



# Department for Transport

From the Permanent Secretary

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30 May 2022

**Dame Meg Hillier MP**  
**Chair**  
**Committee of Public Accounts**  
**House of Commons**  
**London**  
**SW1A 0AA**

(Sent via e-mail)

Dear Chair,

## **Follow-up to PAC hearing, High Speed 2: 2022 Spring Update**

I am writing to you with further detail on questions regarding HS2 and other issues that were raised by the Public Accounts Committee on 16 May.

### Crossrail: Bond Street

There are a number of reasons for the delay to the Bond Street station opening for Crossrail. The Bond Street Elizabeth line station had the most challenging design and that fed through into the installation, the construction and the fit out works. Delays commenced as the original contractors Costain Skanska joint venture (CSJV) responsible for completing the station were delayed in starting at Bond Street Operating Section due to issues with the tunnel boring machines.

Bond Street was also uniquely affected by the Covid-19 pandemic due to the volume of work remaining and the restrictions on the number of staff needed on site to complete the station. This meant that the work remaining at Bond Street needed to be re-planned. As a result, Crossrail Ltd and the CSJV mutually agreed to conclude the existing contract in June 2020. Crossrail Ltd is now overseeing the completion of remaining works in-house at Bond Street station.

The Bond Street station team is working to complete work on site with the testing and commissioning activities to follow. The team continues to make good progress towards opening the station to customers later this year.

### Crossrail: Shenfield and future stages

In Autumn 2022, the next phase of Crossrail opening is due to provide direct services from Reading, Heathrow and Shenfield to connect with the central section tunnel. The connection in Autumn 2022 brings the three railways together and enables services from Reading and Heathrow through to Abbey Wood and from Shenfield through to Paddington. The service in the central stations between Paddington and Whitechapel will be 20 trains per hour during the peak.

Until then, the Elizabeth line will operate as three separate railways. The services on the east and west will continue to run into the mainline stations and passengers wishing to continue their journey to one of the new Elizabeth line central London stations will need to change to Paddington or Liverpool Street Elizabeth line station.

The final timetable across the entire railway will be in place no later than May 2023. The service in the central section between Paddington and Whitechapel will remain at 24 trains per hour during the peak.

### Great British Railways (GBR)

Network Rail (NR) currently holds legacy debt, which is made up of borrowing from external markets and intra government borrowings. The debt currently sits on NR's balance sheet and the external debt is fully guaranteed by the UK Government. Without intervention, the NR legacy debt will be subsumed onto GBR's balance sheet. However, a policy decision on where this debt will reside following the creation of GBR has not yet been made. This will be addressed ahead of the creation of GBR.

### HS2: Manchester Airport station

The proposed location for this station was decided following a thorough sifting process and representations from stakeholders from the Manchester local authority. It was agreed that this location offers the best connectivity and proximity to Manchester Airport.

An in principle commitment to providing a funding contribution was confirmed in Greater Manchester's 2014 consultation response and the Government subsequently confirmed its commitment to a route via the airport. The Manchester Airport HS2 station is included in the Bill that was introduced to Parliament earlier this year and forms part of the Crewe-Manchester Scheme. There are no plans to change the proposed location.

### HS2: Phase 2b Western Leg impact on freight

An assessment of the extent to which the Western Leg (Crewe-Manchester) releases additional freight capacity has been made. The picture is complex. But in brief:

- This assessment concluded that for freight travelling through and into Manchester, the proposed scheme has no impact. This is because freight into Manchester is constrained by the number of trains operating through several critical points, including the Castlefield Corridor and Heald Green East Junction; HS2 neither adds nor removes trains from these points and therefore existing constraints remain at current levels. Outside Manchester, there are a couple of potential impacts on freight on the West Coast Main Line (WCML) arising from the Golborne Link. A small amount of released capacity would be introduced between Crewe and Weaver Junction which could facilitate additional freight to Merseyside. Adding on to the released capacity from Phases 1 and 2a, that creates potential additional paths from Greater London to Liverpool and the South Merseyside freight terminals. However, North of Wigan, additional HS2 trains in the indicative train service specification proposed to run through the Golborne Link, with no additional infrastructure to support them, would result in reduced capacity, imposing additional constraints on freight, limiting future growth in Anglo-Scottish freight to a lower level than it could have reached without the scheme.

### HS2: Impact of decisions on the Eastern Leg on dependent infrastructure

The Government has not cancelled the Eastern Leg of HS2 Phase 2b. In the Integrated Rail Plan (IRP), the Government committed to developing plans for a high-speed line from the West Midlands to East Midlands Parkway, enabling HS2 to serve Derby and Nottingham city centres. The IRP has also prioritised further work on how best to take HS2 trains to Leeds, including capacity at Leeds Station, backed by £100 million which will also support development of the mass transit network in West Yorkshire. The Government will set out the Terms of Reference for the studies set out in the IRP shortly and will continue to liaise closely with the West Yorkshire Combined Authority and Leeds City Council in the meantime.

It is not expected that this process will delay interdependent works on Northern Powerhouse Rail or other projects. In the meantime, Leeds, North East England and many other communities will benefit from upgrades to the East Coast Main Line (ECML).

In addition, the IRP extends previous Midland Main Line (MML) electrification plans beyond Market Harborough to Sheffield, Derby, and Nottingham, as this is necessary to allow HS2 trains to directly access these cities. The electrification of the route to Sheffield and Nottingham was included in the IRP, and will allow HS2 trains to access Sheffield, Derby and Nottingham, as well as bringing carbon and air quality benefits. Subject to formal approvals, completion of the electrification of the MML is planned for the end of the decade.

#### HS2: Managing protesters and legislation

The Government respects the right to lawful protest. However, it is important to distinguish between lawful protest and unlawful protest such as that we have encountered in some cases at and around HS2 construction sites. HS2 staff and contractors have frequently faced abusive behaviours that in some cases have resulted in serious injury and hospitalisation.

It is entirely proper that HS2 Ltd and its contractors are getting on with the construction of Phase One and 2a of HS2. The High Speed Rail Acts passed in 2017 and 2021 underwent considerable debate and scrutiny and were agreed through a democratic process, with cross party support. The Public Order Bill (PO Bill) was introduced to the House of Commons on 14 May 2022. The PO Bill contains an offence that specifically seeks to protect major transport works such as HS2 from obstruction by protestors. For the offence to be applicable, the infrastructure under construction will either have been approved by Act of Parliament (such as HS2), or will have been granted development consent by an order under section 114 of the Planning Act 2008. Officials at the Department for Transport have supported the Home Office in development of this offence on the basis that it is a proportionate and targeted response to the small number of individuals who choose to disrupt HS2 works. A person who commits this offence is liable to be imprisoned for a term of up to 51 weeks and/or may face a Level 5 (maximum) fine on the standard scale for summary offences.

Anti-HS2 protestors have put their own lives and the lives of others in danger by climbing trees, using lock-on devices to hinder eviction, and digging and occupying tunnels. At present, there is no specific offence against the use of lock-on devices or the digging and occupation of tunnels. Therefore, anti-HS2 protestors are primarily charged with aggravated trespass. This places a high burden of evidence on the appellant and – because it carries a relatively low penalty – limits the amount of resource the police can expend when handling such matters. For this reason, the department also supports

measures included in the PO Bill related to locking on and – as will be introduced via an amendment – to tunnelling.

The ability to deter protestors from undertaking unlawful activities and therefore causing disruption to a lawful programme of works at the expense of the taxpayer is a preferred mode of engagement with the issue. Civil injunctions have proved effective in reducing the impact of particular individuals who frequently participate in anti-HS2 protest action. HS2 Ltd is currently pursuing a route-wide civil injunction to protect all sites that the Secretary of State for Transport or HS2 Ltd is entitled to possess for construction of the railway. Serious Disruption Prevention Orders introduced in the PO Bill would serve a similar function to civil injunctions insofar as their aim is to prevent a known individual from committing a protest-related offence or breaching an existing injunction.

If accepted into law, the measures outlined above will provide police with a number of new powers to deal with disruptive protest activity against HS2 and increase the rates of successful prosecution of disruptive protestors.

#### HS2: Correction on cost reference

While the Department has already informed the Committee's clerks, I would like to note a correction we have made to the transcript of the session, regarding the cost of the Phase 2b Western Leg. I inadvertently referred to, "the cost estimate of £17 billion to £22 billion for the Western Leg includes the Golborne link." As set out in the latest 6-monthly Parliamentary report published in March 2022, the Government has set an estimated cost range for the HS2 Phase 2b Western leg scheme of £15bn to £22bn (2019 Q3 prices).

Kind regards,

A handwritten signature in dark ink, appearing to read 'Bernadette Kelly', with a stylized flourish at the end.

**Bernadette Kelly CB**  
**Permanent Secretary, Department for Transport**