

High Speed Rail (London - West Midlands) Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 1

VISCOUNT ASTOR

Insert the following new Clause—

“Benefit and cost review of a Wendover Mined Tunnel

- (1) The Secretary of State shall commission a review of the potential benefits of constructing a Mined Tunnel at Wendover, Buckinghamshire.
- (2) The review shall have regard to possible alleviation of HS2 construction and train operational noise, and to alternatives for such alleviation.
- (3) The review shall include estimates of the costs of construction of a Mined Tunnel and other relevant costs.
- (4) The Secretary of State must lay a report on the outcome of the review before both Houses of Parliament—
 - (a) within three months of this Act receiving Royal Assent; and
 - (b) before commencement of any HS2 construction works necessitating the movement of more than 24 heavy goods vehicle through Wendover per day.”

Clause 4

LORD AHMAD OF WIMBLEDON

Page 3, line 15, at end insert—

- “() In subsection (6), “the deposited book of reference” means the book deposited in November 2013 in connection with the High Speed Rail (London - West Midlands) Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.”

After Clause 34

LORD AHMAD OF WIMBLEDON

Insert the following new Clause –

“Traffic regulationSchedule (*Traffic regulation*) contains provision relating to traffic regulation.”**Clause 65**

LORD AHMAD OF WIMBLEDON

Page 32, line 17, at end insert “with 31 March 2018”

Clause 67

LORD AHMAD OF WIMBLEDON

Page 33, line 13, at end insert –

““deposited statement” has the meaning given by subsection (5);”

Page 34, line 36, leave out “subsection (4)” and insert “this Act”

Schedule 1

VISCOUNT ASTOR

Page 49, line 39, after “north-westwards” insert “in tunnel to include the proposed Wendover Mined Tunnel from Chainage 51+000”

Page 49, line 39, after “at” insert “Chainage 55+350”

Page 49, line 40, leave out “a point 240 metres”

Page 49, line 41, leave out from “includes” to end of line 43 and insert “the proposed Wendover Mined Tunnel”

Page 51, line 14, after “termination” insert “in tunnel to include the proposed Wendover Mined Tunnel to Chainage 55+350”

Schedule 14

LORD AHMAD OF WIMBLEDON

Page 316, line 7, leave out paragraph 2 and insert –

- “2 In section 7(2)(acquisition of airspace), for paragraphs (a) and (b) substitute –
- “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
 - (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);

Schedule 14 - *continued*

- (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).”
- 2A In section 8(2)(acquisition of subsoil or under-surface), for paragraphs (a) and (b) substitute –
- “(a) Schedule 2A to the Compulsory Purchase Act 1965 (counter-notice requiring purchase of land not in notice to treat);
- (b) Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (corresponding provision in case of general vesting declaration);
- (c) section 153(4A) of the Town and Country Planning Act 1990 (blighted land: proposed acquisition of part interest; material detriment test).””

Page 316, line 18, leave out from “notice”) to end of line 21 and insert “–

- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or undersurface of land, where the subsoil or undersurface lies more than 9 metres below the surface;
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land; for “3 months” substitute “1 month”, and
- (b) after “11A(4)” insert “or (6) and (7).”

Page 316, line 23, leave out from “entry:” to end of line 29 and insert “further notices of entry)–

- (a) in subsection (1)(a), after “land” insert “under that provision”,
- (b) in subsection (2), after “land” insert “under that provision, to the extent that the newly identified person is the owner, lessee or occupier of the land,”,
- (c) in subsection (4)(a), for “14 days” substitute “7 days”, and
- (d) at the end insert –
- “(5) Subsections (6) and (7) apply for the purposes of determining the period to be specified in the notice of entry under section 11(1) served on the newly identified person in a case where subsection (4) does not apply.
- (6) The period specified in the notice must be –
- (a) in a case where the notice to treat relates only to one or more of the following –
- (i) the acquisition of subsoil or under-surface of land, where the subsoil or undersurface lies more than 9 metres below the surface;
- (ii) the acquisition of airspace over land;
- (iii) an easement, restrictive covenant or other right over land;
- a period that ends no earlier than the end of the period of 7 days beginning with the day on which the notice of entry is served, and

Schedule 14 - *continued*

- (b) in any other case, a period that ends no earlier than the end of the period of 28 days beginning with the day on which the notice of entry is served.
- (7) The period specified in the notice must end no earlier than the end of the period specified in any previous notice of entry given by the acquiring authority in respect of the land.””

Page 316, line 32, leave out “, omit paragraphs 1(2) and 13(2)” and insert “–

- (a) omit paragraphs 1(2) and 14(2), and
- (b) at the end insert –

“PART 4

INTERPRETATION

- 30 In this Schedule, references to entering on and taking possession of land do not include doing so under Schedule 16 to the High Speed Rail (London - West Midlands) Act 2017 (temporary possession and use of land).””

Page 317, line 14, leave out “1” and insert “A1”

Page 318, line 17, at end insert “the whole or part of”

Page 318, leave out lines 20 to 23

Page 318, leave out lines 25 to 30

Page 318, line 32, leave out “whole of the land” and insert “house, building or factory”

Page 318, line 34, leave out “whole of the land” and insert “house, building or factory”

Page 319, line 13, leave out “whole of the land” and insert “house, building or factory”

Page 319, line 37, leave out “land to which the counter-notice relates” and insert “house, building or factory”

Page 319, line 40, leave out “land” and insert “house, building or factory”

Page 319, line 42, leave out second “the” and insert “that”

Page 319, line 44, leave out “land” and insert “house, building or factory”

Page 319, line 47, leave out “the whole of the” and insert “that”

Page 320, line 12, leave out “1” and insert “A1”

Schedule 14 - continued

Page 320, line 22, leave out “1” and insert “A1”

Schedule 17

LORD BERKELEY

Page 348, line 24, leave out paragraph (a)

After Schedule 24

LORD AHMAD OF WIMBLEDON

Insert the following new Schedule—

“TRAFFIC REGULATION

Consultation about proposed traffic regulation order

- 1 (1) This paragraph applies where—
 - (a) the traffic authority for a relevant road is a person other than the Secretary of State,
 - (b) the authority proposes to make a traffic regulation order in relation to the road, and
 - (c) it appears to the authority that provision made by the order—
 - (i) could significantly interfere with the use of the road by heavy commercial vehicles for Phase One purposes, or
 - (ii) could otherwise significantly affect the free flow of traffic on the road.
- (2) Before making the order, the authority must consult the Secretary of State (in addition to any other person the authority is required to consult under or by virtue of Part 3 of Schedule 9 to RTRA 1984).
- (3) In this paragraph—

“heavy commercial vehicle” has the same meaning as in RTRA 1984 (see section 138 of that Act);

“relevant road” means a road which falls within one or more of the following paragraphs—

 - (a) a road which is part of a route identified in a deposited statement as a construction traffic route;
 - (b) a road which is part of a route in relation to which approval has been given under paragraph 6 of Schedule 17 (routes for transportation by large goods vehicles);
 - (c) where a request for approval under paragraph 6 of Schedule 17 has been made but not determined, a road which is part of a route to which the request for approval relates;
 - (d) a road any part of which is within, or within one kilometre of, the Act limits.

Power of Secretary of State to direct traffic authority to make traffic regulation order

After Schedule 24 - continued

- 2 (1) The Secretary of State may give a direction to a traffic authority requiring the authority to make a traffic regulation order if the Secretary of State considers that such an order is necessary or expedient for Phase One purposes.
- (2) Before giving a direction under this paragraph to a traffic authority, the Secretary of State must consult the authority.
- (3) The purpose of consultation under sub-paragraph (2) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.
- (4) Paragraph 1(2) does not apply (if it otherwise would) to the making of a traffic regulation order in pursuance of a direction under this paragraph.
- (5) Where a traffic authority makes a traffic regulation order in pursuance of a direction under this paragraph (a “relevant order”), the authority may not without the Secretary of State’s consent make a further traffic regulation order which contains—
 - (a) provision varying or revoking the relevant order, or
 - (b) provision as respects any length of road for any purpose where—
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the relevant order.
- (6) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.
- 3 (1) This paragraph applies where, in pursuance of a direction under paragraph 2, a traffic authority is required to make an order under section 1, 6 or 9 of RTRA 1984.
- (2) The order is to be treated for the purposes of Part 3 and paragraph 28 of Schedule 9 to RTRA 1984, and regulations made under Part 3 of that Schedule, as if it were required to be made in pursuance of a direction under paragraph 2 of that Schedule.
- (3) The provisions mentioned in sub-paragraph (2) have effect accordingly, but as if—
 - (a) paragraph 26(1) of Schedule 9 to RTRA 1984 (which requires the Secretary of State to take account of objections) were omitted,
 - (b) for the purposes of the application of paragraph 28 of Schedule 9 to RTRA 1984 (provision about the variation or revocation of certain orders)—
 - (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 2(5) of this Schedule, and
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 2(5) of this Schedule, and
 - (c) any provision in regulations made under Part 3 of Schedule 9 to RTRA 1984 relating to the holding of a public inquiry were omitted.
- (4) Paragraph 35 of Schedule 9 to RTRA 1984 (provision for questioning validity of orders) has effect, in its application to the order, as if—

After Schedule 24 - continued

- (a) the reference in sub-paragraph (a) to the relevant powers were to those powers as they apply in the case of an order made in pursuance of a direction under paragraph 2 above, and
 - (b) the reference in sub-paragraph (b) to the relevant requirements were to those requirements as modified by sub-paragraph (3) above.
- 4 (1) This paragraph applies where, in pursuance of a direction under paragraph 2, a traffic authority is required to make an order under section 14 of RTRA 1984.
- (2) Section 15 of RTRA 1984 (duration of orders under section 14) does not apply to the order.
- (3) The order has effect for the period specified or described in the direction.
- Further powers of Secretary of State (including in relation to variation or revocation of orders)*
- 5 (1) The Secretary of State may direct a traffic authority to revoke a traffic regulation order made by the authority in pursuance of a direction under paragraph 2.
- (2) The Secretary of State may direct a traffic authority to vary a traffic regulation order made by the authority in pursuance of a direction under paragraph 2, where—
- (a) the variation is necessary or expedient for Phase One purposes, or
 - (b) the effect of the variation is to remove or relax a restriction imposed by the order on the use of any road.
- 6 (1) Where a traffic authority fails to comply with a direction under paragraph 2, the Secretary of State may make the traffic regulation order required by the direction.
- (2) Where a traffic authority fails to comply with a direction under paragraph 5, the Secretary of State may by order vary or revoke the traffic regulation order (as required by the direction).
- 7 (1) The Secretary of State may by order made by statutory instrument vary or revoke a traffic regulation order (whenever made) if the Secretary of State considers it necessary or expedient to do so for Phase One purposes.
- (2) This paragraph has effect without prejudice to the powers conferred on the Secretary of State by paragraphs 5 and 6.
- 8 (1) This paragraph applies to an order under paragraph 6 or 7.
- (2) Before making the order, the Secretary of State must give notice to the traffic authority in question.
- (3) Paragraph 4 of Schedule 9 to RTRA 1984 (reserve powers of Secretary of State, including power to recover expenses) applies to the order as it applies to an order made by virtue of paragraph 3 of that Schedule.
- (4) Parts 3 and 4 of Schedule 9 to RTRA 1984, and regulations made under paragraph 24 of that Schedule, apply to the order as they apply to an order made by virtue of the relevant paragraph of that Schedule, but as if—
- (a) any provision in the regulations relating to the holding of a public inquiry were omitted, and
 - (b) for the purposes of the application of paragraph 28 of that Schedule (provision about the variation or revocation of certain orders)—

After Schedule 24 - continued

- (i) the reference in that paragraph to Part 2 of that Schedule included a reference to paragraph 8(6) of this Schedule, and
 - (ii) any reference in that Part to paragraph 13(1)(e) and (f) of that Schedule were read instead as a reference to paragraph 8(6) of this Schedule.
- (5) For the purposes of sub-paragraph (4), “the relevant paragraph” of Schedule 9 to RTRA 1984 is—
- (a) in the case of an order under paragraph 6 of this Schedule, paragraph 3 of that Schedule, and
 - (b) in the case of an order under paragraph 7 of this Schedule, paragraph 7 of that Schedule.
- (6) Where the Secretary of State makes an order to which this paragraph applies, the relevant authority may not without the Secretary of State’s consent make a further traffic regulation order which contains—
- (a) provision varying or revoking the Secretary of State’s order, or
 - (b) provision as respects any length of road for any purpose where—
 - (i) an order has been made as respects that length of road for a similar purpose, and
 - (ii) that order has been varied or revoked by the Secretary of State’s order.
- (7) Paragraph 16 of Schedule 9 to RTRA 1984 (powers of Secretary of State where an order is submitted for consent) applies for the purposes of sub-paragraph (5) as if the further traffic regulation order had been submitted for consent under Part 2 of that Schedule.

Power to restrict traffic authority from making or implementing traffic regulation order

- 9 (1) The Secretary of State may give a direction to a traffic authority prohibiting the authority - either generally, or without the Secretary of State’s consent, or for a specified period - from making or bringing into operation a traffic regulation order (whenever made) if the Secretary of State considers that such an order could significantly interfere with the use of any road for Phase One purposes.
- (2) Before giving a direction under this paragraph to a traffic authority, the Secretary of State must consult the authority.
- (3) The purpose of consultation under sub-paragraph (2) is to ensure public safety and, so far as reasonably practicable, to reduce public inconvenience.
- (4) The power to give a direction under this paragraph includes power to vary or revoke a previous direction given under this paragraph.

Removal of vehicles

- 10 (1) An authorised person may remove a vehicle, or arrange for its removal, where conditions 1 and 2 are met.
- (2) Condition 1 is that the vehicle has been permitted to remain at rest, or has broken down and remained at rest—
- (a) on any road in contravention of a prohibition or restriction imposed by a traffic regulation order, or
 - (b) on any road which is stopped up under paragraph 2 or 6 of Schedule 4.

After Schedule 24 - continued

- (3) Condition 2 is that it appears to the authorised person that the vehicle is likely, if it is not removed –
- (a) to obstruct the carrying out of any of the works authorised by this Act, or
 - (b) to be at risk of being damaged in consequence of the doing of anything for Phase One purposes.
- (4) References in sub-paragraphs (1) and (3) to the removal of a vehicle are to its removal to another position on the road in question or to another road.
- (5) Before exercising the power under sub-paragraph (1), an authorised person must give notice to –
- (a) the local authority (as defined by section 100(5) of RTRA 1984) in whose area the vehicle is situated, and
 - (b) the chief officer of the police force in whose area the vehicle is situated.
- (6) A person removing a vehicle under or by virtue of sub-paragraph (1) may do so –
- (a) by towing or driving the vehicle, or
 - (b) in such other manner as the person thinks necessary,
- and may take such measures in relation to the vehicle as the person thinks necessary to enable its removal.
- (7) This paragraph is without prejudice to provision made by regulations under section 99 of RTRA 1984.
- (8) In this paragraph –
- “authorised person” means a person authorised by the nominated undertaker for the purposes of this paragraph;
 - “vehicle” has the same meaning as in section 99 of RTRA 1984.

Interpretation

11 In this Schedule –

“road” has the same meaning as in RTRA 1984 (see section 142(1) of that Act);

“RTRA 1984” means the Road Traffic Regulation Act 1984;

“traffic authority” has the same meaning as in RTRA 1984 (see section 121A of that Act);

“traffic regulation order” means an order section 1, 6, 9 or 14 of RTRA 1984.”

Schedule 25

LORD AHMAD OF WIMBLEDON

Page 394, line 7, leave out “or 6” and insert “6, 9 or 14”

Schedule 32

LORD AHMAD OF WIMBLEDON

Page 419, line 34, leave out “Energy and Climate Change” and insert “Business, Energy and Industrial Strategy”

Page 422, line 20, leave out “Energy and Climate Change” and insert “Business, Energy and Industrial Strategy”

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22 December 2016
