



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Wednesday 9 March 2016**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: 14, NC18-NC19*

### CONSIDERATION OF BILL (REPORT STAGE)

## HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL, AS AMENDED

#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.**

#### NEW CLAUSES

Mrs Cheryl Gillan

NC1

☆ To move the following Clause—

**“Reimbursement of local authorities for expenses and lost business rate revenue resulting from HS2**

- (1) The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct an assessment of costs incurred by local authorities that arise directly and indirectly from the construction and future operation of HS2, including staff costs, and shall ensure that such additional funding as is required to reimburse local authorities for those costs is made available.
- (2) To the extent that such additional funding is not made available through service level agreements, the Secretary of State for Transport shall make the additional

### High Speed Rail (London - West Midlands) Bill, *continued*

funding available through other means of local authority funding within six months of the end of the relevant financial year.

- (3) The Secretary of State for Communities and Local Government shall appoint an independent auditor to assess the extent of any shortfall in local authority revenue attributable to closure of or movement of businesses and consequential diminution in business rates.
- (4) The Secretary of State for Transport shall establish a mechanism whereby any such shortfall shall be made good within six months of the end of the relevant financial year.”

***Member’s explanatory statement***

*This new clause is intended to give statutory enforceability to the Department for Transport’s intention to reimburse local authorities for costs consequential on the construction of HS2, and to ensure that there is compensation for lost business rate revenue.*

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Mrs Cheryl Gillan

NC2

- ☆ To move the following Clause—

**“Reimbursement of local authorities for damage to highways resulting from HS2 construction**

The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct six-monthly assessments of the amounts required to repair and make good highways in each county following construction of HS2 Phase One, and shall ensure that such additional funding as is required to meet those amounts is made available to local authorities.”

***Member’s explanatory statement***

*This new clause is intended to give statutory enforceability to the Department for Transport’s intention to reimburse local authorities for highways repair costs consequential on the construction of HS2.*

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Mrs Cheryl Gillan

NC3

- ☆ To move the following Clause—

**“Amount of funds allocated to the Business and Local Economy Fund and Community and Environments Fund**

The Secretary of State for Transport shall allocate a sum of £150,000,000 to the funds established to support business and local economy and community and environment initiatives to mitigate and address the effects of HS2 construction.”

***Member’s explanatory statement***

*This new clause is intended to increase the amounts allocated by the Department for Transport to the Business and Local Economy Fund and the Community and Environment Fund from £30m to £150m.*

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High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

NC4

☆ To move the following Clause—

**“Compensation procedures**

- (1) The Secretary of State for Transport shall ensure that included within contested valuation procedures for claimants under statutory or discretionary HS2 compensation schemes are processes for valuation by a valuer with knowledge of local markets.
- (2) The Secretary of State shall ensure that all compensation applications are acknowledged within a period of two weeks and responded to substantively within a period of ten weeks, failing which the application will be deemed accepted.”

***Member’s explanatory statement***

*This new clause is intended to insert procedures for valuation by local valuers in disputed compensation cases, and to seek to ensure timely responses to compensation applications.*

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Mrs Cheryl Gillan

NC5

☆ To move the following Clause—

**“Speed limitation**

- (1) No person shall drive or cause or permit any train to proceed at a speed greater than 300 kph on track forming part of Phase One of High Speed 2.
  - (2) If any person fails to comply with the requirements of subsection 1 he shall be guilty of an offence.
  - (3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
  - (4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”
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**High Speed Rail (London - West Midlands) Bill, *continued***

Mrs Cheryl Gillan

NC6

☆ To move the following Clause—

**“Chilterns AONB Review Group**

- (1) A Chilterns Area of Outstanding Natural Beauty Review Group shall be established.
- (2) The members of the group shall include Buckinghamshire County Council, Chilterns District Council, Wycombe District Council, Aylesbury Vale District Council, the Chilterns Conservation Board, Natural England, key community groups and the nominated undertaker.
- (3) The purpose of the group shall be to identify measures for environmental enhancement in the Chilterns to mitigate against the impact of HS2 railway construction.
- (4) The group shall elect a Chair, who shall not be an employee of the nominated undertaker.
- (5) The group shall receive such funds from the Secretary of State as it considers necessary to perform its functions expeditiously and efficiently.
- (6) The group shall make a twice yearly report with recommendations.
- (7) In the event that the Secretary of State does not accept any recommendation of the group, they shall make a statement to the House within three months of the date of the report, indicating reasons.”

***Member’s explanatory statement***

*This new clause is intended to give statutory backing to the establishment and powers of the Chilterns AONB Review Group.*

Mrs Cheryl Gillan

NC7

☆ To move the following Clause—

**“Obligation to plant trees**

- (1) The nominated undertaker must publish plans to plant the Referenced Trees within the Construction Period and make arrangements for their maintenance for a period of 10 years from the commencement of services on Phase 1 of HS2.
- (2) The nominated undertaker must provide an annual report to Parliament which shall specify—
  - (a) the progress made on planting of the Referenced Trees,
  - (b) the number and species of trees planted since the publication of the previous report,
  - (c) the position of the trees, groups of trees or woodlands, as the case may be, by reference to a map,
  - (d) the adequacy of arrangements to manage Referenced Trees which have been planted previously.

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**High Speed Rail (London - West Midlands) Bill, *continued***

- (3) In subsections (1) and (2) “Referenced Trees” shall mean the trees planted to meet the commitment of two million additional trees to be situated adjacent to Phase 1 of HS2 as set out in the environmental statement referenced in Clause 66(4). In subsection (1) Construction Period shall mean the period between commencement of the Scheduled Works and the commencement of operational service on Phase One of High Speed 2.”

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Mrs Cheryl Gillan

NC8

- ☆ To move the following Clause—

**“Office of the HS2 Adjudicator**

- (1) There is to be a body corporate known as the Office of the HS2 Adjudicator hereinafter referred to as “the Adjudicator”.
- (2) Schedule [*Adjudicator: status and funding*] (which makes further provision about the Adjudicator) shall have effect.
- (3) The Adjudicator has the functions conferred on it by or under any enactment.
- (4) Those functions include—
  - (a) enforced functions
  - (b) inspection functions,
  - (c) information functions.
- (5) The main objective of the Adjudicator in performing its functions is to protect the natural environment and communities impacted by the construction and operation of Phase 1 of High Speed 2.
- (6) The Adjudicator is to perform its functions for the general purpose of securing—
  - (a) the minimisation of adverse impacts on communities and the natural environment situated in locations affected by the construction or operation of Phase 1 of HS2,
  - (b) the provision of additional mitigation measures in the event the environmental impacts of the operation of HS2 are worse than as set out in the environmental statement prepared in accordance with section 66(4).”

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Mrs Cheryl Gillan

NC9

- ☆ To move the following Clause—

**“Matters to which the Adjudicator must have regard**

- (1) In performing its functions the Adjudicator must have regard to—
  - (a) the views expressed by or on behalf of the members of the public or organisations about the environmental impacts of constructing Phase One of HS2,
  - (b) the views expressed by people affected by the construction and operation of Phase One of HS2,

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**High Speed Rail (London - West Midlands) Bill, *continued***

- (c) the views expressed by local authorities about the impact of constructing and operating Phase One of HS2 in their areas,
  - (d) the need to protect the natural environment and minimise environmental impacts arising from the construction and operation of Phase One of HS2,
  - (e) the need to ensure that any action by the Adjudicator in relation to its areas of responsibility is proportionate to the risks against which it would afford safeguards and is targeted only where it is needed,
  - (f) any developments in approaches to monitoring and mitigating environmental impacts arising from the construction or operation of Phase One of HS2,
  - (g) best practice among persons performing functions comparable to those of the Adjudicator (including the principles under which regulatory action should be transparent, accountable and consistent).
- (2) In performing its functions the Adjudicator must also have regard to such aspects of government policy as the Secretary of State may direct.”
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Mrs Cheryl Gillan

NC10

☆ To move the following Clause—

**“Statement on stakeholder involvement**

- (1) The Adjudicator must publish a statement describing how it proposes to—
    - (a) discharge its oversight requirements to ensure environmental outcomes reflect the forecasts set out in the environmental statement referenced in section 66(4),
    - (b) promote engagement and discussion with the nominated undertaker and impacted communities concerning adequate levels of mitigation,
    - (c) ensure that proper regard is had to views expressed by non-government organisations and local authorities concerning the environmental impacts arising from the construction and operation of Phase One of High Speed 2,
    - (d) arrange for accurate regular reporting of environmental impacts arising from the construction of the scheduled works and operation of Phase One of High Speed 2.
  - (2) The Adjudicator may from time to time revise the statement and must publish any revised statement.
  - (3) Before publishing the statement (or any revised) statement the Adjudicator must consult such persons it considers appropriate.”
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High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

NC11

☆ To move the following Clause—

**“Compliance with requirements**

- (1) The Adjudicator will keep under review compliance by HS2 Ltd, the nominated undertaker and its contractors with the standards detailed in the environmental statement, Environmental Minimum Requirements and the Code of Construction Practice and the assurances and undertakings provided by the Secretary of State on HS2 and Information Papers prepared by HS2 Ltd (collectively the “environmental documents”).
- (2) If it appears to the Adjudicator that any person has failed or is likely to fail to comply with any requirements for which he is responsible set out in the environmental documents relating to the construction or operation of Phase One of High Speed 2, the Adjudicator (hereinafter referred to in this section as the “relevant requirements”) may address to that person an enforcement notice.
- (3) An enforcement notice comes into effect 36 hours after it is published on the website of the Adjudicator.
- (4) The Adjudicator must also transmit an electronic version to HS2 Ltd, any nominated undertaker or contractor to the aforementioned, or local authority who has supplied to the Adjudicator an email address for this purpose.
- (5) An enforcement notice must also be placed on a hard copy register maintained at such a location as the Adjudicator may determine.
- (6) An enforcement notice is a notice in writing—
  - (a) specifying the matters which appears to the Adjudicator to constitute a failure to comply with the relevant requirements set out in the environmental documents, and
  - (b) prohibiting the recurrence or occurrence of those matters and requiring the person to whom it is addressed to carry out any specified works or take any steps which the Adjudicator considers necessary to ensure compliance with the relevant requirements detailed in the environmental documents.
- (7) Where any person suffers loss or damage as a result of any matter specified in an enforcement notice, whether that loss or damage occurs before or after the service of the enforcement notice, he may recover damages for that loss or damage in a civil court from the person on whom the enforcement notice was served
- (8) It shall be a defence to any claim under subsection (7) above to prove that the matters alleged to constitute non compliance have not occurred or that they do not constitute non compliance with the relevant requirements
- (9) If any person fails to comply with the requirements of an enforcement notice he shall be guilty of an offence.
- (10) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
- (11) It shall be a defence to any criminal proceedings under subsection (9) claim to prove that—
  - (a) the matters alleged to constitute non compliance have not occurred,
  - (b) that they do not constitute non compliance with the relevant requirements or that any required works or steps were not necessary to achieve compliance with the relevant requirements or
  - (c) that despite due diligence he was unaware of the provision of the notice.
- (12) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have

**High Speed Rail (London - West Midlands) Bill, *continued***

been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

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Mrs Cheryl Gillan

NC12

☆ To move the following Clause—

**“Inspections and studies**

- (1) The Adjudicator may for the purposes of its regulatory functions carry out inspections of—
    - (a) the carrying on of the Scheduled Works, or
    - (b) the operation of any train travelling on Phase One of HS2.
  - (2) The Adjudicator may undertake or promote comparative or other studies designed to enable it to make recommendations—
    - (a) for improving sustainability and effectiveness in any activity mentioned in subsection (3), or
    - (b) for improving the management of environmental outcomes arising from the operation of Phase One of HS2.
  - (3) Those activities are—
    - (a) the undertaking of construction activity by HS2 Ltd or a nominated undertaker,
    - (b) the making of arrangements by HS2 Ltd or a nominated undertaker for the purpose of environmental mitigation.
  - (4) The Adjudicator may also undertake or promote studies designed to enable it to prepare reports as to the impact of—
    - (a) the operation of any particular statutory provisions, or
    - (b) any directions or guidance given by a Minister of the Crown (whether pursuant to any such provisions or otherwise),
 on economy, efficiency and effectiveness in an activity mentioned in subsection (3)(a) or (b).
  - (5) The Adjudicator must undertake or promote a study falling within subsection (2) or (4) if the Secretary of State so requests.
  - (6) The Adjudicator must publish—
    - (a) any recommendations made by it under subsection (2) and
    - (b) the result of any studies undertaken or promoted under that section.
  - (7) The Secretary of State may, after consulting the Adjudicator, by regulations make provisions as to the procedure to be followed in respect of the making of representatives to the Adjudicator before the publication under subsection (2) of any recommendations or the result of any studies.”
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High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

NC13

☆ To move the following Clause—

**“Power to require documents, information returns etc.**

- (1) The Adjudicator may require any person mentioned in subsection (2) to provide it with any information, documents, records or other items which the Adjudicator considers it necessary or expedient to have for the purposes of any of its regulatory functions.
- (2) The persons are—
  - (a) HS2 Limited,
  - (b) a nominated undertaker,
  - (c) any contractor appointed by HS2 Limited or a nominated undertaker.
- (3) The power in subsection (1) to require the provision of information, documents or records includes, in relation to information, documents or records kept by means of a computer, power to require the provision of the information, documents or records in legible form.
- (4) The Adjudicator may require a nominated undertaker to make a return to the Adjudicator at such intervals as may be prescribed.
- (5) Provision may be made in such requirements as to the contents of the return and the period in respect of which and date by which it is to be made.”

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Mrs Cheryl Gillan

NC14

☆ To move the following Clause—

**“Information and advice**

- (1) The Adjudicator must keep the Secretary of State informed about the following matters—
    - (a) the environmental impact of constructing Phase 1 of HS2 and whether such impacts reflect the forecasts detailed in the Environmental Statement;
    - (b) the impact on communities and the natural environment arising from the construction and operation of HS2;
    - (c) the carrying on of regulated activities.
  - (2) The Adjudicator may at any time give the Secretary of State advice on anything connected with those matters.
  - (3) When requested to do so by the Secretary of State, the Adjudicator must give the Secretary of State such advice or information in connection with a matter mentioned in subsection (1) as may be specified in the request.”
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**High Speed Rail (London - West Midlands) Bill, *continued***

Mrs Cheryl Gillan

NC15

☆ To move the following Clause—

**“Provision of copies of registers**

- (1) Subject to subsection (3), the Adjudicator must secure that copies of any register kept for the purposes of this Act are available at its offices for inspection at all reasonable times by any person.
  - (2) Subject to subsections (3) and (4), any person who asks the Adjudicator for a copy of, or an extract from, a register kept for the purposes of this Chapter is entitled to have one.
  - (3) Regulations may provide that subsections (1) and (2) do not apply—
    - (a) in such circumstances as may be prescribed, or
    - (b) to such parts of a register as may be prescribed.
  - (4) A fee determined by the Adjudicator is payable for the copy or extract except—
    - (a) in prescribed circumstances, or
    - (b) in any case where the Adjudicator considers it appropriate to provide the copy or extract free of charge.”
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Mrs Caroline Spelman

NC16

☆ To move the following Clause—

**“Speed and Noise Limitation**

- (1) No person shall drive or cause or permit any train to proceed at a speed greater than 300 km/h on track forming part of Phase One of High Speed 2 except to the extent that the maximum peak noise level arising from train passage, when measured according to a procedure defined by the Secretary of State on the basis of representative train passages and locations, does not exceed 60dBA at any point further than 200m from the centre line of the railway.
  - (2) If any person fails to comply with the requirements of subsection (1) he shall be guilty of an offence.
  - (3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
  - (4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”
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High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Caroline Spelman

NC17

☆ To move the following Clause—

**“Prohibition of entry of designated vehicles in designated areas**

- (1) No person shall for the purposes of the exercise of powers granted under sections 1 and 2 drive or cause or permit a vehicle of a designated class to enter a designated area, where “designated class” and “designated area” are as defined in [Schedule: Designated Areas and Classes for Vehicles].
- (2) If any person fails to comply with the requirements of subsection (1) he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
- (4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

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Andy McDonald

NC18

★ To move the following Clause—

**“Financial Reports**

- (1) The Secretary of State must prepare a report on expenditure under this Act in relation to each financial year.
- (2) Each report must contain details of—
  - (a) expenditure incurred during the financial year to which the report relates (with capital and resource expenditure specified separately in relation to construction and other activity under this Act and in respect of each head of expenditure referred to in section 1(4)(a) to (c) of the High Speed Rail (Preparation) Act 2013);
  - (b) the extent to which expenditure incurred during that year represents an overspend or underspend as against the budget for such expenditure for the year;
  - (c) the likely effect of any such overspend or underspend on a total budget of £50.1 billion in 2011 prices (which includes construction and the cost of rolling stock);
  - (d) total expenditure incurred under section 67 up to the end of that year;
  - (e) sums or assets received in that year in connection with expenditure incurred under this Act, including in relation to section 48.
- (3) In this section, “financial year” means—
  - (a) the period beginning with the day on which this Act is passed and ending;
  - (b) each subsequent period of 12 months.

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**High Speed Rail (London - West Midlands) Bill, *continued***

- (4) The Secretary of State must lay each report under this section before Parliament as soon as is reasonably practicable after the end of the financial year to which it relates.”
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Andy McDonald

NC19

- ★ To move the following Clause—

**“Vocational qualifications**

- (1) The Secretary of State must prepare a report on vocational qualifications obtained in each financial year in connection with HS2 construction.
- (2) Each such report must contain an account of vocational qualifications gained by individuals employed in constructing the network referred to in section 1(1), in preparing for such construction, and in connected and ancillary activities, broken down by type of qualification and activity.
- (3) Each such report must contain an overall assessment of the costs of vocational training for relevant qualifications and by whom such costs were incurred.
- (4) In this section, “financial year” means—
- (a) the period beginning with the day on which this Act is passed and ending;
  - (b) each subsequent period of 12 months.
- (5) The Secretary of State must lay each report under this section before Parliament as soon as is reasonably practicable after the end of the financial year to which it relates.”
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Mrs Cheryl Gillan

1

- ☆ Clause 1, page 1, line 4, after “1,” insert “subject to subsections 1A, 1D, 1G, 1I, 1O and 1T”

***Member’s explanatory statement***

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.*

Mrs Cheryl Gillan

2

- ☆ Clause 1, page 1, line 6, at end insert—

- “(1A) The nominated undertaker shall not exercise powers granted under section 1 to construct a surface railway route within the boundaries of The Chilterns Area of Outstanding Natural Beauty (Chilterns AONB).
- (1B) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall be built as an extension to the bored tunnel in this area, which is planned through the works specified in Schedule 1 of this Act.

**High Speed Rail (London - West Midlands) Bill, continued**

- (1C) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

**Member’s explanatory statement**

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.*

Mrs Cheryl Gillan

3

- ☆ Clause 1, page 1, line 6, at end insert—

“(1D) The nominated undertaker shall not exercise powers granted under section 1 to build a surface railway route within the boundaries of The Chilterns Area of Natural Beauty (Chilterns AONB).

(1E) To fulfil railway construction requirements for Phase One of High Speed 2 within this area, the nominated undertaker shall pursue an extension of the bored tunnel which is planned through works specified in Schedule 1, via a Transport and Works Act order as provided for in section 52 of this Act, or via such other procedure as shall ensure an opportunity for appropriate public participation and objection.

(1F) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

**Member’s explanatory statement**

*This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and require the nominated undertaker to pursue an extension of the existing bored tunnel outside of this legislation.*

Mrs Cheryl Gillan

5

- ☆ Clause 1, page 1, line 6, at end insert—

“(1I) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a cost benefit analysis of the environmental impacts of such works has been completed.

(1J) The cost benefit analysis must include, but shall not be restricted to, an assessment of the environmental impacts of Phase One of High Speed Rail 2 and connected construction works in The Chilterns Area of Outstanding Natural Beauty.

(1K) The cost benefit analysis shall be undertaken by a review panel, the membership of which must include, but shall not be restricted to, representatives from—

- (a) Buckinghamshire County Council,
- (b) Chiltern District Council,
- (c) Aylesbury Vale District Council,
- (d) Wycombe District Council,
- (e) The Chilterns Conservation Board,
- (f) Natural England,
- (g) Environment Agency,
- (h) Key community groups,
- (i) HS2 Ltd, and
- (j) The Department for Transport.

The panel shall be funded and facilitated by the nominated undertaker.

**High Speed Rail (London - West Midlands) Bill, continued**

- (1L) Within twelve weeks after the date on which this Act comes into force the Panel must report its conclusions and recommendations to the Secretary of State.
- (1M) If the Secretary of State rejects any recommendation made by the panel he must—
- (a) make publicly available the reasons for doing so, and
  - (b) demonstrate how any environmental cost that would have been addressed by the rejected recommendation will otherwise be mitigated.
- (1N) Any deviation from works specified in this Schedule required as a result of the panel's recommendations shall be pursued via a Transport and Works Act order, as provided for in section 52 of this Act, or via such other procedure as shall ensure an opportunity for appropriate public participation and objection."

**Member's explanatory statement**

*This amendment seeks to make progress of any construction works connected to Phase One of High Speed Rail 2 conditional on the completion of an environmental cost benefit analysis.*

Mrs Cheryl Gillan

6

☆ Clause 1, page 1, line 6, at end insert—

- “(1O) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a full reassessment of tunnelling methodology as applied to an extended bored tunnel under The Chilterns Area of Outstanding Natural Beauty, has been completed.
- (1P) The reassessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by the nominated undertaker.
- (1Q) Within twelve weeks of this Act coming into force, the panel must report its conclusions and any recommendations to HS2 and the Secretary of State.
- (1R) If the Secretary of State rejects any recommendation made by the panel he must—
- (a) make publicly available the reasons for doing so, and
  - (b) provide a cost benefit analysis of any alternative proposal to that recommended by the panel.
- (1S) Any deviation from works specified in this Schedule required as a result of the panel's recommendations shall be pursued through a Transport and Works Act order, as provided for in section 52 of this Act or such other procedure as shall ensure an opportunity for appropriate public participation and objection.”

**Member's explanatory statement**

*This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of a reassessment of tunnelling methodology for an extended bored tunnel under part of The Chilterns Area of Outstanding Natural Beauty.*

Mrs Cheryl Gillan

7

☆ Clause 1, page 1, line 6, at end insert—

- “(1T) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a full assessment of traffic management requirements has been completed.
- (1U) The assessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by HS2 Ltd.
- (1V) Within sixteen weeks of this Act coming into force the panel must report its conclusions to the Secretary of State. The report must include but shall not be limited to—
- (a) a full assessment of traffic management requirements consequential to any works specified in this Schedule, and

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(b) detailed proposals outlining how such requirements shall be addressed.”

***Member’s explanatory statement***

*This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of an assessment of traffic management requirements and implementation of solutions to address such requirements.*

Mrs Cheryl Gillan

8

☆ Clause 1, page 1, line 6, at end insert—

“(1A) In exercising the powers in this Bill, the nominated undertaker shall have regard to the desirability of minimising the number of gantries to be installed to provide power to the railway, in particular in areas of outstanding natural beauty designated by statute and in other areas of particularly high environmental value and sensitivity, and shall consult with local communities in designing plans for gantry installation.”

Mrs Caroline Spelman

11

☆ Clause 1, page 1, line 6, at end insert—

“(1A) The nominated undertaker shall not exercise powers granted under section 1 to construct a surface railway route between Burton Green, Warwickshire, and Mercote Hall Lane east of Hampton-in-Arden, Solihull.

(1B) Any railway constructed as part of Phase One of High Speed 2 between Burton Green, Warwickshire, and Mercote Hall Lane east of Hampton-in-Arden, Solihull, shall be built as an extension to the tunnel at Burton Green, which is planned through the works specified in Schedule 1 of this Act.”

Mrs Cheryl Gillan

14

★ Clause 1, page 1, line 6, at end insert—

“(1G) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall, between South Heath and Leather Lane, east of the A413 Aylesbury Road in Buckinghamshire, be built within bored tunnel.

(1H) The works referred to in subsection (1G) shall be pursued by means of a Transport and Works Act order or such other procedure as shall ensure an opportunity for appropriate public participation and objection.

(1I) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

***Member’s explanatory statement***

*This amendment would seek to provide partial further protection of the Chilterns AONB by extending the bored tunnel northward from South Heath for a further mile.*

Mrs Caroline Spelman

12

☆ Clause 20, page 9, line 6, at end insert—

“(1A) The deemed planning permissions in subsection (1) shall be made subject to the approval of the external appearance of the works by the relevant parish or town council,

**High Speed Rail (London - West Midlands) Bill, continued**

- (1B) The approval of the external appearance referred to in subsection (1A) shall not be withheld unreasonably, and shall be determined by the relevant parish or town council within four weeks of the submission by the nominated undertaker of full details of the external appearance of the proposed works to the proper officer of the council.”
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Mrs Cheryl Gillan

9

- ☆ Clause 31, page 13, line 30, at end insert—

“(5A) The Secretary of State shall, within one year of Royal Assent, consult on and prepare plans for the undergrounding of all overhead power lines over a height of 15m in areas of particularly high environmental value or sensitivity, and shall within one year thereafter introduce legislation or alternative regulatory measures (to the extent such measures are required) to permit such undergrounding to take place by the end of 2020.”

***Member’s explanatory statement***

*This amendment is intended to compensate for the physical effects of the railway in certain areas by removing existing obtrusive and unappealing infrastructure.*

Mrs Cheryl Gillan

10

- ☆ Clause 31, page 13, line 30, at end insert—

“(5A) The Secretary of State shall, within one year of Royal Assent, consult on and prepare plans for the undergrounding of all overhead power lines in the Chilterns Area of Outstanding Natural Beauty over a height of 15m, and shall within one year thereafter introduce legislation or alternative regulatory measures (to the extent such measures are required) to permit such undergrounding to take place by the end of 2020.

- (5B) In this section, “Chilterns Area of Outstanding Natural Beauty” shall mean the area of outstanding natural beauty in the Chilterns designated under section 82(1) of the Countryside and Rights of Way Act 2000.”

***Member’s explanatory statement***

*This amendment is intended to compensate for the physical effects of the railway in the Chilterns AONB by removing existing obtrusive and unappealing infrastructure.*

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High Speed Rail (London - West Midlands) Bill, *continued*

NEW SCHEDULES

Mrs Cheryl Gillan

NS1

☆ To move the following Schedule—

“ADJUDICATOR: STATUS AND FUNDING

- 1 The Adjudicator shall be a body corporate.
- 2 (1) Subject to sub-paragraph (3), the Adjudicator shall not be regarded as the servant or agent of the Crown or any enjoying any status immunity or privilege of the Crown.
- (2) The members of the Adjudicator and of their staff shall not be regarded as civil servants and the Adjudicator’s property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) In relation to any matter as respects which the Adjudicator act by virtue of a direction under Section 1.3 the Adjudicator shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Secretary of State for Transport.
- (4) Subject to the provisions of any enactment, the Adjudicator shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
- (5) The Adjudicator shall receive such funds from the Secretary of State as he considers that it needs to perform its functions expeditiously and efficiently.

*Membership*

- 3 (1) The Adjudicator shall consist of not less than 8 and not more than 17 members.
- (2) The members shall be appointed by the Secretary of State, who shall appoint one of them to be chairman and may appoint another of them to be deputy chairman.
- (3) In appointing any member, the Secretary of State shall have regard to the desirability of the members as a whole having knowledge or experience of all the following, namely railway construction and operation, the preservation of cultural heritage, town and country planning, ecology, arboriculture, landscape, and air quality.
- (4) In appointing members, the Secretary of State shall have regard to the desirability of at least one of them having knowledge of local government (as well as knowledge or experience of one or more of the subjects mentioned in sub-paragraph (3)).
- (5) Subject to the following provisions of this paragraph, a chairman, deputy chairman or other member shall hold and vacate office in accordance with the terms of his appointment, but no member shall be appointed for a period of more than 5 years.
- (6) A chairman, deputy chairman or member may resign his office by notice in writing addressed to the Secretary of State.
- (7) If the Secretary of State is satisfied that a member—
  - (a) has been absent from meetings of the Adjudicator for a period longer than 3 consecutive months without the consent of the Adjudicator, or
  - (b) has become bankrupt or has made an arrangement with his creditors, or
  - (c) is incapacitated by physical or mental illness, or
  - (d) is otherwise unable or unfit to discharge the functions of a member,
 the Secretary of State may remove him from his office

**High Speed Rail (London - West Midlands) Bill, *continued***

- (8) If a chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman; and if a chairman or deputy chairman ceases to be chairman or deputy chairman he shall also cease to be a member.
- (9) A person who ceases to be a member, otherwise than by virtue of sub-paragraph (7), or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.

*Staff*

- 4 (1) There shall be a chief officer of the Adjudicator who shall be appointed by the Adjudicator with the approval of the Secretary of State.
- (2) The chief officer shall be responsible to the Adjudicator for the general exercise of the Adjudicator's functions and may, subject to the directions of the Adjudicator, exercise all the powers of the Adjudicator either himself or through nominated staff members.
- (3) The Adjudicator may appoint such other employees as the Adjudicator thinks fit.
- (4) The Adjudicator shall pay to their employees such remuneration and allowances as the Adjudicator may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Adjudicator may determine.
- (6) The Adjudicator may pay such pensions, allowances or gratuities as they may determine to or in respect of any of their employees, make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any of their employees or provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of their employees.
- (7) The references in sub-paragraph (6) to pensions, allowances or gratuities to or in respect of any employees include references to pensions, allowances or gratuities by way of compensation to or in respect of employees who suffer loss of office or employment.
- (8) A determination under sub-paragraph (4), (5) or (6) is ineffective unless made with the approval of the Secretary of State given with the Treasury's consent.
- (9) The Adjudicator shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Adjudicator to each person employed in the civil service of the State whose name is notified to the Adjudicator by the Secretary of State for the purposes of this paragraph.
- (10) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (11) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Adjudicator is not employment in the service of the Crown.
- (12) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months beginning with the date on which it is made.
- (13) Where a person becomes an employee of the Adjudicator in consequence of this paragraph, then, for the purposes of his period of employment in the civil service of the State shall count as a period of employment by the Adjudicator and the change of employment shall not break the continuity of the period of employment.
- (14) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Adjudicator are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an employment tribunal.

**High Speed Rail (London - West Midlands) Bill, *continued***

- (15) An employment tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
- (16) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an employment tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an employment tribunal under this paragraph.

*Proceedings*

- 5 Subject to the following provisions of this Schedule, the Adjudicator may regulate their own procedure (including quorum).
- 6 (1) A member of the Adjudicator who is in any way directly or indirectly interested in a contract made or proposed to be made by the Adjudicator or by HS2 Limited or by any Nominated Undertaker appointed by the Secretary of State, or in any other matter which falls to be considered by the Adjudicator, shall disclose the nature of his interest at a meeting of the Adjudicator.
  - (2) The disclosure shall be recorded in the minutes of the meeting.
  - (3) A member shall not—
    - (a) where a contract in which the member is interested is under consideration, take part in the deliberations on or decision about the contract; and
    - (b) where any other matter in which the member is interested is under consideration, take part in the deliberations on or decision about the matter if the Adjudicator decide that the member's interest might prejudicially affect his consideration of the matter.
  - (4) For the purposes of this paragraph, a notice given by a member at a meeting of the Adjudicator to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his interest.
  - (5) A member need not attend in person at a meeting of the Adjudicator in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
  - (6) The validity of any proceedings of the Adjudicator shall not be affected by any vacancy among the members, or by any defect in the appointment of any person as a member or chairman or deputy chairman, or by a failure to comply with paragraph 6.

*Committees*

- 7 (1) The Adjudicator shall constitute at least one committee to advise them on ecology and at least one to advise them on compliance by HS2 Ltd with its obligations under the Environmental Statement and at least one to advise them on the efficacy of such compensation schemes which are implemented by HS2 Ltd and the Department for Transport and may constitute other committees to advise them on those or other aspects of their functions.
- (2) The Adjudicator may include as members of committees persons who are not members of the Adjudicator.

**High Speed Rail (London - West Midlands) Bill, *continued***

- (3) The Adjudicator may regulate the proceedings (including quorum) of committees.
- (4) The Adjudicator may pay to the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

*Instruments*

- 8 (1) The fixing of the seal of the Adjudicator shall be authenticated by the signature of the chairman of or some other person authorised either generally or specially by the Adjudicator to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Adjudicator, or to be signed on the Adjudicator's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

*Members Remuneration*

- 9 (1) The Adjudicator shall pay to members of the Adjudicator such remuneration and such allowances in respect of expenses as the Secretary of State may determine with the Treasury's approval.
- (2) In the case of any such member or past member of the Adjudicator as the Secretary of State may with the Treasury's approval determine, the Adjudicator shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as the Secretary of State may so determine.
- (3) Where a person ceases to be a member of the Adjudicator, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the Treasury's approval, direct the Adjudicator to make to that person a payment of such amount as the Secretary of State may determine with the Treasury's approval.

*Accounts*

- 10 (1) The Adjudicator shall keep proper accounts and proper records in relation to them.
- (2) The Adjudicator shall prepare a statement of accounts in respect of each financial year.
- (3) The statement shall give a true and fair view of the state of the Adjudicator's affairs at the end of the financial year and of the Adjudicator's income and expenditure in the financial year.
- (4) The statement shall—
  - (a) be prepared within such period as the Secretary of State may direct; and
  - (b) comply with any directions given by the Secretary of State with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (5) The accounts in respect of each financial year ending on or before 31st March 2018 (including any statement of accounts in respect of each such financial year prepared under this paragraph) shall be audited by persons appointed in respect of each financial year by the Secretary of State.

**High Speed Rail (London - West Midlands) Bill, *continued***

- (6) No person shall be appointed auditor under this paragraph unless he is—
  - (a) eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006; or
  - (b) a member of the Chartered Institute of Public Finance and Accountancy; but a firm may be so appointed if each of its members is qualified to be so appointed.
- (7) Where the Adjudicator has prepared a statement of accounts in respect of a financial year ending on or after 31st March 2016, it must, as soon as reasonably practicable after the end of the financial year to which the statement relates, send a copy of the statement to the Comptroller and Auditor General.
- (8) The Comptroller and Auditor General shall examine, certify and report on any statement of accounts sent to him under sub-paragraph (7).
- (9) In this paragraph “financial year” means the period commencing with the day of the Adjudicator’s establishment and ending with the second 31 March following that day, and each successive period of 12 months.

*Information*

- 11 (1) The Adjudicator shall make to the Secretary of State, as soon as may be practicable after the end of each financial year, a report on the exercise of their functions since the last report was made or (in the case of the first) since the Adjudicator’s establishment.
- (2) Each report shall include a copy of the statement of accounts prepared and audited under paragraph 11 in respect of the financial year and, where the statement has been audited by the Comptroller and Auditor General, a copy of his report on it.
- (3) Each report of the Adjudicator shall include a statement of action taken by the Adjudicator concerning—
  - (a) The compliance by HS2 Ltd with the commitments made in the Phase 1 Environmental Statement,
  - (b) The adequacy of the mitigation measures undertaken by HS2 Limited and any Nominated Undertaker concerning construction of the line,
  - (c) Recommendations concerning any additional mitigation measures required to ensure adequate environmental mitigation,
  - (d) The assessment of reasonable practicability undertaken by the nominated undertaker,
  - (e) The Secretary of State shall lay a copy of each report of the Adjudicator before each House of Parliament,
  - (f) As soon as may be after receiving any report made by the auditors on any accounts audited under paragraph 12 or, as the case may be, made by the Comptroller and Auditor General on any statement of accounts prepared under that paragraph, the Adjudicator shall send a copy of the report to the Secretary of State,
  - (g) The Adjudicator shall furnish the Secretary of State with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Adjudicator and shall give such explanation of them as that person or the Secretary of State may require and
  - (h) In this paragraph “financial year” has the same meaning as in paragraph 10.

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**High Speed Rail (London - West Midlands) Bill, *continued***
*House of Commons disqualification*

- 12 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place in alphabetical order—
- (2) “Any member, in receipt of remuneration, of the Adjudicator.””

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Mrs Caroline Spelman

NS2

☆ To move the following Schedule—

“DESIGNATED AREAS AND CLASSES FOR VEHICLES (SPECIFIC)

*Designated area*

The A452 road, Balsall Common, between its junction with Windmill Lane and the bridge over the Rugby and Birmingham railway.

*Designated class*

A vehicle exceeding 8 tonnes.

*Designated area*

Waste Lane, Balsall Common, between its junction with the A452 and the eastern junction with Old Waste Lane.

*Designated class*

A vehicle exceeding 8 tonnes.

*Designated area*

The Kenilworth Greenway.

*Designated class*

Any vehicle except a vehicle crossing from one side of the designated area to a point immediately opposite.”

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Mrs Caroline Spelman

NS3

☆ To move the following Schedule—

“DESIGNATED AREAS AND CLASSES FOR VEHICLES (GENERIC)

*Any designated areas*

The designated area or areas in which a designated class or designated classes of vehicles are to be expressly prohibited shall be defined by the Secretary of

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**High Speed Rail (London - West Midlands) Bill, *continued***

State after consultation with local interested parties. They shall be contained in regulations to be made by statutory instrument, which shall not be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

*Any designated class*

A vehicle exceeding 8 tonnes, unless otherwise defined in relation to a particular designated area in regulations to be issued by the Secretary of State as above.”

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Mrs Caroline Spelman

**13**

☆ Schedule 1, page 79, leave out lines 47 to 50

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 9 March 2016:*

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