

## Approval and consultation

Central Railway is seeking approval for its proposals through a hybrid Bill, giving individuals and bodies whose interests are affected by the proposals the right to petition and present evidence. Ahead of this, the company is undertaking strategic consultation, with the various parties are involved at the most appropriate time.

As a Franco-British project, Central Railway's proposals require approval in France and the UK. The company expects that these approval processes will begin at the same time and move in parallel.

Since approximately three quarters of the project is in the UK, the French Government has deferred to the the UK Government to make the first move to support the project on an official basis. However, successive French Transport Ministers, together with SNCF, RFF and others have made positive statements about the project.

### Approval in the UK

The company believes that the approval process will start in both countries when the UK Government decides to support the project in principle, including support for a hybrid Bill. (See page three for details of how a hybrid Bill works.) The company has therefore asked the UK Government permission to submit a hybrid Bill as the approval mechanism for the project in the UK. This would provide all the necessary planning approvals, compulsory purchase powers over land and railways and protection against nuisance actions along the UK route and terminals. The company has suggested that these powers should be broadly in line with those granted for the CTRL.

The hybrid Bill process will provide for Parliament to support the principle of the project (at second reading) and also to hear petitions by individuals and organisations that are affected by the project and to make amendments as necessary. It will therefore provide a mechanism for Parliament to assess

the strategic national importance of the project while also taking account of concerns raised by those affected by the route in the UK. See page three for more information about hybrid Bills.

The length of time for the passage of the hybrid Bill will depend on Parliament. The company believes that it is reasonable to expect approximately two years from submission of the Bill to Royal Assent. A hybrid Bill can be carried over from one Parliament to another in the event of a General Election. It is anticipated that, prior to Royal Assent, the company will be required to negotiate committed financing for the construction phase and that the powers in the Act will only be given effect once committed finance is secured.

### Approval in France

In France, a project of this type does not require the approval of the Assemblée Nationale, the French legislature. Instead, the Transport Minister submits the project, via the local Prefect for each Département (county) concerned, to a Public Inquiry (Enquête Publique). Prefects are appointed by central government and act on behalf of, and as a local representative of, the appropriate central ministries.

During the Public Inquiry the project and views relating to it are considered in detail, under the supervision of an Inquiry Commissioner or Commission. People whose interests are directly affected (in particular property owners whose land could be acquired) are entitled to object for a limited period. A Public Inquiry is generally of shorter duration in France than in the UK.

Subject to a satisfactory outcome of the Public Inquiry, a Déclaration d'Utilité Publique (DUP), stating that the project is in the public interest, is handed down by the Conseil d'Etat. This, in effect, grants outline planning approval for the railway, terminals and road works in France. It also authorises the procedure to make compulsory purchases. Compulsory purchase powers conferred by a DUP may only be exercised by the State, which may subsequently assign to the development company the right to develop this land for transport use.

### Strategic consultation

The company has undertaken strategic consultation, the aim of which is to consult interested parties about the principle of the lorries-on-trains services and the general route that Central Railway proposes taking. The company has consulted the following organisations:

- national and regional agencies
- government departments
- regional planning guidance
- all local authorities affected
- trade unions
- trade associations
- environmental organisations

Other parties the company keeps informed of its plans include MPs and MEPs whose constituencies are along the proposed route and parliamentary transport select committees.

The company will consult the following organizations further about defining the proposed route following the Government's decision:

- local authorities along the route
- statutory utilities
- government departments
- property owners directly affected
- businesses directly affected

In addition, the company has set out its proposed framework for consultation with the Planning Officers of all local authorities along the route.

### Agreements in place, studies available

**Central Railway has the following agreements in place:**

- A Memorandum of Understanding with Environment Agency, English Heritage, English Nature, the Forestry Commission, the Countryside Agency and the Farming and Rural Conservation Agency requiring Central Railway to undertake an environmental impact assessment of the project and to agree its scope with the Agencies. The MoU, the first such agreement of its kind, means that Central Railway has committed itself to working within a framework which has as its guiding principle the goal of protecting the environment.

**The following information and studies are available:**

- UK Transport Case, May 2003
- London Orbital Study, Parkman, March 2000
- Review of 1996 Environmental Statement, ERM, May 2000
- Revenue Case, Roland Berger & Associates, July 1999
- Chiltern Rail Capacity, Halcrow Transmark, September 1999
- Analysis of Local Authorities consultation, CJ Associates, April 1999
- Butterfly Survey - former Great Central Railway, David Brown, July 1999
- Hibernating Bats Survey, Robert Stebbings, March 1999
- Scoping for Passenger Services, The Railway Consultancy, August 1998
- Environmental Key Issues - Leicester to Liverpool, Hugh Ellacott, July 1998
- Behaviours and Motivations of Western European Hauliers

### Other studies in progress and planned:

- 2nd Butterfly Survey - former Great Central Railway, ERM
- Existing Information Search - Protected Species, ERM
- Alternative Route Study - Trans Pennine Trail, Hugh Ellacott
- Route Option Appraisals, ERM
- Noise studies, High Wycombe, MCRL

While Central Railway is making available as much information as possible, much of the detailed information and design work will only become available later in the consultation process as the project is developed and will be made available at the appropriate time.

### About hybrid Bills

A hybrid Bill is a Public Bill which gives individuals and bodies whose interests are affected by proposals the right to petition and present evidence. How this works is explained below in more detail.

Every Act of Parliament begins life as a Bill. Hybrid Bills are public Bills which affect the rights of certain individuals or corporate bodies in particular ways, as distinct from affecting the general public throughout the country. Hybrid Bills ensure that people or bodies whose rights would be affected by what is proposed in the Bill have the opportunity to petition and present evidence. They are not able to do this under a normal public Bill.

A hybrid Bill goes through the normal Parliamentary process (see below) with the vote on second reading approving the principle of the project. Individuals and entities affected are then able to petition the Select Committee. They are not able to do this in the case of public Bills.

Hybrid Bills have been used by the Government to promote major projects. These type of projects cannot be promoted via a public Bill because they do not provide for individuals and entities whose private rights would be affected to petition and present evidence.

On Royal Assent, a Bill becomes an Act of Parliament. An Act approving a railway gives the promoters all the powers they need to build the project, including compulsory purchase powers, planning permission, the right to run a railway and protection from nuisance actions.

A Hybrid Bill could be approved within two years of submission.

Recent examples of Hybrid Bills include:

- Channel Tunnel
- Channel Tunnel Rail Link
- Dartford Thurrock Crossing
- Severn Bridges
- Cardiff Bay Barrage

|   | Public Bill | Hybrid Bill |
|---|-------------|-------------|
| Detailed information submitted to Parliament & examined by Clerk of the House for compliance with the rules | ✓           | ✓           |
| First Reading in Commons  | ✓           | ✓           |
| Second Reading in Commons   | ✓           | ✓           |
| Select Committee hearings   | ✓           | ✗           |
| Standing Committee hearings   | ✓           | ✓           |
| Evidence presented by private individuals and bodies  | ✗           | ✓           |
| Promoter answers their petitions  | ✗           | ✓           |
| Select Committee reports to House   | ✓           | ✗           |
| Standing Committee reports to the House   | ✓           | ✓           |
| Third reading   | ✓           | ✓           |
| Reading in House of Lords   | ✓           | ✓           |
| Committee hearings  | ✓           | ✓           |
| Evidence presented by private individuals and bodies  | ✗           | ✓           |
| Royal Assent  | ✓           | ✓           |

While every effort has been made to ensure the accuracy of the information contained in this document, no responsibility can be taken for errors or omissions made.