



Crossrail Hybrid Bill Process

1. The Crossrail Bill was deposited on 22 February and, in compliance with Parliament's Standing Orders, was accompanied by an Environmental Statement (ES) identifying the significant impacts of the project. The publication of the ES was the starting point for the environmental impact assessment that Parliament will undertake by means of stage by stage consideration of the Bill. This note explains what environmental assessment is undertaken at each stage and how the public can comment on the ES, whether by means of petition or otherwise, so that these comments can be taken into account.

Second Reading

2. Provision has been made in the Bill process for the public to have opportunities to comment on the ES. This was made clear in the press statement that was issued on bill deposit on 22 February:

""5. A full Environmental Statement (ES) has been prepared for Crossrail, and copies deposited with the Bill. The ES runs to nine volumes, with many supporting specialist reports. There is also a Non-Technical Summary (NTS), of just over 55 pages, which sets out in non-technical language the main findings of the ES. Comments on the ES should be sent to the Consultation Manager, Major Projects Division 3, Zone 2/08, 76 Marsham Street, London, SWIP 4DR (e-mail: crossrail@dft.gsi.gov.uk)."

3. A further press statement was made on the 7th April 2005 and the following advice is set out on the DfT website under Frequently Asked Questions:

"Comments on the Environmental Statement are welcome. They should be sent to the Department by 17 May, so that they can be presented to the House and published before Second Reading and subsequent stages of the Bill's progress. This does not preclude later comments, but these would not be available to the House for Second Reading."

4. The deadline for comments has been extended to **10th June 2005**. This has been announced in Parliament and is being widely publicised.

5. The comments received by that date will be compiled into a report that will be presented to both Houses of Parliament before Second Reading. Comments received after that date will be compiled into a report that will be presented to both Houses of Parliament before Commons Third Reading. MPs and Members of the Lords can also be lobbied through the normal democratic process.

6. Comments should be sent to the Consultation Manager, Major Projects Division 3, Zone 2/08, 76 Marsham Street, London, SWIP 4DR (e-mail: crossrail@dft.gsi.gov.uk).

Supplementary Environmental Statement (SES)

7. A Supplementary Environmental Statement (SES) was published on 26 May 2005. The Department for Transport are inviting comments on the SES, and those should be submitted by **8 July 2005**. Comments on the SES should be sent to Tim Neate, Consultation Manager, Major Projects Division 3, Zone 2/08, 76 Marsham Street, London, SW1P 4DR (e-mail: crossrail@dft.gsi.gov.uk). All comments received will be presented to Parliament and published.

Select Committee and environmental assessment

8. Comments on the ES and SES may also be made by petitioners as part of the Select Committee process. Where those comments relate to the matters that the Select Committee has a remit to consider (see below), the Committee will take them into account in the part of the environmental assessment process that it undertakes. For any other comments that the Committee receives which are not within its remit to consider, the House can instruct that these are reported to it without comment. These comments, together with any further received by DfT, will be then be provided to the House. However, the precise mechanism for reporting further comments on the ES and SES to Parliament has yet to be determined.

What the Select Committee can consider

9. The convention applicable to the Commons is that Second Reading establishes the principle of the Bill, and that principle is not considered by the Select Committee. However, since the Select Committee determines what it will treat as the principle of the Bill (and therefore beyond its remit to consider), it is not possible to be definitive at this stage on what this will be. What can be said is that as a minimum the Committee would not consider petitions that oppose the concept of an east-west cross-London railway.

10. The House of Lords Select Committee will reach its own decision on what aspects it will not consider.

What is the extent of the Committee's ability to change the project?

11. Hybrid Bill Select Committees have every opportunity to examine petitioners' concerns about adverse impacts of particular works and consider how best to mitigate those impacts. The Committee may consider whether there are any feasible mitigation measures that can be undertaken within proposed land take and powers in the Bill that would meet petitioners' reasonable concerns. But as a last resort a Committee can ask the Government to consider whether there are viable alternative works even if these require additional works and land take. Since this would affect other people's rights and might cause a different environmental impact, the permission of the House would be required to bring forward an "additional provision" accompanied by a further supplementary environmental statement. There would then be further petitioning so that those affected can be heard before the Committee reaches any decision. Such additional provisions were made for the Channel Tunnel Rail Link as a result of Select Committee decisions. The approach in relation to Crossrail will be determined by the Select Committee.

12. Select Committees are quasi-judicial and members consider only representations made in the open Committee process, which is not dissimilar to a public inquiry hearing.

Third Reading

13. As explained above a further report will be produced that includes additional public comments on the ES made since 10 June, this will also include comments on the SES. This report will also refer to any comments made that were outside the Select Committee's remit to consider. As explained above, such comments can be made via two routes: the Select Committee or the DfT. Commons Third Reading will provide the House with a further opportunity to consider the information that has been received and to decide whether the Bill shall proceed further. The principle of the Bill can therefore be revisited at a stage after additional consultation responses have been received and taken into account.

Use of the hybrid bill process

14. Hybrid Bills are used for those projects of national importance which it is appropriate for the Government to promote. The Transport and Works Act is not available for Government schemes. In these cases it is appropriate for Parliament itself to take the decision on the project.

15. The procedure contrasts with the procedure for other railway projects in England and Wales, under the Transport and Works Act, where the Secretary of State reaches the decision following consideration at a public inquiry. The Hybrid Bill procedures may be less familiar than public inquiry/Secretary of State decision, but they are certainly not inferior. As part of this, Select Committees take their quasi judicial responsibilities very seriously and their authority is such that they can effect real changes where petitioners make a good case - as happened with the Channel Tunnel Rail Link Hybrid Bill. See, further, House of Commons Information Office Factsheet L5 (Sept 2003) on Hybrid Bills.

Major Projects 3 Division,
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