

HIGH SPEED TWO PHASE 2a 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 (West Midlands - Crewe) 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 (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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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. 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 2019 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 2027.

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. More detail on these processes are set out in the Department for Communities and Local Government publication: ‘Compulsory purchase and compensation booklet 1: procedure’³. In relation to the Notices to Treat procedure, the process must be commenced within five years of Royal Assent for the Bill.
- 3.2. Clause 9 also gives the Secretary of State the power to make regulations to extend this period by a further five years in relation to any land subject to the powers of clause 4 of the Bill. However, any regulations would be subject to scrutiny by Parliament, and would include a process allowing affected parties to petition against any regulations. The period of five years can only be extended by this means once.

Use of roads

- 3.3. 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

³www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure

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

Planning consent

- 3.4. The Bill grants deemed planning permission for the Proposed Scheme. Clause 18 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.
- 3.5. 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 House of Parliament passes a resolution annulling the regulations.

Planning consent for relocation of businesses

- 3.6. Clause 45 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 3.5 above.

Protective works to buildings

- 3.7. 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

- 3.8. 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