

Channel Tunnel Rail Link Bill

[Bill 3 of 1994/95]

Research Paper 95/2

10 January 1995



A hybrid Bill, the Channel Tunnel Rail Link Bill 1994/95, to provide for the construction of a high speed rail link between London and the Channel Tunnel, was introduced into the House of Commons on 24 November 1994 and will have its Second Reading on 16 January 1995. The main purpose of the Channel Tunnel Rail Link is to provide the capacity needed for the increase in international rail traffic via the Channel Tunnel and to reduce international journey times. The Bill provides for the rail link to be built, maintained and operated by a private sector promoter but with a substantial public sector contribution. This research paper looks at the Bill and the background to it in the form of a chronology of events since 1985 connected with the provision of a high speed rail link. There is also some consideration of hybrid Bills in general.

Philippa Carling
Business and Transport Section

House of Commons Library

CONTENTS

	Page
I. The Background to the Bill : The Channel Tunnel Rail Link and Terminals, 2 December 1985 - 10 December 1994	1
II. The Bill	23
A. Provisions of the Bill	23
B. The Route of the CTRL	30
III. Hybrid Bills	36

I. BACKGROUND TO THE BILL : THE CHANNEL TUNNEL RAIL LINK AND TERMINALS 2 December 1985 - 10 December 1994

The chronology which follows traces the various routes, termini, and intermediate stations proposed for the Channel Tunnel Rail Link (CTRL) before 1994 when the Government finally decided on the Folkestone - Ashford - Ebbsfleet - St Pancras route. It also charts the abandonment of the original pledge that no public money would be used for the link.

Section 42 of the Channel Tunnel Act 1987 stipulates that no government grant or subsidy can be paid for international rail passenger services. The relevant section is as follows:

No government grants to Railways Board in respect of international railway services.
1974 c. 48.

42.— (1) No obligation with respect to international railway services shall be imposed on the Railways Board under section 3 of the Railways Act 1974 (imposition of obligations in connection with certain Community regulations giving rise to payments by way of compensation).

1977 c. 20.

(2) In ascertaining any relevant detail of the Railways Board's railway undertaking for the purposes of section 1 of the Transport (Financial Provisions) Act 1977 (power of Secretary of State to make grants in respect of such a deficit) there shall be disregarded so much of the revenue and expenditure properly attributable to revenue account as is referable to the provision of international railway services.

1968 c. 73

(3) No grants shall be made by the Secretary of State under section 56(1) of the Transport Act 1968 (grants towards capital expenditure on public passenger transport facilities) towards expenditure incurred or to be incurred by the Railways Board for the purpose of the provision, improvement or development of international railway services.

(4) In this section "international railway services" means services for the carriage of passengers or goods by way of the tunnel system.

There is no provision in the Bill for the repeal of section 42 but there are ways of bypassing the effects of the Act without repealing section 42. John MacGregor when Secretary of State for Transport, said during a statement on the CTRL¹:

"As far as funds are concerned, I made it clear in my statement last March that we would be making a public sector contribution. Then, of course, we were prohibited from doing so via British Rail because of section 42 of the Channel Tunnel Act. Developments since then have enabled me to widen the area in which public contributions can be made. One significant development was the Railways Act 1993, which the hon. Member for Holborn and St. Pancras opposed all the way through. We cannot at this stage say what the precise split will be between private and public sector finance, and that will be a part of the contributions which are to come."

¹ HC Deb 24.1.95 cc19-34

Research Paper 95/2

It is not absolutely clear to what this refers. For example a significant part of the extra money can be provided by transferring European Passenger Services (EPS), currently a subsidiary of British Rail to the successful consortium. The government can also support domestic services run on the CTRL, based on non-user benefits. Up to 12 high speed services an hour in each direction could use the CTRL. However Mr MacGregor may have meant that section 42 precluded grants to British Rail, a public sector body. The CTRL will be built by the private sector and there is nothing in the legislation which says money cannot be granted to such a "nominated undertaker" in respect of international passenger services. Section 42 may therefore be irrelevant to the situation which is likely to exist in relation to the CTRL as provided for in the Bill.

The chronology starts in 1985 when the Transport Select Committee carried out a detailed study into the type of fixed link that should be constructed across the Channel. At that time a high speed rail link from the Channel was not thought to be necessary.

2 December 1985

The First Report from the Transport Committee on the Channel link together with the Minutes of Evidence was published. The British Railways Board in its Memorandum of Evidence to the Committee stated² that a high speed rail link to the Channel Tunnel in Britain "is not envisaged".

4. OPERATIONS

"For through rail traffic the Board envisage initially an hourly passenger service in each direction between both Paris and Brussels and London and 16 freight trains a day in each direction. All rolling stock and infrastructure required for such a service would be provided by BR, the SNCF and other continental railways and in BR's case be required to meet the normal rates of return expected for railway investment. A high speed link is not envisaged in Britain but discussions are continuing with the SNCF about the possibility of using high speed trains built to British gauge which would run at conventional speeds in Britain and high speed on the continent. With such trains journeys of 3 hours to Brussels and 3 hours and 15 minutes to Paris are possible."

Provision for the construction of a terminal for Channel Tunnel trains at Waterloo was contained in the *Channel Tunnel Bill 1986/7*, Part III, Schedule 1, now enacted as the *Channel Tunnel Act 1987*, Cap 53. The London Boroughs of Lambeth, Hammersmith and Fulham, Ealing, Wandsworth and Kensington and Chelsea and many other community groups petitioned against the Channel Tunnel Bill. All the petitioners objected to the choice of Waterloo as the site for the terminal. In Lambeth's report to the London Planning Advisory Committee, it recommended:

² HC 50-II 1985/86, Appendix 2

- "1. That LPAC support the LSPC petition against the Channel Tunnel Bill calling for a broader investigation and possible public inquiry into Channel Tunnel terminal facilities in London;
2. That LPAC offer to sponsor such an investigation."

5 June 1986

During the Second Reading debate on the Channel Tunnel Bill, Mr Stuart Holland stated³ that the decision to expand Waterloo Station to include an international terminal for passengers from the Channel Tunnel had been taken five years before:

"**Mr. Stuart Holland (Vauxhall):** The decision to expand Waterloo station to include an international terminal for passengers using the Channel fixed link was taken not recently but five years ago. Neither then nor since have the Government or British Rail agreed to hold a public inquiry into the many aspects and consequences of a decision of that magnitude. Public consultations held by Lambeth council have consistently led to a rejection of the terminal proposal, and have just as consistently been ignored by British Rail and the Government."

23 January 1987

British Rail opened a Channel Tunnel rail link information centre at Waterloo Station. In its leaflet about the international terminal published at this time, it argued for a single London terminal:

Why have only one London terminal?

"Because essentially one terminal is more attractive to potential customers. It means the most frequent services, with the shortest interval between them. It means a higher quality terminal with more passenger facilities than if the available investment was split between two terminals. It also means lower operating costs and that helps to keep fares down."

³ HC Deb 5.6.86 c1146

Research Paper 95/2

14 January 1988

According to an article in the Guardian⁴ it was disclosed at a Camden Council Planning meeting that British Rail was considering a plan to build a second London terminal linked to the Channel Tunnel in addition to the Waterloo terminal:

"British Rail is considering a plan to build a second London terminus linked to the Channel Tunnel as well as the one already planned for Waterloo station, it emerged last night. The second link would be built at King's Cross station in an attempt to spread the burden of the increased traffic caused by the tunnel, a Camden council planning meeting was told.

The disclosure came at a meeting which was held to endorse the council's new planning brief for the 100acre King's Cross goods yard site, which British rail, the site's chief landlord is hoping to sell for development. Camden's planning director, Mr David Pike, said that BR had asked the developers bidding for the site to incorporate a Channel Tunnel link terminal in their submission.

14 July 1988

BR published the report which investigated the long-term capacity needed for international services through the Channel Tunnel. It concluded that there was no real alternative to building additional tracks because of constraints that would ultimately extend over significant lengths of the existing boat train routes.

The report outlined routes to be included in future design work:

- | | |
|--------------------|--|
| Route One | Sidcup - Longfield - (Tunnel) - Snodland - Hollingbourne - Charing - North of Ashford |
| Route Two | Bromley - Swanley - Longfield - then as Route One |
| Route Three | Bromley - Swanley - (Tunnels) - Borough Green Marden (New Line) - Pluckley - South of Ashford. |

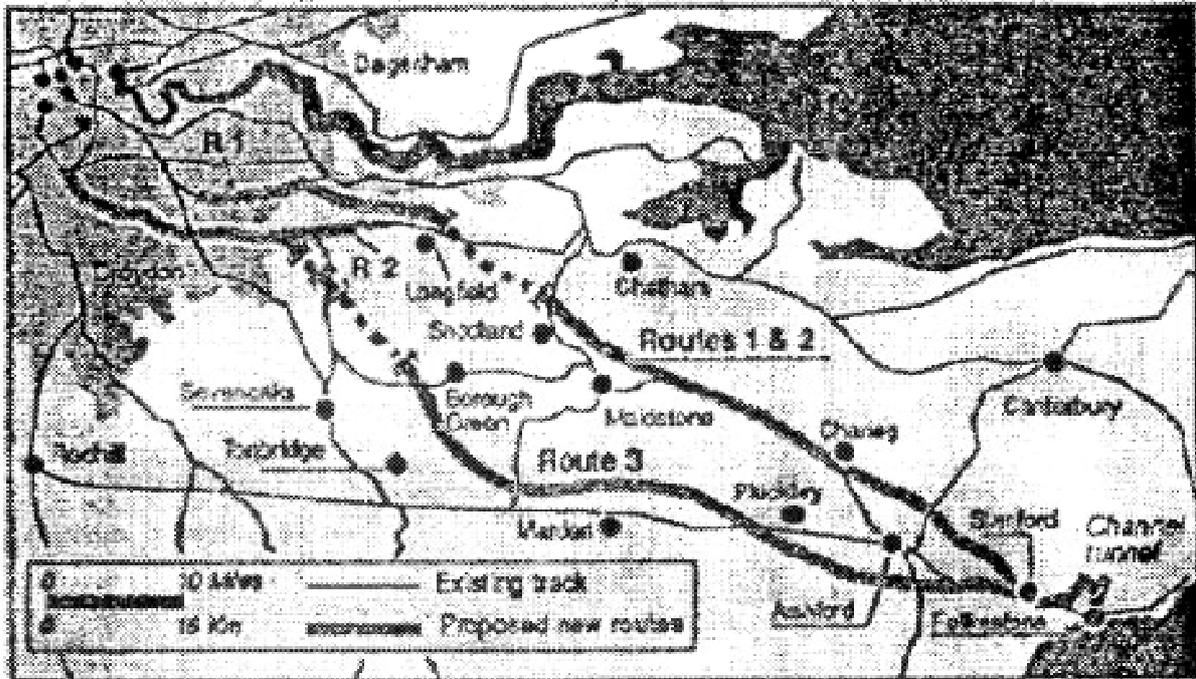
Three possible terminal sites were to be retained for more detailed study: White City, Kings Cross and Stratford.

The initial estimates⁵ of the cost of additional capacity at current prices varied from £725m with terminals at White City and Waterloo and developing Route Two via Bromley and Hollingbourne, to £1200m with terminals at Kings Cross and Waterloo and developing Route One via Sidcup, with Waterloo trains using a new tunnel from Nunhead.

⁴ 15.1.88, "BR plans second London Channel link"

⁵ BR Press Release 90/88

The Financial Times in an article which commented on the report⁶ produced a sketch map of the possible routes and terminals:



4 November 1988

British Rail invited private sector companies to show that they were competent to bid to become involved in a high speed CTRL⁷. These applications were to be in by the end of January 1989. Pre-qualified companies would be invited to put forward their proposals for building and owning a new line between Folkestone and London. BR would retain ownership of the international through trains and of the Network South East express commuter trains expected to use the line.

⁶ FT 15.7.88, "BR signals its high speed Channel options"

⁷ BR Press Release 152/88

Research Paper 95/2

10 November 1988

British Rail acted to relieve the planning blight affecting homes along the possible Channel Tunnel rail link routes⁸. The Board offered to buy any property within the corridor of one of the three routes providing that the owners could demonstrate that they needed to sell their properties for reasons other than the rail link proposals.

27 November 1988

British Rail deposited a Private Bill, the *Kings Cross Railways Bill*, to seek Parliamentary approval for an international station beneath the concourse at Kings Cross. This indicated its intention to develop Kings Cross as the second terminal for Channel Tunnel passenger trains

8 December 1988

British Rail's plans for the new international terminal at Waterloo Station were sent to the London Borough of Lambeth. The plans had changed since the original concept and allowed domestic and international passengers using Waterloo to be largely segregated⁹.

12 January 1989

The British Railways Board announced¹⁰ that it had chosen Kings Cross as its preferred second international passenger terminal in London for Channel Tunnel trains. Its reasons for choosing Kings Cross were its central location, links with the national rail network and superior interchange facilities.

2 March 1989

The Guardian reported¹¹ that Margaret Thatcher, then Prime Minister, had intervened in the controversy surrounding the CTRL. She was said to have ordered British Rail to make substantial amendments to the chosen link and to increase the compensation to those householders faced by planning blight.

⁸ BR Press Release 157/88

⁹ BR Southern Region Press release 372/G/GSP

¹⁰ BR Press Release 9/89

¹¹ "PM orders rethink on rail link

8 March 1989

British Rail announced¹² its chosen route for the Channel Tunnel rail link. The chosen route was nearest in definition to the original Route Two option presented in July 1988. Of the 68 miles between London and the Channel Tunnel, two thirds would run below ground level, 22 miles in cuttings and 23 miles in tunnels. The changes to the original route meant that the estimated cost would be £1.7 billion of which 30% would be for environmental protection. British Rail also gave details of an improved compensation package in offering to buy immediately any residential property within a 240 metre wide corridor along the proposed route (up to 100 metres on either side of the line) except where the line ran in tunnel.

9 May 1989

A report in the Financial Times¹³ claimed that the private construction groups bidding to finance the rail link were doubting the possibility of meeting the costs of the environmental protection measures from revenue costs alone. They also said that British Rail had underestimated the costs of building the line.

15 September 1989

The Financial Times¹⁴ claimed that of the six consortia originally interested in constructing the rail link two had pulled out, two groups had been rejected by BR leaving two still in consultation with BR. These were Trafalgar House with BICC and a consortium consisting of P&O, BAA, Trusthouse Forte, Acer and Canadian Pacific.

8 October 1989

The Sunday Times reported¹⁵ that the Trafalgar House consortium had threatened to pull out of the scheme to build the high-speed rail link unless it received Government money and that P&O by this time favoured an alternative route terminating at Stratford instead of Kings Cross.

3 November 1989

¹² BR press release 38/89

¹³ "Britain going slow on a fast track"

¹⁴ "High speed Channel link risks derailment"

¹⁵ "Ultimatum over cash for Channel link"

Research Paper 95/2

British Railways Board announced¹⁶ its choice of a private sector partner for the rail link. It was a consortium specially formed for the project called Eurorail Ltd and consisting of Trafalgar House and BICC. The CTRL would therefore be developed and operated as a joint venture by BR and Eurorail. The press release confirmed that BR were planning to put forward a Parliamentary Bill for the scheme in November 1990 rather than November 1989. BR hoped that the new line could still be in operation by 1998.

Mr Cecil Parkinson, the then Secretary of State for Transport, summarised the latest position with regard to the link in a written answer¹⁷ on the same day and confirmed that *"it remains the policy of the government that no subsidy will be given to Channel Tunnel rail services"*.

29 November 1989

British Rail deposited a Private Bill, the *British Railways (No 3) Bill*, to provide for the compulsory purchase of land for the construction of an international passenger station at Ashford.

The Financial Times reported¹⁸ that Ove Arup had announced an alternative to British Rail's plans for a high speed link. The FT report claimed that the Arup route, promoted by Ove Arup and backed by 10 financial institutions, was likely to be supported by MPs representing constituencies in London and Kent. This proposal would involve the construction of a mainly four-track line built to the Continental loading gauge rather than the smaller UK gauge. This route, like the TALIS route, would terminate at Stratford with a crossrail spur to Kings Cross. The TALIS route was a route drawn up by a consortium led by Manufacturers Hanover Trust and Bechtel which would have tunnelled under the North Downs and Thames but run overland through the Kent marshes to Essex.

14 June 1990

Cecil Parkinson, the then Secretary of State for Transport, announced¹⁹ in the House of Commons that the government had agreed with British Rail and Eurorail not to proceed with the Joint Venture proposals for a high speed rail link to the Channel Tunnel. He said that the Joint Venture would have required a capital grant of £500m in addition to the investment of £400m by Network South East and a low interest loan of £1 billion. He did not consider that the benefits to commuters were sufficient to justify this sum of public expenditure. Mr Parkinson also said that the section of the line from the Channel Tunnel to the North Downs

¹⁶ BR press release 144/89

¹⁷ HC Deb 3.11.346-7W

¹⁸ "Arup joins three-way struggle for rail link to Channel Tunnel"

¹⁹ HC Deb c482-484

would be safeguarded and provision would be made for compensation. A line can be safeguarded by the local planning authority in its Development Plan or the Secretary of State for Transport can issue directions to the local planning authority under Articles 14(1) and 18(3) of the *Town and Country Planning General Development Order*. Under both options the local planning authority would consult British Rail on any application for planning permission which impinged on the safeguarded zone.

5 November 1990

British Rail announced²⁰ that it had appointed W.S. Atkins, a multi-discipline consultancy covering planning and management, engineering, environment and landscaping, to carry out an independent review of the studies in progress comparing Rail Link route options into Central London.

19 November 1990

British Rail announced²¹ the formation of European Passenger Services Limited (EPS Ltd), a wholly-owned subsidiary of the British Railways Board to run its international passenger services when the Channel Tunnel opened. EPS Ltd would run the capital city services between London and Paris/Brussels, day services linking Edinburgh, Leeds, Birmingham and Manchester with Paris and Brussels, and night services to France, Belgium, the Netherlands and Germany.

3 May 1991

The Guardian reported²² that British Rail had chosen the route through south London to King's Cross at an all-day board meeting. The four alternative routes were shown in a diagram contained in a Times article²³:

²⁰ BR press release 272/PFK

²¹ BR press release 141/90

²² "BR chooses King's Cross as terminus for Channel tunnel link"

²³ Times 2.5.91, "BR hopes tunnel link will be finished by 1998"

Research Paper 95/2

The route chosen was expected to be similar to that proposed in 1990 by European Rail Link, the joint venture between BR, Trafalgar House and BICC.

June 1991

BR published its report²⁴ with the detailed assessment of each route. This confirmed the southern route as BR's preferred option.

18 July 1991

An article in The Guardian²⁵ revealed splits in the Cabinet about the high speed rail link. The Department of Transport were said to support BR's preferred option but two Ministers, Peter Lilley and Michael Heseltine were thought to prefer an alternative route along the Thames corridor in Essex and into King's Cross.

16 September 1991

The Times reported²⁶ that Treasury officials were asking BR to justify its forecast that increased demand for domestic and international services would require a new line by the end of the decade. Treasury officials were apparently saying that the drop in demand for Network SouthEast's domestic services in Kent had released extra capacity for international services between London, Paris and Brussels.

4 October 1991

²⁴ British Railways Board, "Rail Link Project : Comparison of Routes"

²⁵ "Channel Tunnel link proposal splits Cabinet"

²⁶ "BR in fight to save tunnel link"

The Times revealed²⁷ that Eurotunnel intended to build a temporary passenger station at Ashford in Kent for Channel Tunnel rail services out of prefabricated huts. Work was due to have begun in the previous March on the station so it was ready for the opening of the Tunnel but the government had still not approved the project.

9 October 1991

The then Secretary of State for Transport, Malcolm Rifkind, announced²⁸ at the Conservative Party Conference that the Government had decided on a route for the CTRL which approached central London from the east via Stratford and terminated at King's Cross. He said²⁹ that on present forecasts existing capacity would not be exhausted until 2005 and that the Government's intention was that the line should be financed by the private sector. He also announced that he would be revoking the existing safeguarding directions in mid-Kent for the route which BR had proposed.

A detailed plan of the route was deposited in the Library³⁰ and is reproduced overleaf:

²⁷ "Tunnel's prefab station ridiculed"

²⁸ Conservative Party Conference news release 9.10.91

²⁹ Department of Transport press release no 294

³⁰ Deposited Paper no 7421



10 October 1991

An article in the Times³¹ suggested that London's investment community had given "*a distinctly lukewarm reception to the government's stated aim that the Channel Tunnel rail link could be paid for by private sector finance*". The article went on to say that Rail Europe, one of the consortia interested in building a high speed rail link estimated that whatever route was selected the government would have to inject about £1 billion to make the venture commercially viable.

13 March 1992

The House of Commons Transport Select Committee published its report³² on preparations for the opening of the Channel Tunnel. Doubts were expressed to the committee by both road hauliers and Eurotunnel about BR's forecasts of goods and passengers to be carried by rail. The committee concluded, "*With the exception of the department, our witnesses believed that the link will be needed before the turn of the century. Track congestion can only worsen*".

21 May 1992

The Government announced³³ that it had asked BR to design the Channel Rail Link so that it could take freight as well as passenger services if there was sufficient demand. BR had been asked to define a route which will allow the construction of a two-track railway built to Continental loading gauge standards. BR would consider the potential for the addition of passing loops and other facilities. The additional cost of extra dedicated tracks for freight was not considered to be justified by anticipated demand. The estimated cost of the line was said to be around £4 billion and the extra two tracks would have cost another £4 billion according to the Guardian³⁴.

28 July 1992

The Financial Times reported³⁵ that British Rail had created a wholly owned subsidiary called Union Railways to take responsibility for building the £4.5 billion CTRL. The chairman of the new company was to be Mr John Prideaux, formerly managing director of BR's new ventures division. Union Railways expected to set out the main options by the end of 1992.

³¹ "City institutions seek additional state funding on rail link"

³² HC 12/1 1991-92

³³ Department of Transport press notice no 115

³⁴ 22.5.92, "Channel rail link cut to two tracks"

³⁵ "BR offshoot to oversee Channel link"

Research Paper 95/2

10 August 1992

Roger Freeman, then Minister for Public Transport, confirmed³⁶ that the rail link would be designed to take freight as well as passenger services if there was sufficient demand. This followed a consultation exercise with local authorities and others. There was said to be widespread support for the concept of a two track high speed passenger line, built to a large continental gauge, with the potential for the new line to take freight as well as passenger services. Union Railways had been instructed to allow for this.

16 March 1993

The Chancellor of the Exchequer, in his Budget Statement³⁷, said that the government was making a firm commitment to the CTRL. The HM Treasury Budget press notice³⁸ confirmed that British Rail had delivered a report to the Government in January on the route approaching London from the east. The Chancellor's Budget Statement also confirmed that St. Pancras would be the other London terminal for the rail link:

"Subject to the results of detailed work by British Rail over the next few months, the London terminus of the new link will be located at St Pancras. This will provide a new lease of life for this magnificent Victorian building, which will become the gateway to London for international passengers. My right hon. Friend the Secretary of State for Transport will make a statement on the details of the route shortly."

22 March 1993

The then Secretary of State for Transport, John MacGregor, made a Statement³⁹ giving the go-ahead to the construction of an international passenger station at Ashford. He said that the government would provide the necessary funding of £30 million for the track, signalling and platform work. He confirmed that the Government had decided that the CTRL should go forward as a joint venture between public and private sectors and that the Government were prepared *"in principle to provide substantial public sector support in recognition of the domestic transport benefits from the new line"*.

He also confirmed that Union Railways had refined the route following existing transport corridors but reducing the cost substantially. The line was now estimated to cost between £2 and £3 billion but "without any loss in the overall benefits, environmental or otherwise, of

³⁶ Department of Transport Press Notice 10. 8.92 No 217

³⁷ HC Deb c194

³⁸ Press Notice No 36/97

³⁹ HC Deb 22.3.93 c609-611

the route and with some gain". Union Railways had offered a series of options on the precise route but Mr MacGregor outlined the Government's preferred route, which would be put to public consultation, as follows:

"Between the channel tunnel and Detling, north of Maidstone, the route would largely follow the previously safeguarded route. However, at Ashford the route would run to the north of the town, with a tunnel under the M20 and then running parallel to the motorway. This route is environmentally superior to the former safeguarded route. It is also £86 million less expensive, and it would have less impact on existing and potential development within the town.

For the section of the route crossing the Medway Valley, we prefer an option in the report which, from the east, would diverge from the M20 corridor, passing through a 4 km tunnel under the Blue Bell hill, before crossing the Medway alongside the existing M2 bridge and following the corridor of the M2 and A2 on the surface. This is not the cheapest option, but it has substantial environmental advantages, at a modest additional cost.

South of Gravesend, there is provision for a connection to Waterloo. The main route would run along the Ebbsfleet valley then tunnel under the Thames, to run alongside the existing London, Tilbury and Southend Railway from north of Purfleet to east of Barking. From there it would enter a tunnel to Stratford, where there remains an option for a station. This route overcomes a number of engineering and environmental difficulties associated with the more southerly route published in 1991.

West of Stratford, there are two options. One option is for a tunnel all the way to the proposed King's Cross low-level station. The alternative is for a tunnel from Stratford to a point on the north London line railway west of Dalston Kingsland station, then continuing alongside the north London line by reinstating the original four-track alignment within the existing railway boundaries, before finally swinging south over railway lands into St. Pancras station.

23 March 1993

Commentators⁴⁰ suggested that valuations put by Union Railways on the social benefits which would be produced by the line meant that the Government would need to contribute £1.6 billion to the cost of the line. The potential commuter benefits were estimated at £1.1 billion and the regeneration of the Thames corridor at £500 million.

27 March 1993

The Financial Times reported⁴¹ that Blue Circle Industries were proposing to build a privately financed station for the Channel Tunnel rail link near Dartford in north-west Kent. The station would occupy 250 acres of chalk quarries and waste ground, part of a 2,500 acre site owned by Blue Circle. The cost of the station would be met out of proceeds from the commercial development which would include hotels, a conference centre, offices and shops in addition to the passenger terminals.

⁴⁰ FT 23.3.93, "Whitehall faces half cost of Channel rail link"

⁴¹ "Blue Circle plans £500m Channel rail link station"

17 May 1993

Roger Freeman, then Minister for Public Transport, announced⁴² that work on Ashford International Passenger Station would start in October. He said that bids would be sought from the private sector to finance and construct the station in return for the right to raise revenues, such as parking fees, and receive a payment from the international train operator based on the number of passengers using the station.

The new £130 million Channel Tunnel terminal at Waterloo opened. It would remain empty until the Channel Tunnel opened sometime in 1994. The Guardian speculated⁴³ that even then the station was staring obsolescence in the face because the proposition on which it was founded, a direct fast link from Waterloo to the Channel Tunnel, had been superceded by the proposal to construct a CTRL to come in through east Kent to St Pancras.

18 May 1993

The Paris-Lille section of the French TGV link to the Channel Tunnel was opened by President Mitterand. According to the Sunday Telegraph⁴⁴, President Mitterand could not resist a dig at the British. He was reported as saying *"Passengers will race at great pace across the plains of northern France, rush through the tunnel on a fast track and then be able to day-dream at very low speed, admiring the English countryside"*.

11 November 1993

John MacGregor announced⁴⁵ that the government would shortly launch a competition to select a private sector partner to design, construct and operate the rail link. Union Railways would become part of the joint venture as would BR's existing European Passenger Services business. EPS would operate the international services out of Waterloo when the Channel Tunnel opened in 1994. EPS was to be privatised so providing a revenue stream for the joint venture during construction of the rail link. The prequalification process was expected to start in January 1994 with the tender documents to be sent out in spring 1994.

⁴² Department of Transport Press Notice No 187

⁴³ 18.5.93, "Terminal ineptitude"

⁴⁴ 23.5.93, "Britain misses the French connection"

⁴⁵ Department of Transport press notice no 450

8 January 1994

An article in the FT⁴⁶ claimed that large contractors that had previously expressed little interest in bidding for the Channel Tunnel rail link had said that they would reassess their position after reports that the Government was prepared to provide up to £1.5 billion to encourage private sector investment in the project. Previously it had been thought that only £300-£500 million of public sector money would be available for the line. Construction companies were reported to have said that ministers' disappointment at the low response by private sector investors had prompted a rethink on the size of the public sector contribution.

24 January 1994

The then Secretary of State for Transport, John MacGregor, announced the government's conclusions⁴⁷ on the rail link. He confirmed the choice of St. Pancras as the London terminus and said that British Rail would therefore be withdrawing the King's Cross Bill. The powers which would be sought in the Hybrid Bill would include advance works for a new Thameslink station under St. Pancras at Midland Road. He mentioned certain aspects of the route.

1. On the approach to St. Pancras he had accepted a package incorporating a tunnel, a grade-separated approach to the terminus, a short open concrete box at Stratford to allow for an emergency crossover, and advance works for a connection to Temple Mills.
2. The choice at Pepper Hill between a tunnel underneath and an alignment round it could not be made without more information. He would hold further consultations with those concerned.
3. He confirmed that there would be a short tunnel under the North Downs. He had accepted the proposal for a tunnel, 240 metres long at Hollingbourne in order to preserve the setting of the conservation area and to reduce noise impacts and a 170 metre long tunnel under the Headcorn Road so as to reduce the impact on the conservation area.
4. He had ruled out the tunnel option to the west of Ashford on grounds of cost. However at the request of Ashford Borough Council, he had asked Union Railways to consider urgently the relative merits of the present northerly preferred route and a central route through Ashford but then proceeding on the surface in a north-westerly direction.

⁴⁶ "Cash may bring new rail link bids"

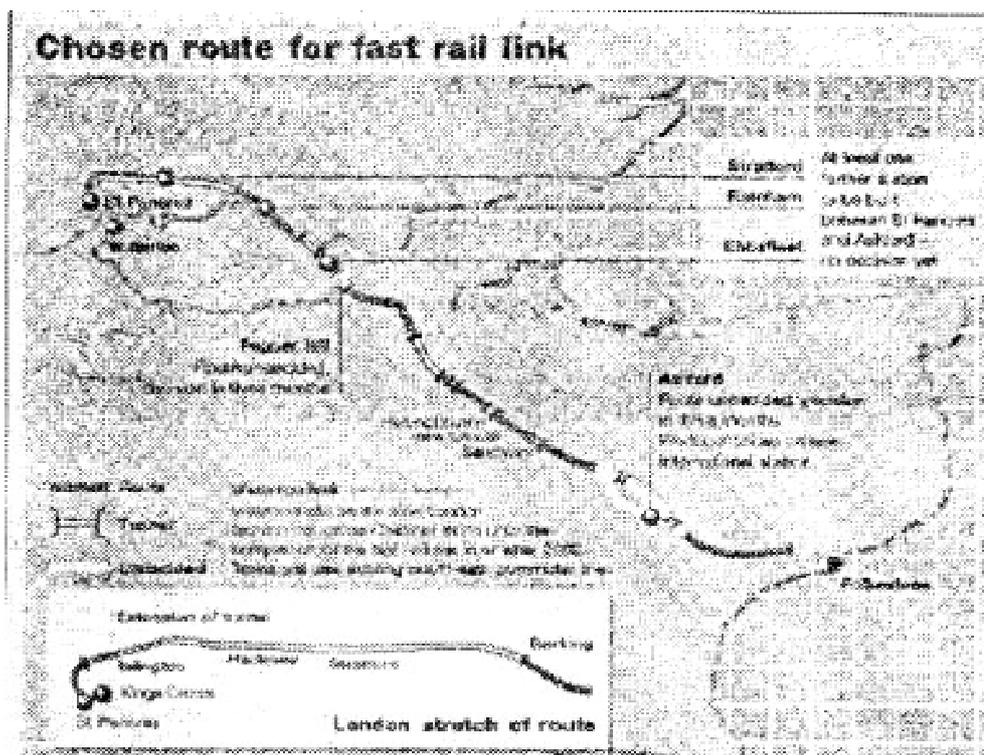
⁴⁷ HC Deb c19-22

5. The government's view was that there should be at least one intermediate station between Ashford and London. Three possible locations, Stratford, Rainham and Ebbsfleet were under consideration. Rainham and Ebbsfleet were in competition, both being M25 parkway stations. The final decision would depend on satisfactory financing by the promoting group.
6. The government did not feel that the economic case for Stratford had been fully made.

He announced that planning directions to safeguard the route would be made in the next few weeks, replacing all existing safeguarding directions. All homes within the safeguarded area as well as those seriously affected by the works or operation of the railway would be offered voluntary purchase.

He confirmed that the intention was to have a Hybrid Bill ready by the autumn 1994.

A sketch map of the route, reproduced below, from the Financial Times⁴⁸ showed the undecided sections and possible station sites:



⁴⁸ FT 25.1.94, "Channel rail route finalised"

27 January 1994

A parliamentary written answer⁴⁹ revealed that £46 million of public expenditure had been used for the abandoned King's Cross project and £89 million for the abandoned section of the southerly route for the rail link.

3 March 1994

Roger Freeman, then Minister for Public Transport, launched the competition for firms to pre-qualify for the tendering process to build the Channel Tunnel rail link. He announced⁵⁰ that the competition invited bidders to compete for the design, construction and ownership of the £2.7 billion rail link. The chosen consortium would take over Union Railways (UR), the British Rail subsidiary which has developed the plans for the new line, and European Passenger Services (EPS), the company which will operate the new international rail passenger services both over the upgraded link from Waterloo International to the Channel Tunnel and over the CTRL when completed.

Bidders would be asked to tender for the amount of the public sector financial contribution they would require after taking into account the value of EPS and UR. The public sector contribution might include a domestic capacity charge in return for the Government reserving a substantial amount of track capacity for domestic services.

The Department of Transport would be prepared to contribute towards the bid costs of unsuccessful bidders up to £1.5 million or 33 per cent of eligible costs, whichever is the lower, subject to the tender being of suitable quality.

A deadline of 25 April 1994 was set for companies to respond prior to the start of the formal tendering process in June 1994 and the return of tenders in December 1994.

8 March 1994

Roger Freeman announced⁵¹ that EPS Ltd would be established as a government-owned company and transferred to the private promoter of the CTRL free of the long-term debt it currently owes to the British Railways Board. The liability to repay these loans would remain with BR or Railtrack.

⁴⁹ HC Deb 27.1.94 c393W

⁵⁰ Department of Transport press notice no 73

⁵¹ HC Deb 8.3.94 c121W

Research Paper 95/2

28 April 1994

John MacGregor announced⁵² his decision on the route of the CTRL through Ashford and Pepper Hill. At Pepper Hill the chosen route would be the one around the housing estate, in cut and cover under the A2. At Ashford the central route had been chosen as it was environmentally acceptable and had the best financial return. The central route affected some housing and commercial premises but it would be optimised in the next few weeks before being safeguarded.

10 June 1994

John MacGregor announced⁵³ the shortlist of companies chosen to tender for the design, construction and maintenance of the CTRL. He said that nine companies had originally been in contention but the following groups had been invited to submit tenders within six months:

- Eurorail CTRL: (BICC, GEC, HSBC Holdings, Nat West Bank, Trafalgar House).
- Hotchief with Costain, Nishimatsu and Siemens
- London and Continental: (Arup, Bechtel, Blue Circle, Halcrow, National Express, Warburgs)
- Union Link: (Mowlem, Taylor Woodrow, Holzmann, W S Atkins)

15 August 1994

An article in the Financial Times⁵⁴ claimed that a series of delays had prevented the Department of Transport from providing the four bidders with the detailed specifications they need to prepare bids. They had originally expected the information at the end of June.

31 August 1994

Dr Brian Mawhinney, Secretary of State for Transport, announced⁵⁵ that the tender documents were available to the four consortia who pre-qualified to tender for the CTRL. At the same time he announced that Ebbsfleet in North Kent would be the site of an intermediate international and domestic station between London and Ashford to be developed by the private sector with the possibility of a major commercial and residential development being created around the new site.

⁵² HC Deb 28.4.94 c267W

⁵³ Department of Transport press notice no 203

⁵⁴ "Tunnel link data to be issued soon"

⁵⁵ Department of Transport press notice no 325

Dr. Mawhinney said that he would keep open the option of an international and domestic station at Stratford but had decided not to make any provision for the proposed station at Rainham. He welcomed the participation of Blue Circle Industries who would provide land for the station at Ebbsfleet and a share of the proceeds of development associated with the station.

The four consortia would be required to submit bids on the basis of no station at Stratford, a Stratford international and domestic station and an international only station at Stratford. The date for the return of the tenders was to be 14 March 1995. It was hoped to conclude the following process of evaluation and negotiation by mid to late 1995.

29 September 1994

Local Transport Today⁵⁶ claimed that in a memo leaked to the press ministers had been warned by Department of Transport officials that the total cost to the government of the CTRL would be £1.7 billion in cash subsidies and asset transfers. This figure was more than £700 million higher than the £1 billion required for the previous private sector scheme rejected by the then Secretary of State for Transport, Cecil Parkinson in 1990.

18 October 1994

The railways of Britain, France and Belgium announced the start of the Eurostar service through the Channel tunnel between London, Paris and Brussels. The service would start on 14 November with tickets on sale from 24 October. The journey time was expected to be three hours between London and Paris and three and a quarter hours between London and Brussels. Journey times would fall when the Belgian and British high-speed links were completed.

29 October 1994

The Guardian reported⁵⁷ that the promoters of Stratford and Rainham as international stations were sceptical about the decision to choose Ebbsfleet. They had pointed to a lobbying campaign by Decision Makers on behalf of Blue Circle, owners of the Ebbsfleet site. Blue Circle were providing the land free and were proposing to build a city with 43,000 homes but the site did not seem to offer the transport benefits of Stratford or Rainham.

⁵⁶ "Chunnel rail link subsidy to reach £1.7bn as Hybrid Bill almost ready"

⁵⁷ "Rumbold adds to Ebbsfleet scepticism"

Research Paper 95/2

16 November 1994

The Queen's Speech on the opening of Parliament confirmed the government's intention to introduce legislation *"to authorise the construction and operation by the private sector of a high speed rail link between London and the Channel Tunnel."*

17 November 1994

John Watts, Minister for Railways and Roads, published the Environmental Statement on the CTRL⁵⁸. The Statement comprises ten documents, a main report and addendum, seven annexes and a non-technical summary.

24 November 1994

The hybrid Bill, the Channel Tunnel Rail Link Bill [Bill No 3 of 1994/95] was published.

10 December 1994

The Guardian reported⁵⁹ that the construction company, Taylor Woodrow, had withdrawn from the Union Link group bidding to build the CTRL in view of the speculative expenditure and ongoing risks.

⁵⁸ Department of Transport press notice no 440

⁵⁹ "Channel rail link strikes new obstacle"

II. The Bill

A. Provisions of the Bill

The aim for the Channel Tunnel Rail Link (CTRL) is to double the railway capacity available for international services between Britain and Europe, with up to eight international trains per hour running in each direction between London and either Paris or Brussels. The cost of construction of the CTRL is estimated to be £2.7 billion at 1992 prices⁶⁰.

The Bill will be a hybrid Bill because it affects some individuals in their private capacity in a different way from others in the same class while proposing a project of national importance. Those persons directly affected by the Bill can, by means of petitions against it, present their views to Select Committees. Further consideration of hybrid Bills is given in Part II, page 39..

The Bill authorises the construction, operation and maintenance of a CTRL, a high speed, 67 mile, railway between St Pancras in London and the Channel Tunnel portal at Castle Hill, Folkestone, in Kent and associated works. The associated works include:

- (i) reinstatement of a disused line to provide access from the CTRL to the existing international terminal at Waterloo. International trains for Waterloo would leave the CTRL at a junction near Gravesend. Journey times from Paris and Brussels will be some 17 minutes longer than to St Pancras.
- (ii) connections to other existing lines;
- (iii) the outline of an intermediate station at Ebbsfleet in Kent;
- (iv) the alteration and extension of St Pancras, including advance works for a new underground station at Thameslink, the north-south cross-London line. This would leave the way clear for the construction of a new station in the future.

The Bill also authorises the widening of the A2 trunk road at Cobham and the M2 motorway between junctions 1 and 4 on the outskirts of the Medway towns. The powers proposed include compulsory acquisition of land, or of rights of land, required for the above works and for related purposes. Much of the length of the M2 widening scheme is parallel or close to the CTRL which makes joint approval advantageous. The M2/A2 widening does not form part of the rail link competition and its expected costs of £166 million will be met by the Secretary of State. The Bill also provides for the payment of compensation in relation to the acquisition of blighted land.

The Bill is a largely technical one with the greater part consisting of detailed schedules itemising the proposed works.

⁶⁰ Department of Transport press notice 24.11.94 no 446

Research Paper 95/2

The Bill empowers the Secretary of State to specify by order the holder of the functions of a "nominated undertaker" under Part 1 of the Bill. The intention is that these functions should be vested in a private promoter as soon as possible after Royal Assent. A competition to select a private sector promoter is in progress and more detail about this is contained in Section I.

Although the CTRL is to be taken forward and financed by a private sector promoter, the Secretary of State will provide a substantial public sector financial contribution. According to the Explanatory and Financial Memorandum to the Bill, a significant part of this contribution will take the form of payments under Clause 31, in return for some of the capacity on the CTRL which will be used to provide domestic services. The private sector promoter will also take over significant public sector assets from BR in the form of European Passenger Services (EPS) the part of BR which runs the Channel Tunnel trains (including the Eurostar trains), Union Railways and the Waterloo International terminal. The total public sector contribution could be in the region of £1.7 billion (see Section I).

An outline map of the proposed route of the CTRL is contained in Section I page

Part 1 of the Bill

Clauses 1- 38 and Schedules 1 to 10 contain the provisions for :

- 1) Construction maintenance and operation of the CTRL and associated works by the nominated undertaker including the compulsory acquisition of land and rights, and planning permission (Clauses 1-11 and Schedules 1-6):

Clause 1 to 3 provide for construction as per the deposited plans which are available for inspection in the Private Bill Office of the House. Clause 4 provides for compulsory purchase of the land within the limits shown on the deposited plans and Clause 5 for the acquisition of land outside the limits shown on the deposited plans according to the powers under the Acquisition of Land Act 1981 and Part I of the Compulsory Purchase Act 1965. Approximately 850 acres of agricultural land, most of it in Kent, will be taken⁶¹. About 650 acres of this are classified as best and most versatile land. About 60 residential dwellings will have to be demolished over the whole route⁶², and another 70 will lose part of their land permanently for the construction of the CTRL.

Clause 6 allows for the temporary possession and use of land for the purposes of this Bill and Clause 7 allows for the extinguishment of private rights of way over land required for construction and for the compensation of persons who suffer loss through the extinguishment of such rights of way. Clause 8 provides for the extinguishment of the rights of way of statutory undertakers under sections 271 to 273 of the *Town And Country Planning Act 1990*.

⁶¹ Department of Transport press notice no 440

⁶² Parliamentary Brief by Union Railways November 1994

Research Paper 95/2

Clause 9 and Schedule 6 provide for deemed planning permission to be granted for the works subject to the development's being carried out in accordance with detailed plans and specifications approved by the local planning authority and Clause 10 sets a time limit on the planning permission of ten years or longer if specified by the Secretary of State by order. Clause 11 provides for the Secretary of State for Transport and the Secretary of State for Environment acting jointly to make an order allowing fees to be paid to the authority to which a planning application is made. Such an order would be subject to negative resolution in either House.

'Safeguarding' is the definition of an area in which the government believes that it would be wrong to allow development which would conflict with the construction of the railway. safeguarding for the CTRL is in two categories reflecting surface and subsurface interests.

Within the surface safeguarded zone, safeguarding triggers a voluntary purchase scheme, in which Union Railways (URL) offers to buy residential owner-occupied property at a price which is not affected by the intention to construct the project. Outside the safeguarded zone, there is no automatic offer to buy property. But URL will offer to purchase in those cases where it is predicted that the property will be seriously affected (particularly if, after the railway opens, it will suffer noise impacts above the government's proposed trigger point for sound insulation) and where the owner is suffering personal hardship.

2) Dealing with heritage issues (Clause 12 and Schedule 7):

Clause 12 introduces schedule 7 which will allow for the lifting on controls on demolition of listed buildings and of buildings in conservation areas named in the Schedule. 21 listed buildings and 14 other buildings of historic interest in conservation areas will be wholly or partly demolished.

3) Authorising the nominated undertaker to operate the for the carriage of passengers and goods (Clause 13) and to allow the nominated undertaker to make bye-laws in the same way as other railway operators (Clause 14).

4) Establishing the regulatory regime for the CTRL (Clauses 15-21 and Schedule 8):

Clauses 15 to 18 modify some of the provisions of the *Railways Act 1993* in relation to the CTRL, in particular the licensing regime, access agreements, closure provisions and railway administration orders. Clause 19 and Schedule 8 deal with the application of other railway legislation to the CTRL. Clauses 20 and 21 disapply the functions of the Rail Regulator as laid down in section 67 of the Railways Act 1993 to the CTRL Section 67 of the Railways Act allows the Rail Regulator to exercise the functions of the Director General of Fair Trading's consumer protection functions in respect of other rail operations.

5) Competition (Clauses 22-25):

Clause 22 exempts development agreements from the *Restrictive Trade Practices Act 1976* and empowers the Secretary of State to provide by order for the exemption of certain other agreements relating to the CTRL. The Development Agreement is the principal contract between the government and the nominated undertaker and will constitute a Public Works Concession Contract within the meaning of the Public Works Contract Regulations 1991⁶³ which correspond with Council Directive 93/37/EEC. Clause 23 modifies the operation of the monopoly provisions of the *Fair Trading Act 1973* and and Clause 24 the monopoly provisions of the *Competition Act 1980*.

6) Trees and noise (Clauses 26-29):

These clauses allow the disapplication of certain controls under section 198(1) of the *Town and Country Planning Act 1990* (tree preservation orders), and sections 60 and 61 of the *Control of Pollution Act 1974* (control of noise on construction sites and prior consent for work on construction sites).

A Code of Construction Practice will govern the promoter of the railway and its contractors. It will be developed in consultation with the local authorities on the route with the intention of ensuring satisfactory environmental protection during the construction of the CTRL. The Code will cover the movement of construction materials and equipment from construction sites; handling and disposal of excavated material; safe handling of waste and hazardous material; control of noise, dust and vibration; protection of natural resources, hours of work on site and restoration after construction.

7) Financial assistance to the nominated undertaker (Clauses 30-31):

Clause 30 allows the Secretary of State to give such financial assistance as he thinks fit to the nominated undertaker for the construction work authorised by the Bill. Clause 31 empowers the Secretary of State to make payments to the nominated undertaker in return for the rights to use some of the capacity on the CTRL. These are payments for domestic services between Kent and London particularly in the peak periods. The pre-qualification document⁶⁴ specifies that the promoter will be required to provide a substantial amount of track capacity for this purpose.

Up to 12 services an hour in each direction could use the CTRL⁶⁵ joining it at junctions near Ashford and near Northfleet and from a parkway station at Ebbsfleet. 25,000 commuters travel from the Medway Towns and north east Kent into London each working day. The sample time reductions which could be offered by the CTRL include Dover to London in 1 hour 10

⁶³ SI No 2680

⁶⁴ Department of Transport, "Information and Prequalification Requirements for Prospective Tenderers" March 1994

⁶⁵ Union Railways, "The Channel Tunnel Rail Link Bill : Parliamentary Brief "

Research Paper 95/2

minutes rather than 1 hour 50 minutes, Ashford to London in 40 minutes rather than 70 and Gravesend to London in 20 minutes rather than 50 minutes.

The Secretary of State intends to hold a competition in due course for the right to operate domestic services using this capacity. The promoter will be able to take part in this competition.

8) Miscellaneous and general (Clauses 32-38 and Schedules 9 and 10):

The remaining clauses make the following provisions as set out in the Explanatory and Financial memorandum to the Bill.

Clause 32 empowers the Secretary of State to specify by order the holder of the functions of a nominated undertaker under the Bill, and provides that where there is no nominated undertaker so specified for any provision of the Bill, the Secretary of State shall be deemed to be the nominated undertaker.

Clause 33 makes provision in relation to compensation for injurious affection, modifying the application of section 10 of the Compulsory Purchase Act 1965.

Clause 34 provides a procedure for co-operation in relation to matters affecting the CTRL and non-CTRL railway assets.

Clause 35 introduces *Schedule 9*, which disapplies or modifies miscellaneous controls for purposes connected with Part I.

Clause 36 and *Schedule 10* make provision in relation to burial grounds, and the removal of remains and monuments.

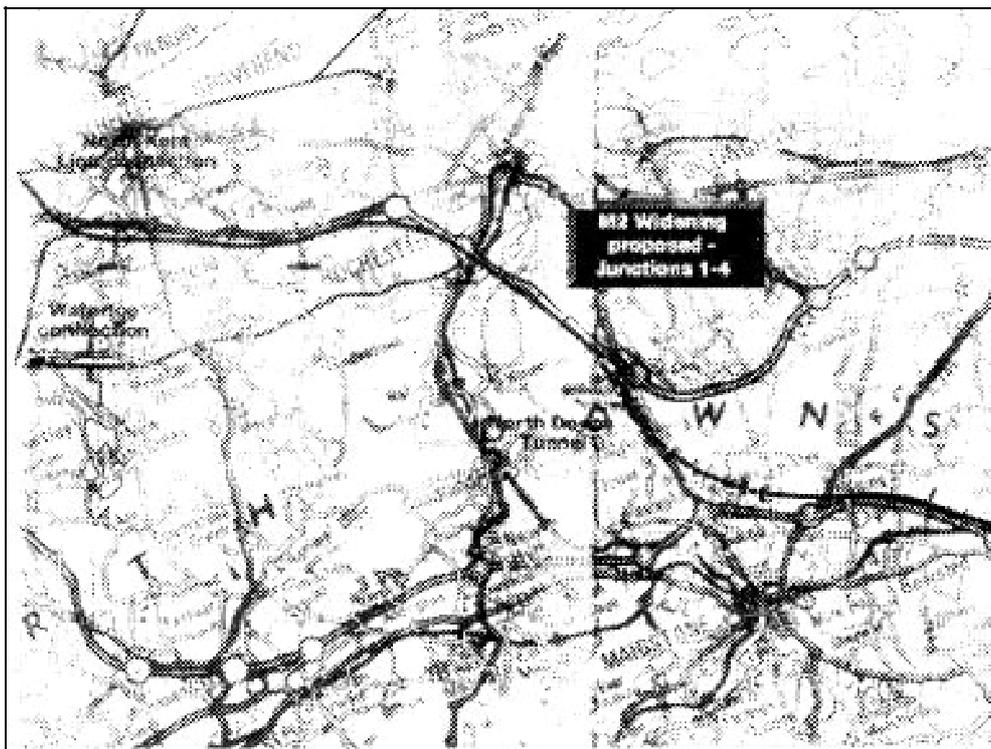
Clause 37 disapplies, in relation to leases granted by the Secretary of State in pursuance of a development agreement, certain provisions of landlord and tenant law.

Clause 38 deals with arbitration under Part I of the Bill, and empowers the Secretary of State for the Environment and the Secretary of State for Transport, acting jointly, to make rules about procedure.

Part II of the Bill

Clauses 39-41 and Schedules 11 and 12 contain the provisions for the widening of the A2 at Cobham and the M2 between Junctions 1 and 4 on the outskirts of the Medway towns:

The location of this widening scheme is shown on the map below:



Public consultation was held in April 1993 and an exhibition of the current proposals was held in June 1994. The route for the CTRL runs in close proximity to the M2 in the vicinity of the Medway Towns. The inclusion of the two schemes in the same Bill enables their environmental effects to be considered together. There is a separate environmental statement for the M2 widening but environmental statements for both the M2 and the CTRL contain an annex which assess their combined environmental effects. Organisations, groups and individuals whose interests are affected by the M2 widening also have a right to petition against the Bill.

Clause 39 authorises the Secretary of State to construct the A2 and M2 improvement works specified in Part I of Schedule 11. The lines and situations of the works are shown on the deposited plans. Part II of Schedule 11 makes provision in respect of the interference with highways and means of access. Part III of Schedule 11 covers miscellaneous provisions,

including dealing with the status of new highways, operations and works, and the regulation of traffic on new roads.

Clause 40 authorise the compulsory purchase by the Secretary of State of the land required for the works, including land required for certain purposes specified in Schedule 12, under the provisions of the *Compulsory Purchase Act 1965* and Schedule 1 of the *Land Acquisition Act 1981*. The widening requires 173 acres to be taken from the edge of the Kent Downs⁶⁶. This includes the loss of 57 acres of woodland which will be mitigated by the planting of a similar amount of new woodland, planted with native broad-leaved species. A total of 36 houses will be demolished for the widening together with a number of non-residential facilities.

Clause 41 authorises the Secretary of State to provide compensation for the purchase before the Bill is enacted of land blighted because of the A2 and M2 works.

Part III of the Bill

Clauses 42-50 and Schedule 13 contain miscellaneous and general provisions as set out in Explanatory and Financial Memorandum to the Bill:

Clause 42 sets out the time within which powers of compulsory acquisition may be exercised.

Clause 43 empowers the Secretary of State to acquire by agreement land by reference to the combined effects of the CTRL and the A2 and M2 improvement works.

Clause 44 makes provision in respect of procedure in connection with the making of noise insulation regulations under section 20 of the Land Compensation Act 1973.

Clause 45 makes provision as to overhead lines.

Clause 46 introduces *Schedule 13*, which provides for the protection of interests. Part I of the Schedule deals with protection for highways and traffic. Part II deals with protection for electricity, gas, water, and sewerage undertakers. Part III deals

⁶⁶ Department of Transport press notice no 440

with protection for the National Rivers Authority.

Clause 47 provides a procedure for the correction of errors in the deposited plans and the book of reference.

Clause 48 deals with the service of notices under the Bill.

Clause 49 provides that the Secretary of State's expenses arising from the Bill shall be paid out of money provided by Parliament.

Clause 50 makes provision for interpretation of the Bill.

In relation to Clause 44 noise mitigation measures are expected to provide benefits for most properties close to the route, although noise levels at some will increase slightly.

The government is hoping that the Bill will take between 16 and 20 months for the Bill to pass through Parliament. This will depend on the length of time taken to consider petitions. On the basis of Royal Assent in 1996, the construction work could begin in early in 1997 and be completed in 2002.

B. The Route of the CTRL

This section of the paper provides a map of the route of the CTRL⁶⁷ followed by details of the safeguarded route⁶⁸.

⁶⁷ Union Railways "channel tunnel rail link : environmental statement,non-technical summary", November 1994

⁶⁸ Department of Transport "Channel Tunnel Rail Link:Statement on Ministerial Decisions in the Route Selection Process", September 1994





Research Paper 95/2

Route description

St. Pancras

The London terminus of the rail link at St. Pancras will contain six international and three domestic platforms dedicated to the rail link. The existing Midland Main Line services will be accommodated within the new terminus at St. Pancras on four other platforms. Links to both the East and West Coast Main Lines will also be provided.

The advance works for the new St. Pancras Thameslink station will be located on the existing Thameslink alignment beneath Midland Road. A sub-surface rail connection would allow Great Northern Suburban Line services to run onto Thameslink.

St. Pancras to Dagenham

A grade-separated approach to St. Pancras is to be provided on the rail link, with one of the railway lines leaving the Kings Cross Railway Lands in bored tunnel, the other crossing the railway lands on embankment and viaduct before passing over the East Coast Main Line, and using a section of cut-and-cover tunnel to pass under the Caledonian Road before entering bored tunnel. From a point east of the Caledonian Road the route runs in twin bored tunnels through Islington, along the broad alignment of the North London Line, towards Stratford.

The route crosses the railway lands at Stratford to the north of the existing station. At this point it will come nearer to the surface to allow an open concrete box to be built to accommodate an emergency crossover, and advance works for a connection to a possible berthing and servicing depot at Temple Mills.

Heading east from Stratford, the route continues in tunnel to a portal immediately to the south of the existing Barking station. The route then runs on the surface to Ripple Lane, replacing two lightly used tracks on the existing four-track alignment of the Tilbury Loop of the London Tilbury and Southend (LT&S) Line. Here a flyover is to be provided to allow freight to join and leave the rail link.

Dagenham to A2 at Dartford/Gravesham Boundary

The route runs to the south of the LT&S past Rainham, with the centrelines of the rail link and the LT&S being 30 metres apart as they run past the main Rainham residential area to the east of Ferry Lane. The route then continues to the south of the existing railway with 20 metres between centrelines, crossing the edge of Rainham, Wennington and Aveley Marshes. It runs on viaduct past the housing estate at Mardyke Park, crossing the LT&S and running immediately to the south of the Purfleet Bypass.

The LT&S is crossed again, and then the A282 section of the M25 London Orbital Route is traversed by passing over the Dartford tunnel exit ramps and under the Queen Elizabeth II Bridge viaduct. The Thames is to be crossed by bored tunnel beginning before West Thurrock Marshes.

The route emerges from tunnel on the Swanscombe Marshes and runs through the Kent Kraft Industrial Estate. The route then passes along the valley of the River Ebbsfleet. Here a junction is to be provided with the railway line from Gravesend and the Medway Towns to provide access to the rail link for North Kent commuter services.

A2 at Dartford/Gravesend Boundary to Maidstone/Ashford Boundary

Near Pepper Hill the route runs under the A2 in a cut-and-cover tunnel and emerges in a deep cutting on the south side of the A2. It then runs 200-300 metres south of the A2. Here there is a grade separated junction from the rail link onto the southern section of the disused Gravesend West Branch Line. This will be reinstated as a connection with the Victoria to Chatham railway at Fawkham Junction in order to enable international passenger trains to leave the rail link and run on existing lines to Waterloo international station.

The rail link passes over the Wrotham Road (A227) on a viaduct and continues parallel to the A2 to Henshurst Road with provision made for optional freight loops. The route runs in cutting through the fringe of Ashenbank Wood before running along the northern boundary of Cobham Park. It then skirts the land required for the Kent County Council's Wainscott Northern Bypass scheme.

The route then follows the M2 corridor, running parallel but leaving room for the proposed motorway widening scheme. It crosses the Medway on a viaduct to the south of both the existing M2 viaduct and the proposed additional viaduct for the M2 widening. The route follows the M2 corridor through the Nashenden Valley, before entering a deep cutting to a tunnel portal at Bridge Wood. The bored tunnel will pass deep below the surface of Blue Bell Hill before emerging close to, and east of, the A229 Chatham to Maidstone road.

The route then runs along the foot of the North Downs, passing north of Boxley Abbey, and into a short section of cut-and-cover tunnel to the south-west of Boxley village. From there it passes to the south of Detling village and continues close to the north side of the M20.

The route continues close to the northern side of the M20 and enters a 240 metre long tunnel at Hollingbourne south of the Eythorne Street conservation area. Further east at Harrietsham the route runs in the narrow gap between the A20 and M20. It then leaves the M20 corridor to run north of Sandway where there will be a 170 metre cut-and-cover tunnel under Headcorn Road. The route then converges again with the M20, running south of Lenham Heath.

Research Paper 95/2

Maidstone/Ashford Borough Boundary to Cheriton

The route runs close to the M20 south of Charing Heath where provision is to be made for optional freight loops. From Charing Heath, the route continues on to Westwell Leacon, north of the M20, from where it heads south-east, crossing the M20 near Tut Hill, passing to the north of Ripple Wood, and crossing the A20 at Yonseas Farm. From there the route runs through woodland before entering the perimeter of the Rowcroft and Templer barracks, where the rail link would be in retained cutting as it passes the Godinton Park housing estate. The route then passes under the A28 Chart Road in cut-and-cover tunnel which continues through the Chart Road Industrial Estate. It emerges from tunnel to pass in a deep cutting through Ashford Cattle Market, affecting also two retail warehouses and a British Rail car park. From there it passes immediately to the north of the Ashford international and domestic stations before continuing eastwards on the northern side of the existing Ashford to Folkestone line to Merstham. Junctions either side of the Ashford stations would allow access to them for trains using the rail link.

From Merstham, the route runs alongside the northern side of the existing railway past the Sellindge Converter Station, then to the north of Westenhanger station and Sandling Park.

Approaching Dollands Moor, the two tracks of the rail link will diverge so that they run each side of the Freight Inspection Facility. Provision is to be made for an optional connection to the rail link for traffic from the freight yard.

III. Hybrid Bills

A hybrid Bill is a type of Public Bill which has elements of both Public and Private Bills. It is examined by the House under a mixture of the two procedures. Speaker Hylton-Foster described⁶⁹ a hybrid Bill as a 'public Bill which affects a particular private interest in a manner different from the private interests of other persons or bodies of the same category or class'. Hybrid Bills may be introduced by the Government or by a backbencher. The rationale for the hybrid Bill procedure is that if a bill involves treating some individuals differently from others in a similar position, the House should provide an opportunity for those who may be adversely affected by it to put their objections to the House through a Committee, as for a Private Bill.

Sometimes there is an element of uncertainty as to which subjects will be dealt with by the hybrid Bill procedure. Bills brought in by the Government to undertake works of national importance are generally hybrid. The Bill to authorise construction of the Channel Tunnel presented on 17 April 1986 was a hybrid Bill as was the Bill to authorise the construction of the Dartford-Thurrock crossing, presented in 1987. There was no doubt in the case of the Channel Tunnel Rail Link Bill that it would be hybrid. Bills relating to London however, have sometimes been hybrid and sometimes not.

If there is no doubt about the hybrid nature of a Government Bill the Parliamentary draughtsmen or department concerned will have ensured compliance with Standing Orders for Private Business (this relates to advertisements, drawing up of plans etc.). A hybrid Bill has an additional stage in its passage through Parliament as compared with a Public Bill. The Second Reading of a hybrid Bill is taken on the floor of the House as for a Public Bill. If the Bill is approved after the Second Reading debate, it is committed to a Select Committee normally made up partly of members chosen by the House and partly of others chosen by the Committee of Selection. If no Petitions are deposited within the time stipulated in the Order, the Bill will be recommitted to a Standing Committee or Committee of the Whole House who will then consider it in the same way as a Public Bill. If petitions are received, the Select Committee will meet and consider the Bill in very much the same way as a Private Bill Committee does. The essential difference is that the promoters do not have to establish the need for the Bill since the House has already recorded its approval of the principle of the Bill at Second Reading.

Petitions against hybrid Bills have to be deposited within a time stipulated in the Order to the Bill made at the time of Second Reading. This time limit is usually three to four weeks disregarding recesses. The Order also stipulates whether petitions have to be deposited in the Private Bill Office.

If the Order does not say, such petitions are petitions to the House as a whole and must conform with the rules established by the House for submission of public petitions generally.

⁶⁹ Quoted in Library Factsheet No 35, May 1994

Research Paper 95/2

If the status of the petitioner, called the 'locus standi', is challenged by the promoter of a Bill, the Selection Committee itself determines who may be heard on what parts of the Bill.

The petitioners make their case, calling witnesses if necessary, and the promoters answer the case with or without evidence. Witnesses are usually examined on oath. When the opponents of the Bill have completed their case and the promoters have replied, the committee examines the Clauses of the Bill and reports to the House with or without amendment. The Bill, once reported, is normally re-committed to a Committee of the Whole House or to a Standing Committee. Report Stage and Third Reading take the same form as all other Public Bills and normally take place on the same day. The Bill is then sent to the House of Lords, assuming it was introduced first into the House of Commons.

The Bill is subjected to the same procedural stages as in the House of Commons. As in that House amendments can be made at Report Stage but in the House of Lords, amendments can also be made at Third reading which is taken on a separate day. After Third Reading in the Lords, the Bill is referred back to the House of Commons for consideration of the amendments made in the Lords. Once a text has been agreed by both Houses, hybrid Bills receive Royal Assent in the same way as Public Bills and are numbered in the Public and General Acts Series.

As with Private Bills the House can consider motions to suspend hybrid Bills from one session to another. After the dissolution of Parliament, motions can be considered to allow hybrid Bills to recommence at the point they had reached before the Election. The latter occurred with the Dartford-Thurrock Crossing Bill which had its first reading in the last Parliament on 1 April 1987⁷⁰. A motion to suspend proceedings on the Bill until the next session of Parliament was approved on 13 May 1987⁷¹. The Bill was then presented to the House again on 26 June 1987⁷² after the general election. Motions of these kinds can be opposed and negatived; in which case the Bill falls or has to start again.

For the passage of the Channel Tunnel Rail Link hybrid Bill the Department of Transport has produced a guide to the parliamentary procedure⁷³. This lists examples of persons who may expect to be heard by a Select Committee on a petition against the Bill:

- persons whose land or house would or might be acquired for the purpose of the works proposed in the Bill;
- persons whose house would be alongside the high speed railway;

⁷⁰ HC Deb 1.4.87 c1118

⁷¹ HC Deb 13.5.87 c390

⁷² HC Deb 26.6.87 c156

⁷³ "A guide to Parliament's consideration of the Channel Tunnel Rail Link Bill" , November 1994

- persons whose business may be disturbed or otherwise adversely affected by the proposed works;
- groups representing such persons;
- groups concerned by the effects of the scheme on the local environment;
- local authorities.

Recent papers on related subjects have been:

Transport

- 94/118 Motorcycles: EC Type Approval
- 94/75 Safety of School Transport
- 93/97 Motorway tolls and urban road pricing
- 93/96 The Railways Bill 1992-93
- 93/11 British Rail & the Railways
Bill 1992/93