

High Speed Rail (Crewe – Manchester) Bill

Northern Powerhouse Rail: Manchester Connection Information Paper

B8: Time limits in the Bill

This paper outlines the time limits that apply to the powers included in 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.

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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 the time limits that apply to the powers included in the Bill.
- 2.2 The Bill includes the powers required for the construction and operation of the Proposed Scheme. The powers relating to the operation of the Proposed Scheme, such as the changes to the regulatory regime or the ability to carry out maintenance, are required in perpetuity. Therefore, no general time limit is applied to those powers. However, specific time limits are applied to those powers that most directly concern the interests of persons affected by the Proposed Scheme.
- 2.3 Royal Assent, a reference date for many of the time limits discussed in this paper will be recorded on Parliament's website and on the Bill when enacted. Another reference date is the date of the opening of the Proposed Scheme.

3 Specific time limits in the Bill

Acquisition of land

- 3.1 Clause 9 of the Bill imposes a time limit on the process of acquiring any land required for the scheme through compulsory purchase. The time limits are imposed on the serving of Notices to Treat or the making of a General Vesting Declaration, which are two different approaches for how the compulsory purchase process can operate. Under clause 9, the process of compulsory purchase of land by means of either service of a Notice to Treat or the execution of a General Vesting Declaration must be undertaken within eight years of Royal Assent for the Bill.
- 3.2 Clause 9 also gives the Secretary of State the power to make an order to extend this period by a further two years in relation to any land subject to the powers of clause 4 of the Bill. However, any order would be subject to scrutiny by Parliament, and would include a process allowing affected parties to petition against any order. The period of eight years can only be extended by this means once.
- 3.3 Schedule 13 of the Bill contains provisions enabling landowners to require the Secretary of State to acquire land which is subject to compulsory purchase after a period of five years has elapsed from Royal Assent for the Bill.

Use of roads

- 3.4 On certain parcels of land, the Bill grants the Promoter the powers to acquire rights, such as a right of passage. Clause 14 of the Bill also allows the Promoter to use any road within this land for access purposes, though it limits this right to five years after the opening of the railway. This will enable the nominated undertaker to gain access to put right any construction defects discovered after completion of the works.

Planning consent

- 3.5 The Bill grants deemed planning permission for the Proposed Scheme. Clause 19 of the Bill makes it a condition of the deemed planning permission that any scheduled work (i.e. any of the principal works which are specifically identified in Schedule 1 to the Bill) must begin within 10 years of Royal Assent. If the work has not started within this period, a further application for planning permission must be made, using normal planning legislation, before it can begin.

- 3.6 The 10-year period can be extended by the Secretary of State, by means of regulations which must be laid before Parliament. Any regulations will be revoked if either the House of Commons or the House of Lords passes a resolution annulling the regulations.

Planning consent for relocation of businesses

- 3.7 Clause 46 of the Bill allows the Promoter to reinstate businesses affected by the scheme onto other land within the limits shown on the plans. The Bill also allows the Secretary of State to direct planning permission for these reinstatement works, subject to the same 10-year limitation as described in paragraph 3.6 above.

Protective works to buildings

- 3.8 Schedule 2, paragraph 2 of the Bill allows the Promoter to carry out protective works to buildings that may be affected by the works (refer to Information Paper C14: Ground settlement for more information on this topic). Paragraph 3 of the Schedule allows the Promoter to return and carry out further protective works in the event of ground movement continuing after the works are completed. However, this power is limited to a period of five years after the opening of the Proposed Scheme.

Maintenance period

- 3.9 Schedule 15, paragraph 6 of the Bill gives the Promoter the power to re-occupy land within the limits shown on the plans in order to put right any defects that may be discovered after the works are completed. This power lasts for five years after the opening of the Proposed Scheme.

4 More information

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