

Phase 2b Western Leg Information Paper

B8: Time limits in the Bill

This paper outlines the time limits that apply to the powers included in the High Speed Rail (Crewe - Manchester) Bill.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the High Speed Rail (Crewe - Manchester) Bill. Content will be maintained and updated as considered appropriate during the passage of the Bill.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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1 Introduction

- 1.1 High Speed Two (HS2) is the Government's scheme for a new, high speed north-south railway, which is being taken forward in a number of phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester. As set out in the Integrated Rail Plan, published in November 2021, HS2 East is proposed to deliver a new high speed line from the West Midlands to East Midlands Parkway.
- 1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017 and Phase 2a by the High Speed Rail (West Midlands – Crewe) Act 2021.
- 1.4 In January 2022, the Government introduced a hybrid Bill to Parliament (hereafter referred to as 'the Bill'), to seek powers for the construction and operation of the Phase 2b Western Leg (the Proposed Scheme), which is called the High Speed Rail (Crewe – Manchester) Bill. The Proposed Scheme comprises the Phase 2b Western Leg from Crewe to Manchester and several off-route works. It also facilitates the delivery of Northern Powerhouse Rail by providing the Crewe Northern Connection and junctions and other infrastructure to be used in future schemes.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed

Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

- 1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the EMRs and any commitments provided in the information papers.
- 1.7 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

2 Overview

- 2.1 This information paper outlines the time limits that apply to the powers included in the Bill.
- 2.2 The Bill includes the powers required for the construction and operation of the Proposed Scheme. The powers relating to the operation of the Proposed Scheme, such as the changes to the regulatory regime or the ability to carry out maintenance, are required in perpetuity. Therefore, no general time limit is applied to those powers. However, specific time limits are applied to those powers that most directly concern the interests of persons affected by the Proposed Scheme.
- 2.3 Royal Assent, a reference date for many of the time limits discussed in this paper, is not expected before December 2024 and will be recorded on Parliament's website and on the Bill when enacted. Another reference date is the date of the opening of the Proposed Scheme. This is expected to be in 2036 to 2041.

3 Specific time limits in the Bill

Acquisition of land

- 3.1 Clause 9 of the Bill imposes a time limit on the process of acquiring any land required for the scheme through compulsory purchase. The time limits are imposed on the serving of Notices to Treat or the making of a General Vesting Declaration, which are two different approaches for how the compulsory purchase process can operate. Under clause 9, the process of compulsory purchase of land by means of either service of a Notice to Treat or the execution of a General Vesting Declaration must be undertaken within eight years of Royal Assent for the Bill.
- 3.2 Clause 9 also gives the Secretary of State the power to make an order to extend this period by a further two years in relation to any land subject to the powers of clause 4 of the Bill. However, any order would be subject to scrutiny by Parliament, and would include a process allowing affected parties to petition against any order. The period of eight years can only be extended by this means once.
- 3.3 Schedule 13 of the Bill contains provisions enabling landowners to require the Secretary of State to acquire land which is subject to compulsory purchase after a period of five years has elapsed from Royal Assent for the Bill.

Use of roads

- 3.4 On certain parcels of land, the Bill grants the Promoter the powers to acquire rights, such as a right of passage. Clause 14 of the Bill also allows the Promoter to use any road within this land for access purposes, though it limits this right to five years after the opening of the railway. This will enable the nominated undertaker to gain access to put right any construction defects discovered after completion of the works.

Planning consent

- 3.5 The Bill grants deemed planning permission for the Proposed Scheme. Clause 19 of the Bill makes it a condition of the deemed planning

permission that any scheduled work (i.e. any of the principal works which are specifically identified in Schedule 1 to the Bill) must begin within 10 years of Royal Assent. If the work has not started within this period, a further application for planning permission must be made, using normal planning legislation, before it can begin.

- 3.6 The 10-year period can be extended by the Secretary of State, by means of regulations which must be laid before Parliament. Any regulations will be revoked if either the House of Commons or the House of Lords passes a resolution annulling the regulations.

Planning consent for relocation of businesses

- 3.7 Clause 46 of the Bill allows the Promoter to reinstate businesses affected by the scheme onto other land within the limits shown on the plans. The Bill also allows the Secretary of State to direct planning permission for these reinstatement works, subject to the same 10-year limitation as described in paragraph 3.6 above.

Protective works to buildings

- 3.8 Schedule 2, paragraph 2 of the Bill allows the Promoter to carry out protective works to buildings that may be affected by the works (refer to Information Paper C14: Ground settlement for more information on this topic). Paragraph 3 of the Schedule allows the Promoter to return and carry out further protective works in the event of ground movement continuing after the works are completed. However, this power is limited to a period of five years after the opening of the Proposed Scheme.

Maintenance period

- 3.9 Schedule 15, paragraph 6 of the Bill gives the Promoter the power to re-occupy land within the limits shown on the plans in order to put right any defects that may be discovered after the works are completed. This power lasts for five years after the opening of the Proposed Scheme.

4 More information

- 4.1 More detail on the Bill and related documents can be found at www.gov.uk/hs2-phase2b-crewe-manchester.