



In Focus

High Speed Rail (London–West Midlands) Bill (HL Bill 111 of 2015–16)

The [High Speed Rail \(London–West Midlands\) Bill](#) was introduced in the House of Lords on 23 March 2016 and is due to receive its second reading on 14 April 2016. The Bill is large and complex and, if passed, would give both parliamentary and planning approval to phase one of the High Speed 2 (HS2) rail project. This briefing provides a short overview of the contents of the Bill and its progress through the House of Commons. The House of Commons Library have produced a number of briefings which detail the background to the High Speed Rail 2 project and the ongoing arguments both for and against HS2.¹

Key Provisions

High Speed 2 is a project to build a high speed rail line from London to Manchester and Leeds, via Birmingham, the East Midlands, Sheffield and Crewe. The planned line would begin operation in 2026 and be completed by 2032. In November 2015, the Government put the total cost of the HS2 project, in 2015 prices, at £55.7 billion (including rolling stock). The project is currently split into three phases and the High Speed Rail (London–West Midlands) Bill is concerned with phase one of the proposed line, between Euston in London to Birmingham Curzon Street and Handsacre with intermediate stations in West London (Old Oak Common) and at Birmingham Airport. The [Explanatory Notes](#) to the Bill provide a detailed commentary on the Bill's clauses, which include provisions regarding:

- **Powers to construct and maintain works for phase one of HS2:** The Bill would authorise works, specified in schedule 1, for the construction and maintenance of phase one of HS2, and all ancillary works. It would also confer upon the 'nominated undertaker' the powers to carry out these works. Clause 44 gives the Secretary of State the power to make regulations specifying the nominated undertaker. Clauses 2 and 3 (and schedules 2, 3 and 4) provide powers to the nominated undertaker for the purposes of carrying out these functions.
- **Compulsory acquisition of land and rights in land:** Several clauses relate to the power to acquire land (or airspace or subsoil) necessary for the authorised works to be carried out. The Bill would provide the Secretary of State with compulsory acquisition powers. It also contains powers allowing for the compulsory purchase of land for the relocation of businesses displaced as a result of the construction of phase one of HS2, and the power to acquire rights in land.
- **Planning matters:** The Bill would remove the requirement for development consent for the scheme under the Planning Act 2008. It would give deemed planning permission for works authorised by the Bill, subject to the conditions set out in schedule 17 and a time limit of ten years. The conditions include a requirement for the nominated undertaker to submit certain details of the development to the planning authorities for approval.
- **The deregulation of works on HS2:** This refers to the disapplication of powers contained in other legislation so that work on phase one occurs "expediently after enactment of this Bill". For

example, the Bill would disapply and modify various controls relating to listed buildings, ancient monuments and burial grounds.

- **Railway matters:** This part of the Bill seeks to set out the railways regulatory regime which would apply to phase one of HS2, and how this would interact with the existing network. For example, the Bill would disapply the statutory closure provisions within the Railways Act 1983.
- The **remaining sections** of the Bill relate to a range of matters including transfer schemes for nominated undertakers and planning permission for statutory undertakers; the application to Crown Land; arbitration; acquisition of land to carry out regeneration or relocation; and further high speed rail works.

The Bill is a hybrid bill, meaning that it has elements of both a public and private bill. A House of Commons Library briefing outlines the procedural differences between a hybrid and public bill.² Following second reading, hybrid bills are committed to a specially convened committee to allow those affected by the Bill to petition against aspects to which they object. In the Commons, this stage of the Bill took almost two years to complete. After the committee has reported, a hybrid bill is considered in committee, on report and debated at third reading on the floor of the House.

Progress of the Bill through the House of Commons

First Reading and the Environmental Statement

The Bill and the Environmental Statement (ES) were published and the Bill formally [introduced](#) in the House of Commons on 25 November 2013. The Standing Orders relating to private bills required that an ES was deposited and that the public had 56 days to comment upon it. On 5 December 2013, under the terms of the Standing Orders of the two Houses of Parliament, the Parliamentary Examiners of Petitions for Private Bills appointed an Independent Assessor, whose role was to report on the issues raised in the responses to the ES consultation; this report was published on 9 April 2014.³

The Independent Assessor received a total of 21,883 responses. Overall, minimising the impact of the proposed route through the Chilterns Area of Outstanding Natural Beauty was the single greatest issue of concern for respondents. Other areas of concern were tunnelling; particular local impacts on communities, such as loss of amenity and quality of life and the disruption that construction activity under phase one would entail; and comments which focused on sound, noise and vibration.

Second Reading

The Bill received its [second reading](#) on 28 April 2014. During the debate, the Secretary of State for Transport, Patrick McLoughlin, emphasised the expected benefits of HS2, in terms of both capacity and job creation, arguing that the rail link would improve connectivity between cities such as Birmingham, Manchester, Sheffield and Leeds and create economic benefits. The then Shadow Secretary of State for Transport, Mary Creagh, supported the Bill and welcomed the cross-party approach taken on HS2. However, she was critical of the “mismanagement” of the HS2 project, which she argued was leading to delays and increased costs.

While several MPs supported the perceived benefits of HS2, such as increased capacity for both passenger and freight services, concerns were raised about whether adequate compensation was available to those affected by the line. In addition, environmental concerns, such as the impact of building HS2 on ancient woodland and in areas of natural beauty were emphasised, while the strength of the economic case regarding HS2 was also queried. A cross-party amendment, moved by Cheryl Gillan (Conservative MP for Chesham and Amersham), sought to decline to give the Bill a second reading; the amendment was defeated on division by 451 votes to 50. The Bill was passed by 452 votes to 41.

House of Commons Committee on HS2

On 29 April 2014, the House of Commons established a committee on the Bill. The principal role of the Committee was to provide those individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill's specific provisions and seek its amendment, although not to object to the principle of the Bill. The Committee explained its powers in its *First Special Report of Session 2014–15*, which stated:

[...] we have had the power to amend the Bill; by limiting the powers it gives and by inserting new powers. Where the latter amendments might themselves cause particular adverse effect, they can be petitioned against. So far there has been one round of such 'additional provisions' to the Bill, in that case initiated by its Promoter (the Department for Transport) and largely concerned with reaching accommodation with petitioners from various parts of the line.⁴

The Committee published special reports in March and December 2015, issuing its final report on 22 February 2016. During this time five sets of Additional Provisions (APs) were agreed by Parliament, four of which were accompanied by Supplementary Environmental Statements. A total of 2,586 petitions were deposited against the Bill and its APs, of which 1,918 were against the Bill itself and 668 were against APs. The Committee heard nearly 1,600 of these. Summarising its work, the Committee stated:

We have directed a number of amendments to the proposed HS2 phase one project. Notably, we have directed a longer Chilterns bored tunnel, greater noise protection for Wendover, better construction arrangements in Hillingdon, and a remodelled maintenance depot at Washwood Heath to maximise local job opportunities. We have said there should be a coherent approach to the redevelopment of Euston. In many cases not specifically mentioned in this report we have intervened to encourage fairness, practical settlements, the giving of assurances, or better mitigation. We have recommended amendments to the operation of the discretionary compensation schemes which we believe will result in greater fairness and a more functional property market in areas near to the proposed line. We also suggest improvements to the procedure for dealing with hybrid bills. We trust they will help achieve better processes for the further anticipated phases of HS2.⁵

House of Commons Public Bill Committee

The [Public Bill Committee](#) met between 1 and 8 March 2016. Several amendments and new clauses were moved by the Opposition, although none were agreed and the Bill was passed without amendment. Some of the issues outlined in the amendments included: powers to acquire land compulsorily; having regard to the HS2 design panel's recommendations; requiring passenger services operating on the whole or part of HS2 phase one to be provided by a publicly owned company; the design of Euston station; the powers of the Construction Commissioner; engagement with communities living along the route and measuring the cumulative impact of HS2 construction work on each community area along the route; the application of compensation to those severely affected by the HS2 construction works; the establishment of an HS2 construction skills centre; and taking reasonable steps to mitigate the impacts of construction traffic on local communities.

Report and Third Reading

The Bill received its [report and third reading](#) in the Commons on 23 March 2016. At report stage, Robert Goodwill, Minister of State for Transport, moved a new clause, with Opposition support, which would require the Secretary of State to prepare a report on vocational qualifications obtained in each financial year in connection with HS2 construction. It was added to the Bill without a division.

Three new clauses were defeated on division. Two of the new clauses were moved by the Shadow Transport Spokesman, Andy McDonald. The first sought to allow phase one of HS2 passenger services to be run by the public sector, and was defeated by 273 votes to 184. The second related to the construction of an integrated Euston station, and was defeated by 254 votes to 190. In addition, Cheryl Gillan moved new

clause 8 which sought to introduce an office of the HS2 Adjudicator; the new clause was defeated by 245 votes to 43.

Several MPs highlighted the report of the Public Administration and Constitutional Affairs Committee, published the same day, which was critical of the “culture of defensive communication and misinformation” within HS2 Ltd. The report expressed concern over whether necessary fundamental changes had taken place to ensure that members of the public who were affected by HS2 were dealt with appropriately.⁶ Other amendments discussed related to compensation for local authorities and for the public and local businesses affected by HS2; a review body for the Chilterns; and an obligation to plant replacement trees.

The Bill was passed by 399 votes to 42. The Bill received its first reading in the House of Lords on 23 March 2016. The deadline for petitions against the Bill to be deposited is 18 April 2016.⁷

Parliamentary Committees

The Bill has been the subject of several committee reports over the course of its passage. These include the House of Commons Transport Committee; the House of Commons Environmental Audit Committee; the House of Commons Treasury Committee; the House of Commons Public Accounts Committee; and the House of Commons Public Administration and Constitutional Affairs Committee. The House of Lords Economic Affairs Committee considered the case for HS2 in the report, *The Economics of High Speed 2*, in March 2015, which concluded:

We fully support investment in rail infrastructure and welcome the Government’s commitment to it. But the project has to be developed against a background of financial restraint and it is not at all clear that HS2 represents the best, most cost-effective solution to the problems it is intended to solve [...] The lengthy passage of the enabling legislation for the first phase of the construction provides an opportunity to examine the case for HS2. There should be no embarrassment in being prepared to revise the project: the objectives and cost are too important.⁸

Responding to the Lords Committee in July 2015, the Government stated that it was “confident that the case for HS2 is clear and robust”, and that it would “have a transformational effect, supporting growth and increased productivity across the country, particularly in the North” and “improve connectivity, free up space on our crowded rail network, promote regeneration, boost local skills, generate tens of thousands of jobs and help secure the UK’s future prosperity”.⁹

¹ House of Commons Library, [High Speed 2 \(HS2\) Phase 1](#), 31 March 2016.

² House of Commons Library, [Hybrid Bills: House of Commons Background Paper](#), 13 December 2013.

³ HS2 Independent Assessor, [High Speed Rail \(London–West Midlands\) Bill: Summary of Issues Raised by Comments on the Environmental Statement](#), April 2014, HC 1199 of session 2013–14.

⁴ House of Commons High Speed Rail (London–West Midlands) Bill Committee, [First Special Report of Session 2014–15](#), 26 March 2015, HC 338 of session 2014–15, p 6.

⁵ House of Commons High Speed Rail (London–West Midlands) Bill Committee, [Second Special Report of Session 2015–16](#), 22 February 2016, HC 129 of session 2015–16, p 5.

⁶ House of Commons Public Administration and Constitutional Affairs Committee, [Follow up to PHSO Report of an Investigation into a Complaint about HS2 Ltd](#), 23 March 2016, HC 793 of session 2015–16, p 3.

⁷ House of Lords, [Minutes of Proceedings of Wednesday 23 March 2016](#).

⁸ House of Lords Economic Affairs Committee, [The Economics of High Speed 2](#), 25 March 2015, HL Paper 134 of session 2014–15, p 5.

⁹ Department for Transport, [House of Lords Economic Affairs Committee: The Economics of HS2—Government Response](#), July 2015, p 4. The House of Lords debated the report on 16 September 2015 ([HL Hansard, 16 September 2015, cols 1850–904](#)).

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