No directions under paragraph 3 of that Schedule (directions as to the date on which undertakers may begin to execute proposed works) may be issued to the nominated undertaker. 20
- (14) Paragraph 3(4) of that Schedule (under which it is an offence for an undertaker to execute street works before the completion of certain other street works) does not apply in relation to the execution of works under the powers conferred by this Act.
- (15) Paragraph 5(1) of that Schedule (effect of direction under paragraph 4 restricting further works) does not apply in relation to the execution of works under the powers conferred by this Act. 25
- (16) The provisions of this paragraph apply in relation to a street for which the Secretary of State or a strategic highways company is the street authority only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 30

Permit schemes

- 3 (1) Nothing in Part 3 of the Traffic Management Act 2004 (permit schemes), or in any permit scheme or permit regulations under that Part, applies in relation to the carrying out of works under the powers conferred by this Act. 35
- (2) Where a permit scheme under Part 3 of the 2004 Act is in respect of a street for which the Secretary of State or a strategic highways company is the highway authority, sub-paragraph (1) applies in relation to the scheme only if the highway authority in respect of the street consents (and consent may be subject to conditions). 40

SCHEDULE 25

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LORRIES

Lorry ban orders

- 1 (1) In this Schedule, “lorry ban order” means an order made at any time under section 1, 9 or 14 of the Road Traffic Regulation Act 1984 which to any extent imposes – 5
- (a) a prohibition or restriction on the use of heavy commercial vehicles, or any class of such vehicles, in an area, zone or place, or on a road, specified in the order, or
- (b) a requirement that heavy commercial vehicles, or any class of such vehicles, use a specified through route. 10
- (2) The reference in sub-paragraph (1)(a) to a prohibition or restriction on the use of heavy commercial vehicles on a road does not include a prohibition or restriction on their use on part of the width of a road.
- (3) It is immaterial for the purposes of sub-paragraph (1) whether the prohibition, restriction or requirement is subject to exceptions. 15
- (4) This paragraph applies in relation to a lorry ban order made by the Secretary of State or a strategic highways company only if the Secretary of State or the strategic highways company consents (and consent may be subject to conditions). 20

Required provision in lorry ban orders

- 2 (1) If a lorry ban order does not contain the required provision, it is to be treated as if it did.
- (2) The required provision is provision to the effect that –
- (a) a person proposing to use heavy commercial vehicles in connection with authorised works in a way which would otherwise constitute a breach of the prohibition, restriction or requirement referred to in paragraph 1(1) may apply for the issue of a permit in respect of that use, and 25
- (b) the use authorised by such a permit does not constitute a breach of the prohibition, restriction or requirement. 30

Issue of emergency permits

- 3 (1) This paragraph applies where a person proposes to undertake a journey before the end of the next complete eight working days, being a journey –
- (a) proposed to be undertaken in connection with the carrying out of authorised works, and 35
- (b) for which a permit under a lorry ban order is required if the prohibition, restriction or requirement is not to be breached.
- (2) The person may apply for a permit under the lorry ban order for the journey by giving the details mentioned in sub-paragraph (3), by telephone or by electronic means, to the authority responsible for dealing with permits under the order. 40
- (3) The details referred to above are –

- (a) the identity of the applicant,
 - (b) how the applicant may be contacted by telephone or by electronic means,
 - (c) the registration number of the vehicle to which the application relates, 5
 - (d) the authorised works in connection with which the journey is to be undertaken,
 - (e) whether any approved arrangements are relevant to the application and, if so, what they are,
 - (f) the date when the journey is proposed to be undertaken, 10
 - (g) in the case of an order made otherwise than by the Secretary of State or a strategic highways company, whether it is proposed to stop in the area of the traffic authority for delivery or collection purposes and, if so, the place or places and time or times at which it is proposed to do so, and 15
 - (h) in the case of an order made by the Secretary of State or a strategic highways company, such details of the place or places and time or times at which it is proposed to stop for delivery or collection purposes as may be set out in conditions attaching to consent given under paragraph 1(4). 20
- 4 (1) An authority responsible for dealing with permits under a lorry ban order must make arrangements enabling applications under paragraph 3 to be made at any time.
- (2) Once an application for a permit has been made under paragraph 3, then, for the purpose of any relevant journey, the application is to be treated as granted subject to such conditions as the Secretary of State may by order specify. 25
- (3) A journey is a relevant journey for the purposes of sub-paragraph (2) if it is begun before the authority to which the application is made has communicated its decision on the application to the applicant by the means specified by the application under paragraph 3(3)(b). 30
- (4) The power to make an order under sub-paragraph (2) includes –
- (a) power to make different provision for different cases, and
 - (b) power to make an order varying or revoking any order previously made under that provision. 35

Grant of applications for permit

- 5 (1) This paragraph applies where an application for the issue of a permit under a lorry ban order –
- (a) is made under paragraph 3, or
 - (b) is otherwise expressed to be made in connection with the carrying out of authorised works. 40
- (2) The application must be granted if the issue of a permit is reasonably required –
- (a) for the purpose of enabling authorised works to be carried out in a timely and efficient manner, or 45
 - (b) for the purpose of enabling authorised works to be carried out in accordance with approved arrangements.

- (3) If the application is granted, no condition may be imposed which is likely to obstruct the carrying out of authorised works –
- (a) in a timely and efficient manner, or
 - (b) in accordance with approved arrangements.
- (4) An applicant aggrieved by a decision under sub-paragraph (2) or (3) may appeal to the Secretary of State by giving notice of the appeal to –
- (a) the Secretary of State, and
 - (b) the authority whose decision is appealed against,
- within 28 days of notification of the decision. 5
- (5) On an appeal under sub-paragraph (4), the Secretary of State may allow or dismiss the appeal or vary the decision of the authority whose decision is appealed against. 10
- (6) If, on an appeal under sub-paragraph (4) against a decision under sub-paragraph (3), the Secretary of State varies the decision, the variation has effect from and including the date on which the appeal was instituted or such later date as the Secretary of State may specify. 15
- (7) The applicant may not challenge a decision under sub-paragraph (3) otherwise than by an appeal under sub-paragraph (4).

Supplementary interpretation

- 6 (1) In this Schedule –
- “approved arrangements” means arrangements approved for the purposes of paragraph 6 of Schedule 17;
 - “authorised works” means works authorised by this Act;
 - “electronic means” includes email and the internet;
 - “heavy commercial vehicle” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 138 of that Act);
 - “traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984 (see section 121A of that Act);
 - “working day” means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. 20 25 30
- (2) In this Schedule, references to the issuing of a permit include the giving of any consent.

SCHEDULE 26

Section 31

NOISE 35

Control of noise on construction sites

- 1 (1) In the Control of Pollution Act 1974, sections 60 (control of noise on construction sites) and 61 (prior consent for work on construction sites) each have effect, in relation to works carried out in exercise of the powers conferred by this Act, as if – 40

- (a) in subsection (7) (appeal against notice or against failure to give consent or the giving of qualified consent), for “a magistrates’ court” there were substituted “the Secretary of State”, and
- (b) after that subsection there were inserted –
 - “(7A) If within seven days of the giving of notice of appeal under subsection (7) of this section the appellant and the local authority so agree, the appeal shall, instead of being determined by the Secretary of State, be referred to arbitration.” 5
- (2) The Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly may, in relation to appeals which (by virtue of sub-paragraph (1)) are referred to arbitration under section 60(7A) or 61(7A) of the Control of Pollution Act 1974, by regulations make any such provision as may be made by regulations under section 70 of that Act in relation to appeals under Part 3 of that Act to the Secretary of State. 10 15
- (3) Regulations under sub-paragraph (2) must be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament. 20

Defences to proceedings relating to statutory nuisance

- 2 In proceedings for an offence under section 80(4) of the Environmental Protection Act 1990 (offence of contravening abatement notice) in respect of a statutory nuisance falling within section 79(1)(g) or (ga) of that Act where the offence consists in contravening requirements imposed by virtue of section 80(1)(a) or (b) of that Act, it is a defence to show that the nuisance –
 - (a) is a consequence of –
 - (i) the construction, use or maintenance of the works authorised by this Act, or
 - (ii) the operation of Phase 2a of High Speed 2, and
 - (b) cannot reasonably be avoided. 25 30
- 3 (1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by person aggrieved by statutory nuisance) in relation to –
 - (a) a statutory nuisance falling within section 79(1)(g) of that Act (noise emitted from premises), or
 - (b) a statutory nuisance falling within section 79(1)(ga) of that Act (noise emitted by vehicle, machinery or equipment in a street),no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that sub-paragraph (2) or (3) applies. 35 40
- (2) This sub-paragraph applies if the nuisance –
 - (a) relates to premises or, as the case may be, to a vehicle, machinery or equipment, used by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works, and
 - (b) is attributable to the carrying out of works which are being carried out in accordance with a notice served under section 60, or a consent given under section 61 of the Control of Pollution Act 1974. 45

- (3) This sub-paragraph applies if the nuisance –
- (a) is a consequence of –
 - (i) the construction, use or maintenance of the works authorised by this Act, or
 - (ii) the operation of Phase 2a of High Speed 2, and
 - (b) cannot reasonably be avoided.
- 4 Section 61(9) of the Control of Pollution Act 1974 (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) does not apply where the consent relates to the use of premises or, as the case may be, of a vehicle, machinery or equipment by the nominated undertaker for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works.

SCHEDULE 27

Section 32

LOCAL ACTS

15

Cheshire County Council Act 1968 (c. xxxvi)

- 1 Section 12 of the Cheshire County Council Act 1968 (prohibition of parking of heavy commercial vehicles) does not apply to the use of any parking place by a heavy commercial vehicle (within the meaning of that section) which is reasonably necessary –
- (a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or
 - (b) for the purposes of the nominated undertaker’s undertaking under this Act.

Cheshire County Council Act 1980 (c. xiii)

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- 2 (1) Section 12 of the Cheshire County Council Act 1980 (plans for new streets) does not apply to any work carried out in exercise of the powers conferred by this Act.
- (2) Part 8 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (3) Section 48 of that Act (parking places: safety requirements) does not apply to a parking place where –
- (a) the parking place comprises or is within a building held, or to be held, by the Secretary of State or the nominated undertaker, and
 - (b) the parking place is used, or intended for use –
 - (i) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or
 - (ii) for the purposes of the nominated undertaker’s undertaking under this Act.
- (4) Section 50 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held, or to be held, by the Secretary of State or

the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.

- (5) Section 57 of that Act (prescription of signs to be used on certain buildings) does not apply in relation to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 5

Staffordshire Act 1983 (c. xviii)

- 3 (1) Section 7 of the Staffordshire Act 1983 (plans for new streets) does not apply to any work carried out in exercise of the powers conferred by this Act.
- (2) Where – 10
- (a) a local authority (within the meaning of that Act) proposes to exercise the power conferred by section 9(1) of that Act (provision of parking places in parks, etc), and
- (b) the power is proposed to be exercised in relation to an area of park, pleasure ground or open space which is situated over or within a distance of 15 metres (measured in any direction) from any railway forming part of Phase 2a of High Speed 2, 15
- section 9(5) of that Act has effect as if it also required the local authority to consult the nominated undertaker.
- (3) Section 10(1)(b) of that Act (ornamental or mown land) does not apply to the use of a vehicle which is reasonably necessary – 20
- (a) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or
- (b) for the purposes of the nominated undertaker’s undertaking under this Act. 25
- (4) Section 12 of that Act (dust) does not apply to building operations carried out in exercise of the powers conferred by this Act.
- (5) Section 16 of that Act (powers of entry for Prevention of Damage by Pests Act 1949) does not apply in relation to any land held by the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act. 30
- (6) Section 25 of that Act (parking places: safety requirements) does not apply to a parking place where –
- (a) the parking place comprises or is within a building held, or to be held, by the Secretary of State or the nominated undertaker, and 35
- (b) the parking place is used, or intended for use –
- (i) for the purposes of, or in connection with, the exercise of the powers conferred by this Act with respect to works, or
- (ii) for the purposes of the nominated undertaker’s undertaking under this Act. 40
- (7) Section 26 of that Act (building plans: access for fire brigade) does not apply to plans relating to a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (8) Part 7 of that Act (storage of flammable materials) does not apply in relation to a stack on land held by the Secretary of State or the nominated undertaker 45

and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.

(9) Where –

- (a) the county council proposes to make an order under section 40(1) of that Act (power to stop up highways), and
 - (b) the highway is part of a route identified in a deposited statement as a construction traffic route,
- section 40(1) of that Act has effect as if it also required the council to give notice to the nominated undertaker.

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SCHEDULE 28

Section 37

10

APPLICATION OF OTHER RAILWAY LEGISLATION ETC

Highway (Railway Crossings) Act 1839 (c. 45)

- 1 The Highway (Railway Crossings) Act 1839 does not apply to a railway authorised by this Act.

Railway Regulation Act 1840 (c. 97)

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- 2 (1) In its application to Phase 2a of High Speed 2, or a train all or part of whose journey is on Phase 2a of High Speed 2, section 16 of the Railway Regulation Act 1840 (obstruction of officers of railway company or trespass upon railway) has effect as if –
- (a) the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 1), and
 - (b) the court had, as an alternative to imposing a fine, the power to award imprisonment for a period not exceeding 51 weeks (in the case of an offence committed in England and Wales) or 12 months (in the case of an offence committed in Scotland).

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- (2) In relation to an offence committed in England and Wales before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (1)(b) to 51 weeks is to be read as a reference to one month.

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Railway Regulation Act 1842 (c. 55)

- 3 Section 9 of the Railway Regulation Act 1842 does not apply to a railway authorised by this Act.

Railways Clauses Consolidation Act 1845 (c. 20)

- 4 (1) The following provisions only of the Railways Clauses Consolidation Act 1845 are incorporated with this Act, in so far as they are applicable for the purposes of this Act and not inconsistent with its provisions –
- sections 2 to 4, 6, 16, 18, 21, 24, 30, 31, 37 and 38 (so far as relating to section 31), 46, 67 to 70, 73, 86, 97, 103, 105, 140, 142, 144, 145 and 162 to 164.

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- (2) In their application by virtue of sub-paragraph (1) –
- (a) section 2 has effect with the substitution for “so incorporated as aforesaid” of “incorporated”;
 - (b) section 6 has effect with the omission of “and to take lands for that purpose”, “taken or” and “for the value of the lands so taken or used, and”; 5
 - (c) sections 18 and 21 do not apply in any case where the relations between the nominated undertaker and any other person are regulated by sections 84 and 85 of the New Roads and Street Works Act 1991 or Part 2 of Schedule 32 (protective provisions relating to utility undertakers); 10
 - (d) section 46 has effect with the omission of the words from “of the height” to “in that behalf provided”;
 - (e) section 68 has effect with the omission of the words from “Such and” to “formation thereof” and from “together with all necessary gates” to “all necessary stiles”. 15

Regulation of Railways Act 1889 (c. 57)

- 5 In its application to Phase 2a of High Speed 2, or a train all or part of whose journey is on Phase 2a of High Speed 2, section 5 of the Regulation of Railways Act 1889 has effect as follows – 20
- (a) section 5(1) (failure to produce ticket, pay fare or give name and address) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 2 on the standard scale (instead of level 1);
 - (b) section 5(2) (power to arrest passenger who fails to produce ticket and refuses to give name and address) has effect as if after “refuses” there were inserted “or fails”; 25
 - (c) section 5(3) (travel with intent to avoid payment of fare) has effect as if the maximum fine which may be imposed on summary conviction of the offence for which it provides were level 3 on the standard scale (instead of level 2). 30

British Transport Commission Act 1949 (c xxix)

- 6 (1) Section 55 of the British Transport Commission Act 1949 (penalty for trespass on railways etc) also applies in relation to any railway, siding, tunnel, railway embankment, cutting or similar work constructed in exercise of the powers conferred by this Act. 35
- (2) Section 56 of that Act (penalty for stone throwing etc on railways) also applies in relation to any railway or siding constructed in exercise of the powers conferred by this Act.

SCHEDULE 29

Section 38

ARBITRATION BETWEEN RAILWAY OPERATORS

Directions as to results to be achieved

- 1 (1) This paragraph applies where a difference is referred under section 38(3) to arbitration. 5
- (2) The parties must notify the Secretary of State of the referral without delay after the commencement of the arbitral proceedings.
- (3) The Secretary of State may, on request or otherwise, direct the arbitrator as to results that are to be achieved by the agreement for which terms are to be determined by the arbitration. 10
- (4) A direction under this paragraph may be made even though the making of the direction affects the outcome of proceedings to which the Secretary of State, or a body in which the Secretary of State has an interest, is a party.
- (5) A request for a direction under this paragraph may be made by the arbitrator (as well as by a party). 15
- (6) For the purpose of determining whether or not the arbitrator has to comply with a direction under this paragraph, the rule is that the arbitrator must comply with the direction in determining terms of the agreement if the direction –
- (a) is relevant to the determination of those terms, and 20
- (b) is given to the arbitrator before the award determining those terms is made.
- (7) For the purpose of determining what the arbitrator has to do to comply with a direction under this paragraph, the rule is that the arbitrator must carry out the function of determining terms of the agreement so as to secure, so far as is reasonably practicable, that the results concerned are achieved by the agreement. 25

Directions as to consolidation and grouping of proceedings

- 2 (1) The Secretary of State may, on request or otherwise, direct –
- (a) that a group of proceedings is to be consolidated, or 30
- (b) that concurrent hearings are to be held in a group of proceedings.
- (2) In sub-paragraph (1) “group of proceedings” means a group consisting of –
- (a) section 38(3) proceedings, and
- (b) any one or more of the following –
- (i) other section 38(3) proceedings, 35
- (ii) arbitral proceedings related to the proceedings mentioned in paragraph (a), and
- (iii) arbitral proceedings related to section 38(3) proceedings that are to be consolidated with the proceedings mentioned in paragraph (a). 40
- (3) A request for a direction under this paragraph may be made by the arbitrator or any of the arbitrators (as well as by a party).

- (4) A direction under this paragraph must specify the terms on which the proceedings are to be consolidated or on which concurrent hearings are to be held.
- (5) Where a direction under this paragraph provides for the consolidation of proceedings that do not all have the same arbitrator, the terms that may be specified in the direction include (in particular) – 5
- (a) terms specifying the person who is to be the arbitrator in the consolidated proceedings;
 - (b) terms under which that person is to be determined.
- (6) For the purposes of this section – 10
- (a) “section 38(3) proceedings” means proceedings on arbitration of a difference referred under section 38(3), and
 - (b) arbitral proceedings are “related” to section 38(3) proceedings if – 15
 - (i) the arbitral proceedings are not section 38(3) proceedings,
 - (ii) at least one of the parties to the arbitral proceedings is also a party to the section 38(3) proceedings, and
 - (iii) the Secretary of State considers that the subject-matter of the arbitral proceedings is connected with the subject-matter of the section 38(3) proceedings.

SCHEDULE 30

Section 40 20

TRAFFIC REGULATION

Traffic authority to consult Secretary of State before making traffic regulation order

- 1 (1) This paragraph applies where –
- (a) the traffic authority for a relevant road is a person other than the Secretary of State, 25
 - (b) the authority proposes to make a traffic regulation order in relation to the road, and
 - (c) it appears to the authority that provision made by the order could significantly interfere with the use of the road by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act. 30
- (2) Before making the order, the authority must consult the Secretary of State (in addition to any other person the authority is required to consult under or by virtue of Part 3 of Schedule 9 to RTRA 1984).
- (3) In this paragraph – 35
- “heavy commercial vehicle” has the same meaning as in RTRA 1984 (see section 138 of that Act);
 - “relevant road” means a road, other than a special road or trunk road, which falls within one or more of the following paragraphs – 40
 - (a) a road which is part of a route identified in a deposited statement as a construction traffic route;
 - (b) a road which is part of a route in relation to which approval has been given under paragraph 6 of Schedule 17 (routes for transportation by large goods vehicles);

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- (c) where a request for approval under paragraph 6 of Schedule 17 has been made but not determined, a road which is part of a route to which the request for approval relates;
 - (d) a road any part of which is within the Act limits.
 - (4) For the purposes of the definition of “relevant road”, “special road” and “trunk road” have the same meaning as in the Highways Act 1980. 5
 - 2 (1) The Secretary of State may by notice designate –
 - (a) a road, or part of a road, in relation to which paragraph 1(2) does not apply;
 - (b) a description of traffic regulation orders in relation to which paragraph 1(2) does not apply. 10
 - (2) A notice under sub-paragraph (1)(a) has effect until further notice.
 - (3) The Secretary of State must give a notice under sub-paragraph (1)(a) to the traffic authority for the road (or part of the road) to which the notice relates.
 - (4) A notice under sub-paragraph (1)(b) may have effect generally or in relation to areas specified in the notice. 15
 - (5) The Secretary of State must give a notice under sub-paragraph (1)(b) to every traffic authority which would be affected by the notice.
 - (6) Failure by a traffic authority to comply with paragraph 1(2) in relation to a traffic regulation order does not affect the validity of the order. 20
 - 3 (1) Paragraph 1(2) ceases to apply in relation to a traffic authority if the Secretary of State gives the authority a notice stating that –
 - (a) no further works are proposed to be constructed under this Act in the authority’s area, and
 - (b) the use of relevant roads in the authority’s area is no longer required by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act. 25
 - (2) Paragraph 1(2) ceases to apply in relation to a particular part of the area of a traffic authority (“the relevant part”) if –
 - (a) the Secretary of State reasonably considers that the relevant part can be treated separately from the rest of the authority’s area for the purposes of paragraph 1(2), and 30
 - (b) the Secretary of State gives the authority a notice stating that –
 - (i) no further works are proposed to be constructed under this Act in the relevant part, and 35
 - (ii) the use of relevant roads in the relevant part is no longer required by heavy commercial vehicles for the purposes of the construction of the works authorised by this Act.
 - (3) The Secretary of State must give a traffic authority a notice under sub-paragraph (1) or (2) as soon as reasonably practicable after the Secretary of State forms the view that the applicable requirements are met. 40
 - (4) For the purposes of sub-paragraph (3), the applicable requirements are met –
 - (a) in a sub-paragraph (1) case, if sub-paragraph (1)(a) and (b) apply in relation to the authority’s area, and 45

(b) in a sub-paragraph (2) case, if sub-paragraph (2)(b)(i) and (ii) apply in relation to the relevant part.

(5) In this paragraph, “heavy commercial vehicle” and “relevant road” have the same meaning as in paragraph 1.

Power of Secretary of State to direct traffic authority to make traffic regulation order 5

- 4 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that the making of such an order is –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and 10
 - (b) reasonable in the circumstances.
- (2) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
- (3) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State’s consent make a further traffic regulation order which contains – 15
- (a) provision varying or revoking the relevant order, or
 - (b) provision as respects any length of road for any purpose where – 20
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the relevant order.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 5 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 1 or 9 of RTRA 1984. 25
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule. 30
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if –
- (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted, 35
 - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders) –
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 4(3) of this Schedule, and 40
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 4(3) of this Schedule, and
 - (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted. 45

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- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if –
- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 4 above, and 5
 - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
- 6 (1) This paragraph applies where, in pursuance of a direction under paragraph 4, a traffic authority is required to make an order under section 14 of RTRA 1984. 10
- (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
- (3) The order has effect for the period specified or described in the direction.
- (4) The period specified or described by virtue of sub-paragraph (3) must be such as the Secretary of State considers is reasonable for the purposes of the construction of the works authorised by this Act. 15
- Further powers of Secretary of State (including in relation to variation or revocation of orders)*
- 7 (1) The Secretary of State may direct a traffic authority to revoke a traffic regulation order made by the authority in pursuance of a direction under paragraph 4. 20
- (2) The Secretary of State may direct a traffic authority to vary a traffic regulation order made by the authority in pursuance of a direction under paragraph 4, where –
- (a) the Secretary of State considers that the variation is –
 - (i) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and 25
 - (ii) reasonable in the circumstances, or
 - (b) the effect of the variation is to remove or relax a restriction imposed by the order on the use of any road. 30
- 8 (1) Where a traffic authority fails to comply with a direction under paragraph 4, the Secretary of State may make the traffic regulation order required by the direction.
- (2) Where a traffic authority fails to comply with a direction under paragraph 7, the Secretary of State may by order vary or revoke the traffic regulation order (as required by the direction). 35
- 9 (1) The Secretary of State may by order made by statutory instrument vary or revoke a traffic regulation order (whenever made) if the Secretary of State considers the variation or revocation –
- (a) necessary for the purposes of the timely, efficient and cost-effective construction of the works authorised by this Act, and 40
 - (b) reasonable in the circumstances.
- (2) This paragraph has effect without prejudice to the powers conferred on the Secretary of State by paragraphs 7 and 8.
- 10 (1) This paragraph applies to an order under paragraph 8 or 9. 45

- (2) Paragraph 4 of Schedule 9 to RTRA 1984 (reserve powers of Secretary of State, including power to recover expenses) applies to the order as it applies to an order made by virtue of paragraph 3 of that Schedule.
- (3) Parts 3 and 4 of Schedule 9 to RTRA 1984, and regulations made under paragraph 24 of that Schedule, apply to the order as they apply to an order made by virtue of the relevant paragraph of that Schedule, but as if –
- (a) any provision in the regulations relating to the holding of a public inquiry were omitted, and
 - (b) for the purposes of the application of paragraph 28 of that Schedule (provision about the variation or revocation of certain orders) –
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 10(5) of this Schedule, and
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 10(5) of this Schedule.
- (4) For the purposes of sub-paragraph (3), “the relevant paragraph” of Schedule 9 to RTRA 1984 is –
- (a) in the case of an order under paragraph 8 of this Schedule, paragraph 3 of that Schedule, and
 - (b) in the case of an order under paragraph 9 of this Schedule, paragraph 7 of that Schedule.
- (5) Where the Secretary of State makes an order to which this paragraph applies, the relevant authority may not without the Secretary of State’s consent make a further traffic regulation order which contains –
- (a) provision varying or revoking the Secretary of State’s order, or
 - (b) provision as respects any length of road for any purpose where –
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the Secretary of State’s order.
- (6) Paragraph 16 of Schedule 9 to RTRA 1984 (powers of Secretary of State where an order is submitted for consent) applies for the purposes of sub-paragraph (5) as if the further traffic regulation order had been submitted for consent under Part 2 of that Schedule.

Power to restrict traffic authority from making or implementing traffic regulation order 35

- 11 (1) The Secretary of State may give a direction to a traffic authority prohibiting the authority from making or bringing into operation a traffic regulation order (whenever made) if the Secretary of State considers that such an order could significantly interfere with the use of any road for the purposes of the construction of the works authorised by this Act. 40
- (2) A prohibition imposed by virtue of this paragraph may be expressed –
- (a) so as to have effect generally or for a period specified in the direction;
 - (b) so as to prohibit the making or bringing into operation of a traffic regulation order without the Secretary of State’s consent.
- (3) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph. 45

Consultation requirements applicable to Secretary of State

- 12 (1) The Secretary of State must consult a traffic authority –
- (a) before giving a direction to the authority under paragraph 4, 7 or 11, or
 - (b) before making an order under paragraph 8(2) or 9 in relation to a traffic regulation order made by the authority. 5
- (2) The purpose of consultation is –
- (a) to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience, and
 - (b) to take account of the requirements (however expressed) to which the traffic authority is subject under an enactment or under an agreement or undertaking entered into in pursuance of an enactment. 10

Guidance

- 13 (1) The Secretary of State must prepare a statement setting out, in general terms – 15
- (a) guidance in connection with the duty under paragraph 1(2) (which requires a traffic authority to consult the Secretary of State before making a traffic regulation order), and
 - (b) how the Secretary of State proposes to exercise the powers conferred on the Secretary of State by the preceding provisions of this Schedule. 20
- (2) The Secretary of State may from time to time revise the statement.
- (3) In preparing or revising the statement, the Secretary of State must consult – 25
- (a) the nominated undertaker, and
 - (b) those traffic authorities which the Secretary of State considers are likely to be subject to the duty under paragraph 1(2) or to be affected by the exercise of the powers mentioned in sub-paragraph (1)(b) (or both).

Removal of vehicles 30

- 14 (1) An authorised person may remove a vehicle, or arrange for its removal, where conditions 1 and 2 are met.
- (2) Condition 1 is that the vehicle has been permitted to remain at rest, or has broken down and remained at rest – 35
- (a) on any road in contravention of a prohibition or restriction imposed by a traffic regulation order, or
 - (b) on any road which is stopped up under paragraph 2 or 8 of Schedule 4.
- (3) Condition 2 is that it appears to the authorised person that the vehicle is likely, if it is not removed – 40
- (a) to obstruct the carrying out of any of the works authorised by this Act, or
 - (b) to be at risk of being damaged in consequence of the doing of anything for the purposes of the construction of the works authorised by this Act. 45

- (4) References in sub-paragraphs (1) and (3) to the removal of a vehicle are to its removal to another position on the road in question or to another road.
- (5) Before exercising the power under sub-paragraph (1), an authorised person must give notice to –
- (a) the local authority (as defined by section 100(5) of RTRA 1984) in whose area the vehicle is situated, and 5
 - (b) the chief officer of the police force in whose area the vehicle is situated.
- (6) A person removing a vehicle under or by virtue of sub-paragraph (1) may do so – 10
- (a) by towing or driving the vehicle, or
 - (b) in such other manner as the person thinks necessary,
- and may take such measures in relation to the vehicle as the person thinks necessary to enable its removal.
- (7) This paragraph is without prejudice to provision made by regulations under section 99 of RTRA 1984. 15
- (8) In this paragraph –
- “authorised person” means a person authorised by the nominated undertaker for the purposes of this paragraph;
 - “vehicle” has the same meaning as in section 99 of RTRA 1984. 20

Interpretation

- 15 In this Schedule –
- “road” has the same meaning as in RTRA 1984 (see section 142(1) of that Act);
 - “RTRA 1984” means the Road Traffic Regulation Act 1984; 25
 - “traffic authority” has the same meaning as in RTRA 1984 (see section 121A of that Act);
 - “traffic regulation order” means an order under section 1, 9 or 14 of RTRA 1984.

SCHEDULE 31

Section 42 30

EXTENSION OF PLANNING PERMISSION FOR STATUTORY UNDERTAKERS

Case where planning permission extended

- 1 (1) Article 3(10) of the General Permitted Development Order (which excepts development requiring an environmental assessment from the general planning permission granted by that Order) does not apply to development which – 35
- (a) falls within a class of development described as permitted development in a provision of Schedule 2 to that Order that is listed in sub-paragraph (2), and
 - (b) is covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill. 40

- (2) The provisions of Schedule 2 to the General Permitted Development Order that are referred to in sub-paragraph (1)(a) are –
- in Part 8, classes A, B, C and D;
 - in Part 9, class C;
 - in Part 13, classes A, B and D; 5
 - Part 15;
 - in Part 16, classes A, B, C and E.
- (3) References in sub-paragraph (2) to particular provisions of the General Permitted Development Order include references to the corresponding provisions of any instrument replacing that Order. 10
- (4) In this paragraph, “the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596).

Condition of extended planning permission

- 2 (1) Planning permission granted by virtue of paragraph 1 is subject to the condition that development is carried out in accordance with such requirements as the Secretary of State may by notice to the developer specify for the purpose of – 15
- (a) avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which the High Speed Rail (West Midlands - Crewe) Bill was committed, or 20
 - (b) securing that the environmental effects of carrying out the development are not materially different from those envisaged by the statement by virtue of which paragraph 1(1)(b) applies.
- (2) The power conferred by sub-paragraph (1) is exercisable after, as well as before, development is commenced. 25
- (3) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to vary or revoke a notice under that sub-paragraph.
- (4) The condition imposed by sub-paragraph (1) is in addition to any condition to which the planning permission may be subject apart from this paragraph. 30

Controls on proposed development

- 3 (1) Where –
- (a) it appears to the Secretary of State that a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a), and
 - (b) the Secretary of State is of the opinion that the proposed development is not covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill, 35
- the Secretary of State may give notice of that opinion to the proposed developer.
- (2) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to withdraw a notice under that sub-paragraph. 40
- (3) Where a notice under sub-paragraph (1) has been given (and not withdrawn), paragraph 1 is to be treated as not applying to the carrying out of the development by the proposed developer.

- 4 (1) Where it appears to the Secretary of State that—
- (a) a person is proposing to carry out development of a kind mentioned in paragraph 1(1)(a),
 - (b) the development is covered by an environmental assessment in connection with the High Speed Rail (West Midlands - Crewe) Bill, and
 - (c) it is necessary or desirable to do so for the purpose of avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which that Bill was committed,
- the Secretary of State may by notice to the proposed developer disapply paragraph 1(1) in relation to the carrying out of the development by that person.
- (2) The power conferred by sub-paragraph (1) includes power, exercisable in the same manner, to revoke a notice under that sub-paragraph.

Notices

- 5 (1) A notice under this Schedule must—
- (a) specify the person to whom it is given,
 - (b) specify the development to which it relates,
 - (c) explain the reasons for it, and
 - (d) in the case of a notice under paragraph 3, explain its effect.
- (2) The Secretary of State must, when giving a notice under this Schedule, give a copy to the unitary authority or, in a non-unitary area, the district council in whose area the development is or is to be carried out.

SCHEDULE 32

Section 43 25

PROTECTIVE PROVISIONS

PART 1

HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the highway authority concerned.
- (2) In this Part—
- “plans” includes sections and specifications;
 - “property of the highway authority” means any apparatus of the highway authority affixed to or placed under any highway.
- (3) Part 3 of the New Roads and Street Works Act 1991 does not apply in relation to any matter which is regulated by this Part.
- 2 Wherever in this Part provision is made with respect to the approval or consent of the highway authority, that approval or consent must be in writing and subject to such reasonable terms and conditions as the highway authority may require, but must not be unreasonably withheld.

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- 3 In exercising the powers conferred by this Act in relation to any highway the nominated undertaker must—
- (a) have regard to the potential disruption of traffic which may be caused, and
 - (b) seek to minimise such disruption so far as is reasonably practicable. 5
- 4 (1) This paragraph applies to the construction of any tunnel, subway or other structure authorised by this Act under and within 8 metres of the surface of any highway which comprises a carriageway.
- (2) The nominated undertaker must not, without the consent of the highway authority, carry out works to which this paragraph applies except in accordance with plans submitted to, and approved by, the highway authority. 10
- (3) If, within 28 days after such plans have been submitted, the highway authority has not approved or disapproved them, it is deemed to have approved the plans as submitted. 15
- (4) This paragraph does not apply to street works within the meaning of Part 3 of the New Roads and Street Works Act 1991.
- 5 In the construction of any part of the works to which paragraph 4 applies under a highway no part of it may, except with the consent of the highway authority, be so constructed as to—
- (a) interfere with the provision of proper means of drainage of the surface of the highway, or
 - (b) be nearer than two metres to the surface of the highway. 20
- 6 (1) The provisions of this paragraph have effect in relation to, and in relation to the construction of, any new bridge, or any extension or alteration of an existing bridge, which carries—
- (a) any part of the works authorised by this Act over a highway, or
 - (b) a highway over any part of those works.
- Any such new bridge, or (as the case may be) any bridge so extended or altered, is referred to in this paragraph as “the bridge”. 25 30
- (2) Before commencing the construction of, or the carrying out of any work in connection with, the bridge which involves interference with a highway, the nominated undertaker must submit to the highway authority for its approval plans, drawings and particulars (in this paragraph referred to as “plans”) relating to the work, and the bridge must not be constructed and the works must not be carried out except in accordance with the plans submitted to, and approved by, the highway authority. 35
- (3) If, within 28 days after the plans have been submitted, the highway authority has not approved or disapproved them, it is to be deemed to have approved the plans as submitted. 40
- (4) If the bridge carries any part of the works authorised by this Act over any highway—
- (a) it must be constructed in such manner as to prevent so far as may be reasonably practicable the dripping of water from the bridge, and
 - (b) the highway authority may, at the cost of the nominated undertaker, provide and place such lamps and apparatus as may from time to time be reasonably necessary for efficiently lighting any highway under or in the vicinity of the bridge. 45

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- the nominated undertaker must repay to the highway authority the amount of any such expense reasonably so incurred.
- (2) Sub-paragraph (3) applies in respect of an amount which, but for that sub-paragraph, would be payable to the highway authority by virtue of sub-paragraph (1) in respect of the repair of any highway. 5
- (3) If the highway fell or would have fallen due for repair as part of the maintenance programme of the highway authority at any time within 10 years of the repair being carried out by the nominated undertaker, so as to confer on the highway authority financial benefit (whether by securing the completion of overdue maintenance work for which the highway authority is liable or by deferment of the time for such work in the ordinary course), the amount payable to the highway authority must be reduced by the amount which represents that benefit. 10
- 12 The nominated undertaker must not, except with the consent of the highway authority – 15
- (a) deposit any soil or material, or store any plant, in or over a highway to which the public continues to have access so as to obstruct or render less safe the use of the highway,
- (b) deposit any soils or materials on any such highway outside a hoarding, 20
- (c) erect or retain on or over such a highway any scaffolding or other structure which obstructs the highway unless the structure comprises screening which has been approved under Schedule 17 (planning conditions),
- but if within 28 days after request for it any such consent is neither given nor refused it is to be deemed to have been given. 25
- 13 The nominated undertaker must, if reasonably so required by the highway authority, provide and maintain to the reasonable satisfaction of the highway authority, during such time as the nominated undertaker may occupy any part of a highway for the purpose of the construction of any part of the works authorised by this Act, temporary bridges and temporary ramps for vehicular or pedestrian traffic over any part of the works or in such other position as may be necessary to prevent undue interference with the flow of traffic in the highway. 30
- 14 (1) Where any part of any highway has been broken up or disturbed by the nominated undertaker and not permanently stopped up or diverted, the nominated undertaker must – 35
- (a) make good the subsoil, foundations and surface of that part of the highway to the reasonable satisfaction of the highway authority, and
- (b) maintain the same to the reasonable satisfaction of the highway authority for such time as may reasonably be required for the permanent reinstatement of the highway. 40
- (2) The reinstatement of that part of the highway must be carried out by the nominated undertaker to the reasonable satisfaction of the highway authority in accordance with such requirements as to specification of material and standards of workmanship as may be prescribed for equivalent reinstatement work by regulations made under section 71 of the New Roads and Street Works Act 1991. 45

- 15 (1) This paragraph applies where damage to any highway or property of the highway authority on or under any highway is caused by, or results from—
- (a) the construction of any work authorised by this Act, or
 - (b) any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon such work. 5
- (2) In the case of damage to a highway, the nominated undertaker may make good such damage to the reasonable satisfaction of the highway authority.
- (3) The nominated undertaker must pay compensation to the highway authority—
- (a) in a case where the nominated undertaker does not make good such damage to a highway; 10
 - (b) in the case of damage to property of the highway authority.
- 16 The fact that any act or thing may have been done in accordance with plans approved by the highway authority must not (if it was not attributable to the act, neglect or default of the highway authority or of any person in its employ or its contractors or agents) exonerate the nominated undertaker from any liability, or affect any claim for damages, under this Part or otherwise. 15
- 17 (1) Any dispute arising between the nominated undertaker and the highway authority under this Part is to be determined by arbitration if—
- (a) the parties agree, or
 - (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed by the Secretary of State. 20
- (2) Any person appointed by the Secretary of State under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the Secretary of State on making the appointment. 25

PART 2

ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS 30

- 18 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and the undertakers concerned.
- (2) In this Part—
- “alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their functions as effectively as is achievable using the apparatus which the alternative apparatus is to replace; 35
 - “apparatus” means—
- (a) in the case of electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989) belonging to, or maintained by, such undertakers; 40
 - (b) in the case of gas undertakers, mains, pipes or other apparatus belonging to, or maintained by, a gas transporter for the purposes of the conveyance or storage of gas; 45
 - (c) in the case of water undertakers—

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- (i) mains, pipes or other apparatus belonging to, or maintained by, such undertakers for the purposes of water supply; and
 - (ii) any water mains or service pipes (or part of a water main or service pipe) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991; 5
 - (d) in the case of sewerage undertakers –
 - (i) any sewer, drain or works vested in a sewerage undertaker under the Water Industry Act 1991 and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or work; and 10
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act; 15
 - and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus; 20
 - “construction” includes execution, placing, altering, replacing, relaying and removal and, in its application to works which include or comprise any operation, means the carrying out of that operation; 25
 - “functions” includes powers and duties; 25
 - “in” in a context referring to apparatus in land includes under, over, across, along or upon land;
 - “plans” includes sections and method statements;
 - “removed” and “removal” in a context referring to the removal of apparatus includes the disconnection and abandonment of apparatus where the retention of decommissioned apparatus would not affect the construction and use of the works authorised by this Act; 30
 - “service obligations” means any service obligation imposed on the undertakers by or under the enactments authorising them to carry on their respective undertakings; 35
 - “undertakers” means any of the following, namely, a licence holder within the meaning of Part 1 of the Electricity Act 1989, a gas transporter within the meaning of Part 1 of the Gas Act 1986, a water undertaker within the meaning of the Water Industry Act 1991, a sewerage undertaker within Part 1 of that Act and any local authority which is a relevant authority for the purposes of section 97 of that Act; and, in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained. 40
 - (3) Except in paragraphs 26(3) and 27, the provisions of this Part are not to apply to any apparatus in respect of which the relations between the nominated undertaker and the undertakers are regulated by the provisions of Part 3 of the New Roads and Street Works Act 1991. 45
 - (4) The exercise of the powers under paragraphs 2 to 6 of Schedule 2 in relation to apparatus to which this Part applies is subject to paragraph 25 of this Part, and paragraphs 28 and 29 of this Part apply instead of section 176 50

- (right to compensation) of the Housing and Planning Act 2016, as applied by paragraph 8(2) of Schedule 2 in relation to the exercise of those powers.
- 19 (1) The following provisions of this paragraph have effect in any case where the Secretary of State or the nominated undertaker, in exercise of the powers of this Act, acquires any interest in or temporarily occupies any land in which apparatus is placed. 5
- (2) Unless a certificate is issued by the appropriate Ministers under sub-paragraph (3) the apparatus must not be removed under this Part, and any right of the undertakers to maintain, repair, renew, adjust, alter or inspect the apparatus in that land is not to be extinguished until any necessary alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertakers. 10
- (3) Where the appropriate Ministers certify in relation to any apparatus that—
- (a) failure to remove the apparatus would cause undue delay to the construction of the scheduled works, and 15
- (b) the removal of the apparatus before the provision of alternative apparatus in accordance with this paragraph would not substantially prejudice the ability of the undertakers to meet any relevant service obligations,
- that apparatus may be removed (or required by the nominated undertaker to be removed) under this Part before any necessary alternative apparatus has been constructed or is in operation to the reasonable satisfaction of the undertakers. 20
- (4) In this paragraph “appropriate Ministers” means the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, Food and Rural Affairs or the Secretary of State for Business, Energy and Industrial Strategy. 25
- 20 (1) This paragraph applies where—
- (a) the nominated undertaker for the purpose of constructing any work authorised by this Act in, on or under any land, requires the removal of any apparatus placed in that land, and gives the undertakers not less than 28 days’ written notice of that requirement, together with a plan of the proposed work, and of the proposed position of the alternative apparatus to be provided or constructed, or 30
- (b) in consequence of the exercise of any of the powers of this Act, the undertakers reasonably require to remove any apparatus. 35
- (2) Where it is reasonably practicable to do so, the nominated undertaker or the Secretary of State must afford the undertakers the requisite facilities and rights for the construction of any necessary alternative apparatus in other land which is available for the purpose and which is held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which either of them has sufficient rights or interests and subsequently for the maintenance, repair, renewal and inspection of such apparatus. 40
- (3) Sub-paragraph (4) applies where facilities and rights required for the construction of apparatus under sub-paragraph (2) are to be afforded elsewhere than in such other land and neither the nominated undertaker nor the Secretary of State is able to afford such facilities and rights. 45

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- (4) The undertakers must, on receipt of a written notice from the nominated undertaker that this sub-paragraph applies, as soon as reasonably possible use their best endeavours to obtain the necessary facilities and rights; and neither the nominated undertaker nor the Secretary of State is obliged to provide such facilities and rights in the other land. 5
- 21 (1) Any alternative apparatus to be constructed by the undertakers in pursuance of paragraph 20 in land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, or in which the undertakers have obtained the necessary facilities and rights, must be constructed in such manner, and in such line or situation and in accordance with such programme, as is – 10
- (a) agreed between the undertakers and the nominated undertaker with a view to securing, among other things, the efficient implementation of the necessary work, the avoidance of unnecessary delay and the continued fulfilment by the undertakers of their service obligations to a standard no less than that achieved prior to the removal of the apparatus which the alternative apparatus replaces, or 15
- (b) in default of agreement, determined in accordance with paragraph 31.
- (2) If the undertakers fail to comply with an agreement made under sub-paragraph (1), or with a determination under paragraph 31, they must compensate the nominated undertaker in respect of any loss or damage directly resulting from the failure, other than loss or damage arising from matters outside the reasonable control of the undertakers or loss of, or arising from delayed receipt of, operating revenue due to delayed opening of Phase 2a of High Speed 2. 20
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- 22 (1) This paragraph applies where –
- (a) the manner of construction and the line and situation of any necessary alternative apparatus have been agreed or determined as provided under paragraph 21, and 30
- (b) any such facilities and rights as are referred to in paragraph 20 have been granted to or obtained by the undertakers, or an undertaking has been given that such facilities or rights will be granted.
- (2) The undertakers must proceed with all reasonable despatch to – 35
- (a) construct and bring into operation the alternative apparatus, and
- (b) remove any apparatus required by the nominated undertaker to be removed under the provisions of this Part.
- (3) If the undertakers fail to comply with sub-paragraph (2)(b), the nominated undertaker may remove the apparatus.
- (4) Following the removal of apparatus under the provisions of this Part, or its abandonment, any rights of the undertakers relating to that apparatus in or over the land in which it was or is situated are extinguished and all responsibility of the undertakers for any apparatus which is abandoned is to cease. 40
- 23 (1) This paragraph applies where the nominated undertaker gives notice to the undertakers that it desires to carry out any part of so much of the work necessary in connection with the construction of the alternative apparatus, or the removal of the apparatus required to be removed, as is or will be situated in any lands – 45

- (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or
 - (b) held by the Secretary of State.
- (2) Such work, instead of being carried out by the undertakers, must be carried out by the nominated undertaker – 5
 - (a) in accordance with plans and specifications and in a position agreed between the undertakers and the nominated undertaker, or, in default of agreement, determined in accordance with paragraph 31, and
 - (b) with all reasonable despatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers. 10
- (3) Nothing in this paragraph authorises the nominated undertaker to carry out any connection to or disconnection of any existing apparatus or to carry out any works associated with a connection or disconnection within 600 millimetres of the point of connection or disconnection. 15
- 24 (1) This paragraph applies where, in accordance with the provisions of this Part, the nominated undertaker or the Secretary of State affords to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land –
 - (a) held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, or 20
 - (b) held by the Secretary of State.
- (2) Those facilities and rights must be granted upon such terms and conditions as may be –
 - (a) agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the undertakers, or 25
 - (b) in default of agreement, determined in accordance with paragraph 31.
- (3) In determining such terms and conditions in respect of alternative apparatus, a person making a determination under paragraph 31 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (4); and must –
 - (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the works authorised by this Act and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the nominated undertaker or the use of the same, and 35
 - (b) have regard to the undertakers' ability to fulfil their service obligations. 40
- (4) For the purposes of determining the matters under sub-paragraph (3) the appropriate Ministers must consult the undertakers to which paragraph 24 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after this Act comes into force must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions. 45
- (5) The independent person making a determination under sub-paragraph (4) is to be appointed by the President of the Royal Institution of Chartered

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- Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (3)(a) and (b).
- (6) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are more or less favourable on the whole to the undertakers than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the undertakers in respect of the difference as is reasonable having regard to all the circumstances of the case. 5
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- (7) In this paragraph “the appropriate Ministers” means the Secretary of State for Transport acting jointly with the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Business, Energy and Industrial Strategy.
- 25 (1) Not less than 28 days before commencing to construct any work authorised by this Act which is near to, or will or may affect, any apparatus the removal of which has not been required by the nominated undertaker under paragraph 20, the nominated undertaker must submit to the undertakers a plan and description of the work and of any protective measures which the nominated undertaker proposes to take in respect of that apparatus, together with a specification of such measures where appropriate. 15
20
- (2) The work must be constructed only in accordance with the plan and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access to the apparatus, and the undertakers are to be entitled by their officer to watch and inspect the construction of the work. 25
- (3) If the undertakers within 14 days after the submission to them of any such plan and description, in consequence of the works proposed by the nominated undertaker, reasonably require the removal of any apparatus and give written notice to the nominated undertaker of that requirement, this Part has effect as if the removal of such apparatus had been required by the nominated undertaker under paragraph 20. 30
- (4) Nothing in sub-paragraphs (1) to (3) precludes the nominated undertaker from submitting at any time, or from time to time, but in no case less than 28 days before commencing the construction of the work, a new plan and description of it in lieu of the plan and description previously submitted, and having done so the provisions of those sub-paragraphs apply to and in respect of the new plan and description. 35
- (5) The nominated undertaker is not required to comply with sub-paragraphs (1) to (3) in a case of emergency but in such a case it must give notice to the undertakers as soon as reasonably practicable and a plan and description of those works as soon as reasonably practicable subsequently, and must comply with those sub-paragraphs so far as reasonably practicable in the circumstances. 40
45
- 26 (1) If in consequence of the exercise of the powers of this Act the access to any apparatus is materially obstructed the nominated undertaker must, so far as reasonably practicable, provide alternative means of access to such apparatus which is no less convenient than the access enjoyed by the undertakers prior to the obstruction. 50

- (2) The nominated undertaker must, so far as is reasonably practicable, so exercise its powers under paragraphs 2 to 6 of Schedule 2 as not to obstruct or render less convenient the access to any apparatus.
- (3) Notwithstanding the temporary stopping up or diversion of any highway under paragraph 8 of Schedule 4, the undertakers may do all such works and things in any such highway as may be reasonably necessary to enable them to inspect, repair, maintain, renew, remove or use any apparatus which at the time of the stopping up or diversion was in that highway. 5
- 27 Where, in consequence of this Act, any part of any highway in which any apparatus is situate ceases to be part of a highway, the undertakers may exercise the same rights of access to such apparatus as they enjoyed immediately before the passing of this Act, but nothing in this paragraph is to affect any right of the nominated undertaker or of the undertakers to require removal of that apparatus under this Part or the power of the nominated undertaker to construct works in accordance with paragraph 25. 10 15
- 28 (1) Subject to the following provisions of this paragraph, the nominated undertaker must repay to the undertakers the reasonable expenses incurred by the undertakers in, or in connection with—
- (a) the removal and relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus under any provision of this Part, 20
 - (b) the cutting off of any apparatus from any other apparatus in consequence of the exercise by the nominated undertaker of any power under this Act, and
 - (c) any other work or thing rendered reasonably necessary in consequence of the exercise by the nominated undertaker of any such power. 25
- (2) The value of any apparatus removed under the provisions of this Part is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal. 30
- (3) Sub-paragraph (4) applies where, in pursuance of the provisions of this Part—
- (a) alternative apparatus of better type, or greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions, except where this has been solely due to using the nearest currently available type, or 35
 - (b) apparatus (whether existing apparatus or alternative apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated.
- (4) If the placing of apparatus of that type or capacity or of those dimensions, or the placing of apparatus at that depth, as the case may be, is not agreed by the nominated undertaker or, in default of agreement, is not determined to be necessary in accordance with paragraph 31, then, if it involves cost in the construction of works under paragraph 23 exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertakers by virtue of sub-paragraph (1) is to be reduced by the amount of that excess 40 45
- (5) For the purposes of sub-paragraphs (3) and (4)—

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- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended serves a purpose (either additional to or instead of that served by the existing apparatus) which was not served by the existing apparatus, and 5
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined. 10
- (6) An amount which apart from this sub-paragraph would be payable to the undertakers in respect of works by virtue of this paragraph must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus or of the system of which it forms part in the ordinary course, be reduced by the amount which represents that benefit. 15
- (7) In any case where work is carried out by the nominated undertaker pursuant to paragraph 23 and, if such work had been carried out by the undertakers, the repayment made to the undertakers under this paragraph would fall to be reduced pursuant to sub-paragraphs (3) to (6), the undertakers must pay to the nominated undertaker such sum as represents the amount of that reduction. 20
- 29 (1) This paragraph applies where, by reason of the construction of any of the works authorised by this Act, or any subsidence resulting from any of those works, any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the undertakers, or there is any interruption in any service provided by any of the undertakers 25
- (2) Subject to sub-paragraphs (3) and (4), the nominated undertaker must – 30
- (a) bear and pay the cost reasonably incurred by the undertakers in making good such damage or restoring the supply
- (b) make reasonable compensation to the undertakers for loss sustained by them by reason of any such damage or interruption, and
- (c) indemnify the undertakers against claims, demands, proceedings, and damages which may be made or taken against, or recovered from the undertakers by reason of any such damage or interruption. 35
- (3) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the undertakers, their officers, servants, contractors or agents. 40
- (4) The undertakers must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand must be made without the consent of the nominated undertaker which, if it withholds such consent, must have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 45
- 30 In any case where Network Rail Infrastructure Limited (“Network Rail”) is the nominated undertaker the provisions of this Part have effect subject to

- any existing agreement between Network Rail and an undertaker relating to apparatus laid or erected on land belonging to Network Rail.
- 31 (1) Any dispute arising between the nominated undertaker and the undertakers under this Part is to be determined by arbitration if –
- (a) the parties agree, or 5
 - (b) the dispute relates to the amount of any sum payable under this Part, but otherwise is to be determined by a person appointed by the appropriate Ministers.
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment. 10
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct. 15
- (4) In this paragraph “the appropriate Ministers” means the Secretary of State for Transport acting jointly with either the Secretary of State for Environment, Food and Rural Affairs or the Secretary of State for Business, Energy and Industrial Strategy.

PART 3 20

ELECTRONIC COMMUNICATIONS CODE NETWORKS

- 32 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and an operator of an electronic communications code network. 25
- (2) In this Part –
- “alternative apparatus” means apparatus provided in replacement of electronic communications apparatus in connection with the construction of the authorised works;
 - “the appropriate Ministers” means the Secretary of State for Transport and the Secretary of State for Digital, Culture, Media and Sport acting jointly; 30
 - “the authorised works” means the works authorised by this Act;
 - “construction” includes installation (and “construct” is to be construed accordingly); 35
 - “electronic communications code” means the electronic communications code contained in Schedule 2 to the Telecommunications Act 1984;
 - “operator”, “electronic communications apparatus”, and “electronic communications code network” have the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003. 40
- 33 (1) Subject to sub-paragraph (2), paragraph 23 of the electronic communications code applies for the purposes of the authorised works.
- (2) Paragraphs 21 and 23 of the electronic communications code do not apply for the purposes of the authorised works – 45

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- (a) insofar as such works are regulated by the New Roads and Street Works Act 1991 or any regulation made under that Act,
- (b) where the nominated undertaker exercises a right under subsection (4)(b) of section 272 of TCPA 1990 or under an order made under that section to remove electronic communications apparatus, or 5
- (c) in respect of any matter regulated by sub-paragraphs (3) to (8) of paragraph 35.
- 34 The temporary stopping up or diversion of any highway under paragraph 8 of Schedule 4 does not affect any right of an operator under paragraph 9 of the electronic communications code in respect of any apparatus which at the time of the stopping up or diversion is in the highway. 10
- 35 (1) Where a highway is stopped up under paragraph 2 or 3 of Schedule 4, any operator of an electronic communications code network whose electronic communications apparatus is under, over, in, on, along or across that highway may exercise the same rights of access in order to inspect, maintain, adjust, repair or alter that apparatus as if this Act had not been passed, but this is subject to sub-paragraph (2). 15
- (2) Nothing in sub-paragraph (1) affects any right of the nominated undertaker or the operator to require removal of that apparatus under this Part or the power of the nominated undertaker to alter or remove apparatus in accordance with paragraph 23 of the electronic communications code. 20
- (3) The nominated undertaker must give not less than 28 days' notice of its intention to stop up any highway under paragraph 2 or 3 of Schedule 4 to any operator of an electronic communications code network whose apparatus is under, over, in, on, along or across the highway. 25
- (4) Where a notice under sub-paragraph (3) has been given, the operator, if it reasonably considers that it is necessary for the safe and efficient operation and maintenance of the apparatus, may, and if reasonably requested so to do by the nominated undertaker in the notice, must, as soon as reasonably practicable after the service of the notice— 30
- (a) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the operator may reasonably determine and have power to place it, or
- (b) provide other apparatus in substitution for the existing apparatus and place it in such other position as described in paragraph (a). 35
- (5) Subject to the following provisions of this paragraph the nominated undertaker must pay to any operator of an electronic communications code network an amount equal to the cost reasonably incurred by the operator in or in connection with—
- (a) the execution of relocation works required in consequence of the stopping up of the highway, and 40
- (b) the doing of any other work or thing rendered necessary by the execution of relocation works.
- (6) Sub-paragraph (7) applies where—
- (a) in the course of the execution of relocation works under sub-paragraph (4)— 45
- (i) apparatus of better type, greater capacity or greater dimensions is placed in substitution for existing apparatus of worse type, smaller capacity or smaller dimensions, except

- where this has been solely due to using the nearest currently available type, capacity or dimension, or
- (ii) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which existing apparatus was, and 5
- (b) the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the nominated undertaker, or, in default of agreement, is not determined to be necessary in consequence of the construction of the authorised works in order to ensure the continued efficient operation of the electronic communications code network of the operator. 10
- (7) If the execution of the relocation works involves cost exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this paragraph would be payable to the operator by virtue of sub-paragraph (5) is to be reduced by the amount of that excess. 15
- (8) For the purposes of sub-paragraphs (6) and (7) –
- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus except in a case where the apparatus as so extended provides more than an equivalent service, and 20
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole (in either case of such type, capacity and dimensions as is reasonably appropriate) is to be treated as if it also had been agreed or had been so determined. 25
- (9) The amount which apart from this sub-paragraph would be payable to an operator in respect of works by virtue of sub-paragraph (5) (and having regard, where it applies, to sub-paragraph (7)) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than seven and a half years earlier so as to confer on the operator any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit. 30 35
- (10) Sub-paragraphs (5) to (9) do not apply where the authorised works constitute major transport works or major highway works for the purpose of Part 3 of the New Roads and Street Works Act 1991 (including that provision as applied by paragraph 10 of Schedule 4 to this Act), but instead –
- (a) the allowable costs of any relocation works are to be determined in accordance with section 85 of that Act (sharing of costs of necessary measures) and any regulations for the time being having effect under that section, and 40
- (b) the allowable costs are to be borne by the nominated undertaker and the operator in such proportions as may be prescribed by any such regulations. 45
- 36 (1) Where the nominated undertaker or the Secretary of State affords to an operator facilities and rights for the construction, maintenance, repair, renewal and inspection of alternative apparatus on land held or used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act or held by the Secretary of State, those facilities 50

- and rights must be granted upon such terms and conditions as may be agreed between the nominated undertaker or, as the case may be, the Secretary of State, and the operator or, in default of agreement, determined in accordance with paragraph 39.
- (2) In determining such terms and conditions, a person making a determination under paragraph 39 must have regard to any template provisions issued by the appropriate Ministers and determined in accordance with sub-paragraph (3); and must—
- (a) give effect to all reasonable requirements of the nominated undertaker for ensuring the safety and efficient operation of the authorised works and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the nominated undertaker or the use of the same; and
- (b) have regard to the operator’s ability to fulfil its service obligations.
- (3) For the purposes of determining the matters under sub-paragraph (2) the appropriate Ministers must consult the operators to which paragraph 36 may apply on the form of the proposed template provisions, and any objections to the form of those provisions which have not been resolved within six months after this Act comes into force must be referred to an independent person acting as an expert appointed to make a final determination as to the form of the template provisions.
- (4) The independent person making a determination under sub-paragraph (3) is to be appointed by the President of the Royal Institution of Chartered Surveyors and in making that determination that person must have regard to the matters specified in sub-paragraph (2)(a) and (b).
- (5) If the facilities and rights to be afforded by the nominated undertaker or the Secretary of State in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted are more or less favourable on the whole to the operator than the facilities, rights, terms and conditions applying to the apparatus to be removed, compensation must be paid to or by the nominated undertaker or the Secretary of State to or by the operator in respect of the difference as is reasonable having regard to all the circumstances of the case.
- 37 (1) Sub-paragraph (2) applies where, by reason of the construction of the authorised works or any subsidence resulting from any of those works—
- (a) damage is caused to any electronic communications apparatus, other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works,
- (b) damage is caused to property of the operator of an electronic communications code network, or
- (c) there is any interruption in the supply of the service provided by the operator.
- (2) The nominated undertaker must—
- (a) bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply,
- (b) make reasonable compensation to the operator for loss sustained by it, and

- (c) indemnify the operator against all claims, demands, proceedings, or damages which may be made or taken against, or recovered from, the operator, by reason of any such damage or interruption.
But this is subject to sub-paragraphs (3) to (5).
- (3) Sub-paragraph (2) does not apply in connection with any apparatus in respect of which the relations between the nominated undertaker and the operator are regulated by the provisions of Part 3 of the New Roads and Street Works Act 1991. 5
- (4) Nothing in sub-paragraph (2) is to impose any liability on the nominated undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of the operator, its officers, servants, contractors or agents. 10
- (5) The operator must give the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 15
- (6) This paragraph applies instead of section 176 (right to compensation) of the Housing and Planning Act 2016, as applied by paragraph 8(2) of Schedule 2 in relation to the exercise of the powers of paragraphs 2 to 6 of that Schedule. 20
- 38 In any case where Network Rail Infrastructure Limited (“Network Rail“) is the nominated undertaker the provisions of this Part have effect subject to any existing agreement between Network Rail and an operator relating to apparatus laid or erected on land belonging to Network Rail. 25
- 39 (1) Any dispute arising between the nominated undertaker and an operator under this Part is to be determined by arbitration if –
- (a) the parties agree, or
- (b) the dispute relates to the amount of any sum payable under this Part, but is otherwise to be determined by a person appointed by the appropriate Ministers. 30
- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment. 35
- (3) The costs and fees of the person determining the dispute and the costs of the parties to the dispute are to be allocated between the parties as that person may direct.

PART 4

- LAND DRAINAGE, FLOOD DEFENCE, WATER RESOURCES AND FISHERIES 40
- 40 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker and the drainage authority concerned.
- (2) In this Part –
“the Agency” means the Environment Agency; 45

-
- “a category 1 specified work” means so much of any permanent or temporary work or operation authorised by this Act (which includes, for the avoidance of doubt, any dredging and any geotechnical investigations that may be undertaken) as –
- (a) consists of a flood risk activity, a water discharge activity or groundwater activity within the meaning of the Environmental Permitting Regulations, or 5
 - (b) involves abstraction of water, or is likely to materially affect the quantity or quality of water which any person is licensed or permitted to abstract, from a source of supply within the meaning of the Water Resources Act 1991; 10
- “a category 2 specified work” means any of the following –
- (a) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction, 15
 - (b) erecting a culvert in an ordinary watercourse,
 - (c) altering a culvert in a manner that would be likely to affect the flow of an ordinary watercourse, or
 - (d) altering, removing or replacing a structure or feature designated by a local drainage authority under Schedule 1 to the Flood and Water Management Act 2010; 20
- “construction” includes execution, placing, altering, replacing, relaying and removal and “construct” and “constructed” are construed accordingly;
- “the drainage authority” means – 25
- (a) in relation to a category 1 specified work, the Agency;
 - (b) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991;
- “drainage work” means any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring, and includes land which provides or is to provide flood storage capacity for any watercourse; 30
- “the Environmental Permitting Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154); 35
- “fishery” means any waters containing fish and fish in, or migrating to or from such waters and the spawn, spawning grounds or food of such fish;
- “local drainage authority” means a drainage authority other than the Agency; 40
- “ordinary watercourse” has the meaning given by respectively the Land Drainage Act 1991;
- “plans” includes sections, drawings, specifications and method statements; 45
- “watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer as defined by the Water Industry Act 1991.
- (3) Where any approval is required under this Part from a local drainage authority, that authority must – 50

- (a) have regard, in imposing any conditions or requirements, to any model conditions issued by the Agency (following consultation with the other drainage authorities and the nominated undertaker);
 - (b) consult the Agency in any case where it proposes to impose conditions or requirements, or to refuse approval, and must specifically seek the Agency’s advice concerning any proposal to depart from the model conditions; 5
 - (c) provide the nominated undertaker with reasons and supporting evidence in any case where it gives a decision which does not accord with the view or advice of the Agency given in response to consultation under paragraph (b). 10
- 41 (1) Before beginning to construct any specified work, the nominated undertaker must submit to the drainage authority plans of the work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require. 15
- (2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or determined under paragraph 51.
- (3) Any approval of the drainage authority required under this paragraph –
 - (a) must not be unreasonably withheld, 20
 - (b) is to be deemed to have been given if it is neither given nor refused within 56 days of the submission of the plans for approval or where further particulars are submitted under sub-paragraph (1), within 56 days of the submission of those particulars, and
 - (c) may be given subject to such reasonable requirements or conditions as the drainage authority may make for the protection of any drainage work or fishery or for the protection of water resources, or for the prevention of flooding or pollution or in the discharge of its statutory environmental duties. 25
- 42 (1) This paragraph applies to any request for approval of plans under paragraph 41 to the extent that the plans relate to a groundwater activity within the meaning of paragraph 3 of Schedule 22 to the Environmental Permitting Regulations, except where the circumstances described in paragraph 3(3) of that Schedule apply. 30
- (2) In exercising its functions in relation to that request the drainage authority must comply with the requirements of paragraph 7(2) to (5) of Schedule 22 to the Environmental Permitting Regulations, subject to paragraph 8 of that Schedule, as if the request for approval were as an application for a permit under those regulations. 35
- 43 The requirements which the drainage authority may make under paragraph 41 include conditions requiring the nominated undertaker at its own expense to construct such protective works (including any new works as well as alterations to existing works) as are reasonably necessary –
 - (a) to safeguard any drainage work against damage, or
 - (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased, 45by reason of the specified work.
- 44 (1) Any specified work, and all protective works required by the drainage authority under paragraph 41, must be constructed to the reasonable

- satisfaction of the drainage authority and an officer of the drainage authority is entitled on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works.
- (2) The nominated undertaker must give to the drainage authority not less than 14 days' notice of its intention to commence construction of any specified work and notice of its completion not later than 7 days after the date on which it is brought into use. 5
- (3) If any part of the works comprising a structure in, over or under a watercourse is constructed otherwise than in accordance with the requirements of this Part, the drainage authority may by notice require the nominated undertaker at the nominated undertaker's own expense to comply with the requirements of this Part or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires. 10 15
- (4) Subject to sub-paragraph (5), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the nominated undertaker, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker. 20
- (5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not, except in an emergency, exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined. 25 30
- 45 (1) Subject to sub-paragraph (5) the nominated undertaker must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the nominated undertaker for the purposes or in connection with the specified works, whether the drainage work is constructed under this Act or is already in existence. 35
- (2) If any such drainage work is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice require the nominated undertaker to repair and restore the work, or any part of it, or (if the nominated undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the drainage work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires. 40 45
- (3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the nominated undertaker, the nominated undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress 50

- towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the nominated undertaker.
- (4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers of sub-paragraph (3) until the dispute has been finally determined. 5
- (5) This paragraph does not apply to –
- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is under an obligation to maintain and is not proscribed by the powers of the Act from doing so; 10
 - (b) any obstruction of a drainage work for the purpose of a work or operation authorised by the Act and carried out in accordance with the provisions of this Part. 15
- 46 (1) If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that work is otherwise damaged, so as to require remedial action, such impairment or damage must be made good by the nominated undertaker to the reasonable satisfaction of the drainage authority and if the nominated undertaker fails to do so, the drainage authority may make good the same and recover from the nominated undertaker the expense reasonably incurred by it in doing so. 20
- (2) In any case where immediate action by the drainage authority is reasonably required in order to secure that the imminent flood risk is avoided or reduced, the drainage authority may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the drainage authority has taken, or commenced to take, the steps specified in the notice. 25 30
- (3) Nothing in paragraphs 44, 45 or 46 authorises the drainage authority to execute works on or affecting an operational railway without the prior consent in writing of the nominated undertaker, such consent not to be unreasonably withheld. 35
- 47 (1) The nominated undertaker must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in any fishery during the construction of any specified work.
- (2) If by reason of –
- (a) the construction of any specified work, or 40
 - (b) the failure of any such work,
- damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the nominated undertaker requiring it to take such steps as may be reasonably practicable to make good the damage or, as the case may be, to protect the fishery against such damage. 45
- (3) If, within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the nominated undertaker fails to take such steps as are

- described in sub-paragraph (2), the Agency may take those steps and may recover from the nominated undertaker the expense reasonably incurred by it in doing so.
- (4) In any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to a fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the nominated undertaker the reasonable cost of so doing provided that notice specifying those steps is served on the nominated undertaker as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.
- 48 (1) The nominated undertaker must indemnify the drainage authority from all claims, demands, proceedings or damages, which may be made or taken against, or recovered from the drainage authority by reason of—
- (a) any damage to any drainage work so as to impair its efficiency for flood defence purposes,
 - (b) any damage to a fishery,
 - (c) any raising or lowering of the water table in land adjoining the works authorised by this Act or adjoining any sewers, drains and watercourses, or
 - (d) any flooding or increased flooding of any such lands,
- which is caused by, or results from, the construction of any specified work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work.
- (2) The drainage authority must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it withholds such consent, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.
- 49 Nothing in paragraph 48 requires the nominated undertaker to indemnify the drainage authority in respect of any claim, demand, proceedings or damages which the drainage authority could reasonably make, take against or recover from any other person.
- 50 The fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any determination under paragraph 51, does not (in the absence of negligence on the part of the drainage authority, its officers, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part.
- 51 Any dispute arising between the nominated undertaker and the drainage authority under this Part is to be determined by arbitration.

PART 5

CANAL & RIVER TRUST

- 52 (1) The following provisions of this Part have effect, unless otherwise agreed in writing between the nominated undertaker, or the Secretary of State as the case may be, and Canal & River Trust.
- (2) In this Part—

- “the canal” means any canal or waterway owned or managed by Canal & River Trust, and includes any works connected therewith for the maintenance of which Canal & River Trust is responsible and any lands held or used by Canal & River Trust for the purposes of the canal including the towpath beside a canal or waterway; 5
- “construction” includes execution, placing, altering, replacing and relaying and includes removal;
- “plans” includes sections, drawings, specifications and method statements;
- “specified work” means so much of any permanent or temporary work authorised by this Act as is in, across, under, or within 15 metres of, or may in any way affect, the canal. 10
- 53 The Secretary of State must not under the powers under section 4(1) acquire compulsorily any land of Canal & River Trust or any easement or other right over such land other than such land, or easements or other rights, as is reasonably necessary for, or in connection with, the construction, maintenance or operation of works authorised by this Act having regard also to the statutory duties of Canal & River Trust. 15
- 54 (1) Before beginning to construct any specified work, the nominated undertaker must submit to Canal & River Trust plans of the work and such further particulars available to it as Canal & River Trust may within 14 days of the submission of the plans reasonably require. 20
- (2) Any specified work must not be constructed except in accordance with such plans as may be approved in writing by Canal & River Trust or determined under paragraph 62. 25
- (3) Any approval of Canal & River Trust required under this paragraph must not be unreasonably withheld and –
- (a) is to be deemed to have been given if it is neither given nor refused (with an indication of the grounds for refusal) within 28 days of the submission of the plans for approval or where further particulars are submitted under sub-paragraph (1), within 28 days of the submission of those particulars; and 30
- (b) may be given subject to such reasonable requirements as Canal & River Trust may make for the purpose of ensuring the safety or stability of the canal, including requirements as to the construction of protective works. 35
- 55 (1) Any specified work, and any protective works required by Canal & River Trust under paragraph 54(3)(b), must be constructed with all reasonable despatch to the reasonable satisfaction of Canal & River Trust, and in such manner as to cause as little damage to the canal as may be reasonably practicable and as little interference as may be reasonably practicable with the passage of vessels using the canal and use of the towpath, and Canal & River Trust is to be entitled by its officer at all reasonable times, on giving such notice as may be reasonable in the circumstances, to inspect the construction of such work or works. 40
- (2) The nominated undertaker must give to Canal & River Trust not less than 28 days’ notice of its intention to commence construction of any specified work or any protective works and also, except in emergency (when the nominated undertaker is to give such notice as may be reasonably practicable), of its intention to carry out any works for the repair or maintenance of any 45
- 50

- specified work insofar as such works of repair or maintenance affect or interfere with the canal.
- 56 (1) The nominated undertaker must not deposit any polluting material on, in or over the canal and must not without the consent of Canal & River Trust—
- (a) deposit any other materials on, in or over the canal (other than materials comprised in a specified work); or 5
 - (b) notwithstanding anything in this Act, discharge any water directly or indirectly into the canal.
- (2) Any consent of Canal & River Trust required under this paragraph is not to be unreasonably withheld and— 10
- (a) is to be deemed to have been given if it is neither given nor refused within 28 days of the submission of the request for it; and
 - (b) may be given subject to such reasonable requirements as Canal & River Trust may make—
 - (i) in the case of a deposit, so as to ensure that the use of the canal is not obstructed or rendered less safe, and 15
 - (ii) in the case of a discharge, concerning the reimbursement by the nominated undertaker of expenses incurred by Canal & River Trust in disposing of the water so discharged, being expenses which Canal & River Trust would not have incurred but for the discharge. 20
- 57 In its application to the discharge of water into the canal, paragraph 10(5) of Schedule 2 has effect subject to the terms of any conditions attached to the consent under paragraph 56(2) and, where such discharge includes a deposit to which consent has been given under paragraph 56(1), to any conditions attached to that consent. 25
- 58 (1) If as a result of the construction of any specified work any part of the towpath or access way beside the canal, or any public right of way giving access to that path or way, is temporarily closed to pedestrians or cyclists and there is no way which provides a reasonable alternative, the nominated undertaker must, so far as reasonably practicable and to the extent that it is consistent with safety, provide a substitute path or paths for such time as the closure continues. 30
- (2) This paragraph is without prejudice to the requirements of paragraph 8(2) or (5) of Schedule 4. 35
- 59 (1) If any canal work is abandoned, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition.
- (2) If any canal work is in such condition that it is, or is likely to become, a danger to or to interfere with navigation, Canal & River Trust may by notice require the nominated undertaker to take such reasonable steps as may be specified in the notice— 40
- (a) to repair and restore the work or part of it, or
 - (b) if the nominated undertaker so elects, to remove the work and (to such extent as Canal & River Trust reasonably requires) to restore the site to its former condition. 45
- (3) If—

- (a) a work which consists of a canal work and a non-canal work is abandoned or falls into decay; and
- (b) the non-canal work is in such a condition as to interfere with the right of navigation in the relevant canal or as to interfere with the rights of access or use of land adjacent to the relevant canal, 5
- Canal & River Trust may include the non-canal work, or any part of it, in any notice under this paragraph.
- (4) If after such reasonable period as may be specified in a notice under this paragraph the nominated undertaker has failed to begin taking steps to comply with the requirements of the notice or after beginning has failed to make reasonably expeditious progress towards their implementation, Canal & River Trust may carry out the works specified in the notice and any expenditure reasonably incurred by it in so doing is to be recoverable from the nominated undertaker. 10
- (5) In this paragraph “canal work” means so much of any specified work or any other work of which the nominated undertaker is in possession under the powers of this Act as is in or over a canal owned or managed by Canal & River Trust and “non-canal work” means so much of any such work as is not in or over a canal. 15
- 60 (1) The nominated undertaker must indemnify Canal & River Trust from all claims, demands, proceedings or damages, which may be made or given against, or recovered from Canal & River Trust by reason of any damage to the canal which is caused by the construction of any specified work or protective work or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon the work and from any costs reasonably incurred in making good such damage. 20
- (2) Canal & River Trust must give to the nominated undertaker reasonable notice of any such claim or demand and no settlement or compromise of any such claim or demand is to be made without the consent of the nominated undertaker which, if it notifies Canal & River Trust that it desires to do so, is to have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand. 25 30
- 61 (1) Nothing in paragraph 60 is to impose any liability on the nominated undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of Canal & River Trust, its officers, servants, contractors or agents. 35
- (2) But the fact that any work or thing has been executed or done in accordance with a plan approved or deemed to be approved by Canal & River Trust, or to its satisfaction, or in accordance with a determination under paragraph 62, does not (in the absence of negligence on the part of Canal & River Trust, its officers, servants, contractors or agents) relieve the nominated undertaker from any liability under the provisions of this Part. 40
- 62 (1) Any dispute arising between the nominated undertaker and Canal & River Trust under this Part of this Schedule is to be determined by arbitration if – 45
- (a) the parties agree, or
- (b) the dispute relates to the amount of any sum payable under this Part, but must otherwise be determined by a person appointed by the appropriate Ministers.

- (2) Any person appointed by the appropriate Ministers under sub-paragraph (1) must, in determining any dispute arising under this Part, have regard to such matters as may be specified by the appropriate Ministers on making the appointment.
- (3) In this paragraph, the reference to the appropriate Ministers is to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Affairs acting jointly.

High Speed Rail (West Midlands - Crewe) Bill

A

B I L L

To make provision for a railway between a junction with Phase One of High Speed 2, near Fradley Wood in Staffordshire, and a junction with the West Coast Main Line near Crewe in Cheshire; and for connected purposes.

*Presented by Secretary Chris Grayling
supported by
The Prime Minister,
The Chancellor of the Exchequer,
Secretary Greg Clark,
Secretary Michael Gove,
Secretary David Mundell and
Secretary Alun Cairns.*

*Ordered, by The House of Commons,
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