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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

First Sitting

Tuesday 1 March 2016

(Morning)

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Saturday 5 March 2016

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: Mr Christopher Chope, †Mr David Hanson

† Anderson, Mr David *(Blaydon)* (Lab)
† Ansell, Caroline *(Eastbourne)* (Con)
† Brown, Alan *(Kilmarnock and Loudoun)* (SNP)
† Burns, Sir Simon *(Chelmsford)* (Con)
† Chalk, Alex *(Cheltenham)* (Con)
† Doyle-Price, Jackie *(Thurrock)* (Con)
† Glindon, Mary *(North Tyneside)* (Lab)
† Goodwill, Mr Robert *(Minister of State, Department for Transport)*
† Howlett, Ben *(Bath)* (Con)
† Huddleston, Nigel *(Mid Worcestershire)* (Con)
† Jenkyns, Andrea *(Morley and Outwood)* (Con)
† McDonald, Andy *(Middlesbrough)* (Lab)
† McGovern, Alison *(Wirral South)* (Lab)
Mahmood, Shabana *(Birmingham, Ladywood)* (Lab)
† Nokes, Caroline *(Romsey and Southampton North)* (Con)
† Reynolds, Jonathan *(Stalybridge and Hyde)* (Lab/Co-op)
† Vickers, Martin *(Cleethorpes)* (Con)

Neil Caulfield, Joanna Welham, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 1 March 2016

(Morning)

[Mr David Hanson *in the Chair*]

High Speed Rail (London-West Midlands) Bill

9.25 am

The Chair: Good morning everyone, on this great St David's day. Before we begin, I have a few preliminary announcements. We must switch all electronic devices to silent. Tea and coffee will not be allowed during the sittings. Our first procedural consideration today is the order of consideration, and I understand that we will take both that and the sittings motion formally.

Ordered,

That the Bill be considered in the following order, namely, Clause 1, Schedule 1, Clause 2, Schedules 2 and 3, Clause 3, Schedule 4, Clause 4, Schedules 5 and 6, Clause 5, Schedules 7 to 9, Clause 6, Schedule 10, Clauses 7 and 8, Schedule 11, Clause 9, Schedule 12, Clause 10, Schedule 13, Clause 11, Schedule 14, Clause 12, Schedule 15, Clauses 13 to 15, Schedule 16, Clauses 16 to 20, Schedule 17, Clauses 21 to 25, Schedule 18, Clause 26, Schedule 19, Clause 27, Schedule 20, Clauses 28 to 32, Schedule 21, Clause 33, Schedules 22 and 23, Clause 34, Schedule 24, Clause 35, Schedule 25, Clause 36, Schedule 26, Clause 37, Schedule 27, Clauses 38 to 41, Schedule 28, Clause 42, Schedule 29, Clauses 43 to 45, Schedule 30, Clause 46, Schedule 31, Clause 47, Schedule 32, Clauses 48 to 68, new Clauses, new Schedules, remaining proceedings on the Bill.—*(Mr Goodwill.)*

Resolved,

That, if proceedings on the High Speed Rail (London - West Midlands) Bill are not completed at this day's sitting, the Committee do meet—

(a) on Tuesdays when the House is sitting at 9.25 am and 2.00 pm; and

(b) on Thursdays when the House is sitting at 11.30 am and 2.00 pm.—*(Mr Goodwill.)*

The Chair: As a general rule, my fellow Chair, Mr Chope, and I do not intend to call starred amendments that have been tabled without adequate notice. The required notice period in Public Bill Committees is three working days, so amendments should be tabled by the rise of the House on Monday for consideration on Thursday and by the rise of the House on Thursday for consideration on the following Tuesday. The selection list for today's sittings, showing how the selected amendments have been grouped for debate, is available in the room and on the website. Amendments grouped together are generally on the same issue or on similar issues.

I intend to call first the Member who has put their name to the leading amendment in a group; other Members are then free to catch my eye. Any Member may speak more than once in a single debate. At the end of a debate on a group of amendments I shall again call the Member who moved the lead amendment, and before they sit down they will need to indicate whether they wish to withdraw the amendment or seek a decision. If any Member wishes to press any other amendment in a group to a vote, they need to let me know in advance. I shall work on the assumption that the Minister wishes the Committee to reach a decision on all Government amendments.

Members, in particular those who are new to Committee, should note that decisions on amendments do not take place in the order in which the amendments are debated, but in the order in which they appear on the amendment paper. In other words, debate occurs according to the selection and grouping list, and decisions are taken when we come to the clause that the amendment affects. I shall use my discretion to decide whether to allow separate stand part debates on individual clauses and schedules, following the debates on the relevant amendments.

Clause 1

Power to construct and maintain works for Phase One of High Speed 2

Question proposed, That the clause stand part of the Bill.

The Minister of State, Department for Transport (Mr Robert Goodwill): I look forward to spending some happy days with you this week, Mr Hanson, discussing this important Bill.

Before I begin, I would like to take a short moment to set out what lies before us. The Committee sittings will enable line-by-line scrutiny of the Bill, which will pave the way for a truly transformational railway. I am delighted that we have reached that landmark, and I would like to record the Government's, and my own, sincere thanks to my hon. Friend the Member for Poole (Mr Syms) and his hybrid Bill Committee. That Select Committee sat for 17 months, examined the views expressed in almost 2,600 petitions, and heard evidence from some 1,600 petitioners. Many of the representations the Committee considered led to changes in the Bill that is before us. I look forward to the Committee sittings that lie ahead and to hearing points raised by Her Majesty's loyal Opposition.

Clause 1 concerns the power to construct and maintain works for phase 1 of High Speed 2. It authorises the nominated undertaker to construct and maintain the work specified in schedule 1 for the construction of phase 1 and other incidental works. This is a standard clause that is found in all works Bills.

Schedule 1 sets out the construction requirements for the scheduled works and provides permitted limits of deviation from the siting of works, as shown on the relevant plans. It also provides a description of the scheduled works. The permitted deviation limits have good precedents in other railways Acts, such as the Crossrail Act 2008 and the Channel Tunnel Rail Link Act 1996, and they reflect the fact that at this point the design of HS2 is, of necessity, at outline stage. Detailed design will come later and some flexibility is therefore essential. Any variation within the limits of deviation is controlled by the environmental minimum requirements.

9.30 am

Andy McDonald (Middlesbrough) (Lab): It is a huge honour to appear for the first time as a Committee Front-Bench spokesperson, and to do so under your chairmanship, Mr Hanson. I will be guided by your wisdom and expertise as we proceed.

I thank the Minister for his courtesy and civility in the run-up to the Committee. It bordered on the comradely, but perhaps that stretches a point. I would also like to acknowledge the sterling work of members of the Select Committee. The Minister spoke about the number of petitions and the work that those Members undertook. I pay particular tribute to my hon. Friends the Member for Bolton South East (Yasmin Qureshi) and the Member for Bolton North East (Mr Crausby). Both constituencies surrendered their Members for a considerable time, as did Preston to the north-west. My hon. Friend the Member for Preston (Mr Hendrick) did particularly well. I was regularly reminded of the considerable work undertaken by my good friend the hon. Member for Gateshead (Ian Mearns), who never let an opportunity pass to tell me about the work he was doing. I thank the Clerks for their advice and guidance throughout my preparation.

I support clause 1, but I should like to make some preliminary observations and comments and raise some specific questions. I am mindful of the schedule we have set ourselves and I am confident that we will be able to adhere to it. There may be a number of clauses which deal with technical matters and will not trouble the Committee, but I crave its modest indulgence in making some introductory remarks on clause 1.

The Opposition welcome the Bill and are very supportive of it. However, our support is given on the strict basis and understanding that, at every turn, the HS2 project must produce the best possible outcomes for our country and value for money for the taxpayer. The project was amended and improved during preparations on the Bill and we would like to achieve further improvements through our amendments.

Happily, the Bill has broad cross-party support, and as an undertaking, HS2 will be truly transformational for our country, not only in terms of the speed and connectivity between London and Birmingham in the first instance, but onwards with phase 2 through to Crewe and Manchester and the entire north-west, with connectivity dividends up into Scotland. The same positivity applies to the transformational effects of the expansion from Birmingham through to the east midlands and Sheffield and Leeds, with greater connectivity for the north-east beyond Leeds from bimodal trains reuniting with the east coast conventional mainline and onwards up to Edinburgh.

HS2 is not simply about connectivity and the speed of connectivity. It has been said time and time again that the principal pay-off is increased capacity. There is agreement across the House that our Victorian rail infrastructure, remarkable as it is, simply cannot cope with the incredible increases we have seen, and continue to see, in the number of passenger journeys in the UK. It is in addressing capacity demands that HS2 comes into its own.

By virtue of the availability of HS2 services, the capacity relief to the conventional lines will be considerable, but it is widely recognised that improvements and investments in our conventional lines on the one hand, and in HS2 on the other, do not present an either/or choice. Indeed, as HS2 progresses towards construction, it is equally essential that much needed investment in our conventional lines—greater electrification and other improvements right across the network—cracks on apace.

Investment in HS2 will not only address issues of capacity and the speed of journeys. The engineering, construction, employment and career opportunities that HS2 represents are colossal and provide immense opportunities for the companies and their skilled workforces and the talent pool that has developed through Crossrail. That can continue and grow, from Crossrail to HS2 phase 1 and beyond.

A great number of people will be able to look back on entire careers spent engaged in high-speed rail construction. HS2 is a wonderful opportunity for our country fully to demonstrate its capabilities. It is essential that we derive the maximum social value from this project for skills, employment and prosperity, not only in the long-term infrastructure dividends that will undoubtedly result from greater and more efficient interconnectivity between our great towns and cities, but from the construction of the infrastructure itself.

The Opposition wholly endorse and acknowledge the need to achieve a greater rebalancing of our economy, which includes the emphasis, while never neglecting London, as if we ever could or should, on growing our economy outside London and ensuring that we realise the full potential of all our country, including the terrific power and energy of the midlands, the north and beyond. The Leader of the Opposition has previously said that our aim is to

"stimulate the economy by increasing investment in new high-speed rail, creating jobs and connecting more towns and cities."

While the tracks of HS2 are geographically defined and restricted as to where they go, the benefits of HS2 have no such limitations. Workers and companies across the UK will benefit from the opportunity to bid for and secure valuable contracts, and those companies will derive huge benefits for themselves and their workforces from Land's End to John O'Groats. Indeed, I was immensely impressed at the turnout of companies in my own region in Darlington in Tees Valley a few weeks ago, and I was delighted to see such an appetite for the opportunities that HS2 presented.

While there is considerable agreement about this undertaking across the House, it is imperative that we all consider the matter with great care and consideration. The responsibility for progressing such a huge undertaking is an onerous one, and it is our duty as Her Majesty's loyal Opposition to scrutinise this Bill properly with the utmost seriousness. For those reasons, we take the view that the voices of concern and objection should continue to be given every consideration. There are undoubtedly great concerns about the environmental damage and disruption often necessarily and unavoidably caused in places of natural beauty such as the Chilterns, and we will wish to ensure that such concerns are properly and fully considered.

Although the right hon. Member for Chesham and Amersham (Mrs Gillan) has raised many concerns on behalf of her constituents and various campaign groups, it appears to me that those concerns have largely been addressed by the excellent Select Committee, as evidenced in its report and the amendments that have followed in terms of additional powers and supplementary environmental statements. I note specifically that some 60% of the rail route through the Chilterns will now be by way of tunnelling as opposed to surface track. That

[Andy McDonald]

said, perhaps the Minister might further comment on the extent to which the concerns expressed about the Chilterns have been addressed.

Perhaps the Minister will also apply his mind to the concerns raised by the Select Committee. On page 42 of its report it noted:

"Chilterns petitioners were concerned about several hydrogeological issues."

Those issues are listed: I will not read them out, save to say that they concern Wendover and the Misbourne, among others. The Committee requested that the promoter

"address the matter of hydrogeological surveying as a priority."

Perhaps the Minister will comment on the current status.

Similarly, the concerns raised by the residents of Camden in London and their local authority, Camden Borough Council, about the extensive and long-term major disruption that will be caused by the major reconfiguration of Euston station are extremely serious. In our sittings, I will test the Government on how they have responded and on what modifications they can make to ameliorate the legitimate concerns of a community that will be subjected to major disruption at its heart for many years. This is a once in a lifetime—perhaps several lifetimes—opportunity to build something of real worth and value at Euston and to leave a legacy, in architectural and community terms, of which we can be proud. We wish to explore that issue in detail during our proceedings.

In January 2009, the Labour Government established High Speed 2 Ltd to examine the case for a new high-speed line and to identify a route between London and the west midlands. Our ambition was always that the line could be extended to reach Scotland. In our view, that ambition must be sustained. There have been innumerable consultations and revisions of the plan, and on 11 March 2010 the HS2 report and supporting studies were published, together with the Government's Command Paper on high-speed rail. Government and Opposition parties have grappled with the interconnectivity with HS1 and will no doubt continue to do so, as we will with the intended linkage with Crossrail 2, especially at Euston, in the years ahead.

It would be remiss of me not to acknowledge the considerable trade union support for HS2. There are people in the trade unions who think that HS2 does not go far enough, but if phase 1 is concluded on time and on budget, it will give us the confidence to look at other high-speed services in future.

We need detailed scrutiny to ameliorate the impact on communities, both urban and rural, of this incredibly ambitious undertaking. The project and the Bill have the Opposition's support, but perhaps the Minister will be kind enough to answer my questions.

Mr Goodwill: I thank the hon. Gentleman for his tone and the constructive way in which the Opposition are approaching this matter. As he says, this project was conceived under the Labour Government, and hopefully it will be delivered under a Conservative Government. The issues that he raised are at the forefront of our concerns. The Opposition wish to secure good value for money, and the Government share that view. Indeed, the UK is getting a reputation for delivering projects on time and on budget. We need look only at the Olympics, and Crossrail—or the Elizabeth line, as I am proud to say it will now be called—which is being delivered so efficiently.

The hon. Gentleman is right to stress the importance of increasing capacity on our country's railways. Perhaps we made a mistake in calling the project High Speed 2, because that focused attention on the speed at which the trains will travel. Indeed, if we are going to build a new railway line, we might as well build one to 21st-century standards, rather than another piece of Victorian infrastructure. The success of the railway industry since privatisation has resulted in a more than doubling of the number of passengers using our network from 750 million journeys per year to more than 1.6 billion. We are particularly aware that we need to continue to invest in the conventional network. Indeed, £44 billion has been allocated to upgrade the conventional line. Unfortunately, many passengers will suffer disruption at Easter because of the works that will be carried out over that period, in the same way as much of the work was carried out at Christmas.

We understand the importance of electrification, which will not just enable us to use the very best rolling stock, but will make our railways more sustainable. Were we not in an atmosphere of cross-party collaboration, I would mention how little electrification the previous Labour Government delivered, compared with this Government. I will gloss over that very quickly.

Andy McDonald: Before the Minister glosses over that too quickly, perhaps he would reflect on the fact that we inherited the disaster that was Railtrack. I would caution him against further journeys into the privatisation and break-up of our national rail infrastructure, because we might have to have those discussions about the terrible health and safety record all over again.

9.45 am

The Chair: Order. Clause 1 is general and I have allowed a very general debate, but it does concern the powers relating to HS2 construction. I hope the Minister can return to that theme.

Mr Goodwill: Thank you. I will not be drawn on that, Mr Hanson. I am sure the history books are being written as we speak. The hon. Gentleman is right to refer to the opportunities for jobs, apprenticeships and career development associated with the project. Indeed, many of the skills that have been developed on Crossrail, not least the tunnelling skills, will be very applicable to HS2.

The Government are in the process of setting up—indeed planning permission has been given—the HS2 college in Birmingham, with a satellite college in Doncaster, which has a long tradition of engineering excellence as the home of Sir Nigel Gresley, the Mallard and the Flying Scotsman, which has been so much in the news recently.

This is a long-term project and Lord Adonis was in at the start. Over the period of delivery, we might even have a situation in which the Opposition look slightly electable, so it is important that we continue to work with them. I have been working very closely with the

leaders of the great cities of the north, those Labour Mayors and council leaders who understand the importance of HS2 for the north.

The hon. Member for Middlesbrough is right to address the sustainability of the delivery of the project. I am proud that we have made it clear that this project will be delivered with no net environmental loss. The hon. Gentleman has already referred to the extensive tunnelling in the Chilterns. We also set up a community fund to allow projects in communities affected, and many of those will be environmental projects. I am also determined that the opportunities afforded by the land we are procuring are used to the full to increase cycling and walking along the route.

The hon. Gentleman specifically raised the issue of hydrogeology, which is something that our engineers are very concerned to address. A number of water courses will be bisected and a number of drainage issues that farmers have been concerned about will be addressed. HS1, currently our only high-speed line, has been shown to be particularly resilient against flooding. The flooding in the south-east two years ago caused widespread disruption to the conventional rail network, but HS1 was resilient and the drainage issues were addressed.

I understand the issue the hon. Gentleman raised about Camden. It is a densely populated part of London, and we will be delivering one of the biggest projects at Euston, including a massive upgrade to the underground station, which will benefit people in that area. Businesses may be concerned about how they will be affected, and I had lunch with the former right hon. Member for Holborn and St Pancras, Frank Dobson, in one of the restaurants in Drummond Street that could be affected by the construction. We made sure to listen to their concerns, particularly how their regular clientele can access the properties while the construction is going on.

We have a tremendous opportunity at Euston. The hon. Gentleman and I were both at a community engagement centre that has been set up for people who have questions about the construction and want to raise concerns about the delivery of the project, to ensure disruption can be minimised as far as possible. At all stages of the project, we will be sure to engage with communities so that they can be aware of likely disruption and we can mitigate it.

We have a tremendous opportunity at Euston to deliver a state-of-the-art railway station, such as the one at King's Cross, which has been the centre for a genuine revitalisation of that area. I know the Secretary of State is keen to revitalise the Euston arch, the iconic symbol of Euston station, mirrored at the other end of the line in Birmingham with a similar arch. I hope we can build an iconic station that will be a centre for redevelopment in that area.

Andy McDonald: I wholeheartedly agree with him about the opportunity that Euston presents for something of great significance and worth. Does he also share my view that it is absolutely imperative that the focus does not shift too far from the needs of the community? As currently presented, Euston station represents something of a wall between communities in Camden. There is the issue of permeability. We talked about cycling and walking, but that must be an integral part of the plans for Euston as it progresses.

Mr Goodwill: That is right. Indeed, I noticed concerns about the development on Euston station and the importance of the impact on those who live in the vicinity. I understand that the hon. Gentleman has tabled a number of new clauses on Euston, and I suggest that we discuss this in more detail as part of the debate on those proposed new clauses.

The hon. Gentleman mentioned Scotland. We need to make it absolutely clear that high-speed rail trains will arrive in Glasgow on day one of HS2. The so-called classic compatible trains will run through onto the existing network, so the time benefits and the capacity improvements will benefit those in Scotland. Indeed, I expect that there will be Scottish-crewed trains in those very early days.

The hon. Gentleman also mentioned the importance of connectivity with Crossrail. Old Oak Common will be a very important opportunity for people to alight from High Speed 2, get on to Crossrail—or the Elizabeth line, as I am delighted that we are calling it—and then be able to connect with other locations within the city. We have calculated that about 30% of those coming into London will see Old Oak Common as their terminus, and there they will connect under Crossrail or other services to access Heathrow airport or other parts of London. In some cases, for example for Westminster tube station, although it will be slightly quicker to go via Euston and the Northern line, it will only take three minutes longer to use the Elizabeth line. Many Members of Parliament may choose to sacrifice that three minutes so that they can travel on the new Crossrail line.

I am sure that a number of the points that the hon. Gentleman has raised will be explored in more detail over the days ahead, but I appreciate the very constructive way in which the Opposition have approached this. I look forward to working with them to ensure that the concerns they have raised are properly addressed, as we have already done on a number of occasions, both through the hybrid Bill Committee and the way that we have responded on issues such as compensation.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Schedule 1 agreed to.

Clause 2

Further provision about works

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 2 concerns further provision about works. It is not exactly a very exciting title, but it authorises the nominated undertaker to carry out any ancillary works that are necessary for the construction and maintenance of phase 1 of HS2, so long as such works remain within the limits as shown on the plans. This could be either railway works or, as stated in subsection (3),

"landscaping and other works to mitigate any adverse effects of the construction".

Again, this is a standard clause for works Bills. Subsection (4) introduces schedule 2, which contains,

"further and supplementary provision about works".

[Mr Goodwill]

This schedule allows certain protective works, such as the preservation of buildings, tree management and so on, to be carried out for works authorised by the Bill. Schedule 2 also describes how the nominated undertaker can access properties along the route to carry out works and provide safeguards for those property owners.

Subsection (5) allows the nominated undertaker to divert the electricity lines identified in schedule 3 and carry out the ancillary works required for these diversions. I am sorry that I could not make it more exciting, but I beg to move that clause 2 stands part of the Bill.

Andy McDonald: I simply endorse the comments of the Minister and congratulate him on making something very dull very exciting—I enjoyed what he had to say.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Schedules 2 and 3 agreed to.

Clause 3

HIGHWAYS

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 3 concerns highways and introduces schedule 4, which allows a nominated undertaker to carry out works to and otherwise affect highways. That includes creating new or improving existing highways, allowing means of access and stopping up roads. I beg to move that clause 3 stand part of the Bill.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Schedule 4 agreed to.

Clause 4

POWER TO ACQUIRE LAND COMPULSORILY

Andy McDonald: I beg to move amendment 10, in clause 4, page 3, line 12, at end insert—

'(6) When land is acquired under subsection (1), and is not otherwise specifically authorised under this Act, the Secretary of State must lay a report before Parliament setting out the reason for the acquisition before Parliament, and any such report must then also be published on the nominated undertaker's website within 5 working days."

If the Secretary of State compulsorily acquires land under subsection (1), and this is not otherwise specifically authorised under this Act, this amendment would require him to lay a report before Parliament setting out the reasons for the acquisition and publish the report on the website of the nominated undertaker within 5 working days.

Clause 4 says:

> "The Secretary of State may acquire compulsorily so much of the land within the Act limits as may be required for Phase One purposes."

We propose an additional paragraph at line 12. Let me draw the Committee's attention to the wording of subsection (1), which describes,

"land within the Act limits as may be required for Phase One purposes",

and to clause 65, which helps us to interpret what phase 1 purposes are. It states:

"References in this Act to anything being done or required for "Phase One purposes" are to the thing being done or required… otherwise for the purposes of or in connection with Phase One of High Speed 2 or any high speed railway transport system of which Phase One of High Speed 2 forms or is to form part."

By definition, that is a significant and wide-ranging power that is totally outwith the scope of phase 1 works or purposes, given the way that phase 1 purposes are described. I urge caution, because—unless the Minister persuades me otherwise— this is an area where we would be better advised to keep the restriction to phase 1 and not extend it for things that are going to come along in the future. I understand the logic of getting this out of the way now and for ever, but we have just been through an extensive Select Committee process, looking at the lands contained within phase 1 purposes. It is dangerous to introduce a power and authority at this stage that would extend that.

So we accept the need for the Secretary of State to have the power to compulsorily acquire land for the construction of HS2 phase 1, but we have concerns that as it stands the clause would grant the Secretary of State the broadest of powers that would not be subject to satisfactory overview from Parliament and would not be sufficiently transparent. The amendment would not curtail the powers of the Secretary of State that the clause seeks to grant, and would not impede the construction of the railway, but it would require the Secretary of State to lay a report before Parliament setting out the reasons for the acquisition of land under subsection (1), if it was not otherwise specifically authorised under the Act.

10 am

Compulsory acquisition can sometimes be contentious, and the requirement to compulsorily acquire land also signals a deviation from what is already specifically authorised under the Act. By requiring the Secretary of State to lay a report before Parliament setting out the reasons for the acquisition, an important element of oversight of the enactment of the power would be introduced. Requiring the report to be published on the website of the nominated undertaker within five working days would achieve a greater degree of transparency and, importantly, it would make the entire process clearer and easier to understand for the general public.

It is imperative that as we proceed through the Bill we do everything to make sure we delineate and specify the scope and range of the Bill. Anything that is to be done in future should have a process and a methodology to produce the greatest possible degree of openness and transparency. A report laid before Parliament and publication on the nominated undertaker's website would achieve that. I trust that the Minister sees the logic of what we are proposing, but we will press the matter to a Division if it is not accepted.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): I am delighted to be here in Committee. I have served on Bill Committees that have been likened to being on a long train journey in the same carriage with the same people for several weeks. However, at two weeks, this is a high-speed Committee.

I am a supporter of HS2 and have been a supporter of investment in our rail network for some time. HS2 is a very good project for my constituency and for Greater Manchester. That is widely recognised, and the justification is capacity. Even when a lot of publicity was initially given to the speed of the journey time, for me the project was always about capacity. The figures bear that out. Anyone who has caught a train at a particular time

from Euston to Manchester Piccadilly will be familiar with our capacity problems. It is extremely clear when we look at the alternatives that patching the existing network or building a new line that is not a high-speed line will not meet the capacity need. The evidence is that we need a project such as this. We have support for the project from both sides of the House of Commons and we should proceed as soon as possible.

The consensus on the merits of the project means that we have to be particularly diligent in Committee to make sure that the powers granted to the Government in the Bill are proportionate and effective. As has been said, the High Speed Rail (Preparation) Bill went through an extremely good process and garnered more support for the project as it proceeded. I read clause 4, as my hon. Friend the Member for Middlesbrough did, as a wide-ranging and permissive set of powers, particularly subsection (4). My reading of it makes it, in legal terms, the same as a compulsory purchase order. There will be understandable concerns that it will weaken accountability and the scrutiny that we gave the provision in the High Speed Rail (Preparation) Bill. We need to be careful that we do not lose some of the good will that we have garnered so far in this process. I hope that the Minister will make clear why the clause is drafted as widely as it is. Will he tell us the benefits of the clause over the reasonable amendment tabled by my hon. Friend the Member for Middlesbrough?

Mr Goodwill: As we have already discussed, clause 4 refers to powers to acquire land compulsorily. Compulsory powers are needed because they are a tried and tested method of delivering major infrastructure projects. We have provided safeguards for property owners that go beyond the statutory requirements under normal compulsory purchase rules. For example, we have introduced the voluntary purchase scheme for properties between 60 and 120 metres from the centre of the railway and the need-to-sell scheme for those who have suffered perceived blight due to the railway. The latter has no geographical limit.

The detail of the modifications is set out in the schedule. The hon. Member for Stalybridge and Hyde talked about the importance of capacity. We need to be clear that when we talk about capacity, we are talking about people standing on trains. On most weekday mornings about 4,000 or 5,000 people are standing on trains into Euston and a smaller but still significant number are standing on trains into Birmingham New Street.

The hon. Member for Middlesbrough mentioned clause 65(c). This does not seek to purchase land specifically for phase 2; it relates only to land within limits and does not give a general power to acquire land. While I am not against the flow of what the hon. Gentleman is saying, I believe that we have already addressed his fears in the way we have drafted the Bill. Indeed, clause 4(1) contains the power to acquire all land required for the scheme. The Bill divides that land into different categories. The main category is land within the limits of deviation for the work set out in schedule 1. Other land needed for construction and ancillary purposes is specified and identified in schedules 5, 7, 8, 11, 12 and 16, together with the purpose for which that land is required. There is, therefore, no land within clause 4(1) that is not specifically authorised for compulsory purchase.

Andy McDonald: Just before the Minister loses the thread of that line of argument, I am particularly concerned with the definition and interpretation at clause 65(c). I know that the Minister is advising us this morning that the works we are talking about are delineated and specified opposite the schedules and the lands within them for phase 1, but by any reasonable interpretation, in my view, if we are now extending that to any high-speed rail transport system, of which phase 1 of High Speed 2 forms part, the necessary conclusion of that is that we are now getting into lands potentially for phase 2a and phase 2b, and we should not be creating a power in a Bill entitled High Speed Rail (London - West Midlands) Bill that will ultimately cover lands elsewhere. As the Minister has acknowledged, it is a wide-ranging power. Does he accept the point that it extends it too far?

The Chair: Before we continue, for Members' interest and observation, clause 65(c) will be reached later and while reference can be made to it now, we are dealing with amendment 10 to clause 4 and we should keep our comments to the general issues around that.

Mr Goodwill: I reassure the hon. Gentleman that the clause relates only to land within limits and does not create a general power to acquire land. Indeed, as I already mentioned, the land needed for construction and ancillary purposes is already identified in schedules 5, 7, 8, 11, 12 and 16, together with the purpose for which that land is required. I understand why the hon. Gentleman might be concerned that this could be interpreted as giving more general rights, but the actual powers for compulsory purchase are very limited by those schedules. I respectfully suggest that this amendment is essentially an unnecessary duplication of the Bill. I hope that this clarification will reassure the hon. Gentleman so that he can withdraw it.

Andy McDonald: I note your words of caution about cross-referring, Mr Hanson. I will limit my comments to saying that I do not think we have heard sufficient reassurance from the Minister that the powers will not be extended to lands and plans that have not been specified at this stage. In the absence of the reassurance I had hoped for, I wish to press the matter to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 1]

AYES

Anderson, Mr David	McGovern, Alison
Glindon, Mary	
McDonald, Andy	Reynolds, Jonathan

NOES

Ansell, Caroline	Huddleston, Nigel
Burns, rh Sir Simon	Jenkyns, Andrea
Doyle-Price, Jackie	
Goodwill, Mr Robert	Nokes, Caroline
Howlett, Ben	Vickers, Martin

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: I hope the Opposition will understand that, although we appreciate their concerns, those have been addressed and the reassurances, which I hope they will look at again, do stand the test of legal scrutiny.

Clause 4 involves a power to acquire land compulsorily. It provides the Secretary of State with a power compulsorily to acquire land outlined in the Bill plans, and within the limits where such land is required for phase 1 of HS2. Compulsory purchase is always contentious. Many people will already be aware that their land might well be acquired in that way.

Subsection (2) introduces schedule 5, which describes the land to be acquired and the purpose for which it may be acquired. That is not the land required for the scheduled works but land required for ancillary works, including environmental mitigation, utility diversions and the re-provision of diverted public rights of way.

The clause further provides that the normal legislative regime relating to compulsory acquisition is to apply, subject to the modifications set out in schedule 6. The purpose of the modification is to streamline the acquisition process, as Parliament will already have given approval to the Bill.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Schedules 5 and 6 agreed to.

Clause 5

ACQUISITION OF RIGHTS IN LAND

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 5 involves the acquisition of rights in land and provides the Secretary of State with the power to acquire rights in land, such as access over it, rather than the land itself, for the purpose of phase 1 of HS2.

Subsection (2) introduces schedule 7, which specifies land where restrictive covenants can be imposed for the protection of land above proposed tunnels and the preservation of ground reprofiling, as set out in column 3 of the table in the schedule. It will ensure that no future changes are made that detrimentally affect the ability to deliver, maintain or operate phase 1 of HS2.

10.15 am

Subsection (3) introduces schedule 8, which specifies land in which only rights may be acquired compulsorily. Such rights include the right of access and the right to install ground anchors. The clause give the Secretary of State the power to provide that a specified person may exercise the powers under the Bill to acquire rights or impose restrictive covenants, for example. It may be prudent to give a statutory undertaker the right to impose restrictions so that they can maintain their own equipment on that land.

Subsection (6) introduces schedule 9, which contains provisions about the application of compulsory purchase legislation in relation to the acquisition of rights over land or the imposition of restricted covenants. I commend the clause to the Committee.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Schedules 7 to 9 agreed to.

Clause 6

ACQUISITION OF PART OF LAND

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 6, on acquisition of part of land, introduces schedule 10, which provides an alternative procedure to that set out in the Compulsory Purchase Act 1965, relating to the acquisition to only part of a house, building or factory. The alternative procedure applies where notice of the acquisition of part of the property is given, together with a copy of the clause and schedule 10. Provision for a similar alternative procedure was made by the Crossrail Act 2008 and the Channel Tunnel Rail Link Act 1996. I commend the clause to the Committee.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Schedule 10 agreed to.

Clause 7

ACQUISITION OF AIRSPACE

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 7 refers to the acquisition of airspace. It allows the Secretary of State to use the power under clause 4(1) to compulsorily acquire airspace only, rather than the land beneath it, for the purpose of aerial work, which includes work on bridges and overhead cables. The clause provides that where the Secretary of State needs to acquire only airspace, a landowner cannot require the Secretary of State to compulsorily purchase the land beneath it. I commend the clause to the Committee.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Clause 8

ACQUISITION OF SUBSOIL OR UNDER-SURFACE

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 8, which logically follows on, refers to the acquisition of subsoil or under-surface. It allows the Secretary of State to compulsorily purchase only the subsoil or under-surface of land within limits for works such as tunnelling. Where the Secretary of State acquires only the subsoil or under-surface, he cannot be compelled to purchase the surface land, except where a sub-surface acquisition impacts on part of a building and could therefore have a material detrimental impact on the remainder of the property.

Subsection (4) introduces schedule 11, which in specified cases restricts the compulsory powers of acquisition to subsoil or under-surface of land and surface access rights. Table 1 of the schedule details land where only subsoil more than 9 metres below the surface can be compulsorily acquired—mostly for deep tunnels. Table 2

identifies land where subsoil more than 9 metres below the surface, together with surface access rights, can be compulsorily acquired.

For clarification, under-surface is material below the surface to a depth of 9 metres, whereas subsoil is material below a depth of 9 metres.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Schedule 11 agreed to.

Clause 9

HIGHWAY SUBSOIL

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Just when you thought that we had covered absolutely everything, we move to clause 9, which refers to highway subsoil. It allows the nominated undertaker to use any subsoil beneath the "highway" within the Bill limits, which is required for the purpose of construction and maintenance of works authorised by the Bill without the need formally to acquire the subsoil or any interest in it. This does not apply to cellars, vaults, archways or other structures that form part of the building fronting on to a highway.

Subsections (3) and (4) introduce schedule 12, which lists the highway land where the powers to take subsoil or compulsorily acquired interest in land cannot be exercised except in the case of street works. Subsection (5) provides that, in the case of highways in the land specified in the table in paragraph 1 of schedule 11, only subsoil that is more than 9 metres beneath the level of the surface may be taken, but street works can be carried out.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Schedule 12 agreed to.

Clause 10

TERMINATION OF POWER TO ACQUIRE LAND

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Having discussed the powers to acquire land, we now move to the termination of power to acquire land. Clause 10 sets out an expiry period for compulsory purchase powers of five years from the date of Royal Assent. The clause allows the Secretary of State to extend that period by another five years by order. Any order extending the time limit for the exercise of these powers is subject to special parliamentary procedure. For clarification, special parliamentary procedure is set out in the Statutory Orders (Special Procedure) Act 1945 and allows parliamentary scrutiny of that proposal. The period can be exceeded only once in relation to any particular land.

Subsection (4) introduces schedule 13, which enables land owners, in the event of an extension to the time limit, to require the Secretary of State to acquire their property interest and, if he decides not to, the compulsory purchase powers over the property interest will cease. Similar provisions were included in the Crossrail Act 2008.

Sir Simon Burns (Chelmsford) (Con): I will be very brief, Mr Hanson. I want to ask the Minister about a point of fact. I am confident that the programme for building the first phase of HS2 will be completed within the timescale by 2016. However, under clause 10, the power to acquire land comes into force when the Act is passed, which I assume will be some time during the course of 2016. Under subsection (1), both powers remain in force for five years, so up until some point in 2021. However, there is a catch-out in subsection (2), which gives the Secretary of State the power to extend for another five years if needed, which would take us to some time in 2026. What happens if by some ill fate the delivery of phase 1 is delayed beyond 2026 and the Secretary of State needs to purchase some land 10 years after the Bill becomes an Act? The straightforward answer is that there will be no delay, and I am confident of that, but let us consider the worst-case scenario: what would happen if the project went beyond 2026, say by six months or a year, and it was discovered that land needed to be purchased?

Mr Goodwill: I hope that I can allay my right hon. Friend's fears about those matters. First, the period can be extended only once in relation to any particular land. For projects with long construction periods, such flexibility enables staged purchase where appropriate, so that landowners can keep their property interests for as long as possible and Government ownership of private property is reduced until required. Indeed, some landowners—farmers or people using land for other reasons—might want to hold on to their land for as long as possible. However, it is right that such powers are time-limited; it would not be appropriate for the Government to have a permanent right to take property, as that would cause landowners great uncertainty. As I have already said, subsection (4) introduces schedule 13, which enables landowners in the event of an extension of the time limit to require the Secretary of State to acquire their property interests. If such acquisition is decided against, the compulsory purchase powers over the property will cease.

We are determined to build the project on time and on budget, so in many ways it is a case of braces and belt, to ensure that we have those powers if needed. However, if delivery was delayed and new land was needed, we could seek further powers using the Transport and Works Act 1992 or a development consent order. We will acquire land well in advance of its use. Indeed, landowners are empowered, in that they are not kept waiting for ever and a day for compulsory purchase powers to be brought into force. Rather, they can force the Government to purchase their land, to enable them to move on—they may well have other plans within their business that they want to take forward.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Schedule 13 agreed to.

Clause 11

AMENDMENTS TO THIS ACT CONSEQUENTIAL ON THE HOUSING AND PLANNING ACT 2016

Question proposed, That the clause stand part of the Bill.

10.30 am

Mr Goodwill: Clause 11 introduces schedule 14, which makes a number of amendments to the Bill that are consequential to provisions being made by part 7 of the Housing and Planning Bill regarding the compulsory purchase regime. That Bill is currently in the Lords, and it is expected to have passed through the parliamentary process in this Session. If amendments relating to the compulsory purchase provisions are made to that Bill, we will need to consider whether further amendments need to be made to this Bill. Once again, we are in braces and belt territory.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Schedule 14 agreed to.

Clause 12

EXTINCTION OF RIGHTS OVER LAND

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 12 relates to the extinction of rights over land and introduces schedule 15, which seeks to extinguish private rights and any general rights of access over land where such land is required for phase 1 of HS2. Those who suffer loss due to extinguishment would be entitled to compensation under the normal compensation provisions. Provisions for extinguishing rights have been included in the Crossrail Act 2008 and the Channel Tunnel Rail Link Act 1996, and similar provisions apply to compulsory acquisition by local authorities.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Schedule 15 agreed to.

Clause 13

EXTINCTION OF RIGHTS OF STATUTORY UNDERTAKERS

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 13 relates to the extinction of rights of statutory undertakers; it mirrors much of the previous clause. It applies provisions of the Town and Country Planning Act 1990 that provide a process by which any apparatus of a statutory undertaker on such land may be removed and related rights over the land extinguished. Clause 13 is subject to the protective provisions that detail statutory undertakers in schedule 32, which makes provision for the diversion or protection of their apparatus.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Clause 14

EXCLUSION OF NEW RIGHTS OF WAY

Andy McDonald: I beg to move amendment 11, in clause 14, page 7, line 8, at end insert—

'(3A) Nothing in this section shall prevent the nominated undertaker, or other owners of railway stations, from establishing any new right of way within or over railway stations that are used for Phase One purposes."

This amendment would provide that Clause 14 shall not prevent the nominated undertaker or other owners of railway stations from establishing new rights of ways within or over railways stations used for Phase One purposes.

I rise to reassure people that I have not lost the power of speech and to give you something of a rest, Mr Hanson. Clause 14 deals specifically with the exclusions of new rights of way. Our amendment would add new subsection (3A) to the clause. The clause as drawn is accurate and proper, but we simply want to leave a permissive option for new rights of way to be created. The amendment speaks primarily to the issues arising at Euston station and the concerns expressed by Camden Council and a number of local groups and individuals who may be impacted by construction works as the station is developed, but it is also applicable to any other station on the network.

As regular travellers to London, I am sure that each of us has used Euston station at some point, although the Minister and I are more regular users of the sister station at King's Cross. I hope that the wonderfully ambitious structure at King's Cross will ultimately be mirrored by something of equal measure at Euston. One thing that would strike you, Mr Hanson, on walking around Euston station is how imposing the station is for the communities on either side of it; it splits the area in half and sits there like a huge obstruction in the community. If planners and developers had a blank sheet of paper, they would not come up with that sort of design today.

HS2 Ltd has been engaged with Camden Council on the issue and there have been a number of assurances, one of which is a commitment to maintaining pedestrian rights of way. When Euston station is redeveloped, a right of way through the station would be desirable. That would prevent the station from obstructing travel for those who live near or wish to pass by, as is presently the case. When redeveloped, it is important that Euston station is as permeable as possible for local residents, whether they are cycling or on foot. I note that in his opening remarks the Minister made a comment about the need to protect and encourage cycling and walking routes as the station is developed. It is important that the station is as permeable as possible, but the Bill, as drafted, might frustrate any such moves. Clause 14 states that:

"No right of way may be acquired by prescription or user over land which—

(a) forms an access or approach to any railway infrastructure."

Our concern is that the Bill might prevent a right of way being established through Euston station. That is what this amendments seeks to rectify, and not only for Euston, but for everywhere else. It is not just about the prohibition on the creation of rights of way, but more specifically about the ability deliberately to permit the creation of a right of way, where appropriate, that will address the needs of communities such as the ones

around Euston. I do not wish to be too unkind, but Euston is not the prettiest or the most access-friendly station for the residents of Camden. They have the station in their midst and suffer the inconveniences caused by its impermeable mass. It is for those reasons that we consider the amendment to be entirely sensible and appropriate. It caters for that very contingency.

The amendment does not presuppose where such rights of way may lie, but one would hope that they would address the permeability issue at Euston and facilitate not only east-west access, but north-south access. I stress that the amendment does not dictate where these rights of way should be but, in the context of this clause's discussion of the exclusion of new rights of way, it provides for the contingency of the nominated undertaker to create new rights of way that would address these issues. I trust that the Minister can follow the sense of this. Having been at Euston himself, he will understand the point I am addressing. I hope that he will accept the amendment.

Mr Goodwill: I think that I can allay the hon. Gentleman's fears. Clause 14 prevents rights of way from being

"acquired by prescription or user over land which…forms an access or approach to any railway infrastructure, and"

which is held for phase 1 of HS2. It is important to understand precisely what the term "acquired by prescription" means. It refers to the legal process of a right of way becoming established through use over a period of at least 20 years. It refers not to a new right of way but to a right of way that has been used in a certain part of the country. The process could be operated if a landowner tried to prevent that land from being used, because it could be argued that the right of way had been firmly established over 20 years. The term "acquired by prescription" does not refer to other types of right of way or access that the operator of the station may allow.

The hon. Gentleman is absolutely right to focus on the tremendous opportunity that the borough of Camden and the area around Euston will have in the development of the station. Indeed, one immediate benefit will be that the new underground station will enable a connection between Euston Square underground station and the main Euston station, which is currently a short walk across the traffic-choked streets of London. That connection will be of immediate benefit to the people of Euston.

On how people can access routes through the station, a number of considerations will need to be taken into account, not least compliance with fares and security, to ensure that people cannot access the railway or get on trains without tickets.

I reassure the hon. Gentleman that the clause does not prevent a railway station owner from allowing the public access over, under or through a station. If a station owner wants to provide an officially designated right of way, they can do so by following the existing process under the Highways Act 1980. Throughout the Bill, we have sought not to legislate where processes already exist, except when necessary for the expeditious delivery of phase 1 of HS2.

I hope that my clarification will reassure the hon. Gentleman that the measure applies to a specific way in which a right of way can be established, which I suspect could be used by those who might want to frustrate the delivery of the railway. It therefore makes a lot of sense to exempt that process from the Bill, so I hope that he will withdraw the amendment.

Andy McDonald: I am grateful to the Minister for his assurances, which have gone some way towards satisfying me. If I have interpreted his remarks correctly, he is saying that there is a power elsewhere to grant a right of way and that the amendment is therefore unnecessary, but we have an opportunity here, because the amendment would not detract from that ability. He may say that it would not add to the existing ability, but it would be merely permissive. The amendment would say that new rights of way are possible and—not that we are here to send out messages—make it abundantly clear in the Bill that the significant issue of access and egress for the residents of Camden is within the contemplation of HS2, the Bill's promoter and everybody else, and that it has been properly thought through.

I am reassured to a large degree, but it is still important to state in the Bill that Euston and other railway stations have the ability to address residents' concerns about being cut off from each other in the way that I described. Unless the Minister is able to assist me further, I intend to press the amendment to a vote.

Mr Goodwill: I hope that the hon. Gentleman understands that rights of way, bridleways and so on exist in several areas where the railway will be built, and that this is not just about stations. We have done everything in our power to ensure that rights of way are protected. Indeed, there will be expensive infrastructure in many cases to ensure that rights of way are not cut off. We want to go further and use the opportunity presented by the corridor that we are acquiring to connect existing rights of way or create new rights of way, which will be a great facility for local communities. I absolutely agree with the hon. Gentleman's point about Euston, and we may need to address that issue, particularly during the construction phase. We are absolutely determined to work with communities to ensure that businesses are not cut off from their customers, because many people who use the station will use businesses in the vicinity.

However, clause 14 refers to a specific process that can be used to establish a right of way. If we did not have this exclusion, my concern is that those who might wish to frustrate the delivery of the railway through legal processes could come up with the argument that a particular right of way has been used for 20 years, and it would then be our job to disprove that claim. I hope the hon. Gentleman will understand that we are trying to prevent a legal mechanism. I do not think that there are many rights of way within the Euston area that would not be considered rights of way and thus might require the process to be used. However, it might be used in other areas on the railway, and we might find that it was a legal minefield. That is why we have included the measure in the Bill.

I hope that that has reassured the hon. Gentleman. It is absolutely our intention to do everything possible to ensure that those affected by the construction and delivery of the railway can continue with their normal way of life and have the access that they currently enjoy to property and businesses. The railway is all about accessibility and getting people moving around the country; it is not about preventing people from moving where they wish.

10.45 am

Andy McDonald: I acknowledge what the Minister has said. To clarify, I am not suggesting for one minute that the clause be remitted or excluded; I simply want to add to it. This is not either/or, it is just about providing the permissive ability to create new rights of way. I stand by my remarks and, with your indulgence, Mr Hanson, I will press the matter to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 2]

AYES

Anderson, Mr David	McDonald, Andy
Brown, Alan	McGovern, Alison
Glindon, Mary	Reynolds, Jonathan

NOES

Ansell, Caroline	Huddleston, Nigel
Burns, rh Sir Simon	Jenkyns, Andrea
Doyle-Price, Jackie	Nokes, Caroline
Goodwill, Mr Robert	Vickers, Martin
Howlett, Ben	

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: I will briefly reiterate what the clause does. It prevents rights of way from being acquired by prescription, which is a legal term that I have described whereby if it can be established that a right of way has been used for 20 years, it is an established right of way. Under the clause, we are removing that power.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15

TEMPORARY POSSESSION AND USE OF LAND

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: The clause introduces schedule 16, which gives the Secretary of State a power to take temporary possession of land within the limits of the Bill for the purpose of phase 1 of HS2. The land listed in the table in the schedule may only be taken temporarily, and is not acquired except for rights over the land and subsoil.

Schedule 16 sets out the procedure, including the notice required, the payment of compensation to affected landowners and arrangements for the restoration and return of the land. Where land is not required permanently or not materially changed, or where no new railway works will be constructed, we will normally consider the use of powers of temporary possession if the landlord so wishes and it is economic for the Secretary of State to do so.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

Schedule 16 agreed to.

Clause 16

USE OF ROADS

Andy McDonald: I beg to move amendment 12, in clause 16, page 7, line 19, leave out—

"the end of five years beginning with".

This amendment would remove the power of the nominated undertaker to use specified roads for the passage of persons or vehicles for five years after Phase One is brought into general use.

This is very much a probing amendment—I do not think we will need to divide on it. It is about an issue raised by the right hon. Member for Chelmsford: the project being on time. As currently drafted, the clause leaves the timescales in some doubt. The Opposition agree that the nominated undertaker should of course have the power to use any roads on specified land for the passage of persons and vehicles for the purposes of phase 1 of High Speed 2, but it is not clear why the nominated undertaker will require that power for five additional years after phase 1 has been brought into general use. Once it is up and running, it is up and running. I do not want to put at residents' doors the spectre of vehicles trucking up and down with materials.

Sir Simon Burns: As the hon. Gentleman was talking, I was wondering whether extra time might be needed to, for example, continue to clear a site of debris if there had not been the time to do so before phase 1 was up and running.

Andy McDonald: The right hon. Gentleman makes a good point, and that may indeed be so, but the clause currently specifies a five-year period beyond the project being completed and effective. Something would have to have gone badly wrong if the clearance of debris and materials took five years.

I keep coming back to the example of Euston. The people in that neighbourhood will necessarily be affected by very considerable building works. We will discuss this in greater detail later in Committee, but some of the works will be really close to people's homes—within a few metres of retaining walls and retained properties next to HS2—so they will have enough on their plate. I would suggest that the prospect of the project being concluded but there being permission for roads to be used for the specified purpose for a further five-year period will be intolerable.

We are suggesting that the reference to five years be left out, leaving subsection (2) to read: "The power…may not be exercised after the date on which Phase One of High Speed 2 is brought into general use." The right hon. Gentleman's point is fair, but the amendment was tabled to highlight the fact that things could literally rumble on for years, long after HS2 is up and running. Will the Minister help us by explaining why it is necessary for the nominated undertaker to be able to exercise the power for such a long time?

Mr Goodwill: I shall clarify exactly what the clause specifies for the use of roads. It allows the nominated undertaker to use any road specified in the table in schedule 8, which is for land in which only rights may be compulsorily acquired, or in the table in paragraph 2 of schedule 11, so as to obtain a right of passage for the

purpose of phase 1 of HS2. As we have discussed, the power will end five years after phase 1 of HS2 is brought into general use.

On compensation, I reassure the hon. Gentleman that if access to the roads is required, compensation is payable by the nominated undertaker to the person responsible for managing the road for any loss suffered as a result of its use for phase 1 of HS2. We are not taking a right without understanding our obligations to the owner of the road. Any dispute over entitlement to compensation or the amount of compensation must be determined under part 1 of the Land Compensation Act 1961.

The power will last for five years, to enable the nominated undertaker to carry out remedial works if necessary. Let me assure the hon. Gentleman that that goes beyond what is referred to in the building trade as basic snagging—the alleviation of minor problems. In any construction project, it is essential that the promoter retains the ability to return to the works following completion to rectify any defects that arise. Subsection (1) allows the access rights used for construction to be used after the completion of the works for that purpose. For a major project such as this, a period of five years is considered an appropriate amount of time for such rights to be retained.

Let me draw attention to some of the issues that might come up. The hon. Gentleman talked about hydrogeological issues, such as problems with drainage or subsidence, and asked whether the infrastructure of the line will need to be revisited if faults emerge. We regard five years as a sensible timescale for problems to emerge, and we therefore consider it necessary. I hope the hon. Gentleman will withdraw the amendment.

Andy McDonald: I am grateful for the Minister's response. There is logic in what he says, and I entirely get the point about the ability to return. One would like to think that the power will rarely be used. He talked about issues arising within five years, but if something untoward takes place further on in the lifetime of HS2—if there is a hydrogeological or electrical problem—the undertaker will have to return to the site.

As I said, this is a probing amendment, and as the Minister has gone a long way towards satisfying me, I am minded to withdraw it. However, given that he has raised the issue, can he describe the nominated undertaker's power to return to the scene to address construction problems that emerge after the five-year period has elapsed? Presumably they are as relevant as anything that occurs within the five-year period.

Mr Goodwill: The first point I would make is that we have a very good way of accessing the high-speed rail line, which is along the high-speed rail line itself. Much of the engineering work and maintenance that will need to be carried out on the signalling or the catenary—the overhead lines—can be accessed from the railway itself. In the vast majority of cases, we will be able to access the line using the line.

The hon. Gentleman is absolutely right that in 40 or 50 years' time, we may need to carry out other work. Network Rail already has processes to enable that to happen, including negotiation with landowners and permissive use. This clause is specifically about addressing defects or issues that require more major engineering work than the maintenance that we envisage over the lifetime of the railway. It is sensible to have such powers in hand. We are confident that the railway that will be delivered will be reliable and well constructed. Once again, the braces-and-belt strategy ensures that the power is in place if it is necessary to look at particular aspects of the line and carry out further work to alleviate problems.

Andy McDonald: I am grateful to the Minister for his reassurances and further explanations. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 16 ordered to stand part of the Bill.

Clause 17

Cranes

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: This clause enables cranes employed by the nominated undertaker to enter the airspace above the land outlined in the table in subsection (7) for the purposes of the works for phase 1 of HS2. Seven days' notice must be given to the owners and occupiers of the land before the right to oversail a crane is exercised. The right ends seven days after completion of the activities for which the crane has been used. The nominated undertaker must pay compensation to landowners should loss be suffered as a result of the oversailing of cranes. Any dispute, as to a person's entitlement to compensation, or as to the amount of compensation, must be determined under part 1 of the Land Compensation Act 1961. Nothing in these provisions will affect liability compensation under the Compulsory Purchase Act 1965.

Question put and agreed to.

Clause 17 accordingly ordered to stand part of the Bill.

Clause 18

Enforcement of restrictions on land use

11 am

Mr Goodwill: Clause 18 refers to enforcement of restrictions on land use and allows the Secretary of State, when entering into agreements relating to phase 1 of HS2 that impose prohibitions or restrictions on the owners of land, to bind successors in title as if they were the original party. That is despite the fact that the Secretary of State may not at any time of the agreement own land to be benefited by the prohibition or restriction.

The clause ensures that a change in the ownership of land required in some way for HS2 purposes does not extinguish any covenants entered into by agreement between the Secretary of State and the previous landowner. Normally, for such a power to be enforceable, one would require an interest in land to be benefited by the covenant. However, the Secretary of State will have such an interest only after he exercises power under the

[Mr Goodwill]

Bill. The clause ensures that agreements entered into before the power to exercise are enforceable against successors in title.

Will the restriction or provision be a local land charge? Yes. The disapplication of section 2(c) of the Local Land Charges Act 1975 secures that the restriction or provision will be a local land charge.

Andy McDonald: A point occurred to me when the Minister mentioned the succession in title and the power to bind the land subsequently, should the Secretary of State, as the single shareholder of HS2 Ltd, ever part company with ownership. I support the clause but would make another point. That situation could be avoided altogether if the Government committed to keep the railway in state ownership in perpetuity.

Mr Goodwill: I think that might be a subject for debate another day in another place. Having seen the success of privatised railways in the UK, with our franchising model emulated around the world, I think we should keep all our options open—

Andy McDonald: Indeed.

Mr Goodwill: —to ensure that we can deliver the best railway, which in my view may well include some private sector involvement.

Andy McDonald: Amen to keeping all options open.

The Chair: The question is that clause 18, in the meantime, stand part of the Bill.

Question put and agreed to.

Clause 18 accordingly ordered to stand part of the Bill.

Clause 19

COMPENSATION FOR INJURIOUS AFFECTION

Question proposed, That the clause stand part of the Bill.

Mr Goodwill: Clause 19 refers to compensation for injurious affection. I am so pleased that I am not a lawyer having to deal with these terms all the time. To put it simply, it provides that the nominated undertaker, instead of the Secretary of State, will be responsible for paying compensation under section 10(1) of the Compulsory Purchase Act 1965.

Section 10(1) provides for compensation for any decrease in the market value of land caused by the carrying out of the authorised works. It is appropriate for the nominated undertaker to be responsible for paying that type of compensation, since the works have to be carried out by the nominated undertaker, not, hon. Members will be pleased to know, by the Secretary of State.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Clause 20

DEEMED PLANNING PERMISSION

Andy McDonald: I beg to move amendment 13, in clause 20, page 9, line 14, at end insert—

"(d) No works that are not scheduled works under this Act may be undertaken until the Secretary of State has published guidelines on how developments will be assessed as likely to have significant effects on the environment for the purposes of subsection (2)(a)."

This amendment would require the Secretary of State to publish guidelines on how developments will be assessed as to whether they are likely to have significant effects on the environment.

I am grateful to the Minister for his clarification of injurious affection. I thought that might be something to do with over-passionate kissing. *[Interruption.]* What people get up to in Whitby when Dracula is around, I leave to them.

I speak to clause 20 and the deemed planning permission provisions. Our amendment seeks to make a significant change. At subsection (2)(c) we add,

"No works that are not scheduled works under this Act may be undertaken until the Secretary of State has published guidelines on how developments will be assessed as likely to have significant effects on the environment for the purposes of subsection (2)(a)".

That would simply provide that where development authorised by this Act consists of carrying out works not scheduled under the Act, subsection (1) does not apply—in other words, deemed planning permission—if the development is likely to have significant effects on the environment with factors such as nature, size and location. That is what we are trying to gain clarity about and I hope that my amendment will assist. As it currently stands, it is the decision of the Secretary of State to adjudge whether a future development that is not scheduled has a significant environmental impact. However, the criteria that the Secretary of State would use are not delineated or specified in the Bill. In the interests of transparency and specificity, we are seeking to secure guidelines from the Secretary of State about how such a decision will be made.

This is an important amendment—as they all are—because without that qualification the Secretary of State is able to deem a development not to have a significant effect on the environment, without an effective means of challenge. There could be circumstances where unscheduled works become necessary and the Secretary of State makes a decision that the said works do not have a significant effect on the environment. It is conceivable that there could be significant and substantial opposition to that development within a locality, so we believe that it is an important and necessary step for the Secretary of State to settle guidelines by which such decisions can be judged. The Select Committee process has gone through the environmental concerns for the matters that we know about, but if issues arise at a later date, somebody will undoubtedly come along and complain that the Secretary of State has used the powers as currently described to say that the development that people are complaining about does not have a significant effect on the environment in its size, nature or location. The general public would be more satisfied if they could refer to criteria detailed within guidelines to describe how the Secretary of State arrives at a decision. At the moment, this effectively gives the Minister carte blanche to deem development as not falling within that category.

In the absence of such guidelines, I ask the Minister to describe how these concerns would be addressed. If he concludes with me that there is no satisfactory method of adjudging whether the decision is a sound one, we will decide to press this amendment to a vote. I look forward to the Minister's comments and explanation.

Mr Goodwill: I am happy to take criticism over various aspects of the way that HS2 has been delivered, but not in terms of the way we have addressed the environmental concerns that have been raised up and down the country. We made the point that there will be no net environmental loss in delivering the project, and indeed we have gone far beyond anything required in statute for a major infrastructure project. I spent the best part of an afternoon talking about tree species and how we can take this opportunity to work with those seeking to produce elm trees resistant to Dutch elm disease and ash trees resistant to ash dieback and re-establish those species.

I understand the importance attached to environmental considerations. Whether we are talking about pipistrelle bats, Bechstein's bats or whatever else, we are aware of our obligations and we have been held to account by many of the environmental groups involved in that area.

Andy McDonald: I seem to have inadvertently struck a raw nerve. By no means am I being critical of the environmental assessments to date; I am concerned about the powers that the Secretary of State has for the future. I will not criticise at all the excellent things done in the course of the Select Committee and by the Department, but there needs to be the power and ability to hold someone to account if a decision is made that someone objects to. It is about the future, not what has happened to date.

Mr Goodwill: I absolutely understand the hon. Gentleman's concern, so, having set the context, I will proceed to put his mind at rest on the clause. I underline that I am committed to delivering environmental enhancements. Unfortunately, when one delivers such a project, one has to go through land that has some sensitive environmental features, so it is important to mitigate that by putting measures in place on the land that can be acquired for the project and they will be provided.

To put the clause in context, it refers to deemed planning permission, which it provides under part III of the Town and Country Planning Act 1990 for carrying out the works authorised by the Bill. Deemed planning permission is granted only for ancillary work in the Bill when the impact of such work is assessed in the environmental statement or when the development is an exempt development in the meaning of the environmental impact assessment regulations. Exempt development includes developments such as defence installations, which are highly unlikely to apply to phase 1, but we have put that measure in for legal completeness. Any work outside those parameters will require separate planning permission.

Subsection (3) introduces schedule 17, which sets out the conditions of deemed planning permission. That includes the requirement for approval from relevant local authorities on specific aspects of design and construction to ensure that local impacts, such as the movement of lorries to and from construction sites, are mitigated appropriately.

I hope to reassure the hon. Gentlemen that the bases he draws my attention to are already covered. The Bill gives permission for ancillary works for which the effects have been reported in the environmental statement and any works that give rise to environmental effects significantly different from those reported in that statement will require separate planning permission. The means of assessing whether an effect is significant are set out in the scope and methodology report that informs the environmental assessment of the Bill. That is not a matter for the Secretary of State's whim but one that has been addressed and the process is set out in the report, which was subject to consultation with stakeholders during its preparation.

The methodology in the report is based on industry best practice. The Select Committee process has demonstrated that it is sound and it will be the correct methodology for assessing the environmental effects of works through the design and construction of HS2. I hope that that clarification reassures the hon. Gentleman that he can withdraw his amendment.

Andy McDonald: It seems to me that the methodology that the Minister refers to could be engrossed into guidelines. I fail to see why a public-facing document cannot set that out. If that is how it currently works, I accept entirely what he says. It is not just a question of nomenclature; it is important that people have a reference that they can turn to and say, "These are the criteria that will be observed."

11.15 am

I am not sure I am quite there if this is not a document that the public can refer to readily and automatically in the event of a decision being considered. I might have misunderstood—I will happily concede the point if I have—but when I listened to the Minister, I did not get the impression that this was something that would automatically be flagged and would be something to which someone could refer when they were thinking about whether the Secretary of State had made the correct decision or otherwise. I do not know whether the Minister can help me any further with that, but I will be interested to hear what he has to say.

Mr Goodwill: I will endeavour to help the hon. Gentleman. The methodology is public, and the way in which the methodology is being applied would be subject to the scrutiny of those who wish to test that the methodology is being applied properly. The project is not being delivered while the environmental non-governmental organisations are looking the other way. This has had intense scrutiny, not only from those who have the interest of the environment at heart, but from those who I suspect are using some of the environmental legislation to try to frustrate the delivery of the Bill. We have people looking for reasons why they could prevent this going forward. That is why we have had to make sure that in terms of the environment every single t has been crossed and every single i dotted.

As I mentioned before, we have been through the hybrid Select Committee stage, where those who may have considered the process to be an inadequate way to

[Mr Goodwill]

deal with the changes could have raised that, but the Select Committee was content that the process would be robust. I hope I have reassured the hon. Gentleman that the methodology, which is public, will be used to determine where the clause would be applied. As I have already said, if anything reported was beyond the environmental effects reported in the environmental statement, that would require a separate planning permission. Of course, planning permissions would be subject to all the environmental and other consultations and challenges that could be made.

I think we are in a good place on this. I do not have any fears that we would be risking some of our environmental delivery on this project by having the clause in the Bill.

Andy McDonald: I am grateful to the Minister. He has gone all the way to satisfying my concerns. In a nutshell, the methodology contains the guidelines that I have been looking for, so I intend to withdraw the amendment. I simply ask that we be provided with a copy of the document. It speaks to my ignorance rather than my trying to dig deeper into this. I was not aware of the existence of that process and I would be better informed if I had sight of it. It would be churlish of me not to accept that the Minister has satisfied the important intent of the amendment in every respect. Contrary to my initial intentions, I will—

Mr Goodwill: Before the hon. Gentleman finishes, I can assure him that I will get the relevant paperwork to him before we reconvene this afternoon, or if not, before our sitting on Thursday.

Andy McDonald: On that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 20 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. *—(Jackie Doyle-Price.)*

11.19 am

Adjourned till this day at Two o'clock.