
Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, SCHEDULE 18. (See end of Document for details)

SCHEDULES

SCHEDULE 18

Section 21(1)

LISTED BUILDINGS

Buildings authorised to be demolished, altered or extended

- 1 (1) This paragraph applies to—
- (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.
- (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,
 - (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
 - (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.
- (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.
- (4) The reference in sub-paragraph (3) to alteration works does not include alteration works carried out—
- (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—
- (a) was a listed building immediately before 12 June 2017, and

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- (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)),
 - (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
 - (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.

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

- 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;
 - (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.
- (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.
- (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.

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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.

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.
- (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.
- (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—
- (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—
- (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.
- (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.
- (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.
- (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—
- (a) beginning when notice under that provision is given, and

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- (b) ending when the prohibition under that provision ceases to apply to the building.

Interpretation

- 9 (1) In this Schedule—
- “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;
- “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
- (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.
- (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.

Tables

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

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Building</i>	<i>(3)</i> <i>Works</i>
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
Parish of Maer	Milepost at NGR SJ 7724 3878 Grade II	Removal to storage and replacement following completion of the authorised works

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County of Cheshire Town of Crewe	1867 buildings at Crewe Railway Station Grade II	Modifications to platforms, signage, overhead lines, cable routes and other associated railway systems to facilitate additional services running through Crewe on the West Coast Main Line and the construction of footbridges to link platforms
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TABLE 2: buildings in respect of which noise mitigation works are authorised

(1) Area	(2) Building
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

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