



HIGH SPEED TWO PHASE ONE INFORMATION PAPER

B7: TIME LIMITS IN THE HS2 Bill

This paper outlines the time limits that apply to the powers included in the High Speed Rail (London – West Midlands) 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 Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

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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B7: TIME LIMITS IN THE HS2 Bill

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 two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 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 November 2013, HS2 Ltd deposited a hybrid Bill¹ with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were 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.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 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 project have been reached.

2. General time limits in the Bill

- 2.1. This information paper outlines the time limits that apply to the powers included in the High Speed Rail (London – West Midlands) Bill.

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

- 2.2. The Bill includes a mix of powers required for the railway to be constructed and operated. The powers relating to the operation of the railway, 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 affect individuals' interests.

3. Specific time limits in the Bill

- 3.1. The Bill imposes time limits on the powers listed below.

Acquisition of land

- 3.2. Clause 10 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. More detail on these processes are set out in the Department for Communities and Local Government publication: 'Compulsory purchase and compensation booklet 1: procedure'². In relation to the Notices to Treat procedure, the process must be commenced within five years of Royal Assent for the Bill. The General Vesting Declaration process must be completed within five years of Royal Assent for the Bill.
- 3.3. Clause 10 also gives the Secretary of State the right to extend this period by a further five years by making an Order. However, this Order would be subject to scrutiny by Parliament, and would include a process allowing affected parties to petition against the Order. The period can only be extended by this means once.

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 16 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 contractor to gain access to put right any construction defects discovered after completion of the works.

Planning consent

- 3.5. The Bill grants planning consent for the development it authorises. Clause 21 of the Bill makes it a condition of the planning consent 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 consent must be made, using normal planning legislation, before it can begin.

² www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure

- 3.6. The 10-year period can be extended by the Secretary of State, by means of an Order which is laid before Parliament. This Order will be revoked if either House of Parliament votes against it.

Planning consent for relocation of businesses

- 3.7. Clause 50 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 grants planning consent for these reinstatement works, subject to the same 10-year limitation as described 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 C3: 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 railway.

Maintenance period

- 3.9. Schedule 16, paragraph 7 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 railway.

4. More information

- 4.1. More detail on the Bill and related documents can be found at: www.gov.uk/HS2