

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HIGHSPEEDRAIL (WEST MIDLANDS - CREWE) BILL

First Sitting

Tuesday 25 June 2019

(Morning)

CONTENTS

Sittings motion agreed to.
Order of consideration agreed to.
CLAUSES 1 TO 62 agreed to.
SCHEDULES 1 TO 32 agreed to.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 29 June 2019

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The Committee consisted of the following Members:

Chairs: † Ms KAREN BUCK, PHILIP DAVIES

Burghart, Alex (<i>Brentwood and Ongar</i>) (Con)	† Harrison, Trudy (<i>Copeland</i>) (Con)
† Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab)	† Johnson, Dr Caroline (<i>Sleaford and North Hykeham</i>) (Con)
† Daby, Janet (<i>Lewisham East</i>) (Lab)	† Maclean, Rachel (<i>Redditch</i>) (Con)
† Dhesi, Mr Tanmanjeet Singh (<i>Slough</i>) (Lab)	† Robinson, Mary (<i>Cheadle</i>) (Con)
† Donelan, Michelle (<i>Chippenham</i>) (Con)	† Rodda, Matt (<i>Reading East</i>) (Lab)
Duffield, Rosie (<i>Canterbury</i>) (Lab)	† Ross, Douglas (<i>Moray</i>) (Con)
† Foxcroft, Vicky (<i>Lewisham, Deptford</i>) (Lab)	† Sweeney, Mr Paul (<i>Glasgow North East</i>) (Lab/Co-op)
† Gaffney, Hugh (<i>Coatbridge, Chryston and Bellshill</i>) (Lab)	Adam Mellows-Facer, Rob Page, <i>Committee Clerks</i>
† Ghani, Ms Nusrat (<i>Parliamentary Under-Secretary of State for Transport</i>)	
† Green, Chris (<i>Bolton West</i>) (Con)	† attended the Committee

Public Bill Committee

Tuesday 25 June 2019

(Morning)

[Ms KAREN BUCK *in the Chair*]

High Speed Rail (West Midlands - Crewe) Bill

9.27 am

The Chair: Welcome to the Committee's first sitting. Would everyone please ensure that their phones are on silent? We will first consider the sittings and order of consideration motions, which stand in the name of the Minister, which I hope we can take without too much debate. I call the Minister to move the sittings motion.

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I beg to move,

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

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

(b) Thursdays when the House is sitting at 11.30 am and 2.00 pm.

Thank you, Ms Buck, for introducing proceedings. I look forward to working with all members of the Committee on the important process of line-by-line scrutiny of the Bill, and to hearing from Her Majesty's loyal Opposition as part of that. I thank the High Speed Rail (West Midlands - Crewe) Bill Select Committee, chaired by my hon. Friend the Member for Rochford and Southend East (James Duddridge), which has heard from directly and especially affected petitioners over the past 15 months and has accordingly made changes to the scheme and the Bill. I am delighted that we can now move on to the next stage of consideration, which will enable us to take the benefits that the railway will bring further north.

The clauses and stages of the Bill follow previous hybrid Bills very closely, so they have already been approved by Parliament on several occasions. The functions of the Bill are: to authorise the compulsory purchase of the land needed, to give deemed outline planning consent to the phase 2a section of the railway, to give the nominated undertaker the powers to build and maintain the railway, and to modify existing legislation to enable this all to progress smoothly. Issues relating to the compulsory purchase of land and how that affects individuals, organisations and businesses have largely been dealt with by the Select Committee. What remains for this Committee are largely technical matters.

Question put and agreed to.

Ordered,

That the Bill be considered in the following order, namely, Clause 1, Schedule 1, Clause 2, Schedules 2 and 3, Clause 3, Schedules 4 and 5, Clause 4, Schedules 6 and 7, Clause 5, Schedules 8 to 10, Clauses 6 and 7, Schedule 11, Clause 8, Schedule 12, Clause 9, Schedule 13, Clause 10, Schedule 14, Clauses 11 to 13, Schedules 15 and 16, Clauses 14 to 17, Schedule 17,

Clauses 18 to 21, Schedules 18 and 19, Clause 22, Schedule 20, Clauses 23 to 27, Schedule 21, Clause 28, Schedules 22 and 23, Clause 29, Schedule 24, Clause 30, Schedule 25, Clause 31, Schedule 26, Clause 32, Schedule 27, Clauses 33 to 37, Schedule 28, Clause 38, Schedule 29, Clauses 39 and 40, Schedule 30, Clauses 41 and 42, Schedule 31, Clause 43, Schedule 32, Clauses 44 to 62, new Clauses, new Schedules, remaining proceedings on the Bill.—
(Ms Ghani.)

The Chair: We now begin line-by-line consideration of the Bill. The selection list for today's sitting, which is available in the room, shows how clauses, schedules and amendments have been grouped for debate. Grouped matters generally deal with the same or similar issues. The selection and grouping is simple: schedules introduced by a particular clause have been grouped for debate with that clause. Decisions on each will be taken at the end of each debate in accordance with the order of consideration resolution just agreed by the Committee. The only amendments are new clauses, which will be taken in turn after the existing clauses and schedules have been dealt with. I will use my discretion to decide whether to allow separate stand part debates on individual clauses and their schedules in the light of preceding debates.

Clause 1

POWER TO CONSTRUCT AND MAINTAIN WORKS FOR
PHASE 2A OF HIGH SPEED 2

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

The Chair: With this it will be convenient to discuss that schedule 1 be the First schedule to the Bill.

Ms Ghani: The clause authorises the nominated undertaker to construct and maintain the works specified in schedule 1 for the construction of phase 2a of High Speed 2 and other incidental works. It is a standard clause found in all works Bills. Phase 2a sits between two larger phases of the HS2 project, so the clause makes provision to accommodate emerging design works for phase 1 at Handsacre junction and phase 2b at Crewe.

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 precedence in other railway Acts, most recently the High Speed Rail (London - West Midlands) Act 2017. The limits of the deviation reflect the fact that the design of phase 2a is, by necessity, at an outline stage—detailed design will come later—so some flexibility is essential. Any variation within the limits of deviation is controlled by the environmental minimum requirements.

Matt Rodda (Reading East) (Lab): Labour supports High Speed 2, as it will address the severe capacity constraints on our rail network and improve connections between cities in the midlands and the north. Any responsible Government must contend with the fact that commuter and freight services are being squeezed off the network due to lack of capacity. HS2 is vital for unblocking the railway and creating additional capacity.

The UK is off track to meet its emission reduction targets under the Climate Change Act 2008. Transport is the most emitting sector of the economy and the worst performing sector with regard to emissions—indeed, emissions have risen since 2010. HS2 will provide an alternative to domestic flying and will tackle that important issue. It will also allow for more reliable rail services.

It is vital that we get HS2 right. It is a tremendous opportunity to improve connectivity and we support it as part of a package of delivering transformative investment in our rail system.

Ms Ghani: I welcome the hon. Gentleman's comments. We are debating a particular section of the line, and I welcome his support.

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.

The Chair: With this it will be convenient to discuss the following:

That schedule 2 be the Second schedule to the Bill.

That schedule 3 be the Third schedule to the Bill.

Ms Ghani: The clause authorises a nominated undertaker to carry out any necessary ancillary works for the construction and maintenance of phase 2a, as long as such works remain within the limits shown on the plans. That could be railway works as set out in subsection (1) or, as stated in subsection (3), “landscaping and other works to mitigate any adverse effects of the construction”.

Again, it is a standard clause for works Bills.

Subsection (4) introduces schedule 2, which contains “further and supplementary provision about works.”

It allows for 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 investigate land, carry out protective works and provide safeguards for the property owners. Subsection (5) allows a nominated undertaker to divert the electricity lines identified in schedule 3, and to carry out the ancillary works required for the diversions.

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.

The Chair: With this it will be convenient to discuss the following:

That schedule 4 be the Fourth schedule to the Bill.

That schedule 5 be the Fifth schedule to the Bill.

Ms Ghani: Clause 3 introduces schedules 4 and 5, which allow the nominated undertaker to carry out works to and otherwise affect highways. That includes creating new or improving existing highways and highway accesses, and stopping up roads. It also requires the nominated undertaker to obtain the consent of Highways England before carrying out works to roads for which that body is responsible, for example motorways and trunk roads.

Matt Rodda: Developers can be overly dependent on road transport, which is ironic in a major rail project. I hope that the Minister will agree that as much freight as possible should be delivered by rail so as to minimise road use and the inevitable disruption to local communities. What steps have the Government taken to address that important issue?

Ms Ghani: The hon. Gentleman makes a valid point. We want the project to be as clean and green as possible, and freight capacity is a major issue that we are investigating to ensure that as much freight can be moved by rail as possible. I hope that provides him with the confidence he needs.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Schedules 4 and 5 agreed to.

Clause 4

POWER TO ACQUIRE LAND COMPULSORILY

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

The Chair: With this it will be convenient to discuss the following:

That schedule 6 be the Sixth schedule to the Bill.

That schedule 7 be the Seventh schedule to the Bill.

Ms Ghani: Clause 4 provides the Secretary of State with the power to compulsorily acquire land within the limits shown in the Bill, where such land is required for phase 2a. Subsection (2) introduces schedule 6, which describes some of the land to be acquired and the particular purposes for which it may be acquired. It is not land required for the scheduled works; it is land required for ancillary works, including environmental mitigation, utility diversions and borrow pits. The clause further provides that the normal legislative regime relating to compulsory acquisition is to apply, subject to the modification set out in schedule 7. The purpose of the modifications is to streamline the land acquisition process, as Parliament will already have given approval to the Bill.

Matt Rodda: Compulsory purchases and compensation have been an issue of contention during this process. For phase 1 it was initially decided that residents of

[*Matt Rodda*]

urban areas would receive less compensation than those in rural areas—a decision that was eventually overturned. It is important that such issues are dealt with fairly, but it appears that tenants who are adversely affected by the scheduled works are not being treated fairly as there is no scheme to compensate them. Those who rent are already disadvantaged compared with those who own their own properties, and I believe that much more can and should be done. I will return to that issue when we discuss the new clauses.

Ms Ghani: The hon. Gentleman raises an important point. The purchase of land is essential to the completion of the proposed scheme. People directly and especially affected by the Bill have had the opportunity to petition the House and will have another opportunity to do so in the other place.

The project endeavours to use land as effectively and efficiently as possible. There are a number of places where compensation claims can be heard and settled by agreement, whereas disputes can be dealt with by the upper tribunal or by other factors that HS2 has put in place to deal with local communities and local people. Even though the project provides some disruption along the line, we want to ensure that we are doing the right thing by the communities we are working with.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Schedules 6 and 7 agreed to.

Clause 5

ACQUISITION OF RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS

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

The Chair: With this it will be convenient to consider the following:

That schedule 8 be the Eighth schedule to the Bill.

That schedule 9 be the Ninth schedule to the Bill.

That schedule 10 be the Tenth schedule to the Bill.

Ms Ghani: Clause 5 provides the Secretary of State with the power to acquire rights in land, such as access over it, or to impose restrictive covenants over land for the purpose of phase 2a, rather than acquiring the land itself.

Subsection (2) introduces schedule 8, which specifies land where powers of acquisition are limited to the acquisition of rights or the imposition of restrictive covenants for the purposes specified in column 3 of the table in that schedule. In particular, the restrictive covenants can be imposed for the preservation of ground re-profiling. This will ensure that no future changes are made that detrimentally affect the ability to deliver, maintain or operate phase 2a. Subsection (3) makes it clear that the Secretary of State can acquire rights or impose restrictive covenants for the benefit of another person, such as a statutory undertaker.

The clause also gives the Secretary of State the power to provide that a specified person may exercise the powers under the Bill to acquire rights to impose restrictive covenants. For example, it may be prudent to give a statutory undertaker the rights to impose restrictions so that they can maintain their own equipment on that land.

Subsection (6) introduces schedules 9 and 10, which contain provisions about the application of compulsory purchase legislation in relation to the acquisition of rights over land or the imposition of restrictive covenants. Subsection (7) amends section 5 of the High Speed Rail (London - West Midlands) Act 2017—the phase 1 Act—to make it clear that the Secretary of State can apply rights or impose restrictive covenants under that section for the benefit of another person, such as a statutory undertaker.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Schedules 8 to 10 agreed to.

Rachel Maclean (Redditch) (Con): On a point of order, Ms Buck. Is it in order to have a second shadow Minister kneeling on the floor during the Committee's proceedings? I would be grateful for your guidance.

The Chair: I understand the point, and normally that would not be acceptable, but my understanding is that the hon. Lady in question would have been a member of the Committee had she not lost her voice. With the leave of the Committee, perhaps a bit of flexibility would be acceptable in this case.

Clause 6

ACQUISITION OF AIRSPACE

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

Ms Ghani: Clause 6 allows the Secretary of State to use the power under section 4(1) to compulsorily acquire airspace only, rather than the land beneath it, for the purpose of aerial works. 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.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

9.45 am

Clause 7

ACQUISITION OF SUBSOIL OR UNDER-SURFACE

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

The Chair: With this it will be convenient to consider that schedule 11 be the Eleventh schedule to the Bill.

Ms Ghani: Clause 7 allows the Secretary of State to compulsorily purchase only the subsoil or under-surface of land within the Bill limits for work such as tunnelling. Where the Secretary of State only acquires the subsoil or under-surface, he cannot be compelled to purchase the surface land, except where sub-surface acquisition

includes part of a building, such as a cellar, and would 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 the imposition of restrictive covenants. The table in the schedule details land where only subsoil more than nine metres below the surface can be compulsorily acquired. This is mostly for deep tunnels.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Schedule 11 agreed to.

Clause 8

HIGHWAY SUBSOIL

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

The Chair: With this it will be convenient to consider that schedule 12 be the Twelfth schedule to the Bill.

Ms Ghani: Clause 8 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 a building fronting on to a highway.

Subsections (3) and (4) introduce schedule 12, which lists the highway allowed within the Bill limits where the powers to take subsoil or compulsorily acquire interest in the land cannot be exercised except in the case of street works, as per subsection (6). 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 nine metres beneath the level of the surface may be taken.

Matt Rodda: Obviously, layers of subsoil are important. There is a link to the depletion of high-quality soils. We need to preserve good soil for farming. Some farmers in this important agricultural area might have spent time improving the quality of soil on their land. We would like this issue to be addressed so that any movement of soil is managed with great care and caution.

Ms Ghani: The hon. Gentleman raises an important point. I already attend meetings with the National Farmers Union and the Country Land and Business Association. We will of course continue to work with them, and he will know that we try to reduce any environmental impact when building this railway line.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Schedule 12 agreed to.

Clause 9

TERMINATION OF POWER TO ACQUIRE LAND

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

The Chair: With this it will be convenient to consider that schedule 13 be the Thirteenth schedule to the Bill.

Ms Ghani: Clause 9 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 by order to extend this period by not more than five years. Any order extending the time limit for the exercise of these powers is subject to special parliamentary procedure.

Subsection (4) introduces schedule 13, which enables landowners, in the event of an extension to the time limit, to require the Secretary of State to acquire their property interests. If he decides not to, the compulsory purchase powers over the property interest will cease. Similar provisions were included in the Crossrail Act 2008 and the High Speed Rail (London - West Midlands) Act 2017.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Schedule 13 agreed to.

Clause 10

EXTINCTION OF RIGHTS OVER LAND

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

The Chair: With this it will be convenient to consider that schedule 14 be the Fourteenth schedule to the Bill.

Ms Ghani: Clause 10 introduces schedule 14, which contains provisions about extinguishing private rights and any general rights of access over land, where such land is required for phase 2a. Those who suffer loss due to extinguishment of a private right would be entitled to compensation under the normal compensation provisions. Provisions for extinguishing rights were included in the Crossrail Act 2008, the Channel Tunnel Rail Link Act 1996 and the High Speed Rail (London - West Midlands) Act 2017. Similar provisions apply to compulsory acquisition by local authorities.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Schedule 14 agreed to.

Clause 11

EXTINCTION OF RIGHTS OF STATUTORY UNDERTAKERS

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

Ms Ghani: The clause applies the provisions of the Town and Country Planning Act 1990, which provide a process by which any apparatus of the statutory undertaker on such land may be removed and related rights over

[Ms Ghani]

the land extinguished. Clause 11 is subject to the protected provisions for specified statutory undertakers in schedule 32, which makes provision for the diversion or protection of their apparatus.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Clause 12

EXCLUSION OF NEW RIGHTS OF WAY

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

Ms Ghani: The clause prevents rights of way from being acquired by prescription over land that forms an access to any railway infrastructure and which is held for phase 2a.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 13

TEMPORARY POSSESSION AND USE OF LAND

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

The Chair: With this, it will be convenient to consider the following:

That schedule 15 be the Fifteenth schedule to the Bill.

That schedule 16 be the Sixteenth schedule to the Bill.

Ms Ghani: Clause 13 introduces schedules 15 and 16, which give the Secretary of State powers to take temporary possession of land within the Bill limits for the purpose of phase 2a. The land listed in the table in schedule 16 can be taken only temporarily and not acquired, except for subsoil and rights or restrictive covenants over the land.

Schedule 15 sets out the procedure, including the notice required, the payment of compensation to effective landowners, the suspension of private rights and rights of access over the land during the period of temporary possession and arrangements for the restoration and return of the land.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Schedules 15 and 16 agreed to.

Clause 14

USE OF ROADS

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

Ms Ghani: Clause 14 allows the nominated undertaker to use any road specified in the table in schedule 8, which is land for which only rights may be compulsorily acquired or over which restrictive covenants may be

imposed, so as to obtain a right of passage for the purpose of phase 2a. This power ends five years after phase 2a is brought into general use.

Matt Rodda: The clause will require ongoing construction work and will cause significant disruption to road networks in certain areas. It is important that disturbance is kept to a minimum. The use of roads is likely to result in unplanned road congestion, which can lead to delays for motorists, disrupt public transport and interfere with walking and cycling routes. It also has the potential to disrupt many people's travel patterns, with the increase in roadside emissions as well. It is not possible to effectively predict the impact of the disruption to road networks, travel patterns and air quality in advance, which is why Labour thinks it is important that there should be ongoing public engagement to ensure that impacts are mitigated.

Ms Ghani: The hon. Gentleman raises another important point—the issue of ongoing engagement with Highways England, local authorities, those who drive, cycle and walk, and also Members of Parliament. That is the case at the moment. HS2 Ltd has provisions in place to ensure that it works with local communities and local council management on local travel plans. It will have to continue to do so through the construction phase.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15

ENFORCEMENT OF RESTRICTIONS ON LAND USE

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

Ms Ghani: The clause allows the Secretary of State when entering into agreements relating to phase 2a to impose prohibitions or restrictions on the owners of land to bind successors in title as if they were the original party. This is despite the fact that the Secretary of State may not at the time of the agreement own land to be benefited by the prohibition or restriction.

Question put and agreed to.

Clause 15 accordingly ordered to stand part of the Bill.

Clause 16

COMPENSATION FOR INJURIOUS AFFECTION

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

Ms Ghani: The clause provides that the nominated undertaker will be responsible for paying compensation under section 10(1) of the Compulsory Purchase Act 1965, instead of the Secretary of State.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clause 17

10 am

DEEMED PLANNING PERMISSION

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

The Chair: With this it will be convenient to discuss that schedule 17 be the Seventeenth schedule to the Bill.

Ms Ghani: The clause provides deemed planning permission 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 works in the Bill where the impact of such work is assessed in the environment statement, or where the development is exempt within the meaning of the environmental impact assessment regulations. Any work outside those parameters would 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 the relevant local authorities on specific aspects of design and construction to ensure that local impacts are appropriately mitigated in the area—for example, the movement of lorries to and from construction sites.

Matt Rodda: This is an extremely important issue as it deals with important environmental matters. The schedule addresses salutary points and deals with the conditions of deemed planning permission, as the Minister mentioned. We are concerned about the environmental matters covered, including the impact of dust, soil and road traffic. We are also concerned about how material is taken away from the site, vehicle movements and the impact on historic sites, which we will deal with later. I will return to these matters later today.

Ms Ghani: The hon. Gentleman once again raises valid points about how we remove material and mitigate any impact on the neighbouring communities, which is what HS2 is doing with its local engagement, as well as by working with local authorities. Planning permission provided by clause 17 is necessary to the construction of the proposed scheme and it provides more clarity to those directly and specially affected by the Bill.

Question put and agreed to.

Clause 17 accordingly ordered to stand part of the Bill. Schedule 17 agreed to.

Clause 18

TIME LIMIT ON DEEMED PLANNING PERMISSION

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

Ms Ghani: The clause 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 to extend by regulations the period by which any work must be commenced. Such regulations are to be made by statutory instrument, subject to the negative resolution procedure.

Question put and agreed to.

Clause 18 accordingly ordered to stand part of the Bill.

Clause 19

POWER TO DISAPPLY DEEMED PLANNING PERMISSION

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

Ms Ghani: The clause allows the Secretary of State by regulations to disapply the planning permission granted by the Bill for maintenance or alteration of phase 2a works carried out after a specific 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.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Clause 20

DEVELOPMENT CONSENT

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

Ms Ghani: The clause makes it clear that development consent under the Planning Act 2008 is not required for the authorised works. That Act provides for the construction of nationally significant infrastructure projects such as HS2 to be authorised by a development consent order. As the Bill will provide the powers and consents required to build and maintain phase 2a, a development consent order is unnecessary.

Question put and agreed to.

Clause 20 accordingly ordered to stand part of the Bill.

Clause 21

LISTED BUILDINGS AND ANCIENT MONUMENTS

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

The Chair: With this it will be convenient to discuss the following:

That schedule 18 be the Eighteenth schedule to the Bill.

That schedule 19 be the Nineteenth schedule to the Bill.

Ms Ghani: The clause introduces schedules 18 and 19, which disapply or modify controls for listed buildings and ancient monuments to allow the construction of phase 2a and to enable the installation of noise insulation in listed buildings.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): Obviously, listed buildings and ancient monuments are held in high regard nationally. Can the Minister assure us that, in addition to the views of Historic England, English Heritage and the like, the views of local historical groups and community groups will be taken into account before any decisions are made?

Ms Ghani: The hon. Gentleman raises an important point. Of course local communities want to protect their local heritage sites, and of course we will work with local authorities and Historic England. HS2 Ltd has an extensive community engagement team that works on the ground, and there are also opportunities to petition at the appropriate points in the Bill's passage.

The listed buildings affected are listed in tables 1 and 2 in schedule 18, and the disapplications or modifications apply only to those buildings. Schedule 19 allows a person authorised by the Historic Buildings and Monuments Commission for England to enter land where there is a scheduled monument to observe or advise on the carrying out of works to ensure the protection of monuments. Similar provisions were included in the Crossrail Act 2008 and the phase 1 Act of 2017.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): It is always a cause of dismay when our built heritage is affected by new development. The provisions in the clause are very wide ranging. The Minister could consider better safeguards to further ensure that our country's built heritage is protected during the construction of this vital national infrastructure project. In particular, perhaps a presumption against demolition could be considered where practical. Indeed, the dismantling and relocation of items of built heritage, where practical, might be presumed a better solution. If that were not possible for the entire building, certainly key features of interest could be dismantled, preserved, salvaged or relocated where appropriate.

On the inspection and observation of works, schedule 18 merely indicates that there will be an opportunity for English Heritage to inspect the works, but there is no obligation on it to do so. That could be tightened by the inclusion of an obligation to ensure that all heritage assets affected are inspected and recorded, including by laser scanning to provide a highly accurate 3D model of any assets that are destroyed as a result of the project. That would be a far better way to safeguard the built heritage of our country as a result of the project.

Matt Rodda: I concur with my hon. Friend the Member for Glasgow North East. I know he has a deep personal commitment to this issue, as he represents a constituency in which a wonderful historic building suffered serious damage.

We take this issue seriously, and I urge the Government to take great care and look at some specific pieces of heritage that might be affected by the developments, such as the historic mileposts, the 1867 rail building at the important historic rail town of Crewe, and the grade II listed farm houses in the line of the route. It would be ironic if wonderful railway architecture from previous generations was damaged or completely destroyed by the building of HS2. It would be so much better if whatever possible could be preserved for the benefit of future generations. We hope the Government will look further into that and consider possible mitigation.

Ms Ghani: Once again, important points have been raised that were also made about HS2 and, no doubt, made to the Select Committee. One hon. Member has a particular issue within their constituency, which no doubt we will hear about again today.

Similar provisions were included in the Crossrail Act 2008 and the HS2 phase 1 Act of 2017. All works must be done in accordance with the environmental minimum requirements, and the normal requirements and appropriate consents are always obtained when dealing with listed buildings.

The Secretary of State will have to work with local authorities and Historic England. The Select Committee considered the scheme's effect on specific historical sites, and the scheme is designed to seek to avoid impacts on culture or heritage. We recognise the importance of such assets to communities locally and nationally. Even though we are trying to build an up-to-date, modern railway line, since I became HS2 Minister, I have been concerned to ensure that we honour historical sites close by and try to mitigate any impacts on them. I am sure that HS2 Ltd will continue to do that.

Question put and agreed to.

*Clause 21 accordingly ordered to stand part of the Bill.
Schedules 18 and 19 agreed to.*

Clause 22

BURIAL GROUNDS

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

The Chair: With this it will be convenient to consider that schedule 20 be the Twentieth schedule to the Bill.

Ms Ghani: The clause provides for the disapplication of laws concerning burial grounds and human remains. It also introduces schedule 20, which outlines the process that the nominated undertaker must follow in relation to the removal and reburial or cremation of human remains, and the removal and replacement of monuments to the deceased.

The clause disapplies ecclesiastical law for the purpose of constructing phase 2a. 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 were included in the 2008 and 2017 Acts.

Matt Rodda: This is obviously a very sensitive aspect of the Bill. We urge the Government to take great care in this matter and, in particular, to allow for more time and effort to be taken to contact the families of deceased people. In this modern age, with well-established genealogy and records of church burials and other burials, we hope more effort could be made to contact the families whose loved ones' remains are being moved, because this is a sensitive issue for families.

Ms Ghani: The hon. Gentleman makes an important point. If he has had time to visit Euston, he will have seen the huge amount of work being undertaken to deal with remains, which are all being removed by hand. It is a long process, as it should be. We have not yet identified any known burial grounds that could be affected, but in the course of construction, we could discover previously unknown sites. If that occurs, the clause and its related schedule provide for the appropriate processes to manage

the removal and reburial or cremation of human remains, and the removal and replacement of monuments to the deceased.

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 at the expense of the nominated undertaker, who must pay reasonable costs. I hope that provides some assurance to the hon. Gentleman that we are taking the issue seriously.

Question put and agreed to.

Clause 22 accordingly ordered to stand part of the Bill.

Schedule 20 agreed to.

The Chair: I propose revising my grouping, and that we debate clauses 23 to 42, and the associated schedules 21 to 31, together.

Ms Ghani: Ms Buck, may I take some direction? Are you proposing that I speak just to clause 23?

The Chair: You may speak to any clause between clauses 23 and 42, and we will take the decisions at the end, rather than having a speech on each clause and making a decision on it, as we have been doing. This will allow you to make a speech on all of them together.

Ms Ghani: I understand. I will do my best, but do call me out if I get it wrong.

Clause 23

CONSECRATED LAND

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

The Chair: With this it will be convenient to discuss the following:

Clauses 24 to 27 stand part.

That schedule 21 be the Twenty-first schedule to the Bill.

Clause 28 stand part.

That schedule 22 be the Twenty-second schedule to the Bill.

That schedule 23 be the Twenty-third schedule to the Bill.

Clause 29 stand part.

That schedule 24 be the Twenty-fourth schedule to the Bill.

Clause 30 stand part.

That schedule 25 be the Twenty-fifth schedule to the Bill.

Clause 31 stand part.

That schedule 26 be the Twenty-sixth schedule to the Bill.

Clause 32 stand part.

That schedule 27 be the Twenty-seventh schedule to the Bill.

Clauses 33 to 37 stand part.

That schedule 28 be the Twenty-eighth schedule to the Bill.

Clause 38 stand part.

That schedule 29 be the Twenty-ninth schedule to the Bill.

Clauses 39 and 40 stand part.

That schedule 30 be the Thirtieth schedule to the Bill.

Clauses 41 and 42 stand part.

That schedule 31 be the Thirty-first schedule to the Bill.

Ms Ghani: Clause 23 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. Burial grounds are dealt with separately under clause 22 and schedule 20, which set out how human remains are to be dealt with. The environmental minimum requirements control how the works are to be carried out. Similar provisions were included in the Crossrail Act 2008 and the High Speed Rail (London - West Midlands) Act 2017.

Clause 24 disapplies existing enactments that regulate the use of commons, town or village greens, open spaces or allotments. Similar provisions were included in the 2017 Act.

Clause 25 provides protection for trees subject to tree preservation orders or in conservation areas in relation to works to trees that are required for the purposes of constructing and maintaining phase 2a. Similar provisions were included in the 2008 and 2017 Acts.

Clause 26 allows for the installation and diversion of overhead lines as part of the authorised works, and grants the necessary consent for such works. The 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 and has deemed planning permission under the Bill. Similar provisions were included in the 2017 Act.

Clause 27 introduces schedule 21, which provides for the disapplication of certain legislation relating to water abstraction, impounding and other matters relating to water and drainage. Similar provisions were included in the 2008 and 2017 Acts.

Clause 28 introduces schedules 22 and 23, which make provision for the 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, including provisions on drain repairs and disconnections, the raising of chimneys, the construction of cellars and roofs below subsoil water level, and the control by local authorities of demolition works.

Schedule 23 modifies the Party Wall etc. Act 1996. Among the modifications is an amended process for the resolution of disputes. Clause 29 introduces schedule 24, which disapplies various controls relating to works in or near streets and highways. Similar provisions were included in the 2017 Act. Clause 30 introduces schedule 25, which relates 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 and the phase 1 Act.

10.15 am

Clause 31 introduces schedule 26, which modifies legislation on construction noise and gives a defence to the nominated undertaker against statutory nuisance claims in respect to works carried out for phase 2a. As part of the modified appeals and arbitration process introduced by the schedule relating to construction noise, the Secretaries of State for Environment, Food and Rural Affairs and for Transport may, in regulations, make provisions relating to the procedure for matters that are referred to arbitration. Regulations must be made by statutory instrument. Similar provisions were included in the Crossrail Act 2008 and the phase 1 Act.

Clause 32 introduces schedule 27, which disapplies various controls imposed by local Acts relating to Staffordshire and Cheshire. In the 2008 and phase 1 Acts, there were provisions of the same nature in relation to local Acts that had effect in the areas affected by the works authorised by those Acts.

Clause 33 provides that the community infrastructure levy, a charge that local authorities may impose on developers undertaking building projects in their area, is not payable in relation to development authorised by the Bill.

Clause 34 relates to the duties of the Office of Rail and Road as set out in section 4(1) of the Railways Act 1993, and ensures that the requirement for the ORR to facilitate the construction of phase 2a is explicitly set out as one of its objectives. The ORR must consult the Secretary of State about how it should carry out that objective. That will ensure that HS2 is considered by the ORR in exactly the same way as any other rail project, and will ensure that the ORR balances the needs of HS2 with the needs of the wider network. Similar provisions were included in the 2008 and phase 1 Acts.

Clause 35 removes the need for an operating licence under section 6(1) of the Railways Act 1993 for the HS2 infrastructure or train operator when the line is being tested prior to opening. It also provides that this exemption is an appropriate licence exemption for the purposes of the 1993 Act. Similar provisions were included in the phase 1 Act.

Clause 36 provides that the Secretary of State may, before phase 2a is ready for commercial use, disapply the closure provisions of the Railways Act 2005 in the case of closures that are necessary or expedient because of the construction or operation of phase 2a. Similar provisions were included in the phase 1 Act.

Clause 37 introduces schedule 28, which sets out the application of general legislation relating to railways to phase 2a. This includes certain disapplications and incorporations. For example, paragraph 1 of the schedule disapplies the Highway (Railway Crossings) Act 1839, which requires the railroad provider to maintain gates at each end of a crossing and employ a person to open and close said gates. That, of course, is not required, as it is not proposed that level crossings for carriageways be provided in phase 2a. Conversely, the schedule also makes it an offence for a person to obstruct the lawful construction of the authorised works. All those changes aim to ensure that the HS2 railway can be constructed, maintained and operated effectively and safely. Similar provisions were included in the phase 1 Act.

Clause 38 enables the nominated undertaker to require the controller of the railway asset to enter into agreements to support the expeditious delivery of phase 2a. Similarly,

the controller of a railway asset may require the nominated undertaker to enter into such an agreement. In default of an agreement between the parties, the terms of such an agreement will be determined by arbitration under schedule 29, which is introduced by subsection (4). Similar provisions were included in the phase 1 Act.

Clause 39 provides that if the Secretary of State acquires any land from a railway operator on which there are works that are already authorised, the Secretary of State may, by order, transfer the responsibility for those works to the Secretary of State or the nominated undertaker. Conversely, if a railway operator acquires land from the Secretary of State on which there are any works authorised by this Bill, the Secretary of State may, with the railway operator's consent, transfer any responsibility relating to those works to the railway operator.

Clause 40 introduces schedule 30, which makes provision related to traffic regulation, to ensure that traffic regulation orders made or proposed by a traffic authority are consistent with the requirement of the Bill works, and that any TROs required for the Bill works are made in a timely way. Schedule 30 also gives a person authorised by the nominated undertaker the power to remove vehicles that are parked in contravention of a TRO, or on a road that is stopped up under the Bill, and that would obstruct the construction of the Bill works, or would be at risk of being damaged by the works.

Clause 41 allows the Secretary of State, by way of regulations, to appoint a nominated undertaker or undertakers to build phase 2a of HS2. The nominated undertaker would be able to draw on the Bill's powers, on behalf of the Secretary of State, to deliver the railway. Delegating authority to a delivery body is common practice on major rail infrastructure schemes.

Clause 42 introduces schedule 31, which provides for the extension of planning permission for certain works carried out by statutory undertakers. The schedule disapplies certain limitations of permitted development rights for statutory undertakers, thereby allowing them to use planning permission granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 for works that form part of, or works in connection with, phase 2a. Paragraph 2 of the schedule sets out the condition of extended planning permission. It stipulates that the works should be carried out in accordance with any undertaking given by the Secretary of State to the Select Committee of either House during the Bill process, which includes the commitments given through the controls of the environmental minimum requirements.

Question put and agreed to.

Clause 23 accordingly ordered to stand part of the Bill.

Clauses 24 to 27 ordered to stand part of the Bill.

Schedule 21 agreed to.

Clause 28 ordered to stand part of the Bill.

Schedules 22 and 23 agreed to.

Clause 29 ordered to stand part of the Bill.

Schedule 24 agreed to.

Clause 30 ordered to stand part of the Bill.

Schedule 25 agreed to.

Clause 31 ordered to stand part of the Bill.

Schedule 26 agreed to.

Clause 32 ordered to stand part of the Bill.

Schedule 27 agreed to.

Clauses 33 to 37 ordered to stand part of the Bill.

Schedule 28 agreed to.

Clause 38 ordered to stand part of the Bill.

Schedule 29 agreed to.

Clauses 39 and 40 ordered to stand part of the Bill.

Schedule 30 agreed to.

Clauses 41 and 42 ordered to stand part of the Bill.

Schedule 31 agreed to.

Clause 43

PROTECTIVE PROVISIONS

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

The Chair: With this it will be convenient to consider that schedule 32 be the Thirty-second schedule to the Bill.

Ms Ghani: Clause 43 introduces schedule 32, which protects the interests of statutory undertakers and other bodies who may be affected by other provisions of the Bill. The provisions are similar to those in the Crossrail Act 2008, the Channel Tunnel Rail Link Act 1996 and the High Speed Rail (London - West Midlands) Act 2017. The protective provisions of the schedule cover highways and traffic; electricity, gas, water and sewerage undertakers; electronic communications code networks; land drainage, flood defence, water resources and fisheries; and the Canal & River Trust.

Matt Rodda: We believe that far more work needs to be carried out by the Government over a range of infrastructure projects to minimise the impact of development of sites, and not least to re-explore the issue of rail enhancement programmes and how rail should be used, wherever possible, to shift goods. That is explored in one of our new clauses.

We know that congestion causes pollution, and we know about its effect on communities and the environment. The Government are willing to carry out some monitoring work, but we would like them to do much more. Are they planning to monitor pollution in detail, and to publish new journey times? Projects such as HS2 have an impact not only on those working on the site, but on the wider population in the area. There should, as has been said, be further work. The Government need to respond to the dilemma, not address it superficially.

Paragraph 13 of schedule 32 deals with issues that I want to highlight concerning pedestrians, cyclists and other modes of transport, and how they cross the line. The schedule is not comprehensive enough, and we have drafted a new clause on the subject. We believe that pedestrians and cyclists should be at the top of the Government's considerations in infrastructure projects, as the Government have targets for increasing walking and cycling. It would be somewhat ironic if an infrastructure project designed to improve transport withheld other aspects of it. The disruption to this group of highway users should be minimal. Bridges and tunnels can provide crucial access to those who need it, and can bring only

greater connectivity to those who will be cut off by the HS2 line. The Government need to take a much closer look at this issue, and to address concerns that we will cover in a new clause.

Paragraph 14 of the schedule deals with the salient issue of highways repairs. We are becoming a pothole nation, as we have mentioned on other occasions in the House. Whether on major highways or smaller lanes, it is vital that proper repairs are made as damage occurs. Obviously, there will be damage in a major infrastructure project during which heavy goods vehicles will thunder down local roads. We want the Government to address that issue, which is of great importance to communities.

Ms Ghani: The hon. Gentleman raises important points, but most of them are detailed extensively in the environmental statement. My Department and HS2 Ltd have engaged, and will continue to engage, with all those who are worried about their local communities, the environment, congestion and traffic movement. They will all have the opportunity to petition this House and the other place. The clause is necessary to minimise disruption and allow the delivery of the proposed scheme, protects the bodies involved, and enables them to continue to carry out their duties.

Freight has been raised a number of times; I look forward to responding to the new clause on that issue. In anticipation, let me I point out that we are doing what we can to ensure that freight will support the movement of construction materials, whether aggregates or rail cement, during the construction of the railway.

Question put and agreed to.

Clause 43 accordingly ordered to stand part of the Bill.

Schedule 32 agreed to.

The Chair: We now come to clause 44. I propose revising the grouping, and that we debate clause 44 with clauses 45 to 47. Anybody on the Committee may speak to any of those clauses. Is that acceptable to the Minister?

Ms Ghani: Indeed it is.

Clause 44

EXISTING AGREEMENTS

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

The Chair: With this it will be convenient to discuss clauses 45 to 47.

Ms Ghani: Clause 44 provides that the undertakings given to the Commonwealth War Graves Commission and the Archbishops' Council in relation to the powers of the High Speed Rail (London - West Midlands) Act 2017 should apply in the same way to the phase 2a Bill.

Clause 45 enables the Secretary of State to promote a compulsory purchase order if he considers that the construction or operation of phase 2a of HS2 could cause the displacement of an undertaking. The land to be acquired could be used to relocate the undertaking or to provide land in substitution of land displaced. The clause further enables the Secretary of State to

[Ms Ghani]

promote a compulsory purchase order to acquire land to relocate all or part of an undertaking where, as a result of the exercise of powers under the Bill, the former site is no longer reasonably capable of being used for the undertaking.

Subsections (3) to (6) and (8) provide that the normal process relating to compulsory purchase orders applies. Subsection (7) makes it clear that the Secretary of State can acquire rights or impose restrictive covenants for the benefit of another person, such as the person whose undertaking is being relocated. Subsection (10) amends the equivalent provision of section 49 of the 2017 Act, to make it clear that the Secretary of State can acquire rights or impose restrictive covenants under that section for the benefit of another person, such as the person whose undertaking is being relocated.

Clause 46 allows the nominated undertaker to carry out reinstatement works within the Bill's limits on a property, including a business or facility, that has been discontinued or substantially impaired in whole or in part, following the exercise of any power under the Bill. This clause aims to assist those affected by the construction of HS2, by providing an efficient mechanism for moving properties such as businesses, and reducing the requirement for extinguishment.

Clause 47 allows the Secretary of State to direct that the deemed planning permission under clause 17(1) does not apply in relation to particular reinstatement works. That relates to works outside of the scope of the Bill, to which it would be inappropriate to apply deemed planning permission.

10.30 am

Question put and agreed to.

Clause 44 accordingly ordered to stand part of the Bill.

Clauses 45 to 47 ordered to stand part of the Bill.

Clause 48

ENFORCEMENT OF ENVIRONMENTAL COVENANTS

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

Ms Ghani: Clause 48 enables the Secretary of State to ensure that, following the construction of the scheme, he may impose conditions on land released where such land contains environmental mitigation for HS2. This is to ensure the maintenance of mitigation measures; upgrades to the mitigation, if required; and prohibition on uses of the land where such uses would detrimentally affect the measures in place. The clause binds successors in title into any covenant agreed with previous landowners. The Secretary of State or an authorised person may enforce the agreement.

Matt Rodda: This is an important clause, particularly the mitigating provision in subsection (2), which proposes planting trees and shrubs to replace habitat where work has been carried out. I cannot stress enough how important it is to get this right. We need to ensure that biodiversity needs are addressed with the right solutions. The proposal to replace trees with native species is positive, but we

need to ensure that those species fit with the local environment, that there is proper biodiversity and that habitats are protected in line with local ecology.

As well as planting trees and shrubs, we need to ensure that they are in the right places so that, for example, they mitigate flooding and enhance the natural environment. New plantations should be open to the public where possible and we should seek to create environments that encourage biodiversity, so features such as natural watercourses should be used to their advantage.

The end of the route passes through the salt marshes south of Crewe. That is an unusual habitat and a special site in the country, so that should be taken into account in the preservation of the natural environment.

Ms Ghani: The hon. Gentleman raises an important point to consider when undertaking such a large construction project. We are working with all stakeholders he would hope we would work with, including the Woodland Trust, to ensure that we not only replace trees but plant them in the most appropriate places, and to mitigate as much as possible the impact on the environment. The substantial environmental statement covered most of those issues.

Question put and agreed to.

Clause 48 accordingly ordered to stand part of the Bill.

Clause 49

POWER TO APPLY ACT TO FURTHER HIGH SPEED RAIL WORKS

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

The Chair: I propose that we debate clauses 49 to 60 together.

Ms Ghani: Clause 49 allows the use of an order under the Transport and Works Act 1992—a TWA order—to gain the necessary provisions for extensions or additional works relating to phase 2a of HS2 beyond the works outlined in the Bill. This relates to relatively minor transport works, such as an additional track to connect rail sidings. This power would not be used to promote future phases of HS2, which would be subject to the hybrid Bill process.

A TWA order cannot apply the provisions of the Bill that enable the Secretary of State to extend the time limit for the exercise of compulsory purchase powers—as referenced in clause 9(2) and schedule 13—or the provisions relating to listed buildings or ancient monuments, as referenced in schedules 18 and 19.

Clause 50 permits the authorised works to be carried out by the nominated undertaker on Crown land, or Crown land to be entered, with the consent of the relevant Crown authority.

Clause 51 provides that the powers conferred on the nominated undertaker with respect to works may be exercised in relation to roads under the responsibility of the Secretary of State, subject to his agreement. Subsection (2) states that the Secretary of State can impose conditions in such an agreement.

Clause 52 disapplies provisions of the Crown Estate Act 1961 that contain limitations on the powers of disposal of Crown Estate Commissioners. Those limitations are removed for Crown Estate land within the Bill limits that appears to the Crown Estate Commissioners to be required for phase 2a purposes.

Clause 53 makes provision for the terms “deposited plans” and “deposited sections” for the purposes of the Bill. Clause 54 contains provisions for correcting the plans that have been deposited in Parliament with this Bill, should that be required, and there are similar provisions in the Crossrail Act 2008, the Channel Tunnel Rail Link Act 1996, and the High Speed Rail (London - West Midlands) Act 2017.

Clause 55 provides that where a building that does not form part of the phase 2a works authorised by the Bill is built to replace a building demolished, or substantially demolished, under the Bill, the planning application for that replacement building must be accompanied by an environmental assessment where the construction of the replacement building is likely to have significant effects on the environment. The clause also amends environmental impact assessment regulations, to ensure that they work properly in relation to development authorised by the Bill.

Clause 56 sets out how disputes, which are to be determined under the Bill by arbitration, are dealt with. Similar provisions were included in the Crossrail Act 2008 and the High Speed Rail (London - West Midlands) Act 2017. Clause 57 relates to serving notices or other documents on any person where that is required or authorised under the Bill. The clause allows a document to be served by email or other electronic means where the recipient has agreed to the electronic means of service. Clause 58 allows landowners to resume their former use of land which has been used temporarily for the purposes of HS2, without having to make a further application for planning permission. Clause 59 defines the phrase “Phase 2a purposes” as used in the Bill, and clause 60 defines various terms used throughout the Bill.

Question put and agreed to.

Clause 49 accordingly ordered to stand part of the Bill.

Clauses 50 to 60 ordered to stand part of the Bill.

Clause 61

FINANCIAL PROVISION

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

Ms Ghani: This is the standard clause that appears in Bills and provides for the expenditure of public money. It simply provides that any expenditure incurred by the Secretary of State under the Bill shall be paid out of money provided by Parliament.

Matt Rodda: The Minister has addressed some of these issues, but it is vital to get this right. HS2 will allow for more reliable rail services. The current Secretary of State has plunged punctuality on the railways to a new depth—a 13-year low—and we must get on top of that issue. This is a tremendous opportunity to improve connectivity, and it is vital to get urban-to-urban connectivity within the country. We are committed to

delivering a transformative package of investment across the rail network in the north of England, backed by a commitment of at least £10 billion to transform connections between major northern cities. The Government have touted similar plans, sometimes described as Northern Powerhouse Rail or HS3, but there is no commitment to the funding—it is interesting that the Minister used that point to address the financial side of the programme.

Any incoming Labour Government would rescope the project to seriously reduce costs and provide far better integration. Furthermore, there is concern over the accountability and the ability of our colleagues in this House to scrutinise HS2, ensure that costs are kept under control, and address the issue of public trust. We believe there is the potential to reduce the cost of HS2 by using a number of other technical measures—I will not address those in detail now—and the operation of HS2 is also contentious. Billions of pounds of taxpayers’ money is being invested in HS2, and it is right that revenues go back to the Exchequer and not into the hands of private train operating companies. HS2 should be run in the public sector as a public service. I will return to some of those points later in relation to the new clauses.

The Government have been somewhat inept in handling another specific aspect. HS2 has been rightly criticised for sometimes failing to provide value for public money. For example, the Public Accounts Committee described an unauthorised redundancy bill of £1.76 million as “a shocking waste of taxpayers’ money”,

blaming it on

“weak internal processes at HS2”,

and there have been other concerns about the project.

Mr Dhesi: Does my hon. Friend agree that the issue of spiralling costs concerns many of us up and down the country? If we do not get this right, it will have a huge impact on how services are delivered in our local communities in terms of housing, education, hospitals and so forth. Does he agree that the Government need to get a grip on the costs of HS2?

Matt Rodda: I thank my hon. Friend for his intervention; it is nice to have a colleague from Berkshire Labour intervening on me. The Government need to be responsible with these very large sums of public money, and it is deeply disappointing that they have fallen well short at times.

The words of the Public Accounts Committee are worth considering:

“a shocking waste of taxpayers’ money”

is a severe condemnation of the Government. There have been many other allegations about HS2’s potentially not being well planned or managed. Ensuring that HS2 secures value for money is essential if we are to retain public support for the project. There should be no blank cheque.

Mr Sweeney: My hon. Friend makes an important point about the general principles of HS2 and the need to ensure that the project delivers maximum economic benefit to the nation, including industrial skills and job opportunities. When we look at how the Treasury assesses such projects, we see that very little consideration is

[Mr Sweeney]

given to how much value is created in the wider economy, particularly through industrial development. In my own constituency, the Caledonian railway works in Springburn faces closure. Would it not have been possible to utilise the supply chain opportunities of HS2 to ensure that highly skilled jobs in the railway industry are supported and maximised through the project's supply chain?

Matt Rodda: I thank my hon. Friend for his intervention and particularly for pointing out the importance of the supply chain. I will add that the value of apprenticeships, degree qualifications and other opportunities for young people linked to the programme should be first and foremost in the Government's mind when they come to look at the supply chain.

Returning briefly to clause 61, essentially it says that there is potential for uncapped Government expenditure, leaving open the possibility of no upper limit on the costs of HS2. Will the Minister update the Committee on the latest cost estimate, and does she believe that the project will be delivered at cost?

Ms Ghani: I remind the hon. Gentleman that we are here to scrutinise the Bill line by line, but I welcome the opportunity to remind everybody of the importance of HS2. Of course, it is a crucial project, linking eight of our 10 greatest cities. Supportive comments have been made recently by everybody involved, including the Mayors of Manchester and Liverpool and the leader of Leeds City Council, who have been watching very closely. They are northern, locally elected leaders who are waiting for HS2 to roll through their communities, because they fully understand not only that, at its peak, it will provide work for 30,000 people—most of those jobs being outside London—but its value for money and how it will smash the north-south divide, encourage our communities to come even closer together and force investment in rail infrastructure in the north of England for more than 100 years. This is a key infrastructure, social and economic project for our country.

Mr Sweeney: The Minister notes that there is an opportunity to close the north-south divide, but the project's scope does not include extending the infrastructure to Scotland, to include Glasgow, Britain's third-largest city. That is critical to the success of this project, and I hope that in the next phase of the HS2 programme the

Minister will consider extending the railway all the way to Glasgow, because although Glasgow will benefit from reduced journey times to and from London, the journey times to and from Manchester will actually increase, which is detrimental to the Glaswegian economy.

Ms Ghani: I look forward to joining the hon. Gentleman in the Committee and the Chamber, and I welcome his support for the next phase, but let us deal with this Bill in these few short sittings.

We know that this project creates jobs and supports apprenticeships. There are already 2,000 businesses in the chain, and two colleges are supporting it. I do not want to move too far away from the clause, but a valid argument was made about the rest of the Government's investment in the north. We know that Northern Powerhouse Rail is based on HS2 infrastructure, which is why this Bill, these clauses and this line are so important. We are investing more than £2.5 billion in a rolling programme to upgrade the railway between Manchester, Leeds and York, and the great north rail project is investing more than £1 billion by 2022. I have never seen HS2 as an either/or project; we need to do both. This is a great investment in the north of our country. There is no upper limit. There is just one budget, which is the budget that HS2 must hold itself to. It must also hold itself to the schedules.

Question put and agreed to.

Clause 61 accordingly ordered to stand part of the Bill.

Clause 62

COMMENCEMENT AND SHORT TITLE

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

Ms Ghani: The clause is the standard clause that appears in Bills. The provisions of the Bill will come into force upon Royal Assent.

Question put and agreed to.

Clause 62 accordingly ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.—(Michelle Donelan.)

10.46 am

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL

Second Sitting

Tuesday 25 June 2019

(Afternoon)

CONTENTS

New clauses considered.
Bill to be reported, without amendment.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 29 June 2019

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The Committee consisted of the following Members:

Chairs: Ms KAREN BUCK, † PHILIP DAVIES

Burghart, Alex (<i>Brentwood and Ongar</i>) (Con)	† Harrison, Trudy (<i>Copeland</i>) (Con)
† Coyle, Neil (<i>Bermondsey and Old Southwark</i>) (Lab)	† Johnson, Dr Caroline (<i>Sleaford and North Hykeham</i>) (Con)
† Daby, Janet (<i>Lewisham East</i>) (Lab)	† Maclean, Rachel (<i>Redditch</i>) (Con)
† Dhesi, Mr Tanmanjeet Singh (<i>Slough</i>) (Lab)	† Robinson, Mary (<i>Cheadle</i>) (Con)
† Donelan, Michelle (<i>Chippenham</i>) (Con)	† Rodda, Matt (<i>Reading East</i>) (Lab)
Duffield, Rosie (<i>Canterbury</i>) (Lab)	† Ross, Douglas (<i>Moray</i>) (Con)
† Foxcroft, Vicky (<i>Lewisham, Deptford</i>) (Lab)	† Sweeney, Mr Paul (<i>Glasgow North East</i>) (Lab/Co-op)
† Gaffney, Hugh (<i>Coatbridge, Chryston and Bellshill</i>) (Lab)	Adam Mellows-Facer, Rob Page, <i>Committee Clerks</i>
† Ghani, Ms Nusrat (<i>Parliamentary Under-Secretary of State for Transport</i>)	
† Green, Chris (<i>Bolton West</i>) (Con)	† attended the Committee

Public Bill Committee

Tuesday 25 June 2019

(Afternoon)

[PHILIP DAVIES *in the Chair*]

High Speed Rail (West Midlands - Crewe) Bill

2 pm

The Chair: Welcome back to the Committee. I remind colleagues to turn electronic devices to silent.

New Clause 1

REPORT ON TREES AND WOODLAND HABITATS

- (1) The Secretary of State must prepare a report on—
- the likely effects of the scheduled works on trees and woodland habitats;
 - steps to be taken to minimise or mitigate those effects.
- (2) The report must include specific consideration of—
- ancient trees, including those on construction sites which will not be designated for long term railway use;
 - tree felling, with particular reference to birdlife nesting and breeding seasons;
 - wildlife habitat corridors; and
 - woodland, including ancient woodland.
- (3) The report must be laid before Parliament within one year of this Act being passed.—(*Matt Rodda.*)

Brought up, and read the First time.

Matt Rodda (Reading East) (Lab): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Mr Davies. The new clause proposes that the Secretary of State must prepare a report on the likely effects of the scheduled works on trees and woodland habitats and steps to be taken to minimise or mitigate those effects. The report must include specific consideration of ancient trees, including those on construction sites—

The Chair: Order. It might be helpful to the hon. Gentleman to know that although he is very welcome to read out the new clause, he does not need to do so as it is on the amendment paper. If he wishes to do so to make his point, he is more than welcome to.

Matt Rodda: Thank you for your advice, Mr Davies. If I may, I will finish reading the new clause, but I will not read out the subsequent new clauses to the Committee, for the sake of brevity.

The report must include specific consideration of tree felling, with particular reference to bird nesting and breeding seasons; of wildlife habitat corridors; and of woodland, including ancient woodland. The report must be laid before Parliament within one year of the Act being passed.

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): It is a pleasure to serve under your chairmanship, Mr Davies. I do not see a need for the new clause. The environmental statements already report the likely significant effects of phase 2a on trees and woodland habitats, including on ancient and veteran trees and ancient woodland. They also set out the proposed mitigation and compensation for the likely effects of the railway. HS2 Ltd has published an ancient woodland strategy for the scheme that sets out the expected losses of ancient woodland habitat and the range of compensation measures proposed in response to those losses. We have made assurances to organisations such as the Woodland Trust about the protection of woodland and ancient trees.

Furthermore, I attend quarterly ministerial roundtable meetings with the environmental agencies to ensure that HS2 Ltd has its feet held to the fire on this important issue. Very little will have changed between the environmental information that has already been provided and the environmental information that will be published one year after Royal Assent.

Following extensive engagement with the Woodland Trust, HS2 Ltd was able to offer a number of assurances on woodland and ancient trees. It committed to retaining Noddy's oak near Stockwell Heath in Staffordshire, along with five other veteran trees. The environmental minimum requirements for phase 2a include a key requirement that the nominated undertaker must use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by phase 2a.

We will of course continue to engage with relevant stakeholders and interested parties through the national environment forum and through the environmental health sub-group of the phase 2a planning forum. I reiterate that the new clause should be withdrawn.

The Chair: I appreciate that the hon. Member for Reading East is stepping in for his colleague, and valiantly so. The idea is to make your speech when moving the new clause, but all is not lost—if he wants to speak to the new clause now, he is very welcome to do so.

Matt Rodda: That is very generous and gracious of you, Mr Davies. I am sorry if I misunderstood the process while I am standing in for my colleague.

I appreciate that the Minister has taken some time to come back with the Government's response, but it is worth highlighting some of those points in a little more detail because of the importance of wildlife. As we discussed this morning, it would be somewhat ironic if a positive and pro-environmental measure such as high-speed rail was inadvertently to damage habitats and the Government were unable to respond fully to those concerns.

From the previous stages of HS2, a number of issues have caused serious concern to residents, communities and the public more widely. Although the Bill itself clearly shows a response to some of those elements, it is not as comprehensive as it needs to be. That is why I am seeking a reassessment by the Government through the new clauses.

New clause 1 would require the Government to produce a report on how any actions by HS2 will impact on the natural environment—wildlife, birds and trees. The report

could be laid before the Select Committee considering petitions on the potential threats to the natural environment. We have scrutinised the Bill to see whether there is a lack of clarity, and we have tabled the new clause to address that.

By bringing forth a report to be laid before Parliament, the Government would ensure greater focus and scrutiny of the HS2 project. The new clause calls for the report to be laid within a year of the passage of the Bill, which also means there is time for the Government to develop a greater scrutiny role over HS2 Ltd, which is obviously a separate company, and to ensure that it changes its practices and is prepared to give an answer to the House if hon. Members decide that it should do so.

Labour Members have serious concern about the impact of HS2 on the natural environment, as we have discussed a number of times, including this morning, whether on birds nesting, animals burrowing, or indeed the trees themselves. I know from previous debates and questions, which have been asked by Members from all parties, that this issue has been reported on a number of times. However, the approach, behaviour and actions of HS2 Ltd to date have demonstrated why it was crucial to table the new clause.

There have also been reports that HS2 Ltd is using the practice of netting bushes—it has been widely covered in the media in recent months—which clearly can cause real distress to animals, and especially birds, which breach the netting but can then become trapped. We call for the practice to cease. The company should instead seek to remove bushes and hedgerows at a time of year when birds are not nesting—this obviously relates to existing legislation and good practice. There is plenty of time in advance of these major works to reschedule them, to be far more sensitive to the rhythms of nature and, as a result, to do more on this front.

Likewise, it has been drawn to our attention that trees have been felled in the nesting season during the course of the programme. That is completely inappropriate, as it risks eggs, and indeed whole nests, falling to the ground. It is therefore vital that there are further restrictions on HS2, such that it schedules this work outside the nesting season. Although the Bill highlights that HS2 Ltd should follow the best examples of working with nature, including management of trees, in the first phase of the project the company has failed to live up to that. There are examples of felling taking place in the nesting season, and this practice should be halted immediately for phase 1 of the route. However, we also believe that the practice should change for phases 2a and 2b.

We believe that the Government have a responsibility to ensure that they take a more environmentally friendly approach to the project, especially in areas where the project is failing. The Government state that they will simply mitigate habitat loss with the plantation of additional new habitat in future, but that does not go far enough. On a number of occasions the Government have pledged to leave the environment better than they found it, as we all know. However, with destructive and unnecessary actions, such as netting and felling, especially at the wrong time of year, the Government's pledge is obviously just empty rhetoric.

Labour Members know that conservation is very important to the public. It has an impact on farming and on ensuring that the richness of nature can be enjoyed by all, and we are strongly committed to improving

the environment. In that regard, we believe that the Government have to be far more accountable for the actions of HS2 Ltd, especially as the company is at the early stages of a very large programme that will affect significant parts of the country.

By ensuring that the Government must produce a report, the new clause also seeks to provide the Government with a responsibility to set out how they will mitigate the actions that are being taken. I will provide a few examples. Although not common practice, can trees be excavated and moved, especially with a focus on the 27 veteran trees that line the phase 2a route? What wildlife corridors will be built during the construction of HS2 to allow small mammals, other animals and birds to move away from the construction zone? The Bill is silent on that, yet we know that wildlife, whether birds or animals, needs clear corridors that support the wider existence of species. To disrupt those corridors without taking steps to provide alternatives is negligent, yet the Bill is silent on that.

By calling for the Government to be accountable to Parliament on these issues, we will build confidence among MPs and residents that the Government are undertaking due diligence on these important factors, which, I am afraid to say, they have failed to demonstrate to date. It is worth adding that if our new clause is agreed, HS2 Ltd would be more accountable to the House, which I am sure we would all wish to see.

Section (2)(a) focuses on ancient woodlands, especially the points that will not form the actual HS2 route but will be used during construction, as we discussed this morning. The new clause calls for additional consideration to be made to ensure that trees are protected in these areas, since there is more latitude to avoid felling so many trees and removing so much of the natural environment. We believe that the Government, with HS2 Ltd, should ensure that any construction route and the site itself minimises the destruction of natural habitats and, where alternatives can be found, they must be found, including reducing the size of the construction sites to an absolute minimum.

I am sure that the Minister will understand Labour's concerns, which have also been stressed during the petitions stage of the Bill. Although I know that different tunnelling arrangements were scrutinised at the petitions stage—Labour would seriously consider this, especially around Whitmore—we understand that the majority on the Select Committee determined that the costs would be prohibitive and therefore there is already a far greater cost to our natural environment to be paid. This was agreed at petitions stage.

Labour would approach this project differently. However, I am sure that the Minister will understand why I have brought forward the new clause and why we believe, sadly, that she is not doing enough to mitigate the harm that the Government's approach to HS2 will cause to the natural environment.

Ms Ghani: I accept the hon. Gentleman's comments about ensuring that we have complete confidence in the project along its entire route. I agree that wildlife is important, as are trees and ancient trees. However, all his points are covered by the environmental statement, which, at 11,000 pages, is incredibly extensive. That is why I do not believe that we need another layer of reporting on a statement that is already out there.

[Ms Ghani]

The environmental statement has been scrutinised independently and by the Select Committee, which has made its own decisions.

We have committed in our response to the Select Committee's third special report that, in order to protect birds, we will provide bird diverters on new power lines near Parkgate, working with the West Midlands Bird Club. We continue to work with the environmental roundtable on these important issues. The Bill has taken into account the effect on wildlife, especially rare and protected species. A balance has to be struck between taking individual landowner's property and providing land for mitigation.

I remind the hon. Gentleman that all the issues he has raised are already in the 11,000-page document. For that reason, I believe that he should withdraw the new clause.

Matt Rodda: I am grateful to the Minister for giving such a detailed reply and for the work on the bird diverters, which is a step forward. I appreciate that some work has been done on this already. However, on the points that we have made and on the new clause, I would like to press this to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 1]

AYES

Coyle, Neil	Gaffney, Hugh
Daby, Janet	Rodda, Matt
Dhesi, Mr Tanmanjeet Singh	Sweeney, Mr Paul
Foxcroft, Vicky	

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Maclean, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

2.15 pm

New Clause 2

REPORT ON USE OF RAIL TRANSPORT DURING SCHEDULED WORKS

(1) The Secretary of State must prepare a report on the use of rail transport during the scheduled works.

(2) The report must include an assessment of the benefits of transporting—

- (a) aggregates;
- (b) track;
- (c) concrete; and
- (d) other materials

by rail rather than road.

(3) The report must be laid before Parliament within one year of this Act being passed.—(Matt Rodda.)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

Opposition Members believe that there has been a serious modal shift in how we use freight in developments. We continually hear the Government talk about modal shift in transport, but there is no mention in the Bill of how to ensure that. For Committee members who are not familiar with this transport terminology, modal shift means a shift from one mode of transport to another, such as from road to rail. Labour does not stand in the way of development but seeks to mitigate its impact, which is why we tabled the new clause.

Rail can be the main driver of change. In the light of all construction sites' heavy dependency on heavy goods vehicles, and from discussions that my colleagues and I have had with Network Rail and others, we know that rail freight can be better utilised, and it is important to demonstrate that on such an important infrastructure project as HS2. Rail lines will be laid, and it is important, wherever possible throughout the Bill, to utilise rail for the movement of aggregates and materials. We are talking about a major rail infrastructure project, so the logic that rail should supply aggregates and minerals should certainly be considered. There will clearly be no lines at the commencement of the project, but over time the opportunity will arise.

Likewise, it is more sustainable for HS2 to source and move aggregates and material as far as possible by rail, and to use HGVs only for the final part of a journey. Equally, sourcing materials and aggregates as close as possible to the development site would also reduce the expected carbon emissions. Such an approach would also reduce congestion and lessen the impact on air pollution in the local vicinity. That demonstrates good practice in what can be achieved on such a major infrastructure project and can form the basis for a change of approach by the Government when undertaking such major works across the country.

Likewise, materials should remain on the site, or as close as possible to the site, to minimise transport movements. Laying a report before Parliament within a year of the Bill's passage would provide ample opportunity for HS2 Ltd to work with the Government to establish better construction practices.

Ms Ghani: We recognise the impact that numerous road traffic movements have on local communities. As such, the promoter has proposed numerous highway works and temporary construction haul routes to alleviate that number. The Secretary of State has also given commitments relating to the implementation of these alleviating works and to restricting the use of certain roads for HGV movements. Equally, the strategies for reusing materials to reduce the volume of aggregate necessary to be moved are under continual review. The promoter published its borrow pit review, which outlines the severe reduction in necessary vehicle movements that backfilling and reusing of spoil takes off the road network.

The new clause is not needed. The environmental statement assumes and allows for the delivery of materials, plant and other equipment to construction compounds on the traditional rail network. It contains the working assumption that:

“Wherever reasonably practicable, the rail network will be used in preference to public roads.”

All traffic modelling has included that assumption. In this way, the environmental statement reports to Parliament our preference for transporting the goods, as outlined in

the new clause, by rail rather than road. We have already assessed that there is a benefit in transporting all this material by rail, rather than road, and will seek to do that as far as possible. As with the previous new clause, virtually nothing will have changed between the publication of the environmental information and one year post Royal Assent. That is precisely what we have done on the borrow pits of phase 2a, to reduce the distance that aggregates have to travel. We have also put forward a proposed line of route to further reduce lorry movements. The new clause is therefore not needed and should be withdrawn.

Matt Rodda: I am grateful to the Minister for highlighting that commitment on the sourcing of aggregates. That is a helpful step forward, given the significant volumes of aggregates that are needed. The Government have once again talked a good game, but we would prefer to have further scrutiny of this important issue. I therefore wish to press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 2]

AYES

Coyle, Neil	Gaffney, Hugh
Daby, Janet	Rodda, Matt
Dhesi, Mr Tanmanjeet Singh	Sweeney, Mr Paul
Foxcroft, Vicky	

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Maclean, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

New Clause 3

REPORT ON DISRUPTION TO CYCLING AND WALKING

- ‘(1) The Secretary of State must prepare a report on—
- (a) any disruption likely to be caused to cyclists and walkers by—
 - (i) the scheduled works, and
 - (ii) the railway; and
 - (b) steps to be taken to minimise or mitigate that disruption.
- (2) The report must include specific consideration of—
- (a) people seeking to cycle or walk adjacent to, or in parallel to, the railway;
 - (b) people seeking to cross the railway.
- (3) The report must be laid before Parliament within one year of this Act being passed.’—(*Matt Rodda.*)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

I thank my hon. Friends the Members for Ipswich (Sandy Martin) and for East Lothian (Martin Whitfield), who attended the petitions hearings of the Select Committee on the High Speed Rail (West Midlands - Crewe) Bill as members of that Committee, and who shared with our shadow Transport team their concerns about how this

route will affect active travel. As shadow Minister with responsibility for active travel—walking and cycling—I share those concerns, which is why we tabled the new clause.

It is inevitable that major construction projects will cause an element of disruption to journeys, and inconvenience to cyclists and, to an even greater extent, walkers, but diversions can have a real impact. If a car has to divert for a few miles to cross the HS2 construction site or the final HS2 line, that will add to its journey and its carbon footprint. If a cyclist does the same, it could add considerable time to their journey. It is worse for pedestrians; it could result in hours of extra time.

We tabled the new clause because we need to encourage active travel much more in this country; as was said, the Government are not meeting their targets for it. They have far more to do in this area. The new clause asks the Government to consider the factors further, and to report to Parliament within a year of the Bill’s passing into law. Subsection (2) highlights the need to have regard to not only routes that traverse the rail line, but those that run adjacent to it, which could also be affected. The Government missed a significant opportunity in failing to create a cycle path along the HS2 route. In many continental countries, major roads and rail lines have cycle paths parallel to them; once there is access to the land, it is an obvious choice to make.

Cycle routes are increasingly popular; they are the most direct route, away from car and lorry use. A segregated north-south cycle route adjacent to the line, but obviously some distance away from the line’s boundary, would have been an important legacy of the HS2 project. There would have been very little extra cost, in the light of the scale of this enormous construction project. Again, we ask the Government to show more concern for walkers and cyclists by considering the issue and reporting back to Parliament within a year of the enactment of the Bill.

Ms Ghani: Contrary to what the new clause suggests, I do not agree that we have not looked into or provided for non-motorised use. Let me give the hon. Gentleman some examples. On the particular part of HS2 that we are here to scrutinise, we have offered assurances to Cycling UK that some footpaths will be made more suitable for people who cycle or ride horses, so that local users of those public rights of way can seek, through the appropriate local planning process, to have those upgraded routes redesigned.

Yesterday, in response to the Transport Committee’s third special report on the Bill, we committed to working with Colwich parish council as it seeks funding from the recently announced £21 million Sustrans fund, and from funds that I announced last year. Phase 2a’s own £5 million community engagement fund and business and local economy fund are also available to improve towpaths, which will improve local walking and cycling facilities. I also announced the £6.5 million road safety fund, which provides even more money to support local initiatives for cycling and walking and for other non-motorised users.

Once again, I refer back to the environmental statement, because it covers most of the points raised. The report focuses on the impact of construction operations on cycling and walking. We have looked into the potential disruption in great detail in every area where it will

[Ms Ghani]

occur along the phase 2a route. We have reported the likely effects and the proposed steps to mitigate those effects in the environmental statement. I refer the hon. Gentleman in particular to the community area report in that statement, which goes into detail on each part of the route. In that assessment, we included the likely effects on other non-motorised users of public rights of ways, such as horse riders, as is appropriate for works in a rural area, and steps for their mitigation.

There is a report, mitigations are taking place and there is engagement with local communities. The new clause is not needed and should be withdrawn.

Matt Rodda: I appreciate the Minister coming back on this issue. However, yet again the scale of ambition is very limited, and there is arguably far too little mitigation. A cycle path along the length of the HS2 route would have been a huge enhancement for the country at a time when we are failing to meet our cycling and walking targets; not having that shows a lack of ambition. I will press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 3]

AYES

Coyle, Neil	Gaffney, Hugh
Daby, Janet	Rodda, Matt
Dhesi, Mr Tanmanjeet Singh	Sweeney, Mr Paul
Foxcroft, Vicky	

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Macleane, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

New Clause 4

COMPENSATION SCHEME FOR TENANTS

(1) The Secretary of State must by regulations make provision for a scheme to compensate tenants adversely affected by the scheduled works.

(2) The scheme must make provision for tenant occupants of—

- (a) house boats;
- (b) mobile homes;
- (c) static homes including caravans;
- (d) farms; and
- (e) other private properties.

(3) Regulations under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient.

(4) Regulations under this section must be made by statutory instrument.

(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.—(Matt Rodda.)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

Having listened to the concerns of the public, Labour proposes new clause 4. It was evident at the petitions stage of the Bill that along sections of the route HS2 would cause great disruption for residents, but there has been deep dissatisfaction with the way that HS2 Ltd has handled compensation. There have rightly been changes in practice to ensure that landowners and freeholders receive compensation for the loss of their homes, but the issue has not been completely resolved. The Government have provided compensation for individuals, but the new clause addresses where they have fallen short. Its purpose is to ensure that compensation is paid to tenants such as tenant farmers, who often live in close proximity to their place of work, and who will now have responsibility for finding new accommodation, and are more than likely to face longer journey times to work, and residents in urban settings who will lose their home as a result of HS2.

We cannot ignore the fact that across the UK, there are many private rental properties, which many people make their home for a significant time; like social housing tenants, they often plan for it to remain their home for their whole life. There are tenants in other forms of accommodation, too, such as houseboats, which cannot necessarily move, permanent caravans and mobile home parks. Some of those who rent comprise the poorest in our society. Uprooting them and causing them to move—possibly to a property demanding higher rent—could result in greater inconvenience and expenditure. It could mean moving costs and longer travel times. Clearly, HS2 must pay an appropriate amount of compensation for the disruption that it causes these residents.

Labour is concerned that this issue has been overlooked by the Government. We therefore believe that it is necessary for the Government to produce a report on the impact that the HS2 programme has on those who rent different forms of accommodation, and to come up with a compensation scheme that provides reasonable mitigation for the costs and disruption that the programme has caused.

2.30 pm

Ms Ghani: The hon. Gentleman raises a very important point, and it is vital that HS2 engages fully with residents and deals with them swiftly, clearly and with humility. As this is such a sensitive issue, and no doubt many people will focus on it, I will take a moment or two to respond.

Most types of tenants affected by the scheme are already provided for under current compensation law. Where they are not, the Government can use flexible, non-statutory arrangements to provide support. Where the law is silent, the Government have committed to taking forward appropriate measures in discussion with stakeholders and residents, should it be necessary to do so. Matters of tenant compensation are complex, because they depend on an individual's tenancy arrangements. However, I will endeavour to summarise briefly the support that is available. I will outline the legal position, the comprehensive non-statutory schemes that the Government have developed to assist property owners who are affected by HS2, and the work that the Government are taking forward following parliamentary scrutiny of high-speed rail hybrid Bills.

The elements of compensation payable are set by the Ministry of Housing, Communities and Local Government, and apply to all Government-led infrastructure projects, including HS2. The HS2 scheme applies these arrangements, which have been debated, agreed and set by Parliament, together with the vast body of case law on the subject. Compensation is based on the principle of financial equivalence: the person affected should be financially compensated with no less and no more than what they have lost. Compensation due to tenants is therefore commensurate with their interests and the land they occupy; for example, if a private tenant property is subject to compulsory purchase, the tenant should be eligible for various heads of claim that comprise the market value of the leasehold interest in the land. They might also be eligible for a home loss payment for the loss of their home, and for reasonable moving costs.

The key part of the non-statutory arrangements is a consideration of atypical properties and special circumstances. These are established, funded arrangements that apply to tenants as well as property owners. I am pleased to say that in response to concerns raised by the phase 2a Commons Committee, the Government have committed to improving guidance on those atypical arrangements and raising awareness and accessibility, so that we can continue to provide the right support at the right time to people who need to use them. The Government have also been charged with developing a non-statutory prolonged disruption scheme in response to the phase 1 Lords Committee's concerns on this subject. The Government intend shortly to release details of the scheme, which will assist residents who have different types of tenure, and who are affected by significant construction noise across the HS2 route.

Finally, in response to concerns raised by the phase 2a Commons Committee, the Government have committed to taking forward three strands of work on compensation for owners of houseboats and other types of moveable home. The first is to explore whether there is a case for bringing houseboats into line with caravans on statutory home loss payment entitlement. The second is to establish whether there is a case for introducing regulations to compensate houseboat residents who are affected by significant noise disturbance from rail works. The third is to explore the potential use of non-statutory compensation measures in advance of legislation being introduced, should the case for change be established. The Government are committed to taking forward appropriate measures in discussion with stakeholders and affected residents.

In conclusion, I believe the Government's established non-statutory arrangements, which are as broad and inclusive as possible, are an appropriate and flexible tool to support all types of residents affected by the HS2 scheme. That is why I believe the proposed new clause is unnecessary, and I would urge the hon. Gentleman to withdraw it.

Matt Rodda: I thank the Minister for her response, and for mentioning the legal principles of the compensation scheme. As she said, however, the Government's response is still a work in progress. For that reason, and because of the serious public concern about rented properties, I will press the new clause to a vote.

Question put. That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 4]

AYES

Daby, Janet	Gaffney, Hugh
Dhesi, Mr Tanmanjeet Singh	Rodda, Matt
Foxcroft, Vicky	Sweeney, Mr Paul

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Maclean, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

New Clause 5

REPORT ON FORMS OF RAILWAY TRACK

'(1) The Secretary of State must prepare a report on the relative merits of using slab track and track laid on sleepers in the scheduled works.

(2) The report must include specific consideration of—

- (a) environmental impact;
- (b) cost efficiency; and
- (c) maintenance.

(3) The report must be laid before Parliament within one year of this Act being passed.'—(*Matt Rodda.*)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

The new clause follows an inquiry at the petitions stage of the Bill that there was no remit to consider at that stage. Hon. Members will have heard that the kind of tracking used can have a significant impact on cost, including long-term maintenance costs, and the noise of the railway. It also has an impact on the speed at which trains travel. As the route has been singled out as providing high-speed rail travel, it is right that the Government work with engineers on the issue.

Although using slabs on the rail line is believed to be more expensive initially, it could prove much more efficient in the long term than using sleepers because it is low-maintenance. Across Europe and beyond, modern railway infrastructure projects are changing, and it is common for slab track to be preferred to sleepers. This short new clause asks the Government to assess the cost, efficiency and impact of that approach.

Ms Ghani: I do not see the need for the new clause. Again, the environmental statement assesses a reasonable worst case for the impacts of construction and operation of the railway. That includes so-called slab track, and track laid on ballast, or sleeper track. To comply with the environmental minimum requirements, the type of track used must be within the reasonable worst-case impact assessed in the environmental statement.

HS2 is one of the most scrutinised pieces of legislation to pass through the House—it even has its own Select Committee—and there are several other opportunities throughout the year for an inquiry to take place. There is constant reporting to Parliament and justifications for why decisions are taken. Reporting to Parliament

[Ms Ghani]

obviously matters, and it takes place, but constant discussions about cost add another layer of financial burden and bureaucracy when the reports are already in place. The new clause is not needed and should be withdrawn.

Matt Rodda: I appreciate the Minister's response. We will not press the new clause to a vote, so I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 6

QUARTERLY REPORTS ON ENVIRONMENTAL IMPACT, COSTS AND PROGRESS

(1) The Secretary of State must publish quarterly reports on the scheduled works throughout the period in which those works take place.

(2) Each such report must contain an assessment of—

(a) environmental impact;

(b) costs; and

(c) progress compared to the scheduled timetable.

(3) The first such report must be laid before Parliament within the period ending three months after the day the scheduled works commence.

(4) Each subsequent report must be laid before Parliament within three months of the publication of the last report under this section.—(Matt Rodda.)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

There is clear concern about the cost of the HS2 programme, as has been discussed in Committee and elsewhere. Clause 61 shows that there is little accountability for the spiralling costs of the project, and as a result, they are continually rising. It is important that the Government be accountable for that. Likewise, it is important that they be accountable for HS2's impact on the environment. As discussed in the debate on new clause 1, we want to ensure that all infrastructure projects minimise carbon use and protect our natural habitats.

There must also be accountability for ensuring that the project is delivered on time. To achieve that, we believe that there must be regular reporting to Parliament by the Government, to enable Parliament to scrutinise the Executive on these important matters. We believe that quarterly reports provide the right frequency of reporting, and that they would enable all parts of Parliament to fulfil their role, including the Public Accounts Committee, the Transport Committee and the House. Reporting would also provide vital data for external bodies, such as the National Audit Office, and would allow all to follow the impact the project is having, and to ensure that the project is brought under control. I shall take each of those in turn.

Labour has already stated that it would take a different approach to the development of infrastructure across the rail network, and to projects such as HS2, which will be embedded in the wider enhancement programme to ensure proper planning in line with all enhancement projects, and to deliver a more connected and reliable

railway. For example, we would have commenced HS2 in the north, and then ensured connectivity to the north and south, reaching further afield to deliver modal shift from cars, heavy goods vehicles and internal flights.

Labour would also have ensured that HS2 was fully embedded in the ambitions for HS3, or Crossrail for the north, or Northern Powerhouse Rail—whichever title is now being used. East-west connectivity in the north of England, connecting major cities such as Manchester, Sheffield and Leeds to other major towns and cities, is vital to building a strong northern economy. Labour has identified how integration of HS2 and HS3 could result in greater efficiencies, not only on cost but on journey times. That would impact largely in phase 2b, but in the light of the widespread concern about cost, and at a time when the austerity programme has had a significant impact on communities in the midlands and the north, it is vital that the Government be more accountable.

Clause 61 is loosely worded, and more or less invites a blank-cheque approach to the project. That is quite staggering. So much investment, especially in rail, is needed across the transport system, so taking that approach without providing for further scrutiny by Parliament is wrong for a project that has attracted so much public interest. After all, as the Conservative party likes to remind us, we are talking about taxpayers' hard-earned money being spent on a major project. Labour has argued that ensuring that we all have good rail connectivity to the north, which will provide a vital opportunity to rebalance the economy and ensure that northern economies prosper, is the way forward. That is why we are supporting this initiative. We want it to enhance rail capacity, journey times and connectivity. However, as we have seen, this whole project must be brought under greater control and greater accountability. The Government should set out the expenditure clearly in quarterly reports and justify the costs.

We understand that when a project is in development for longer, inflationary factors can come into play, not least at this time of instability for our economy. However, it is right that the Government should have to justify the figures publicly. As it is possible that a future Prime Minister might question going ahead with HS2, it is important to demonstrate better governance of the finances of this project. We therefore call on the Government to present a transparent, quarterly report to Parliament that can be subject to scrutiny, so that the public can understand the financing of the project and the Government can be fully held to account.

I turn to the environmental impact, which is of great concern. As a result of Labour's motion, Parliament has declared a climate emergency. These are not just words; this is a call to action to ensure immediately that no part of Government adds to the loss of biodiversity, adds to the amount of carbon in the atmosphere, or makes sustained changes to the environment. Labour is pleased with the mitigation proposals under HS2, but when our planet is under such intense threat, and when transport emissions account for 29% of all UK emissions, there is an obligation on the Government—not least the Department for Transport—to respond proactively by reducing the impact on the environment.

The Minister will know the growing concerns that HS2 is prompting about our climate and environment. Parliament should use quarterly reports to spur the

Minister on to draw on global best practice, and to identify the true cost of the environmental impact. We recognise that in the long term, with modal shift and planting, HS2 can be mitigated. However, the crisis is now, so there needs to be greater scrutiny now.

2.45 pm

Can the Minister set out the carbon cost of this budget? If the figures are not available, will she write to my colleagues and me? If she is not able to do that, that would point to a major omission in how the Government are addressing climate change, not least with regard to their pronouncement of becoming a carbon-neutral country by 2050, which is quite a long way off. In the light of the UK missing its fourth carbon budget and the Committee on Climate Change's prediction that we will miss our fifth, unless the Government are held to account for their carbon use the latest announcement will, quite clearly, never be delivered. We cannot allow that to be the case.

As the Minister will know, her Department is not famed for delivering infrastructure projects on time. We need only look at the most recent railway control period, when major infrastructure projects and enhancement programmes were cancelled, and likewise with the road improvement project. We know that delivering infrastructure projects on time and within budget is vital for any Government's reputation, and therefore we need to ensure that HS2 remains on track. The new clause will ensure that Parliament holds the Executive to account, and the Minister should welcome this initiative, which is widely supported by the public, who are confused about the benefits of HS2.

There is a serious skills shortage across the country in the sectors and vital trades and professions needed to deliver these ambitious programmes. The situation is likely to become more challenging with an aging population and, indeed, with Brexit. It is vital, therefore, that we map delivery against those factors so that early interventions can be made to mitigate the risks of a lack of skills. We therefore call for a quarterly report to be laid before Parliament.

Ms Ghani: That was such a wide-ranging speech that I fear it fell out of the scope of the line-by-line scrutiny of this Bill. However, I will do my best to address as many of the issues as possible. It was slightly difficult to follow the hon. Member for Reading East, because on the one hand he says that he supports the project, but on the other he wants to throw everything into the basket to undermine it. He asserted that the costs keep rising, but that simply is not the case. The total funding envelope for HS2 remains at £55.7 billion in 2015 prices. The Department is keeping a firm grip on costs, and HS2 Ltd is working with its supply chain to ensure that that continues. I advise the hon. Gentleman that if he wants to ensure that costs are kept low, undermining the project and the supply chain is not the way to go about it.

The hon. Gentleman spoke about ensuring value for money. We will make a full business case, including assessment at the point of notice to proceed. That will also ensure that we are fully integrated, taking into account the needs of Northern Powerhouse Rail. *[Interruption.]*

The Chair: Order. We must now suspend the sitting for a Division in the House.

2.48 pm

Sitting suspended for a Division in the House.

3.3 pm

On resuming—

Ms Ghani: I return to highlighting how important this line is and the fact that it has to adhere to a single budget. Of course, without HS2 there would not be Northern Powerhouse Rail, because it requires the infrastructure for HS2.

Before I address some of the issues raised about climate change, I remind the hon. Member for Reading East that travelling by rail is the most efficient way to travel. It is a good form of transport because it means that passengers do not fill up lots of cars on the motorway or take flight. The hon. Gentleman threw down the gauntlet on a number of issues relating to carbon impacts; he gave me the right to reply in writing, but I may have the answers in front of me, so I will do my best to respond.

Compared with most other transport modes, high-speed rail offers some of the lowest carbon emissions per passenger kilometre, significantly less than cars and planes. As an annual average, the scheme's carbon footprint over the course of the construction period will represent less than 1% of the UK's annual construction carbon footprint. The scheme is expected to save 419,000 tonnes of carbon dioxide emissions through modal shift in transport—that was a very good term that the hon. Gentleman used—with approximately 364,000 tonnes saved as a result of road, rail and domestic air passengers switching to high-speed rail, and 55,000 tonnes saved as a result of road freight moving on to existing rail lines due to released capacity from the scheme. Over the 120-year design life of the scheme, the net carbon emission reduction from modal shift is estimated at minus 307,000 tonnes.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Minister makes an important point about the benefits of modal shift. It is important that we have a national aspiration to integrate all the United Kingdom's core cities with high-speed rail networks, and this is a significant step in that direction. However, on a good day, flying from Glasgow to London takes me three hours from door to door. It is clear that even with these improvements, the journey from Glasgow to London by rail will still take three hours and 40 minutes. It needs to be below three hours. What will the Minister do to advance that national objective?

Ms Ghani: There will be a reduced journey time on high-speed rail, which will open up capacity on existing railway lines. It will also shift people from roads or flights to rail, which is incredibly important. We will continue to invest north of London. This is just one way of ensuring that the journey becomes far more integrated, but I know that the hon. Gentleman would like it to become even faster. Considering that it has taken us so long to get high-speed rail up and running, who knows what will come in the next iteration? However, I do take his point.

Let me return to the important point about skills that the hon. Member for Reading East raised. At present, there are 9,000 people working on high-speed rail, with

[Ms Ghani]

more than 2,000 businesses already involved in the chain. The hon. Gentleman raised an important point about how we will reach the 30,000 people who will be required to build the railway; that is why we have two colleges set up to improve the technical and academic skills of people working on the railway line, from design to construction.

Having made all those arguments, I really do not understand the need for new clause 6. The issue of quarterly reporting has been raised, but HS2 Ltd already provides annual reports to Parliament, as required by the DFT-HS2 Ltd framework document. I believe that that level of reporting is proportionate and sufficient. The project is bound not to exceed the likely significant environmental effects assessed for the scheme, as reported to Parliament. As part of HS2 Ltd's sustainability policy, an environmental management system will be developed that will set out the procedure to plan and monitor compliance with environmental legislation; the record-keeping arrangements, including reports to my Department; and the procedures that will be put in place to monitor compliance with the Bill's environmental provisions.

There is so much scrutiny and accountability that separate quarterly reporting would be excessive and burdensome to the Department. There are already reports out there; if the 11,000-page report were read fully, I believe it would answer a number of the questions that have been raised so far. I do not believe that there is any need for the new clause. It should be withdrawn.

Matt Rodda: It is interesting to listen to a Minister trying to justify providing a lack of information to Parliament. For a programme of this scale—it is utterly huge and encompasses not only the Department for Transport, but many other parts of the public sector and a large supply chain—internal reports will obviously be produced much more regularly than the annual report that the Minister described. Given the scale of the programme, the significant investment of public money and the need for the Executive to be held to account by Parliament so that the public can see that their money is being spent well, surely it is only common sense to make the reporting public on a quarterly basis.

Separate evidence will be available internally. I am sure that people at HS2 will produce thousands of Gantt charts and other forms of reporting for internal and departmental use; having worked as a civil servant on much smaller programmes, I am sure that that information is there. Surely it is incumbent on the Government to provide Parliament with a much more regular update so that it can properly scrutinise spending such large amounts of public money.

On the point about the environment, I am grateful for the Minister's lovely commercial for rail travel, which I fully support. We absolutely value investment in high-speed rail, which the Labour party sees as a huge step forward for the country, but the Minister only partially addressed the specific point about the amount of carbon produced during the construction stages. Will she write to the shadow Rail Minister, my hon. Friend the Member for York Central (Rachael Maskell), to provide more detailed points about the specifics of the carbon produced during the construction period? The use of heavy goods vehicles—particularly if road freight is used, as we discussed

earlier—and of aggregates and other materials can be carbon intensive. It would be wise to consider ways of reducing that carbon impact as the programme is rolled forward.

On the final point about skills, we fully support the investment in the two colleges. That is an important part of developing a skilled workforce in the areas the line crosses. However, we ask the Government to carry out more forward planning and to consider this as an even greater opportunity to develop a highly skilled workforce for the future, given the scale of the programme and the geographical spread of the line, particularly as it runs through many relatively disadvantaged communities, whether they be isolated rural communities with limited local employment or urban city centres. On that basis, we call for a Division on this new clause.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 5]

AYES

Coyle, Neil	Gaffney, Hugh
Daby, Janet	Rodda, Matt
Dhesi, Mr Tanmanjeet Singh	Sweeney, Mr Paul
Foxcroft, Vicky	

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Maclean, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

New Clause 7

ONGOING PUBLIC ENGAGEMENT

'(1) The Secretary of State must by regulations make provision for ongoing public engagement about the scheduled works.

(2) The regulations may require the nominated undertaker to—

- hold public meetings;
- make provision for public help and complaints mechanisms;
- consult on changes to plans or timetables; and
- take other public engagement steps as the Secretary of State sees fit.

(3) Regulations under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient.

(4) Regulations under this section must be made by statutory instrument.

(5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.—(Matt Rodda.)

Brought up, and read the First time.

Matt Rodda: I beg to move, That the clause be read a Second time.

Already it is clear that residents and businesses along the route of HS2, and those affected by the wider construction of the line, need to be involved in this programme, not just with the passing of the Bill but beyond that, not least because the project is being funded by public money and is causing disruption to many communities.

We call on the Government to put in place regulations to ensure, through a statutory route, that HS2 and the Government continue to engage with the public and, through that engagement, respond to concerns raised. Nobody holds a monopoly on wisdom. Through strong community engagement, the project can develop in the interests of all concerned. The tweaks made by petitioners to the hybrid Bill Committee show the power of such consultation.

As the programme moves from the planning to the delivery phase, unseen consequences may, and probably will, occur. Good public engagement is vital to ensure that there is a response to those issues, whether they are environmental issues—for example, noise, dust and pollutants—or relate to congestion. Communities must have a right to engage in public meetings and to engage with proposed changes. Even with the best planned projects, we know that engagement is vital.

It is important to have a direct complaints process, to which HS2 must respond, for the duration of the building of phase 2a and all subsequent phases. Above all, the public need to have confidence in the development of HS2, but there is concern that that has been lacking to date. This must change, and the new clause would enable the Government to ensure that that happens through the establishment of secondary legislation.

3.15 pm

Ms Ghani: The hon. Gentleman raised some important points. I agree with him that we need strong community engagement and good public engagement, and that the response has to be flexible and responsive.

Let me remind the hon. Gentleman what HS2 is actually doing. This was one of the trickiest parts of my brief when I took over as Minister for HS2, because I wanted to ensure that HS2's community engagement was on point, especially as further and deeper construction work takes place. The commitment to public engagement is evidenced by the community engagement strategy and the biannual community engagement progress report. For example, in 2018 more than 36,000 people attended over 2,200 engagement activities, including meetings, drop-ins and events across the whole of the HS2 route. The 24/7 help desk dealt with 26,697 inquiries, and nine out of 10 complaints were dealt with within 20 working days or fewer. I constantly put pressure on HS2 Ltd to ensure that it is working as effectively and with as much humility as possible.

Further, as a Minister I have secured meetings in Parliament between Members and HS2, sometimes with constituents. The hon. Gentleman may not be aware of

this, so I put on the record that there is an independent construction commissioner and residents' commissioner. The residents' commissioner also gave evidence to the Select Committee. A substantial amount of public engagement is already taking place. That must continue and be of good quality. There must be speedy responses to the public's concerns, in a way that they can understand and digest, given the level of engagement already taking place and the fact that the Secretary of State has made a number of commitments to continue to engage with all stakeholders. All of that information can be found on the HS2 website. It is published online, as is the register of undertakings and assurances.

Of course, we should never take anything for granted and HS2 Ltd should continue to work as closely as possible with the communities that require further assurance or changes in lifestyle. It needs to work with them as efficiently as it can. Considering all the work that is already taking place and will take place, I believe that the new clause is unnecessary and should be withdrawn.

Matt Rodda: I am grateful to the Minister for running through the existing engagement strategy and, indeed, the volume of correspondence and engagement that has taken place. However, it is somewhat disappointing that the Government are still not pursuing this through regulations and are not putting it on a statutory footing. We will therefore press the new clause to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 8.

Division No. 6]

AYES

Coyle, Neil	Gaffney, Hugh
Daby, Janet	Rodda, Matt
Dhesi, Mr Tanmanjeet Singh	Sweeney, Mr Paul
Foxcroft, Vicky	

NOES

Donelan, Michelle	Johnson, Dr Caroline
Ghani, Ms Nusrat	Maclean, Rachel
Green, Chris	Robinson, Mary
Harrison, Trudy	Ross, Douglas

Question accordingly negatived.

Bill to be reported, without amendment.

3.19 pm

Committee rose.

