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HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Second Sitting

Tuesday 1 March 2016

(Afternoon)

CONTENTS

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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

(Afternoon)

[Mr David Hanson *in the Chair*]

High Speed Rail (London-West Midlands) Bill

Schedule 17 agreed to.

Clause 21

Time limit on deemed planning permission

2 pm

Andy McDonald (Middlesbrough) (Lab): I beg to move amendment 14, in clause 21, page 9, line 30, after "by order" insert—

"by up to a further 5 years".

Under clause 21 planning permission for a scheduled work to be undertaken is valid for 10 years, unless the Secretary of State extends the period under subsection (2) by a statutory instrument. This amendment would limit each extension to a further five years.

Subsection (2), as drafted, reads:

"The Secretary of State may, in relation to any such development, by order extend the period within which the development must be begun".

My amendment would limit each such extension to a further five years at the conclusion of the initial 10 years from the date of the passing of the Act. Ten years after the Bill has been enacted as an initial time limit on the commencement of works is extremely generous, given that the scheduling of works means that the service is expected to start in 2026.

It should be noted that that time limit is for the commencement of works, not their completion. The clause is not saying that the deemed planning permission lasts for 10 years, during which time the works must be completed; it is simply saying that they must be started. If we assume that the Bill is passed in 2016 and that works are completed as scheduled, works starting in each of the years from the end of 2016 right up until the end of 2026 would, by virtue of subsection (1), be deemed to have planning permission.

It is hard to imagine any works within the current contemplation of the promoter that will not have been commenced by 2025 at the very latest—and that is a stretch, to imagine that nothing would start before 2025. I would have thought that all the scheduled works will have been long since started by such a late date. If I have got that wrong, perhaps the Minister will identify any works with such a late start date in the 10-year construction period that need the protection of an unlimited extension period.

The words in the Bill are "must be begun", so their commencement is the determining factor, not their completion. For any works started by 2023, 2024 or 2025—so long as they have been started—the deemed planning permission will be effective, notwithstanding the fact that they will not be completed by 2026. Indeed, for those examples the permission will be effective until 2033, 2034 or 2035, a maximum of nine years beyond the date on which it is expected that the service will be not only ready for use, but up and running.

There is, in effect, plenty of run-on time. For example, if the project slipped very badly for reasons that we cannot currently envisage—be that the disastrous management of the economy over the intervening years by the current or subsequent Governments, or some world economic downturn the consequences of which delayed matters so badly that the key component works had not been commenced by 2026—surely that would put the entire project at risk. It would be such a different scenario that the people of the United Kingdom and its Parliament would be entitled, and indeed duty-bound, to conduct a root-and-branch review. If we are able to stick to timescales and costs within proper and reasonable parameters, it would be entirely proper for the matter to come back before Parliament for further consideration. To grant open-ended permissions, or have the ability to grant them, would go way beyond what was originally contemplated and would treat the public with disdain. If we cannot commence the necessary works by the time our timetable envisages the system being up and running, something will have gone badly wrong.

The promoter and the nominated undertaker will know now what works are necessary to build HS2. Clearly, elements of the scheduled works are properly sequenced, but the scheduled works themselves will have commenced, or certainly should have done, long before the end of the 10-year permitted construction period. Of course, the final fixings and other ancillary works will necessarily start later than the date on which the initial scheduled works commence. Those final fixings and ancillary works surely do not need deemed planning permissions in their own right; they are simply part of the scheduled works themselves.

There may be run-ons that we cannot predict. In his remarks on clause 16, the Minister alluded to the need to use roads to facilitate contractors revisiting the site of works in the event of necessary amendment, maintenance or repair. He has used the example of ongoing hydrogeological works and, presumably, hydrogeological surveying. To say that deemed planning permission—I stress that phrase—can effectively be extended indefinitely is to stretch the point beyond its natural elasticity. There has to be an end point. As it is, works can be commenced at the eleventh hour, as against the 10-year post-assent construction period, and be deemed to have planning permission. The Secretary of State can simply extend that initial 10-year period without limit. However, that would only serve to create great uncertainty, if landowners within the scope of the works, or landowners and occupiers not within the scope of the works but affected by them, were not sure whether any such proposed works were taking place. Given the flexibility within the Act with regard to phase 1 works, the provision has the potential to create considerable anxiety, which my amendment attempts to address.

However, we can understand the argument and the need for the Secretary of State to have the power to extend the period within which works should be commenced and therefore have the benefit of deemed planning permission. All we are saying is that there should be a reasonable cap on the extent to which such an extension can be granted. Our amendment proposes a limit to each extension to a further five-year period. We think

that is eminently reasonable. As currently configured, it would cover developments from the anticipated start date of 2016, initially to 2026 and by extension to 2031, a total period of 15 years from the date of Royal Assent.

The process through which that would be achieved, namely the negative procedure, is also agreeable. We would know the issue from the outset and the ability to reject the statutory instrument by resolution is more than sufficient in such circumstances, and it would not be necessary to deploy the affirmative procedure and require the measure to be the subject of debate. As it is, we are concerned that there is no specified time limit for each extension and believe that limiting each extension to a further five-year period would be sufficient. *[Interruption.]*

The Chair: Order. I am grateful to the noble Lord, but he is trespassing on a Commons Committee.

Andy McDonald: It is currently estimated that HS2 will be completed and ready for general use by 2026, which is 10 years after the Bill receives Royal Assent, and a five-year extension would take us to 2031, which is surely a more than sufficient amount of time for a planning permission extension. As long as the Government do not anticipate significant delays to the construction of HS2, planning permission being valid for 10 years after Royal Assent, with a potential additional five-year period, would be more than ample and would allay any concerns that the Secretary of State was acquiring an unnecessary power.

The Minister of State, Department for Transport (Mr Robert Goodwill): Let me say at the outset that we would never treat the people of this country with disdain. Indeed, the way that this project has been presented and how we have engaged with people, particularly on the line of route, has shown the utmost respect for people's rights, particularly their property rights.

Clause 21 sets out as a condition of deemed planning permission a time limit of 10 years after Royal Assent within which the authorised works must have commenced. The clause also allows the Secretary of State by order to extend the period by which any work must be commenced. Such an order is to be made by a statutory instrument that is subject to a negative resolution procedure.

The hon. Member for Middlesbrough asked, "Why 10 years?" It is important to stress that the maximum period of 10 years would be deployed only in unusual circumstances. We are talking about unforeseen events, and I certainly cannot foresee an event that would delay the project for that long, but the length of any extension would be up to the Secretary of State's judgment. It is not 10 years or nothing; it is a case of what sort of extension could be chosen. It is a reasonable maximum period of time and it is normal for major infrastructure projects such as phase 1 of HS2.

The current build programme is 10 years, meaning that it is possible, with our current plan, that some of the works included in the Bill will not commence until up to 10 years from Royal Assent. Indeed, specific elements of the project may not be commenced until the very end. One example is the provision of the electricity supply for the trains, which would be one of the last elements to put in place. Another such element is the environmental reinstatement, which would be done right at the end of the project. Indeed, much of the excavated material may take some time to be stabilised before that environmental work can be carried out.

Our promise to provide better rights of way, including cycle paths, as part of HS2 would also form one of the final elements, perhaps meaning that planning consent would be actioned only at the very end of the project. Even a small slippage in time could result in the 10-year period being eaten up. Indeed, some of the work could be carried out once the line is operational. For example, I would expect the environmental work to be going on for quite some time after the line is opened.

The proposal provides flexibility for the programme. While our current plan is for construction to be completed within 10 years, unforeseen events could disrupt the programme. We need to be able to manage such events while still constructing the railway. We will know how much more time we require only at the point of seeking an extension, and any such order will be subject to parliamentary procedure.

2.15 pm

On amendment 14, the hon. Gentleman mentioned some unforeseen circumstances. The nature of unforeseen circumstances is that it is very hard to foresee them, but they could include things such as natural disasters, a significant contraction in the supply of core materials and so on, so it is not just economic shocks that may require the power to be enacted.

A maximum extension period is not specified in the clause because we will not know how much more time we require until the point of seeking an extension. To specify a maximum duration of five years would risk requiring the promoter to incur significant costs and disruption if an unforeseen event resulted in a delay of more than five years and the promoter needed to obtain new powers. Any such order will be subject to parliamentary procedure. Even in the event of an extension of the planning permission beyond five years, all the controls and environmental minimum requirements would still apply.

We stress that it is not intended that the power in this clause will be exercised, as it is planned that works will start promptly after Royal Assent. Projects such as the channel tunnel rail link and Crossrail are demonstrating this country's capacity to deliver projects on time. None the less, allowing flexibility to cope with unforeseen events is prudent and necessary, and I hope that my clarification will reassure the hon. Gentleman that he can withdraw his amendment.

Andy McDonald: The Minister talks about things that we cannot anticipate. We know that the unknowns are unknown, so we have to live with that on a daily basis. He describes the provision as presenting a reasonable maximum time; I suggest that it does no such thing. A reasonable maximum means an end point expressed in years, months, hours or minutes. If the provision simply says "extend the period," there is no delineation of what the maximum may be. I kindly say to him that it cannot be both. In the Minister's defence, I take the point about the potential run-ons.

The environmental reinstatement issue is perhaps the most valid, but I cannot see that powering electricity to works that have already commenced is a separate

[Andy McDonald]

development in its own right. The work has already started. It is not a new undertaking or brand-new construction work, so it is something that continues. He also made the acceptable point that some environmental reinstatements may continue when the operation is up and running.

I am also slightly concerned about the Bill containing a power that the Minister says will not be used, which is difficult to reconcile.

Mr Goodwill: I was just speculating on what might be the outcome if this clause were not accepted and if the hon. Gentleman's amendment were to be included in the Bill. We could end up in the situation that we often see with developers, which will build a property up to floor level to action the planning consent and then leave it for a while before the work continues. I would not want to engineer a situation in which aspects of HS2 are commenced merely to action the planning consent, with the land not being developed further until such stage in the project as it becomes necessary. That could mean that those whose land is being given up might find that they have their land for less time before it is taken away from them. That is dangerous if we are not careful. Without this power, we could end up with people having their land taken from them so that work can commence to action the planning consent but then be put on ice until such a time as that work can be completed.

Andy McDonald: The Minister almost got me over the line, and then he introduced that new concept. I was about to sit down.

Mr Goodwill: I was helping the hon. Gentleman.

Andy McDonald: But helping me with that sows seeds of even greater doubt that we might reach the end of a period just to anchor the land and secure the plot. If we get into a situation where that sort of behaviour is taking place with HS2, which is so heavily regulated, it will be a sorry state of affairs. I have sufficient faith in the promoter of the clause to be sure that that sort of activity will not happen, but I can see that he is itching to speak.

Mr Goodwill: The hon. Gentleman is absolutely right that that would be a sorry state of affairs. The clause means that no one would even be able to contemplate doing so, because an extension could be sought if necessary.

Andy McDonald: I am continuing to dig. I will call a draw. Respectfully, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 21 ordered to stand part of the Bill.

Clause 22

Power to disapply deemed planning permission

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

Mr Goodwill: Clause 22 gives the power to disapply deemed planning permission. It allows the Secretary of State, by order, to disapply the planning permission granted by the Bill for maintenance or alteration of phase 1 works that are carried out after a specified date. The clause is intended to relate to works post-construction where it would be disproportionate for the HS2 infrastructure operator to have such broad planning permission.

Once the Secretary of State has disapplied the deemed planning permission, post-construction maintenance and general improvement works on phase 1 of HS2 will be authorised using the normal provisions outlined in the Town and Country Planning (General Permitted Development) (England) Order 2015. It is a standard approach to railway operators, including Network Rail. There is no parliamentary procedure for the order. It is not subject to parliamentary procedure because we are removing a broad power and reverting to the normal planning regime.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Clause 23

Parking at Birmingham Interchange: limit on deemed planning permission

Andy McDonald: I beg to move amendment 15, in clause 23, page 11, line 29, at end, insert "where the meaning of the expression 'short-term' shall not extend to stays of more than 12 hours".

Clause 23 allows for the creation of up to 7,500 parking spaces but this limit on spaces does not apply to short-term parking. This amendment defines short-term parking as being parking for a period of 12 hours or less.

We move from planning permissions and extensions thereof to the vexed question of parking in Birmingham, which I am sure everybody has been looking forward to. I think—dare I say it—that we are now back on track with our amendment. When it was initially presented, it may have been slotted in as part of the clause in error. I think I am right in saying that we are now at clause 23, page 11—

The Chair: Order. May I assist the hon. Gentleman? I have been notified by the Clerks that there is a small error on the Order Paper. Amendment 15 should relate to clause 23, page 11, line 28. Other than that, I understand that it is correct. Is the hon. Gentleman happy to speak to that?

Andy McDonald: I am indeed. I am grateful for the clarification, Mr Hanson.

The amendment expresses our concerns about the volume of motor traffic that would be generated by the interchange station. We have been informed by the Campaign to Protect Rural England, whose petition on the issue and representations to the Select Committee we note. The CPRE's initial concern was that the Birmingham interchange would be situated in the green belt. In our amendment, we are pursuing not that concern but some other legitimate concerns raised about the consequences of the station's location.

This amendment attempts to address the volume of traffic that will be generated by the interchange station, the associated proposals to expand the capacity of the

surrounding road, and the pressure that would create for further expansion of the road network in the surrounding area.

One of the overarching purposes of building a railway, or indeed of investing in any form of public transport, is to reduce the number of journeys taken by car. Efforts should be made to ensure that there is not an inadvertent increase in net journeys by private car. The fear is that the inadvertent consequence of the specifications contained within clause 23—or, rather, the lack of them—may produce an undesirable outcome. It is submitted that the management of car parking spaces is one of the most efficient means to influence travel choices. There is a significant worry that the plans as set out in the Bill might encourage extra journeys by car. Indeed, one of the representations from the Campaign to Protect Rural England initially asked for the limit to be placed at 2,000 car parking spaces—yet the clause gives the much higher figure of 7,500—and also suggested that the limit placed on spaces for coaches should be increased to 25, and that car parking spaces should be multi-storey. That gives a flavour of some of the concerns of the Campaign to Protect Rural England.

As I say, currently the Bill provides for a limit to be placed on the provision of car parking places of 7,500 and, somewhat curiously, five parking spaces for coaches. I do not know whether the Minister can shed some light on that. That seems to be a very strange ratio, but undoubtedly there will be a logical explanation for it.

Be that as it may, the exclusions in subsection (4)(c)(i) of the clause exempt,

"the provision of short-term parking for cars",

and, understandably, also the short-term parking for taxis and coaches. Subsection (4)(c)(ii) specifies an exemption for "parking on working sites".

The clause puts a limit on car parking spaces of 7,500, but short-term car parking spaces are excluded from that. Exclusion from the provision may well serve to increase yet further the number of vehicles parked at Birmingham Interchange. As there is no definition of the term "short term" for the car parking spaces in Birmingham, people who currently plan to travel by train to Birmingham and then change trains might alternatively decide to drive to the station by car and park there, rather than using other forms of public transport. The whole issue is how to get some modal shift in how people go about their business.

Sir Simon Burns (Chelmsford) (Con): As the hon. Gentleman was speaking, I wondered whether there is not a problem when there is no legal definition of "short term". The hon. Gentleman's amendment seeks to define it as up to 12 hours, yet at Heathrow airport short-term parking is up to three or four days, for example. It seems rather vague terminology to use on the face of a Bill.

Andy McDonald: I entirely agree with the right hon. Gentleman. That is why we seek to specify the number of hours that constitute short-term car parking. It varies from one environment to another. In very busy city centres it might be 20 or 30 minutes, or it might be an hour. There is no universal statutory definition of what short-term car parking is. The amendment tries to address that for the purposes of this particular location.

Sir Simon Burns: I can certainly understand what the hon. Gentleman is trying to do. I only question whether the most appropriate place to try to do that is on the face of a piece of primary legislation.

2.30 pm

Andy McDonald: The right hon. Gentleman makes a valid point. The purpose of this amendment is to probe and tease out from the Minister exactly how this issue might be addressed. I declare now that I do not intend to press the amendment to a vote. However, I hope that it will elicit further information from the Minister during this discussion. The right hon. Gentleman's point is valid and indeed there is no such definition, as we currently understand it.

What we are saying, in simple terms, is that in an attempt to go some way towards reducing the need for people to make unnecessary car journeys, and to encourage travellers to use other forms of transport, our amendment seeks to limit the time-limit maximum to 12 hours. That period of 12 hours would be more than sufficient for a traveller to conduct business in another location in the course of a working day, but would hopefully discourage them if their return to Birmingham took more than 12 hours. We address that at line 28, so that the limit of 7,500 car parking spaces that would be set out in clause 23(1) is not exceeded by the provision of short-term car parking for the duration of a stay that is less than 12 hours.

Hopefully, that will go some way towards curtailing the excessive car use that presumably the Government—who are promoting the Bill—wish to avoid. As I said, this is a probing amendment, but it would be appreciated if the Minister could reassure the Committee in as much detail as possible that thorough and comprehensive consideration has been given to how we might minimise the risk of unintended consequences. I hope that the Minister will give some delineation or some guidance as to what is meant by "short-term parking".

Mr Goodwill: I am more than happy to give a little bit more background about our thinking, which the hon. Gentleman is trying to tease out.

My short answer to his questions would be that these issues need to be addressed but probably not for another nine or 10 years, when the project will be on the ground and delivered. As the hon. Gentleman knows, clause 23 specifically relates to parking at Birmingham Interchange and sets limits on deemed planning permission. It limits the application of deemed planning permission under clause 20(1), regarding medium and long-term car parking at Birmingham Interchange, to no more than 7,500 cars and five coaches.

The figures for coaches and cars were based on our assessment of likely parking demand and a traffic assessment in the area, and to allow for expansion or excess demand the figure includes an allowance for flexibility. It was felt that parking is different in nature from operational railway structures, and therefore different controls were needed. Incidentally, other stations along the line of route do not have car parking on this scale and therefore have not been addressed in this way.

Local planning authorities will have controls over the details of the car park. Indeed, subsection (3) states:

"The deemed planning permission under section 20(1) for relevant development is…outline planning permission"

[Mr Goodwill]

for the purposes, as set out in subsection (4)(b), of:

"the Town and Country Planning (Development Management Procedure)(England) Order 2015".

Therefore, as subsection (3) sets out, subsequent approval would be required from the local planning authority in relation to

"access, appearance, landscaping and layout"

of the car parking.

I turn specifically to the hon. Gentleman's amendment. The clause has been drafted to provide sufficient medium and long-term parking at the station, and to ensure that this parking, which differs from operational railway development, is subject to appropriate planning control. The numbers set out are based on a robust forecast of demand for parking at the station.

The purpose of subsection (4)(c)(i) is to exclude short-term parking from this control as it is part of the operation of the railway. For example, it is used by people being dropped off or people collecting passengers at the station, or parking to do so. This could have been more accurately described as "drop-off" rather than "parking". Indeed, many stations around the country already have separate provision for short-term parking for people to collect passengers or to drop them off.

We do not think it would be appropriate to amend clause 23, as the commercial strategy for parking at the station has yet to be developed, and the proposed amendment would have the effect of fixing parking arrangements too soon. Also, by defining short-term as being up to 12 hours, the amendment risks removing day-long parking from the control in clause 23, which we do not believe is the intent.

The hon. Gentleman mentioned someone who might want to do business all day in London. It may be that, if he gets a very early train, 12 hours would not be sufficient to complete the return journey, despite the fact that HS2 will be such a fast train. The person visiting Birmingham or London might well have time to have dinner and still get back at their expected time.

As parking strategy is considered by the operator of the car park, I suspect it will be to keep the car park full. The pricing and timings of the parking would be designed to maximise the income and ensure that the provision is taken up to the maximum extent.

The hon. Gentleman talked about whether we might be in danger of creating extra car journeys. If parking were restricted, either by duration or price, many passengers would choose to travel to stations by taxi and, therefore, there would be four car journeys associated with the day trip he referred to, rather than two if the passenger left their car at the station.

Looking at the environmental impact, in 10 or more years from now, we will see much more sustainable vehicles in the national fleet. Even the vehicles operating at the moment, if they get their diesel engines fixed, will work a lot better than at the moment. We have already seen a large take-up in the number of electric cars on our roads. I suspect that will continue to increase.

The hon. Gentleman asked why there were only five coach spaces. From my experience at stations such as York, which I use regularly, one does not see coaches picking up large numbers of people. People going on group holidays might do that but, by and large, one does not see large groups of people travelling by train at the moment. Many people will come to the station by bus and other forms of sustainable transport. If a coach were picking up passengers, the chances are it would be there for only a short time to arrive at the car park and pick up that group.

The mix between coach and car will need to be addressed at the time. That could well be flexible, as it is only a case of painting a few additional white lines on the car park.

The hon. Gentleman said that this was a probing amendment. He raises perfectly valid points but we do not need to rush our fences. They will need to be considered at the point that the car park is put into use by passengers. That may well be before the operation of the railway. If the car park is not used for construction, it may be possible to get income from the car park before the railway is available.

I hope my explanation reassures the hon. Gentleman, and that he will withdraw his amendment.

Andy McDonald: I hope the workers will not be charged for working on the site. That would be over the top. I hope they will be able to turn up for work and not think about paying car-parking fees.

Mr David Anderson (Blaydon) (Lab): Health workers do.

Andy McDonald: Health workers do but, hopefully, it will not happen on this occasion. Perhaps we can have better practice for HS2. There will undoubtedly be a very large area where they can park their vehicles, so perhaps the Minister could reflect on that.

I understand what the Minister is saying and his clarification is helpful. If I were being unkind I would say that his telling us that we should not insert this provision about short-term car parking in the Bill now prompts the question why the Bill specifies 7,500 car spaces and five spaces for coaches, but I think he has addressed that. I am also grateful that he has made it clear that he contemplates the five parking spaces for coaches for dropping off passengers and not for long-term parking.

As he said, all of that will come out in the wash, but the basic principle of the amendment is to encourage people to use trains and not make unnecessary journeys. He is also right about the 12 hours. People may be able to travel to London, do their business and get back for dinner before they have even set off, it will be so quick; so we look forward to those developments. I beg to ask leave to withdraw the amendment, having been satisfied with the Minister's clarification.

Amendment, by leave, withdrawn.

Clause 23 ordered to stand part of the Bill.

Clause 24

DEVELOPMENT CONSENT

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

Mr Goodwill: We now move to clause 24. It is more a clarification of the situation with this railway than a change to it. Clause 24 makes it clear that development consent under the Planning Act 2008 is not required for the authorised works. That Act has specific powers

related to the construction of national infrastructure projects such as HS2. As the Bill will provide the powers required to build and maintain phase 1 of HS2, a development consent order is unnecessary. Indeed, given the importance of the HS2 scheme and the requirement to alter existing legislation to allow the expeditious construction, maintenance and operation of the railway, it was decided that for this scheme Parliament should be the authorising body. A hybrid Bill was therefore the most appropriate mechanism.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill.

Clause 25

LISTED BUILDINGS

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

Mr Goodwill: I will attempt to be as brief as I was on the previous clause. This is a very important clause relating to listed buildings, a number of which unfortunately are affected by the construction of HS2. Clause 25 introduces schedule 18, which disapplies or modifies controls for listed buildings to allow the construction of phase 1 of HS2 and enable the monitoring and protection of listed buildings. The buildings affected are listed in tables 1 and 2 in schedule 18, and the disapplications or modifications apply only to those buildings. Similar provisions were included in the Crossrail Act 2008.

The promoter is in the process of agreeing heritage agreements with the relevant local authorities and Historic England. These agreements will put in place an approvals process that will ensure that the works subject to clause 25 and schedule 18 are carried out in an appropriate manner. I stress that we wish to minimise the impact on listed buildings wherever possible; this clause underlines that wish.

Andy McDonald: I want to ask for clarification from the Minister. He is absolutely right to highlight the importance of our listed buildings, which are listed because they are treasured and regarded as worthy in cultural or architectural terms. Will the Minister say a little more about how these heritage agreements might preserve the buildings in terms of their make-up? For example, we talked about the ambitions to restore the Euston arch. I think I am right in saying that bits of the Euston arch are scattered to the four winds. Some are in a beck somewhere, some are in a farmyard and others cannot be found. We are going to go through a thoughtful process of how to deal with these listed buildings. What sort of process is in place to try where possible to preserve the elements of a building—as we do with monuments—so that, for example, it can be re-sited somewhere else or otherwise utilised?

Mr Goodwill: I thank the hon. Gentleman for making those reasonable points. In cases where buildings are being destroyed and demolished in order to build the railway, there are no plans to reconstruct them elsewhere. However, other buildings will be affected by vibration or noise and the aesthetic value of others might be reduced by the proximity of the railway. We are conscious of those problems, and that is why the listed building controls that we are disapplying are done in a sympathetic way. I hope that the hon. Gentleman will be reassured that all works will have to be done in accordance with the environmental minimum requirements. The normal requirement to obtain listed building consent will apply to any of these changes. Although we are conscious that these buildings will be affected in a way that, in an ideal world, we would not wish, we are doing everything that can be done to limit the impact and deal with listed buildings sympathetically.

Question put and agreed to.

Clause 25 accordingly ordered to stand part of the Bill.

Schedule 18 agreed to.

Clause 26

ANCIENT MONUMENTS

2.45 pm

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

Mr Goodwill: In many ways, this clause on ancient monuments is similar to clause 25, which was on listed buildings. Clause 26 introduces schedule 19, which disapplies or modifies controls on ancient monuments to allow the construction of phase 1 of HS2. The schedule allows a person authorised by the Historic Buildings and Monuments Commission for England to enter on to land on which there is a scheduled monument to observe or advise on the carrying out of works to ensure the protection of such monuments. Similar provisions were included in the Crossrail Act 2008.

The promoter is in the process of agreeing a heritage agreement with Historic England in relation to ancient monuments such as Grim's ditch in the Chilterns. The agreement will establish an approvals process to ensure that works subject to clause 26 and schedule 19 are carried out appropriately. If the Bill is passed, phase 1 of HS2 will have been approved by Parliament, and parliamentary approval will give all the consent necessary to construct the railway. Those are the powers that are being used in this way. Once again, all works must be done in accordance with the environmental minimum requirements.

Andy McDonald: In the same vein, the Minister makes a valid point. It is a bit of an eggs and omelettes situation so far as listed buildings are concerned, but perhaps there is greater scope to preserve ancient monuments or take them to another site. Is he able, now or at a later date, to give detail about how many monuments will be treated in that way? I am sure that it will be considered, given the involvement of Historic England, but has it been identified as a possibility in any particular instance? Could it be rolled out elsewhere?

Mr Goodwill: We certainly will be advised by Historic England on how we can address particular instances. Indeed, a heritage agreement will establish a process for approving how works will be carried out, which will include recording the features, protecting those features where they remain in situ but could be affected by the construction, and possibly reusing features. The hon. Gentleman has mentioned the Euston arch, which is no longer an ancient monument or a listed building, as it

[Mr Goodwill]

was destroyed, but he is right that a number of important elements of that structure could be reused. The Secretary of State is keen to reconstruct the Euston arch as a feature of the railway. I wondered whether we could have some sort of hologram instead, but he much prefers bricks, stone and mortar than something a bit more high-tech.

I hope that the Committee will be assured that we are conscious of the need, in the same way as with historic and listed buildings, to protect ancient monuments to ensure that the impact on our heritage, on our countryside and on features that we wish to preserve is at the forefront of our minds. We are working with organisations that are best placed to advise us on how best to do that.

Question put and agreed to.

Clause 26 accordingly ordered to stand part of the Bill.

Schedule 19 agreed to.

Clause 27

BURIAL GROUNDS

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

Mr Goodwill: The clause relates to burial grounds, a subject close to my heart, given that I operate a green burial site on my farm and have around 400 people as permanent guests. The clause provides for the disapplication of laws concerning burial grounds and human remains. It also includes schedule 20, which outlines the process that the nominated undertaker—an unfortunate word to use in this regard—must follow in relation to the removal and re-interment or cremation of human remains, and the removal and replacement of monuments to the deceased. I understand that this is a sensitive subject, and that it is not just the railway that presents such issues; many construction projects around the country have unfortunately done so.

The clause disapplies ecclesiastical law for the purpose of construction in phase 1 of HS2. It also disapplies the law relating to burial grounds if the remains and any monument to the deceased have been dealt with in accordance with schedule 20. Similar provisions are included in the Crossrail Act 2008.

Three known burial grounds are affected by phase 1 service works: St James's Gardens in Euston, St Mary's Old Church in Stoke Mandeville and Park Street Gardens in Birmingham. In addition to those, four other burial grounds lie above the tunnelled route of HS2 and/or partially within the limits of land to be acquired or used. They are: North Acton cemetery in the London borough of Ealing; the Kensal Green Cemetery of All Souls in the Royal borough of Kensington and Chelsea; St Mary's Roman Catholic cemetery in the London borough of Hammersmith and Fulham; and St Giles's church in Chalfont St Giles in Chiltern district.

Any human remains affected by phase 1 of HS2 will be treated with dignity, respect and care. Works impacting human remains and associated monuments are an emotive and complex matter, and HS2 Ltd and the promoter recognise their duty to address the concerns of individuals and communities. Two undertakings have been concluded in respect of the treatment of and approach to human remains and monuments, in consultation between the nominated undertaker, the Commonwealth War Graves Commission, and the stakeholder, the Archbishops' Council of the Church of England.

The nominated undertaker is required to develop a burial grounds, human remains and monuments procedure to implement the legal requirements of schedule 20. Where remains are less than 100 years old, schedule 20 requires a notice to be published in the local newspaper and displayed at the burial ground. Relatives have the right to remove and re-inter or cremate the remains themselves at the promoter's expense.

If Members were part of the all-party parliamentary group on funerals and bereavement, as I am, they would know that this is quite a contentious issue already where municipal cemeteries are reusing land after 80 or 100 years. What is happening with HS2 is not happening in isolation; it is an issue around the country where the operators of burial grounds are reusing land, and it can sometimes be emotive for people whose relatives or friends are buried there.

For the purpose of clause 27 and schedule 20, a monument includes a tombstone or other memorial to the deceased, which includes a monument to one or more deceased persons. If the Bill is passed, phase 1 of HS2 will have been approved by Parliament, and parliamentary approval will therefore give the consent necessary to construct the railway. The limits to the powers in the clause and detailed controls in schedule 20 will apply. I commend clause 27 to the Committee.

Andy McDonald: A question occurred to me as the Minister was speaking about monuments. Is it within the contemplation of the promoter that people within a certain period going back will be able to have bodies re-interred and monuments moved? I am just thinking of the historical value of some of the monuments in our cemeteries. Has any thought been given to re-siting those monuments in another place? Those of us who have travelled to Poland with the Holocaust Educational Trust will have seen monuments that were retrieved from where they had been scattered and replaced where they could be given proper respect. Is it within the contemplation of the promoter to undertake that sort of exercise with these burial grounds?

Mr Goodwill: This is not a unique situation. As I already mentioned, numerous burial grounds are, unfortunately, being reused for other purposes—sometimes for re-burials. It is right that consideration should be given to how those memorials could be placed in a way that continues to provide a monument to that person. The rules in place for disinterment and reburial or cremation of those remains have been used on a number of occasions and will apply here. It is vital that we proceed in a sympathetic way and do everything possible to inform relatives and friends of people interred in this way. If necessary, I will take a personal interest in ensuring that relatives' and friends' views are respected and, where possible, responded to.

Question put and agreed to.

Clause 27 accordingly ordered to stand part of the Bill.

Schedule 20 agreed to.

Clause 28

CONSECRATED LAND

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

Mr Goodwill: On a similar theme, clause 28 applies to consecrated land. It provides that works authorised by the Bill may be carried out on consecrated land without being affected by restrictions and obligations imposed by ecclesiastical or other laws.

I have already mentioned that we have been in close conversation with the Church of England to ensure that it is aware of our intentions. Burial grounds are dealt with separately under schedule 20, which sets out how human remains are to be dealt with. Environmental minimum requirements control how the works are to be carried out. Similar provisions were included in the Crossrail Act 2008.

If the Bill is passed, phase 1 of HS2 will be approved by Parliament, and that will give the necessary consent to construct the railway. As I have said before, protection of consecrated land is provided in schedule 20 and the environmental minimum requirements, as always, will apply.

Question put and agreed to.

Clause 28 accordingly ordered to stand part of the Bill.

Clause 29

COMMONS AND OPEN SPACES

Andy McDonald: I beg to move amendment 16, in clause 29, page 12, line 28, at end insert—

"(d) The ownership of any public space which was previously owned by a public body and which is acquired by the nominated undertaker or the Secretary of State for Phase One purposes, and is subsequently returned to use as public space, must be transferred to a public body when that public space is no longer required for Phase One purposes.

"(e) For the purposes of subsection (d), a public body is a local authority, the Greater London Authority, Transport for London or any Metropolitan County Transport Authority."

This amendment requires the ownership of any public space which was previously owned by a public body and which is acquired by the nominated undertaker or Secretary of State for Phase One purposes, and which is then subsequently returned to use as a public space, to be transferred to a public body when the space is no longer required.

Clause 29 would give the Secretary of State significant and wide-ranging powers over commons and open spaces. The amendment is another attempt from me to put some shackles on the Secretary of State to prevent him or her from overreaching those powers. The clause says:

"No enactment regulating the use of commons, town or village greens, open spaces or allotments, and no enactment specially regulating any land of any of those kinds, prevents or restricts"

the Secretary of State doing all manner of things. That includes

"(a) the doing of anything for Phase One purposes on land held by the Secretary of State or the nominated undertaker for those purposes,

(b) the exercise of any right of entry…or

(c) the doing of anything in exercise of any other power under this Act."

So the Secretary of State has a pretty free hand to do as he or she pleases. In any other circumstances, there would be chaotic, loud and persistent protests at the infringement of such treasured spaces of public land.

We all recognise that the needs and demands of HS2 change all that. Therefore, the Secretary of State must have these powers. We do not object to that but we would like to see those powers qualified. We are talking about a modest qualification regarding the return of land to a public authority, keeping that land out of the clutches of any potential private entity. We believe that would be entirely appropriate and welcomed by many people.

3 pm

Commons, village greens and allotments are very much a part of our British culture and heritage. They speak a lot to who we are as a nation and are treasured by all manner of UK citizens, regardless of political affiliation or association. Those lands are worthy of our utmost protection. We attempt to do that by adding to Clause 29 a provision for returning such land, which was previously owned by a public body, back to a public body once HS2 has finished with the land. This amendment seeks to address the concern to ensure that, through the acquiring of public spaces previously owned by a public body by the nominated undertaker or the Secretary of State for phase 1 purposes, public spaces are not then privatised.

Public spaces are an extension of the community and play an important role in civic life, so it is important that the interests of business do not override the needs of communities in the construction of HS2.

Concerns over privatisation of public spaces have been voiced by Euston action group, among others. I need not stress to the Minister that any attempts to acquire public spaces owned by a public body and then privatise them when no longer required for phase 1 purposes would be met with significant opposition from those who live in the affected area and run the risk of undermining public support for HS2 and also of causing considerable reputational damage, which we are all anxious to avoid. This amendment would put into primary legislation a stipulation that the acquiring of land for phase 1 purposes will not be used as a means of back-door privatisation of public spaces, by requiring that:

"The ownership of any public space which was previously owned by a public body and which is acquired by the nominated undertaker or the Secretary of State for Phase One purposes, and is subsequently returned to use as public space, must be transferred to a public body when that…space"

is no longer required.

I do not wish to suggest that there is an anti-public authority agenda, nor that this is a back-door means of privatisation. Nevertheless, the concerns of some that that is a possibility are not unreasonable. I do not want to undermine the spirit of co-operation that we enjoy in the Bill Committee; but UK history is littered with botched and unpopular privatisations. Some are concerned that privatisation of these precious green spaces could be caused inadvertently through the construction of HS2.

If the Minister can give an assurance that public spaces that are acquired from a public body by the Secretary of State or the nominated undertaker for the

purposes of phase 1 will then be returned for use as a public space and transferred to a public body when the space is no longer required, I will be satisfied. I reserve my position, in the hope that the Minister will furnish the Committee with assurances in those respects.

Mr Goodwill: May I say at the outset that I intend to satisfy the hon. Gentleman completely? We are both in exact accord on this particular aspect. As he mentioned, Clause 29 refers to commons and open spaces and disapplies existing enactments that regulate the use of commons, town or village greens, open spaces or allotments. HS2 has made a number of commitments with regard to the effects of phase 1 of HS2 on open space, which are binding through the environmental minimum requirements. Where there are effects, we have sought to reach agreement with local authorities on how the effects will be mitigated. For example, commitments have been made to the London Borough of Ealing regarding the provision of new open space to mitigate the partial loss of Cerebos Gardens and to minimise land take from Victoria Gardens during construction.

On the assurance that the hon. Gentleman wishes me to give, let me be clear that as part of the HS2 land disposal policy, any public space acquired for HS2 that is to revert back to a public space and is to be disposed of will be offered to the original owning authority for their first refusal. That was always our intention and I make an absolute commitment that it will be the case. We will have cases in which privately held land is used temporarily during the construction process, and we intend to ensure that the private landowner has first refusal on taking that land back into their ownership.

The hon. Gentleman is absolutely right that the Secretary of State has significant and wide-ranging powers, so it is important to look at how the land that we cannot return will be replaced. I have already mentioned a couple of instances. The process has already been subject to the petitioning process and people will have had an opportunity to make their case and the Committee will have responded.

I will go further to suggest that the project will deliver additional public space and access. Some of the areas where we are carrying out environmental mitigation may be areas where we would wish the public to have access. There is a difficult balance to be struck between the needs of a local wildlife group that does not want dog walkers and disturbance to the wildlife in a particular nature conservation area, and the members of the public who probably would not understand how ground-nesting birds and other species could be affected by public access, but I am confident that there will be areas where public access is increased, and that will be to the benefit of everybody.

I cannot stress enough how strongly I absolutely understand what the hon. Gentleman has said. The land will be offered to the original owning authority for first refusal, so I hope his concerns have been allayed.

Andy McDonald: I can declare myself fully satisfied, or almost. I have only two issues. The Minister mentioned the instance in Ealing. If I have heard him correctly, that space will be not traded, but exchanged, and will repose in the local ownership of Ealing Borough Council. He has indicated that that is the case. If I have got that wrong, perhaps he will clarify that for me.

On the wider point of a local authority having held property effectively in trust for its citizens, if in the course of the next several years we see the nature, scope and range of local authorities change, and notwithstanding the fact that the original owning local authority may no longer exist as an entity, I assume that the property will be transferred to a similarly constituted successor local authority or other such public authority that would meet the requirements or description of being publicly owned. As we go through the devolution process, we may see increased powers for local boroughs or combined authorities, and the property rights may repose in bodies we have not yet decided on. Is the Minister able to reassure me about that?

Mr Goodwill: The hon. Gentleman is right that local government may be reformed. We may see more combined authorities or local authorities merging, or county and borough councils may become unitary in future. I can reassure him that whatever the structure of local government, the land will repose within a local government structure. A local parish or town council might wish to step in and take over the management of the land, which probably makes control of the land closer to the community. He should have no fears that, however local government changes might be enacted in future years, the basis of the clause as it relates to commons and open spaces is fundamental and will not change.

Andy McDonald: I am grateful to the Minister. Having been fully satisfied, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 29 ordered to stand part of the Bill.

Clause 30

Trees

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

Mr Goodwill: Having looked at historic buildings, historic sites, cemeteries and so on, we now move on to trees, which are every bit as important in terms of the heritage and the value of our countryside. Of course, we feel intensely disappointed when we have to impact upon ancient woodland. Indeed, much of the tunnelling that has been carried out as part of the environmental mitigation of this scheme is to protect ancient woodland.

Clause 30 disapplies protection for trees subject to tree preservation orders or in conservation areas, in relation to work to trees that is required for the purposes of constructing or maintaining phase 1 of HS2. Similar provisions were included in the Crossrail Act 2008, sections 198(1) and 202(1) of the Town and Country Planning Act 1990, and in regulations made under section 202A of that Act. Section 211 of the Town and Country Planning Act deals with the:

"Preservation of trees in conservation areas"—

and sections of that Act are disapplied.

The clause refers to "tree works". Perhaps I could clarify that this refers to works consisting of

"the removal, topping or lopping of a tree or the cutting back of the roots".

Concerns may have been raised—and certainly have been with the environmental groups that I have met—about how we can continue to protect trees, particularly where excavations may affect the roots of trees, for example. I can reassure the Committee that all works must be done in accordance with the environmental minimum requirements. If the Bill is passed, phase 1 will have been approved by Parliament, and therefore the powers there will be the ones that are used to carry out the works to trees.

Sir Simon Burns: My hon. Friend's comments on this very important area are welcome. Could he also share with the Committee the number of new trees that will be planted to make the whole line of route more environmentally friendly? I believe that it is about 2 million.

Mr Goodwill: I can certainly confirm that 2 million trees will be planted as part of the mitigation in connection with phase 1 of High Speed 2, which will be a tremendous augmentation of the arboricultural heritage of our country. Indeed, I had a meeting two weeks ago with the Woodland Trust, and we looked at how we can best choose the species of tree that will be introduced as part of this massive planting programme. I have already mentioned the issue of the elm and Dutch elm disease, and the ash and ash dieback.

We are also looking at some of the particularly valuable trees that will be lost. There is a famous pear tree—it was voted tree of the year last year—which unfortunately will be taken out by the scheme. As far as possible, it is our intention to take cuttings from that tree and to nurture them so that we can have a number of examples of that tree which, incidentally, I am told was reaching the end of its natural biological life. Although the tree is being cut down, it is not being cut off in its prime. It is very important that we can ensure that the tree planting that we carry out is sympathetic with the sort of trees that, in some cases, will be removed because of the application of clause 30 to trees in areas affected by the scheme.

The planting of these 2 million trees is part of our wish to ensure that the scheme causes no net environmental loss. So for every tree that unfortunately is removed a number of new trees will be planted, which in the fullness of time will benefit the wider community.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Clause 31

Overhead lines

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

Mr Goodwill: We move from trees to overhead lines, which is not quite as empathetic an area. Clause 31 allows the installation and diversion of overhead lines to be carried out as part of the authorised works and grants the necessary consent for such works. This clause removes the need for the Secretary of State's consent under the Electricity Act 1989 where the installation of the line is a work authorised by the Bill. Similar provisions were included in the Crossrail Act 2008. I beg to move that clause 31 stand part of the Bill.

3.15 pm

Andy McDonald: I simply want to raise the issue of the undergrounding of power lines. I know that that has been raised in other places, in particular with regard to areas of natural beauty. This clause speaks to installation and diversion of overhead lines. Will the Minister enlighten the Committee about the extent to which any power lines are going to be put underground?

Mr Goodwill: The undergrounding of overhead power lines has been considered for those power lines affected by HS2 works already. It was concluded that it was neither an environmentally or economically beneficial solution. The removal of existing infrastructure anywhere within an area of outstanding natural beauty is not properly a matter for the HS2 Bill. Environmental mitigation and compensation has been provided by the project to compensate for the physical effects of the railway. It should be noted that the National Grid visual impact provision project initiated by Ofgem assessed national parks and areas of outstanding natural beauty in England and Wales and reported in November 2014, identifying eight such protected sites where undergrounding might be beneficial. The Chilterns was not selected. I hope that that will clarify that we are not embarking on a widescale undergrounding of power lines as part of this project. We believe that that would go beyond the powers we would need to construct the railway.

Question put and agreed to.

Clause 31 accordingly ordered to stand part of the Bill.

Clause 32

Water

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

Mr Goodwill: We move from electricity to water—I think it is only fire that we have not covered. Clause 32 introduces schedule 21, which provides for the disapplication of certain legislation relating to water abstraction and impounding and other matters related to water and drainage. Similar provisions were included in the Crossrail Act 2008. The clause disapplies various sections of the following Acts: the Water Resources Act 1991, the Flood and Water Management Act 2010, the Water Industry Act 1991 and part 4 of the Eels (England and Wales) Regulations 2009.

Land drainage, flood defence and water resources and fisheries are protected by the provisions included in part 5 of schedule 32, which requires the approval of the appropriate authority, such as the Environment Agency, for specified works that may affect these resources. I hope that the Committee is content that, by disapplying these restrictions on works that can be done in relation to water resources, we are sensibly introducing a provision that was already part of the Crossrail Act 2008, which is a standard provision for projects such as this.

Question put and agreed to.

Clause 32 accordingly ordered to stand part of the Bill.

Schedule 21 agreed to.

Clause 33

BUILDINGS

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

Mr Goodwill: Clause 33 introduces schedules 22 and 23, which make provision for disapplication of certain legislation relating to buildings and party walls. Schedule 22 provides for the disapplication or modification of various provisions of the Building Act 1984 and building regulations. The provisions include drain repairs and disconnections, the raising of chimneys and the construction of cellars and rooms below subsoil water level. Schedule 23 modifies the Party Wall etc. Act 1996. Among the modifications is an amended process for the resolution of disputes. Disputes will be settled by a single arbitrator agreed by both parties or, in default of agreement, appointed by the president of the Institution of Civil Engineers. Either party may appeal to the county court against the award of the arbitrator.

We changed the process for the resolution of disputes because under the 1996 Act disputes are settled by a surveyor appointed by the parties or, failing agreement, by three surveyors. One is appointed by each party, plus a third surveyor appointed by those surveyors. Such surveyors will not necessarily have the specialist expertise required to make determinations about railway infrastructure. Under the Bill, disputes are to be determined by a single surveyor or engineer appointed in default of agreement by the president of the Institution of Civil Engineers. This will ensure that the arbitrator will have the necessary specialist expertise. In addition, the process has been streamlined to secure the speedy determination of disputes. I commend the clause to the Committee.

Question put and agreed to.

Clause 33 accordingly ordered to stand part of the Bill

Schedules 22 and 23 agreed to.

Clause 34

STREET WORKS

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

Mr Goodwill: The clause relates to street works and introduces schedule 24, which disapplies various controls relating to works in or near streets and highways. The schedule disapplies sections in the following Acts: the Greater London Council (General Powers) Act 1970, the Highways Act 1980, the Greater London Council (General Powers) Act 1986, the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.

The controls being disapplied include provisions that would require licence or approval from the relevant highways authority. For example, the need to obtain approval before certain works, such as the erection of scaffolding or the placing of a retaining wall near a highway, has been removed for works authorised by the Bill. A further example is that the power of highways authorities to direct when works that could affect traffic can take place will not apply for the authorised works. I must add that we are at all times engaging with communities and local authorities to ensure that we minimise the impact of our construction. For example, we will look at routes into which lorries can be channelled to minimise the effect.

All works, once again, must be done in accordance with the environmental minimum requirements. The highways authorities have certain protections. There are protective provisions for highways and traffic in part 1 of schedule 32. For example, in exercising the powers under the Bill, the nominated undertaker is required to have regard to the potential disruption of traffic that may be caused and seek to minimise such disruption as far as reasonably practical. I have been involved in negotiations to ensure we can, for example, construct temporary routes so trucks do not have an impact on local communities. We will, as far as possible, use a line of route for transported materials to prevent having an impact on local highways.

The approval of the highways authority is required for bridges carrying a highway over the railway or the railway over a highway, or tunnels within 8 metres of the surface of a carriageway. The nominated undertaker must not alter or disturb any highways authority property without the consent of the authority. They are required to make good or compensate the highways authority for any damage to a highway resulting from the construction of the authorised works. I commend the clause to the Committee.

Andy McDonald: On the issue of disruption, will the Minister say something about the timing of works in all areas, whether rural or urban? I am thinking particularly about Euston, where people are going to be subjected to very considerable works for a lengthy period of time. Will there be protected periods during which works will not be conducted so that people will be guaranteed some semblance of peace? We may deal with that when we discuss lorries, but will that obtain for the street works?

Mr Goodwill: We are in negotiations with local highways authorities along the route to ensure that we minimise the impact on communities as we construct HS2. That might involve restrictions on the times when vehicles may be operated or, indeed, times when construction is not being carried out. We are absolutely sympathetic to the concerns that have been expressed and will ensure that, as far as possible, we can react to them. It is also about looking at the scheduling of the work. It is a difficult conundrum to know whether it is best to do an awful lot of work in a short time to minimise the time taken, or to string out the work over a longer period so that the frequency of trucks and, for example, the amount of disruption and dust is reduced.

Traffic management plans will be consulted on with local authorities, so they will have the opportunity to engage with us. Although we are disapplying some of the legislation, we will certainly be working closely with local authorities to ensure that the work is done as sympathetically as possible. Indeed, in some cases we have purchased properties because they will be unacceptably affected by construction. Although such properties do not need to be demolished for the construction of the railway, we understand that the level of disruption will be such that it would be neither sensible nor reasonable to expect people to remain in them. Of course, when the line is complete we will go to the market with those

properties to ensure that the taxpayer gets as much money back as possible. We might even make a profit on some properties during the construction.

Andy McDonald: Putting aside the profit-making element of properties sold during the construction, if the Minister turns his attention to the logistics and layout at Euston, he will notice that some of the tower blocks to the north and east of the development will be within metres of the works. Even at this stage, is the Minister involved in any discussions to explore whether additional blocks might be vacated and people offered alternative accommodation? Are people pressing for that? When I visited the area last Friday I was horrified by the proximity of the development to some significant dwellings where people's lives will undoubtedly be made very difficult indeed.

Mr Goodwill: It is certainly the case that, because of the impact of building the railway, we have procured some of the residential properties at Euston that the hon. Gentleman described as tower blocks. We went to look at a specific property with the leader of the council and I was very sympathetic to the concerns that were expressed. There might be an opportunity, perhaps during the periods of the highest construction activity, for people to be temporarily relocated from the relevant side of the building, but we concluded that it would not be in taxpayers' best interests to procure the entire building and build additional provision for its residents.

Nevertheless, we understand the disruption. Where possible, particularly if, for example, people have disabilities so are in the properties 24/7, we will look at what we can do to try to mitigate any negative effects. HS2 Ltd is in discussions to find out how we can do something to temporarily alleviate such problems, where they exist.

Question put and agreed to.

Clause 34 accordingly ordered to stand part of the Bill.

Schedule 24 agreed to.

Clause 35

NOISE

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

3.30 pm

Mr Goodwill: This follows on neatly from our previous discussion about street works and relates specifically to lorries. Clause 35 introduces schedule 25, which contains provisions relating to the granting of permits for the use of heavy commercial vehicles on roads where there are heavy-lorry restrictions. Similar provisions were included in the Crossrail Act 2008. Local authorities have the power to make orders prohibiting and restricting the use of heavy goods vehicles on specified roads. Such an order is enforced in Greater London. Schedule 25 streamlines the process for the use of permits authorising lorries to use restricted roads for the purposes of the construction of phase 1 of HS2.

I can reassure the hon. Member for Middlesbrough, before he jumps up, that the measure will not completely remove the powers of local authorities in that regard. Permits will still be issued by the local authority. Schedule 25 will streamline the process for the issue of permits and includes an appeal procedure to the Secretary of State and an expedited process for the issue of emergency permits.

Part 1 of schedule 31 requires a nominated undertaker to

"have regard to the potential disruption of traffic which may be caused"

and to

"seek to minimise such disruption so far as is reasonably practicable."

In addition, those matters are covered in the environmental minimum requirements and the highways sub-forum, a group of the relevant local highway authorities chaired by HS2 Ltd.

Incidentally, this morning we discussed the availability of the scope and methodology report, which the hon. Gentleman said he would like to see. I have brought him a copy of that weighty tome, which I hope will be his bedtime reading this evening. The report contains a number of the reassurances he sought. In terms of environmental mitigation, we are on top of everything and are ensuring that we recognise the impact this project will have on people. Where things can be done to limit that impact, they will be done.

Andy McDonald: Briefly, I want to return to the issue of the transporting of goods by lorries. The Minister will be aware that one of the most significant concerns of the people of Camden is the extra loading that will fall on to the roads around Euston station during construction. Can he give further detail about the commitment being made to transport and transfer out of the construction site as much of the goods and the spoil as possible by rail, as opposed to road? That, in itself, will be one of the most significant ways to mitigate the impact on the residents of Camden. If he will say something about that, I shall be extremely grateful.

Mr Goodwill: The hon. Gentleman talks about excavated material. Material from the tunnelling process—the majority of the line from Euston to Old Oak Common is a tunnel—will be transported out to the end of the tunnel; it will not be put on lorries at Euston and transported around there. We have a lot of experience of that in this country. We have, for example, the Queen Elizabeth line. We have a number of major projects being delivered from a transport infrastructure and housing and office point of view in London, so we have some experience of how to limit and mitigate the impacts of traffic.

As the Minister responsible for cycling, I am also aware of the risks caused to pedestrians and cyclists by tipper trucks. A number of accidents have happened where vehicles are turning left and cyclists have found themselves on the inside. The codes of practice that we have previously used will, I am sure, be used by the construction industry as it delivers the project, to ensure that we minimise that risk.

I understand that the hon. Gentleman proposes a new clause later in the Bill with regard to transporting material by rail. We can discuss that subject in more detail when we debate that new clause. I understand his concern to limit, where possible, the amount of material transported by road. When we have to transport goods and material by road, we must ensure that we do so in the way that is most sympathetic to the community, working with the local authority and, as we saw last week in Camden, having a location where people can go to get information about the sequencing of work.

[Mr Goodwill]

They will then know which roads might be closed or particularly used for trucks, so that they can plan their lives around that.

We are very conscious of the impact that this project will have during construction, but we are also very conscious of the long-term benefits for the Camden area in general and Euston in particular of the delivery of this transformational project, which will make Euston every bit as much a totemic station as King's Cross and others around the country.

Question put and agreed to.

Clause 35 accordingly ordered to stand part of the Bill.

Schedule 25 agreed to.

Clause 36

NOISE

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

Mr Goodwill: A theme is developing for what we are doing to limit, mitigate and manage the disruption for people in the areas in which construction is taking place. We are talking about not only the urban environment in Camden, but the rural locations where many people regard the peace and tranquillity of their area as central to their ability to enjoy their homes and community.

The clause introduces schedule 26, which modifies existing legislation on construction noise, giving a defence to the nominated undertaker against statutory nuisance claims in respect of works carried out in phase 1 of HS2. Unsurprisingly, similar provisions were included in the Crossrail Act 2008. Appeals against either the service by a local authority of a notice imposing noise requirements, or a local authority's refusal to give consent under the Control of Pollution Act 1974 are the modifications that the schedule makes to noise legislation in respect of phase 1 work. They are to be determined by the Secretary of State or, if the parties agree, by arbitration, rather than in a magistrates court.

A defence is provided for failure to comply with a noise abatement notice in respect of noise caused by the construction, maintenance or operation of phase 1 of HS2 and cannot reasonably be avoided. An order cannot be made by a magistrates court in proceedings for statutory nuisance in respect of noise caused by phase 1 works if the works are being carried out in accordance with a notice or consent issued by the local authority under the 1974 Act, or if the noise cannot reasonably be avoided. In that regard, we are modifying certain sections of the 1974 Act and of the Environmental Protection Act 1990.

The reason why we are making the modifications is that, given the scale of HS2 phase 1, it is appropriate for the Secretary of State or an arbitrator to determine appeals against refusal to give consent to work. If local authorities have given consent under the 1974 Act, the works may be carried out without impediment. Again unsurprisingly, all works must be done in accordance with the environmental minimum requirements.

On redress for people disturbed by noise from construction work associated with HS2 phase 1, the Secretary of State will ensure that a construction commissioner is appointed by the time that phase 1 construction begins. If individuals have a complaint during construction that cannot be resolved through the nominated undertaker's complaints process, they will have the option to refer their complaint to the construction commissioner. Further information on the role of the commissioner is provided in information paper "G3: Construction Commissioner". I assure the hon. Member for Middlesbrough that, should I still be the Minister at the time, I will take a keen interest in the appointment of someone who will be seen as a champion of the people affected, not as someone on the side of the project. That is important. Similarly, with the HS2 residents' commissioner, we have a person appointed who will be seen as being on the side of residents and able to further their concerns effectively.

Andy McDonald: I thank the Minister for that, because it was extremely helpful, especially when he referred to the commissioner. I hope that later in our sittings we will get the chance to explore the independence of the commissioner in greater detail.

I note what the Minister said that was specific to the Control of Pollution Act 1974, but I wonder whether he shares my concern for the residents of Camden. Areas such as Drummond Street and Cobourg Street, which I had the privilege of visiting a few days ago, are remarkably quiet. There seems to be a misconception that people who live in central London are somehow well used to noise and bustle and therefore cannot be afforded the same sorts of facilities as those who live in quieter, more rural, pastoral circumstances.

Will the Minister give some thought to ensuring that some sort of parity of esteem between urban and rural areas filters through everything done in the name of HS2? There is no justification in my mind for people living in such areas as Cobourg Street—many of them elderly and disabled—having to suffer a level of noise that would not be tolerated under the scheme in rural areas. I do not know whether he can give me any assurances about that, but that is certainly something we are looking for.

Mr Goodwill: I am not sure whether I can give the hon. Gentleman any assurances or reassurances, but I can explain why we have a different compensation package for rural areas from the one for urban areas. Although property might be quite a long way from the railway in many rural areas, there may be nothing in between. In urban areas, someone could be 120 metres from the railway, but with two streets of houses in between.

Although the hon. Gentleman was in Drummond Street in Camden on a quiet day, it is a bustling urban environment, and the value of the houses there relates more to the central London location and the easy connections to other parts of the capital, whereas in more rural areas, people might have bought properties for the rural tranquillity. I understand why we need to have different compensation packages in place. I hope he realises that if one lives in a large metropolis, such as our wonderful capital, one does rather expect that there will be a lot of construction going on from time to time. That is not the case in many rural villages, where the green belt would be extended and where there may be areas of outstanding natural beauty, or where there may be conservation areas in the centre of the village.

I think we are looking at a different situation, but that said, we do need to ensure that where people's lives are disrupted, we make efforts to mitigate those effects where we can.

I have already talked about lorries, street works and so on, and we will do everything we can on that, working with local authorities to ensure that we limit the impact on people. As I have said, we have already purchased some properties that, although not required for the project, would be so detrimentally affected by the construction process that we felt it was not fair to allow those people to stay in their houses.

Question put and agreed to.

Clause 36 accordingly ordered to stand part of the Bill.

Schedule 26 agreed to.

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

3.43 pm

Adjourned till Thursday 3 March at twenty-five minutes past Eleven o'clock.