

Net Zero, Energy and Transport Committee

18th Meeting, 2022 (session 6), Tuesday, 24 May 2022

Legislative Consent Memorandum on the High Speed Rail (Crewe - Manchester) Bill: evidence session with the Scottish Government

Note by the Clerk

Introduction

1. A Legislative Consent Memorandum (LCM) on the High Speed Rail (Crewe - Manchester) Bill was lodged by the Scottish Government on 7 February 2022. [Read the LCM here](#). It is a UK Parliament Bill, introduced in the House of Commons on 24 January. [Read details of the Bill](#).
2. On 2 March, the Scottish Parliament agreed to refer the LCM to the Net Zero, Energy and Transport Committee as lead Committee. The Committee must consider and report on the LCM.

Consent process for UK Bills making provision about devolved matters

3. Chapter 9B of the Scottish Parliament's Standing Orders sets out a formal process to give the Scottish Parliament the opportunity to consent (or not) to UK legislation making provision in relation to devolved matters. An LCM lodged by the Scottish Government must —
 - summarise what the Bill does and its policy objectives;
 - specify the extent to which the Bill makes provision about devolved matters;
 - and either—
 - include the draft of a legislative consent motion that the Scottish Government intends to lodge in due course, explaining why it intends to lodge it; or
 - where the Scottish Government does not intend to lodge a legislative consent motion, explain why not.
4. A legislative consent motion is a motion seeking the Scottish Parliament's consent to those provisions in the UK Bill affecting devolved matters. The absence of a draft legislative consent motion in an LCM is therefore a signal

from the Scottish Government that it does not support the way or ways in which the UK Bill proposes to legislate in relation to devolved matters (or does not support some of those ways), for reasons that the LCM will set out.

Overview of Bill and content of LCM

5. The Bill is needed to authorise works on part of the new high-speed rail link (HS2) in England. The Bill would also authorise the construction of a new train stabling facility for HS2 rolling stock in Annandale, Dumfries and Galloway. The depot would be located on agricultural land between the M74 and the West Coast Main Line, which runs between London Euston and Glasgow Central stations.
6. In authorising the works at Annandale, the Bill seeks to make law in some areas that are devolved to the Scottish Parliament. This has triggered the lodging of the LCM. As the LCM itself discusses, whilst the UK and Scottish Governments are largely in agreement as to the provisions in the Bill that reach into devolved areas, there are aspects of the Bill concerning the Annandale depot where the Scottish Government considers that it reaches into devolved areas but the UK Government apparently disagrees.
7. The Scottish Government states (paragraph 10 of the LCM) that it has “strong support” for high speed rail and supports the siting of the new facility at Annandale. However, is also says:

“The Scottish Government considers that legislative consent can be recommended at this time for many, but not all, of the provisions identified as requiring consent. Given the nature of the Bill, and expected length of passage and required amendments, subsequent legislative consent memorandums may be required.” (Paragraph 11 of LCM.)
8. Areas where the Scottish Government considers where consent should not be granted to the UK Government (paragraph 39 on the LCM onwards) are:
 - Water environment
 - Building standards
 - Roads
 - Crown Estate

Consideration of the LCM and next steps

9. The Net Zero, Energy and Transport Committee considered its initial approach to the LCM on 8 March. Given the specific and geographically limited state of matters covered in the LCM, the Committee agreed to run a call for views targeted at a small number of bodies that might have views on the new depot or on the four areas where the Scottish Government was recommending that consent be withheld for works on the depot.
10. The only response the Committee received was from Network Rail. The submission is available in Annexe A.

11. The Delegated Powers and Law Reform Committee considered the LCM at its meetings on [29 March](#) and [3 May 2022](#) and published [a report with its recommendations on 4 May 2022](#). During its consideration, it raised with the UK Government a number of questions concerning certain delegated powers and was satisfied with most of the responses to these it received.
12. On one matter, the Committee agreed to write again to the UK Government. This was Schedule 5 Paragraph 15: Designation of trunk or special roads. It agreed to ask why this power in the Bill is drafted so as to be exercisable in relation to Scotland if it is anticipated that Scotland's trunk road network will not be affected. [Read the letter to the Secretary of State dated 12 May 2022](#).
13. The DPLR Committee requested a response to this letter by 27 May. It recommended that the lead committee consider asking the Minister for Transport, during its evidence session on the LCM, whether further discussions with the UK Government are ongoing on this provision.
14. On 24 May, the Committee will take evidence on the LCM from Jenny Gilruth, Minister for Transport. The session can be expected to focus on the Scottish Government's reasons for recommending withholding of consent in the areas listed earlier. The Committee will then prepare a report on the LCM. It expects to publish it before the summer recess.

ANNEXE A

Net Zero, Energy and Transport Committee call for views: Legislative Consent Motion on the High Speed Rail (Crewe - Manchester) Bill

Submission by Network Rail

29 April 2022

Dear Committee Members,

Thank you for contacting Network Rail regarding the Scottish Government's Legislative Consent Motion on the High Speed Rail (Crewe - Manchester) Bill.

Across Network Rail, we have worked closely with the Scottish Government, the UK Government and HS2 Ltd to ensure that the high-speed rail network provides substantial benefits to Scotland. We are working together to achieve the UK and Scottish governments' shared ambition to reduce cross border journey times as well as reducing carbon emissions by making rail an attractive form of transport.

It is estimated that HS2 will benefit Scotland's economy by over £5 billion, connecting Glasgow and Edinburgh with fast and reliable services to other major cities in the UK. This will increase productivity and expand the reach of Scottish businesses.

The High Speed Rail (Crewe - Manchester) Bill currently going through the UK Parliament provides the legal basis for extending the high-speed rail network from Crewe to Manchester. It also includes provisions for how HS2 trains will connect to the West Coast Main Line and to Scotland. This will ensure that HS2 trains serve stations in Scotland, including Glasgow, Edinburgh and Lockerbie. Glasgow will be served from the opening of Phase One Services.

Network Rail has worked closely and constructively with HS2 Ltd, Transport Scotland and the Department of Transport on the development of the high-speed rail network, including the train stabling facility at Annandale. We will continue to collaborate with these partners to progress plans for a depot, which will house HS2 trains serving Scottish destinations and provide essential light maintenance services.

Construction of HS2 will also provide further vital investment in the railway, securing new jobs, skill development and delivering a railway that is modernised and fit for the future.

The delivery of HS2 will also provide substantial environmental benefits to the UK. Reduced journey times will encourage passengers to choose rail and, vitally, HS2 will free up capacity on Network Rail's existing infrastructure, enabling new freight services to emerge. With every freight service operating on the rail network, up to 76

lorries are removed from roads. Increasing the attractiveness of rail, the most environmentally friendly form of long-distance transport, is within everyone's interests and will help to meet the Scottish and UK governments' net zero targets.

Network Rail will continue to work with its partners to ensure that high-speed rail delivers environmental benefits, increases capacity on Britain's rail network, cuts journey times, and improves reliability on routes between Scotland and England.

Yours sincerely,

Matthew Spence

Director, Strategy & Investment
Scotland's Railway