

## **GREATER MANCHESTER COMBINED AUTHORITY**

Date: Friday 25<sup>th</sup> March 2022

Subject: High Speed Rail (Crewe – Manchester) Bill, Authorisation for Transport for Greater Manchester to oppose the Bill at Parliament

Report of: Andy Burnham, Mayor of Greater Manchester, Portfolio Lead for Transport and Eamonn Boylan, Chief Executive Officer, GMCA & TfGM.

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### **Purpose of Report**

The High Speed Rail (Crewe - Manchester) Bill (“the Bill”) was deposited on 24<sup>th</sup> January 2022 with the House of Commons.

In order to participate in the hybrid bill process, Transport for Greater Manchester (TfGM) requires the approval of GMCA to oppose the Bill, in accordance with s.10(1)(xxix) of the Transport Act 1968. The report sets out the proposal by TfGM to oppose elements of the Bill and seeks GMCA’s approval.

In accordance with GMCA’s constitution, TfGM’s request for approval to oppose the Bill must be referred to the Greater Manchester Transport Committee (GMTC). GMTC’s recommendations will be reported to GMCA and must be considered by it in determining whether to grant approval to TfGM to oppose the Bill.

### **Recommendations:**

The GMCA is requested to:

1. Note that the recommendations of the Greater Manchester Transport Committee, which meets on 24 March 2022, will be reported to the meeting for consideration.
2. Resolve to grant approval for TfGM to oppose elements of the High Speed Rail (Crewe – Manchester) Bill, pursuant to s10(1)(xxix) of the Transport Act 1968.
3. Provide Delegated Authority for the Chief Executive for TfGM in consultation with the Mayor of Greater Manchester to take all such steps as may be incidental, necessary or expedient in connection with TfGM’s opposition to the High Speed Rail (Crewe – Manchester) Bill, including all steps required for a petition to be

submitted, maintained and if considered appropriate modified or withdrawn (in whole or in part) in the event that any petition points have been resolved satisfactorily with HS2 Ltd and/or DfT in respect of the Bill, and to negotiate and/or seek assurances, undertakings and/or agreements to the Bill as well as to appear at any Select Committee considering the Bill.

## Contact Officers

Simon Warburton [simon.warburton@tfgm.com](mailto:simon.warburton@tfgm.com)  
Martin Lax [martin.lax@tfgm.com](mailto:martin.lax@tfgm.com)  
Liz Goldsby [liz.goldsby@tfgm.com](mailto:liz.goldsby@tfgm.com)  
Liz Treacy [liz.treacy@greatermanchester-ca.gov.uk](mailto:liz.treacy@greatermanchester-ca.gov.uk)

## Equalities Impact, Carbon and Sustainability Assessment:

There are no direct equalities implications of this report.

## Risk Management

A brief review of the Bill confirms that many of the GMCA, TfGM and GM partner's concerns with the HS2 proposals have not been addressed within the Bill. To formally address this, TfGM will need to take steps to oppose the Bill. Each GM partner will also take steps to oppose the Bill.

Manchester City Council's resolution to oppose elements of the Bill was passed at an extraordinary Council meeting on 4<sup>th</sup> March 2022. GMCA is considering whether to oppose elements of the Bill elsewhere on the agenda for this meeting. Other GM local authorities will be seeking approval to oppose the Bill at Full Council meetings through March 2022.

There is not a fixed timetable for the hybrid Bill process, which will include sittings of the Select Committee at which those opposing the Bill will have the opportunity to appear and address the Committee. It may be that elements of the process will progress quickly, and therefore approval is sought for the Chief Executive of TfGM to have delegated authority to take/approve any necessary steps related to TfGM's opposition to the Bill, including those arising from the satisfactory resolution of any grounds for opposition contained in GMCA's petition. This will mitigate any risks in this respect.

## **Legal Considerations**

Under section 10(1)(xxix) of the Transport Act 1968, TfGM has the power to oppose Bills in Parliament, but only with the approval of the GMCA.

Successful arguments/objections may be resolved by entering into a legal agreement and/or an amendment being made to the Bill. These would need appropriate legal input and scrutiny.

It is unknown how quickly actions to resolve any objections (such as legal agreements, withdrawal of sections of the Petition etc) will need to be agreed, written and signed off. – It is therefore considered prudent to obtain specific Delegated Authority for the Chief Executives of TfGM to enable swift action to be taken, should it be required.

## **Financial Consequences – Revenue**

Opposing the Bill will be managed within agreed TfGM budgets.

## **Financial Consequences – Capital**

Opposing the Bill will be managed within agreed TfGM budgets.

## **Number of attachments to the report: 1**

24<sup>th</sup> March 2022 Greater Manchester Transport Committee Report: High Speed Rail (Crewe – Manchester) Bill

## **Comments/recommendations from Overview & Scrutiny Committee**

N/A

## **Background Papers**

11th February 2022: GMCA Response to the HS2 Phase 2b hybrid Bill Environmental Statement Consultation

10<sup>th</sup> September 2021: HS2 and Northern Powerhouse Rail. Sets out the importance of the HS2 programme for Greater Manchester and identifies the Critical Issues for Greater Manchester

27<sup>th</sup> November 2020 HS2 Phase 2b Western Leg Design Refinement Consultation: GM Response – GM Response Approach

29<sup>th</sup> May 2020 and 21<sup>st</sup> August 2020: Response to NIC Rail Needs Assessment for the Midlands and the North

26<sup>th</sup> July 2019: HS2 Phase 2b Design Refinement Consultation – GM Response Approach

30<sup>th</sup> November 2018: HS2 Phase 2b Working Draft Environmental Statement Consultation – GM Response Approach

24th February 2017: HS2 Route Update and Consultation Response

## **Tracking/ Process**

Does this report relate to a major strategic decision, as set out in the GMCA Constitution?

Yes

## **Exemption from call in**

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

No.

## **GM Transport Committee**

Yes, meeting on Thursday 24 March 2022. Recommendations will be reported to this meeting.

## **Overview and Scrutiny Committee**

N/A

# 1. Introduction/Background

- 1.1. HS2 is the Government's scheme to implement a new high-speed north – south railway network, from Manchester to London via Birmingham and Crewe. This is a major national infrastructure proposal that would be progressed over several decades and is being taken forward in several phases. Phase 1, which is under construction will connect London with Birmingham and the West Midlands by around 2030. Phase 2a, which gained Royal Assent in 2021, will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester by around 2040.
- 1.2. The Bill was deposited in Parliament by the Department for Transport (DfT) on 24th January 2022 and provides for the HS2 Phase 2b "Western Leg", between Crewe and Manchester. The Bill includes provision for new high-speed rail stations (providing for HS2 and Northern Powerhouse Rail services) at Manchester Piccadilly and Manchester Airport, along with a tunnelled section of railway that will connect the respective stations and new high-speed infrastructure to connect HS2 services to the West Coast Mainline just before Wigan North Western. It also covers some provision of other related infrastructure, including new highways layouts and changes to car parking and Metrolink infrastructure being modified at the two stations.
- 1.3. Northern Powerhouse Rail (NPR) is a proposal to deliver a high-speed rail network between Manchester, Liverpool, Leeds, Newcastle, Sheffield and Hull. The Government's preferred outline plans for NPR are included in the recently published Integrated Rail Plan (IRP) (the IRP does not include proposals from Manchester to Sheffield and Hull as originally intended). The Bill does not cover the whole of the proposed NPR scheme, but rather elements to enable its future delivery.
- 1.4. The HS2 and Northern Powerhouse Rail (NPR) Programme remains crucial to the future prosperity of Greater Manchester and the North, acting as a catalyst for regeneration, jobs, homes and economic growth.

- 1.5. The Government's intention to develop HS2 was initially confirmed by the publication of the Strategic Case for HS2 in October 2013. GMCA confirmed its strong support in principle for the scheme at that time. This included setting out a framework for engagement with DfT and HS2 Ltd to secure a HS2 solution that is fit for purpose in terms of its futureproofing and integration with the wider transport system in Greater Manchester.
- 1.6. Transport for Greater Manchester (TfGM) has been working closely with GM partners (GMCA, Manchester City Council, Trafford Council, Wigan Council and Manchester Airport Group) with regard to HS2 Phase 2b. It is understood that TfGM have also liaised with Tameside, Salford, Cheshire East and National Highways.
- 1.7. Initial reviews of the Bill confirm that many of TfGM's concerns remain unresolved. It is therefore considered necessary for TfGM to oppose the Bill through the Parliamentary process to ensure its concerns are considered prior to the Bill obtaining Royal Assent. Many of these concerns are shared by one or more of the GM partners, and TfGM is working with the GM Partners to coordinate the response to the Bill.

## **2. Constitutional requirements**

- 2.1. GMCA and TfGM fulfil separate and distinct roles in relation to the proposal to oppose the Bill. TfGM is a Passenger Transport Executive for the purposes of the Transport Act 1968. This means that TfGM is responsible, amongst other things, for implementing Greater Manchester policies for various aspects of public passenger transport services, such policies having been set by GMCA as the successor to the former Greater Manchester Integrated Transport Authority and Greater Manchester Passenger Transport Authority. The 1968 Act gives TfGM, as Passenger Transport Executive, the power to promote or oppose any Bill in Parliament, but only with the approval of GMCA (s.10(1)(xxix) of the Transport Act 1968).

- 2.2. GMCA's constitution requires that any request by TfGM for approval of a proposal to promote or oppose a Bill in Parliament must be referred to the Greater Manchester Transport Committee. The Committee is not empowered to determine that request but will consider it and then report its recommendations on the request back to the GMCA. The request from TfGM for approval, set out in this report, will be presented to GM Transport Committee on 24 March 2022, and that Committee's recommendations will be reported to this meeting.
- 2.3. The Chief Executive of TfGM, as the passenger transport executive, is able to make decisions on behalf of TfGM. However, for the avoidance of doubt and to avoid any issues arising over the extent of the Chief Executive's ability to carry out functions or make decisions consequential upon approval being given to TfGM to oppose the Bill, GMCA is being asked to delegate authority as set out in the recommendations to this report in order to enable proceedings in Parliament to proceed as efficiently as possible.

### **3. Hybrid Bill for HS2 Phase 2b - Crewe to Manchester**

3.1. The Bill includes powers to:

- build and maintain HS2 and its associated works;
- compulsorily acquire interests in the land required;
- sever the existing Ashton line of the Metrolink to enable the construction of HS2's Piccadilly station;
- make consequential changes to the Metrolink network, including the provision of a turnback at New Islington, new track and infrastructure for an expanded and relocated facilities at Piccadilly and passive provision (an overbridge, but not a stop or new track) at the HS2 Airport station;
- affect or change rights of way, including the stopping-up or diversion of highways and waterways (permanently or temporarily);
- modify infrastructure belonging to statutory undertakers (e.g. utility companies);
- carry out work on listed buildings and demolish buildings in conservation areas;
- carry out protective works to buildings and third-party infrastructure;

- make necessary changes to existing legislation to facilitate construction and operation of HS2.

3.2. The Bill also grants the necessary changes to existing legislation to facilitate construction and operation of the HS2 Phase 2b (Crewe – Manchester) scheme, including an exemption from existing powers to restrict the use of local streets by HGVs.

## **4. Hybrid Bill process including petitioning**

4.1. The principal stages of the Bill are as follows:

- There is currently a period for representations on the formal Environmental Statement (ES) which sets out the environmental impacts of HS2 Phase 2b;
- The first reading of the Bill has been completed and was a formality; the second reading in the House of Commons will approve the principle of the Bill and the railway scheme and set out the timetable for petitions against the Bill to be heard (see below). Thereafter, the Bill proceeds to a Select Committee which would present the first opportunity for petitioners to seek amendments to the Bill;
- The Bill is then re-committed to a Public Bill committee of the House of Commons followed by Report stage and Third Reading; and
- The Bill is then sent to the House of Lords where a similar process is repeated. When both Houses have approved a hybrid Bill, it receives Royal Assent.

4.2. In accordance with s10(1)(xxix) of the Transport Act 1968 the “[Passenger Transport] Executive for ... a combined authority area ... shall have the power...with the approval of the [Combined] Authority to promote or oppose any Bill in Parliament”

4.3. The parliamentary process to oppose the Bill (the petitioning process) will be essential for seeking to secure the required changes to the hybrid Bill and enable negotiations with DfT / HS2 Ltd to mitigate the impact of the delivery of the proposals within GM.

4.4. A petition is a summary of objections to specific items of a Bill, to be heard before a Select Committee of MPs, and can be submitted if petitioners’ concerns are not addressed in advance of the Bill’s petitioning stage. TfGM and GM Partners have instructed Parliamentary Agents and Leading Counsel to act on their behalf in advising on negotiations with the DfT, preparation of any petition and appearance at Select Committee.

- 4.5. The petitioning period follows the second reading and encompasses several activities, running in parallel, these include, but are not limited to:
1. Preparation of a written petition from TfGM that sets out their concerns with specific items within the Bill, and where possible proposes alternative solutions.
  2. Negotiations with HS2, DfT, and other parties as necessary to progress TfGM's concerns.
  3. Attendance at Select Committee.
  4. Discussions associated with progressing and resolving TfGM's opposition to the Bill.
  5. If necessary, compromising or withdrawing petition points following amendments to the hybrid Bill and / or receipt of satisfactory undertakings from or agreements with DfT and/or HS2.

## **5. Core concerns with the hybrid Bill proposals**

- 5.1. Notwithstanding TfGM's (and GM Partners') overall support for the principle of HS2, there remain several strategic issues within or omitted from the hybrid Bill. As a result, TfGM, along with the GM Partners, will need to pursue securing the necessary provisions within the Bill and such assurances, undertakings or agreements from HS2 as are considered appropriate.
- 5.2. TfGM and the GM partners continue to work with HS2 Ltd and representatives from DfT to pursue the necessary provisions and agreements. However, if agreement cannot be reached on specific matters it will be necessary to petition the Bill, with approval to do so being sought in this report.
- 5.3. As set out above, GMCA is asked to approve TfGM's proposals (as the Passenger Transport Executive) to oppose the Bill. In accordance with the constitution (Part 1 paragraph 2.5), TfGM's request for approval pursuant to section 10(1)(xxix) of the Transport Act 1968 has been referred to the meeting of the Greater Manchester Transport Committee on 24 March 2022, and regard should be had to that Committee's recommendations in deciding whether to grant TfGM the approval sought. Manchester City Council convened an extraordinary meeting of its full council on 4<sup>th</sup> March 2022 and resolved to oppose the Bill and granted its Officers

consequential delegated powers. The remaining GM partners will be seeking the same resolution through March.

- 5.4. At this stage, it is anticipated that the following key issues are included in the TfGM petition:

**HS2 NPR Piccadilly Station:**

- i. The design of Manchester Piccadilly station as a surface, turn back station, as opposed to an underground, through station, which could provide greater capacity, reliability, resilience, futureproofing and passenger experience and result in a reduced land take.
- ii. TfGM and GM partners do not support the proposal to retain Gateway House. This would prevent the delivery of the proposed plaza and Boulevard, potentially complicate Metrolink delivery and significantly reduces connectivity within the overall station, with the city centre and development areas.
- iii. Integration with the Manchester Piccadilly Strategic Regeneration Framework (SRF). The current design of both the station, and supporting infrastructure, contradict significant aspects of the SRF, taking considerable development land, creating severance and compromising the environment.
- iv. The level (number of parking spaces) and location of car parking proposed at Manchester Piccadilly, which is too high and not in line with the requirement for the station to be a city centre public transport hub, unnecessarily encourages car travel, and takes up prime development land.
- v. There is a need for a multi-modal interchange which provides adequate cycling, bus and coach parking facilities.
- vi. The extent of the highways infrastructure proposed at Pin Mill Brow, is overly large, would unduly encourage car travel and increase pollution, sever areas of the city, and does not make sufficient allowance for active travel. The proposed tram train extension to Metrolink also needs to be safeguarded.
- vii. The proposed access to a new ramp for Network Rail maintenance, which routes traffic through the Mayfield development, having an unacceptably negative impact.
- viii. The provisions for Metrolink at Piccadilly are inadequate. TfGM welcomes the inclusion of powers to construct, maintain, replace, renew and operate the new Metrolink alignment and facilities at Piccadilly. However, these need to include the delivery of the Piccadilly Central stop as part of the main scheme. TfGM will also be continuing to review the Bill in detail, in respect of the powers provided including

how and when these powers are implemented in relation to the operational network.

- ix. The hybrid Bill also includes inadequate provisions to mitigate the impact of construction of the high-speed station and associated infrastructure on the existing Metrolink operations. The Bill includes provision for a turnback facility at New Islington to replace Metrolink's existing Sheffield Street turnback, which is to facilitate HS2's construction access, instead of TfGM's preferred option at Velopark. HS2 are also proposing the full closure of the Metrolink Ashton Line with a replacement bus service for the entirety of the line for a period of circa 2 years. This is not acceptable. Therefore, the hybrid Bill should be amended to make provision for the following:

- a. A temporary replacement turnback at Velopark, not New Islington. It should be noted that additional vehicles are also required to maintain existing operations (this applies to both turnback options),
- b. A depot facility at Ashton Moss to enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line.
- c. Additional works to mitigate the impact on Metrolink services during intermediary single line running periods and during construction of the new alignment across London Road.
- d. The removal of Gateway House, as set out above, to reduce risk to HS2 Ltd;

- x. The construction of the new Piccadilly HS2 station requires the demolition and relocation of an office block situated next to Gateway House, known as North Block. This building provides office space for Network Rail (NR) station operations, TOC and British Transport Police. HS2 propose to replace the North Block facility by constructing a two-storey office above over the existing Network Rail relay room and the adjacent train operator catering facility which are located on top to the existing classic Piccadilly viaduct. If North Block is relocated here, it would remove any opportunity to consider the future relocation of the relay room, which houses the signalling interlocking equipment for the classic Piccadilly station.

### **HS2 NPR Airport Station**

- xi. The hybrid Bill proposals conflict with the existing statutory powers for Metrolink to deliver the proposed Western leg of the Airport Metrolink line. The Bill does not include any additional powers to connect the proposed Airport HS2/NPR station to the Metrolink network, providing only powers for a bridge over the station, with no

tram stop or track. This is unacceptable to GM partners, as is the resultant 'highways only' strategy.

- xii. The HS2 Phase 2b hybrid Bill does not include powers for a turnout to the immediate west of the proposed Metrolink tram stop at the high-speed station to allow for a future tram-train route to the south-west. This tram-train proposal forms part of GM's Transport Strategy 2040 and fits with the HS2/NPR Growth Strategy wider connectivity initiative.
- xiii. In the Manchester Airport HS2 NPR hybrid Bill station design, the high-speed station forecourt is raised by approximately 5m above the level previously proposed in the 2018 Working Draft Environmental Statement. This is known as the change from 'deep cutting' to 'shallow cutting'. This has resulted in the Metrolink tram stop and approach viaducts being similarly raised to a significant height above existing ground level, leading to an increase in construction cost, embodied carbon, and environmental impacts.
- xiv. There is an inappropriate design for highways access to Manchester Airport station, particularly at Junction 6 of the M56, which does not take into account future demand from NPR services, planned development and Airport growth, and the unacceptable impacts on the local highways network.
- xv. The level of construction traffic proposed by road is too high, and there needs to be measures to enable materials to be supplied and removed using rail to the site at the high-speed station at Manchester Airport.
- xvi. The scale of car parking provision at the proposed high-speed station at Manchester Airport station needs to be agreed with GM partners.

### **HS2 NPR Route Issues and wider concerns**

- xvii. Construction and operation of the Golborne link is supported. However, the current proposals would have a significant negative impact on communities in terms of noise, landscape, visual and heritage. The route is elevated for much of this section and the proposed viaduct over the Manchester Ship Canal would be very visible and have an adverse effect on the landscape. Measures are required to mitigate this impact.
- xviii. The hybrid Bill does not make provision for all services utilising the Golborne link to have the potential to stop at Wigan. In the GMCA's view, this is vital, and therefore that the Bill should provide for the infrastructure at Wigan hub to be developed to accommodate the longer trains, including 400m platforms, in a similar manner to

those proposed for Preston and Carlisle.

- xix. The hybrid Bill does not include the HS2 Northern Chord. This chord, located near High Leigh in Cheshire, was included in earlier HS2 proposals with the aim of enabling HS2 trains to travel between Manchester and a depot proposed at Golborne (which has subsequently been relocated to Crewe). Whilst the depot has been relocated, TfGM's position is that the Northern Chord should be reintroduced to provide passenger benefits and improved connectivity.
- xx. Current HS2 proposals in the Lowton/Golborne area are a significant area of concern. The hybrid Bill proposes that the Golborne Link will pass underneath the A580, then pass between Lowton Common and Lowton St. Mary's in a cutting, before climbing to an embankment as it approaches Slag Lane.
- xxi. The proposed location of the ventilation shaft and headhouse on the Fallowfield Road Retail Park on Birchfields Road, and the need to provide adequate flood storage required for the proposed Palatine Road ventilation shaft.
- xxii. TfGM has concerns regarding the number and extent of West Coast Mainline route suspensions to construct the proposals.
- xxiii. The Code of Construction Practice will require tighter limits to manage elements such as noise, dust and vibration impacts from the scheme.
- xxiv. TfGM officers and GM Partners continue to review the Environmental Statement which accompanied the Bill. However, it appears that the mitigation proposed is inadequate. Further details of the TfGM concerns will be set out in the response to the consultation on the Environmental Statement.
- xxv. Similarly, TfGM Officers and other GM Partners are still reviewing the Bill itself to understand the impact of such things as, disapplied legislation, rights over land and land possessions, further high-speed rail clauses etc.

- 5.5. Other items may also emerge as the review work of the Bill and Environmental Statement documentation progresses.

## **6. Timeframes**

- 6.1. The deadline for submitting responses to the Environmental Statement is the 31<sup>st</sup> March 2022.
- 6.2. As mentioned at 4.5 above, the formal petitioning period follows the second reading of the Bill. It is expected to commence no earlier than May 2022. The House of Commons Select Committee is likely to run from Autumn 2022 until possibly the end of 2023. This process is broken down into (approximate timings only):
1. Second Reading: MPs approve the Bill 'in principle' and 25 day petitioning period commences (no earlier than mid-May).
  2. Written petitions setting out the concerns of the GM Partners, proposing alternative solutions where appropriate, will be prepared and submitted to the House of Commons. (no earlier than June).
  3. The Select Committee will consider all petitions and will set the programme and order for hearing each petitioner. It is anticipated that TfGM will need to appear at the Select Committee on more than one occasion, subject to how the programme is set up (sessions commencing late Summer/Autumn 2022 and running through to end 2023).
  4. If there is agreement by the House of Commons to the provisions of the Bill it will be sent to the House of Lords to go through a similar process, at which point a further paper will be submitted to GMCA to seek applicable authority and delegation to continue to promote TfGM's interests in the appropriate way.

## **7. Recommendations**

- 7.1. The recommendations are as per the front page of this report.