

High Speed Rail (Crewe – Manchester) Bill

Northern Powerhouse Rail: Manchester Connection Information Paper

B5: Compliance with undertakings and assurances

This paper outlines how HS2 Ltd will record and comply with any undertakings and assurances given during the passage of the High Speed Rail (Crewe - Manchester) Bill.

Content will be maintained and updated as considered appropriate during the passage of the Bill.

HS2 Ltd's Rail Development Directorate are acting on behalf of the Secretary of State for Transport to develop and promote the Bill. If you have any queries about this paper or about how it might apply to you, please contact the Helpdesk in the first instance.

The Helpdesk can be contacted:

by email: enquiries@raildevelopment.org.uk

by phone (24hrs): 08081 434 434
08081 456 472 (minicom)

or by post: Rail Development
Square One
4 Travis Street
Manchester
M1 2NY

1 Introduction

- 1.1 Northern Powerhouse Rail (NPR) is the government’s plan to provide more reliable and frequent services between key economic centres in the North of England. NPR forms the transport backbone of the Northern Growth Strategy and will deliver a “turn-up-and-go” railway linking Liverpool, Manchester, Leeds/Bradford, Sheffield and York, with regular onward services to Newcastle, Hull and Chester for North Wales connections.
- 1.2 NPR will be delivered in three phases:
- (1) early upgrades and electrification east of the Pennines (Leeds–Bradford, Sheffield-Leeds, Leeds–York);
 - (2) a new Liverpool–Manchester route via new stations at Warrington Bank Quay (Low Level) and Manchester Airport; and
 - (3) further cross-Pennine enhancements beyond the Transpennine Route Upgrade, including Manchester-Leeds, Manchester-Bradford and Manchester-Sheffield.
- 1.3 The first phase of NPR prioritises the upgrades to existing lines east of the Pennines. The adapted High Speed Rail (Crewe- Manchester) Bill, (hereafter ‘the Bill’) has been taken forward as part of the second phase of NPR to obtain the necessary powers to deliver the NPR route into Manchester via Manchester Airport (the Proposed Scheme). The Bill, formerly designed to deliver the route between Crewe to Manchester, has been adapted to retain only the section of route from the Parish of Millington and Rostherne to Manchester Piccadilly, via a new station at Manchester Airport (also known as NPR’s ‘Manchester Connection’). For further information about the development of the Bill, please see information paper A1.
- 1.4 The government has also confirmed its intention to ultimately complete a new line between Birmingham and Manchester. This is not included in this Bill and this would be progressed following the delivery of the three stages of NPR.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State for Transport has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

- 1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. Following Royal Assent this body will be the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, and the policies and commitments established in the EMRs, including any commitments provided in the information papers.
- 1.7 HS2 Ltd is a non-departmental public body and their Rail Development Directorate is responsible for developing and promoting these proposals for the purposes of the Bill. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.8 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.
- 1.9 When they were originally published, the information papers for the Bill were consistent with the policies, schemes and standards that had been applied for HS2 Phase 1 and 2a, as the Proposed Scheme was intended to be part of that project. They have now been updated and republished to reflect the changes to the Bill. In light of the origin and continuation of the Bill, the information papers continue to generally reflect the policies and commitments originally set out for the Bill before it was adapted relating to the control of impacts on the environment and on property owners, communities and businesses. This includes adopting a version of the HS2 Environmental Policy for the purposes of this Bill. This reflects the Bill's advanced progress through Parliament; the Bill has been taken forward on the basis that these policies and commitments will apply and the government intends to honour them for reasons of fairness towards those affected or concerned.
- 1.10 This approach reflects the particular circumstances of this Bill, and the commitments set out in these Information Papers do not set, and should not be considered as setting, any precedent for future proposals connected to the NPR programme, or any other future rail scheme. The policies and commitments offered in relation to future schemes will need to be considered in the context of any applications for consent on their own merits.

2 Overview

- 2.1 This information paper outlines how the Promoter will ensure that any commitments entered into by the Promoter during the passage of the Bill will be recorded and complied with. References to provisions of the Bill are references to the Bill as it is proposed to be amended following the instruction to the Select Committee of 21st May 2024.
- 2.2 There are two types of commitments:
- undertakings, which are binding (usually contingent) agreements between the Promoter and another party, set out in legal documents or given by another means to the Select Committee itself or to Parliament; and
 - assurances, which are unilateral written commitments made by the Promoter in a letter or other document (such as an information paper), or in petition responses.
- 2.3 A number of commitments have already been made, such as the EMRs. Others will be given in response to petitions that are received to the Bill.
- 2.4 Undertakings and assurances on the register for Phase One and Phase 2a of HS2 do not apply to the Proposed Scheme, unless the Promoter specifically re-asserts the commitment in question and includes it on the register for the Proposed Scheme.

3 Recording undertakings and assurances

- 3.1 Undertakings and assurances will be recorded in an official register, held by the Department for Transport (DfT). The process is expected to follow the successful templates adopted for the passage through Parliament of the Bills for the High Speed Rail (London - West Midlands) Act 2017 and the High Speed Rail (West Midlands – Crewe) Act 2021.
- 3.2 The register itself will be a list of the commitments given and to whom. It will not necessarily give details of each undertaking or assurance, and in some cases may simply refer to other documents (such as signed undertakings between the Promoter and the third party concerned). The register should also be read in conjunction with other documents that are part of the EMRs, namely the Code of Construction Practice, the Environmental Memorandum, the Planning Memorandum and the Heritage Memorandum. The entries on the register itself will not, therefore, be definitive in themselves.
- 3.3 The bulk of the material referred to in the register will be in the public domain. However, some personal or commercially confidential material (for example) will not. Requests for information made under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 will be considered according to the respective standard procedures. However, in both cases, exemptions (or exceptions) may apply to some information, such as commercially confidential material, or material benefitting from legal professional privilege. Other material covered by the Data Protection Act 2018 may also benefit from exemptions under that Act. The register itself will be published and updated as the Bill process continues through Parliament to include any further undertakings and assurances given. A final version will be produced and published after the Bill receives Royal Assent.
- 3.4 The register will not include undertakings or assurances that have either been carried out already or that will be carried out during the passage of the Bill (for example, an assurance to amend the content of the Bill). This is because the purpose of the register is to capture undertakings and assurances that will be carried out once the Bill is enacted and construction starts.
- 3.5 The Secretary of State or nominated undertaker may agree with the party or parties involved in a specific undertaking or assurance to alter the terms of that undertaking or assurance following its recording in the register. In such cases, the new agreed terms shall be met and, if appropriate, the relevant local authority will be notified of the new terms.

4 Ensuring undertakings and assurances are met

- 4.1 Following Royal Assent to the Bill, a nominated undertaker is expected to be appointed to construct and maintain the Proposed Scheme. Any nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances made by the Promoter in regard to construction and operation of the Proposed Scheme.
- 4.2 The Promoter will give an undertaking to Parliament that they will take such steps as are considered reasonable and necessary to secure compliance with the EMRs. This includes all relevant undertakings and assurances, insofar as they are not directly enforceable against any person appointed as a nominated undertaker. In other words, the Secretary of State is not obliged to enforce an undertaking if the recipient has a means of enforcing it itself (such as under an agreement).
- 4.3 Undertakings and assurances do not bind any consent-giving body - such as local authorities, or other regulatory bodies like the Environment Agency - unless that body is specifically a party to them. However, consent-giving bodies would be expected to be mindful of the nominated undertaker's responsibility to make every effort to comply with them since they will have formed part of the consideration of the issues, and the conferring of the powers, by Parliament.

5 More information

- 5.1 More detail on the Bill and related documents can be found at <https://www.gov.uk/guidance/northern-powerhouse-rail-manchester-connection>.