

HIGH SPEED TWO PHASE 2a INFORMATION PAPER

B11: ADDITIONAL PROVISIONS

This paper outlines the process used for making amendments to the HS2 Phase 2a hybrid Bill through the promotion of additional provisions.

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 (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

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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B11: ADDITIONAL PROVISIONS

1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In July 2017, the Government introduced a hybrid Bill¹ to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a tunnel portal south of Crewe.
- 1.4. The work to produce the Bill includes 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)², which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. 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'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 1.6. 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.

¹ The High Speed Rail (West Midlands – Crewe) Bill, hereafter 'the Bill'.

² For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

2. Additional Provisions

- 2.1. This paper outlines the process used for proposing amendments to a hybrid Bill through the promotion of additional provisions.
- 2.2. An additional provision (AP) is a proposed amendment to extend powers of the Bill which affect private interests. They typically involve the acquisition or use of land outside of the current limits of the Bill, additional access rights or other extensions of the powers conferred by the Bill.
- 2.3. APs are a normal part of the hybrid Bill process and a number of APs may come forward during the passage of a Bill in response to further design development work and/or to address the concerns of directly affected stakeholders or in response to the Select Committee's decisions. Previous hybrid bills have had several APs - the Act for Phase One of HS2 had 5 APs covering around 400 different changes to the scheme, from a change to a highway access to the 2.6 km extension of the Chiltern tunnel.

3. Process for promoting an Additional Provision

- 3.1. The process used for promoting an AP is as follows:
 - Documents describing the changes are prepared, similar to those prepared when the Bill was originally deposited. These include the proposed amendments to the Bill and, as appropriate, Plans and Sections, a Book of Reference that identifies landowners and tenants of affected land, an Estimate of Expense that identifies the costs associated with the additional powers being sought and Supplementary Environmental Information (SEI). The SEI will take the form of an AP Environmental Statement (AP ES). The AP ES reports any significant environmental effects arising from any additional powers sought.
 - The documents describing the proposed changes are deposited in Parliament and at publicly accessible locations in affected areas, including local authority offices and libraries, and their deposit advertised, as per the requirements in the Standing Orders for Private Business of both Houses of Parliament. Notices are served on any landowners whose property may be subject to compulsory acquisition.
 - After deposit, the SEI is subject to a public consultation and the issues raised in the responses will be reported on by an independent assessor appointed by Parliament.
 - In addition, there is a petitioning period during which anyone whose property or interest are directly and specially affected by the provisions contained in the AP may submit petitions against them. The duration of the petitioning period is defined in accordance with Standing Orders, and publicised in newspaper notices for the relevant areas.

- Petitions against the AP are heard by the Select Committee in the normal way. Anyone whose petition has already been heard, but who is affected by the AP, is entitled to petition again, and to be heard again (no further petitioning fee is payable). Where possible, petitioners will be scheduled so that they need only appear before the Select Committee once.
 - Although APs are promoted by the Secretary of State, they are not formally accepted as amendments to the Bill unless the Select Committee, having heard petitions submitted against them, decides to accept them.
 - All amendments accepted by the Committee are made formally to the Bill when the Select Committee reports the Bill to the House at the end of its proceedings.
- 3.2. In addition to the AP ES, SEI may be produced in the form of a Supplementary Environmental Statement (SES). A SES reports on any significant environmental effects arising from other changes to the scheme which are within existing Bill powers and limits. Whilst both an AP ES and an SES are subject to public participation in accordance with Standing Orders, there is no right to petition against an SES.

4. More information

- 4.1. More detail on the Bill, the Additional Provision and SEI deposited on 23 March 2018 and on 8 February 2019 and related documents can be found at:
www.gov.uk/HS2
- 4.2. More information on petitioning can be found at:
<https://www.parliament.uk/business/committees/committees-a-z/lords-select/high-speed-rail-west-midlands-crewe-bill-select-committee-lords/>