



# HIGH SPEED TWO INFORMATION PAPER

## B8: ADDITIONAL PROVISIONS

This paper outlines the process for making amendments to the HS2 Phase One hybrid Bill through the promotion of additional provisions.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper will be updated as required. If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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Version 1.2

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# B8: ADDITIONAL PROVISIONS

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State 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.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 1.6. 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 project have been reached.

## 2. Overview

- 2.1. This paper outlines the process for making amendments to the HS2 Phase One hybrid Bill through the promotion of additional provisions.

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<sup>1</sup>The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

- 2.2. The High Speed Rail (London - West Midlands) Bill Select Committee was appointed by the House of Commons on 29 April 2014 following Second Reading of the Bill. The Select Committee provides individuals and bodies directly and specially affected by the Bill the opportunity to object to the Bill's specific provisions and to seek its amendment.
- 2.3. An additional provision (AP) is an amendment to extend powers which affect private interests, contained in the Bill.

### 3. Additional Provisions

- 3.1. During the course of Select Committee hearings in the House of Commons, changes to the Proposed Scheme may be identified as a result of discussions with stakeholders, continued project development, and in response to the Select Committee's decisions.
- 3.2. In some cases these revisions involve the acquisition or use of land outside of the current limits of the Bill, additional access rights or other extensions of the powers conferred by the Bill, making it necessary to submit an AP.
- 3.3. The process for making an AP is as follows:
  - The Government tables a motion in the House of Commons authorising the Select Committee to consider the AP. This is debated and voted on in the House of Commons.
  - Documents describing the changes are prepared. These include amendments to the Bill and, as appropriate, Plans and Sections, a Book of Reference that identifies landowners and tenants of affected land, an Estimate of Expense that identifies the costs associated with the additional powers being sought and Supplementary Environmental Information (SEI). The SEI comprises an AP Environmental Statement (AP ES) and, where applicable, a Supplementary Environmental Statement (SES). The Supplementary Environmental Statement assesses significant environmental effects arising from changes within Bill powers and limits. The AP ES assesses environmental effects arising from any additional powers sought.
  - If the motion is passed, the documents describing the changes are deposited at all relevant deposit locations, including local authorities and libraries, as per the requirements in the Standing Orders of the Houses of Parliament (including requirements for advertisement and notification). Notices will be served on any landowners whose property may be subject to compulsory acquisition.
  - After deposit, the SEI will be subject to a public consultation undertaken on behalf of Parliament and the responses will be reported on by an independent assessor appointed by Parliament.
  - In addition, there is a petitioning period during which anyone directly and specially affected by the provisions contained in the AP may submit petitions

against them. The duration of the petitioning period will be defined in the motion debated in Parliament, and publicised in newspaper notices for the relevant areas. The Select Committee considering the Bill has stated that those petitioning against an additional provision are strongly encouraged to review the contents of their petition to ensure that they can demonstrate a direct and special effect and, if they cannot, to pursue other avenues of argument.<sup>2</sup>

- Petitions against the AP are heard by the Select Committee in the normal way. Anyone whose petition has already been heard, but who is affected by the AP, will be entitled to petition again, and to be heard again. Someone whose petition against the Bill has not yet been heard, and who is affected by the AP, can petition again, and we expect that the Committee will endeavour to consider both petitions at the same time, if scheduling allows.
- 3.4. Although APs will be put forward by the Secretary of State, they will not be formally accepted as amendments to the Bill until the Select Committee has fully considered all the petitions submitted against them.
  - 3.5. All amendments judged to be appropriate will be made formally to the Bill when the Select Committee reports the Bill to the House.

#### 4. Programme for APs

- 4.1. An AP was deposited in September 2014; this mainly dealt with changes identified during ongoing discussions with stakeholders, including landowners and utility companies, as well as some development of the design for the railway. A second AP is currently in preparation. This will seek to address many of the specific issues raised by petitioners during Committee hearings, and will also reflect developments in the design of the project. Any changes proposed for the scheme at Euston will be the subject of a future AP.
- 4.2. Further changes to the scheme may be identified during the Select Committee process. If these require changes to the Bill they may be made the subject of a further AP submitted at a later stage in the parliamentary process.

#### 5. More information

- 5.1. More detail on the Bill and related documents can be found at: [www.gov.uk/HS2](http://www.gov.uk/HS2)
- 5.2. Specific information on APs can be found at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.
- 5.3. More information on petitioning can be found at: [www.parliament.uk/](http://www.parliament.uk/)

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<sup>2</sup> See paragraph 148 of the First Special Report – High Speed Rail (London-West Midlands) Bill published on 26 March 2015.