

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT TRANSPORT AND WORKS (GUIDED
TRANSPORT MODES) (AMENDMENT) ORDER 2022

Tuesday 22 November 2022

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The Committee consisted of the following Members:

Chair: DAME CAROLINE DINENAGE

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| † Dhesi, Mr Tanmanjeet Singh (<i>Slough</i>) (Lab) | † Rimmer, Ms Marie (<i>St Helens South and Whiston</i>) (Lab) |
| † Eastwood, Mark (<i>Dewsbury</i>) (Con) | † Russell, Dean (<i>Watford</i>) (Con) |
| † Everitt, Ben (<i>Milton Keynes North</i>) (Con) | † Sultana, Zarah (<i>Coventry South</i>) (Lab) |
| † Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | † Thomas, Derek (<i>St Ives</i>) (Con) |
| † Foy, Mary Kelly (<i>City of Durham</i>) (Lab) | † Tracey, Craig (<i>North Warwickshire</i>) (Con) |
| † Henderson, Gordon (<i>Sittingbourne and Sheppey</i>) (Con) | † Whitley, Mick (<i>Birkenhead</i>) (Lab) |
| † Knight, Sir Greg (<i>East Yorkshire</i>) (Con) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Longhi, Marco (<i>Dudley North</i>) (Con) | Yohanna Sallberg, <i>Committee Clerk</i> |
| † Merriman, Huw (<i>Minister of State, Department for Transport</i>) | |
| Nichols, Charlotte (<i>Warrington North</i>) (Lab) | † attended the Committee |

Fifth Delegated Legislation Committee

Tuesday 22 November 2022

[DAME CAROLINE DINENAGE *in the Chair*]

Draft Transport and Works (Guided Transport Modes) (Amendment) Order 2022

2.30 pm

The Minister of State, Department for Transport (Huw Merriman): I beg to move,

That the Committee has considered the draft Transport and Works (Guided Transport Modes) (Amendment) Order 2022.

It is a pleasure to serve under your chairship, Dame Caroline. Orders made under the Transport and Works Act 1992 are the usual way to authorise the construction or operation of local transport schemes, such as railways, tramways or trolley vehicle systems, in England and Wales, as well as transport systems using a mode of guided transport prescribed by order.

The modes that are currently prescribed that can seek authorisation via the Transport and Works Act include road-based and track-based systems, but those are limited to systems guided by physical means, such as cables or tracks. Changes in technology mean that transport systems can now be guided by non-physical means, which might include simple sensor systems that detect paint or other road markings to direct a vehicle, or more complex sensor systems that read the surrounding environment to direct the vehicle. The draft amendment order will extend the Transport and Works (Guided Transport Modes) Order 1992 to allow applications for public transport schemes using non-physical guidance systems to be authorised via a Transport and Works Act order.

The order will not change the process that a promoter is required to follow in seeking authorisation through the Transport and Works Act regime or the way in which such applications are decided. It will simply allow a wider and more modern range of schemes to be considered and authorised under the Transport and Works Act. In other words, should the proposed change be approved, parties impacted by a scheme that will use a form of non-physically guided technology will continue to have the opportunity to submit their views on that scheme. Any views that are submitted will be fully considered before a decision is made on whether to grant consent on a specific scheme.

Let me provide further context and background on what the Transport and Works Act covers. The Act is intended to be a one-stop consenting mechanism for all the powers needed to deliver and operate a transport scheme. An application made under section 1 of the Act can include a wide range of matters set out in schedule 1 to the Act, such as the construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems allowed under the Act.

Sir Greg Knight (East Yorkshire) (Con): Can the Minister assure the Committee that there will be a joined-up approach here? For example, I notice that this

proposal applies only to England and Wales. What assurances can he give me that, if I decide in a few years' time to go from the north of England to Scotland in a self-driving car, that car will not stop at the Scottish border because Scotland has introduced a different method?

Huw Merriman: My right hon. Friend makes an excellent point. As he rightly mentioned, the order applies to England and Wales. We have sought the approval of the Welsh Administration, who are content with it. Scotland has its own Transport and Works Act mechanism. My right hon. Friend is right that the issue he raises will have to be taken into consideration when one gets to the stage of looking at a joined-up Union system. However, it will be for the Scottish Administration to move matters forward. I will write to the Scottish Executive, and I will go beyond the point that they are content because they have their own mechanism and actually inquire as to how they would see cross-border activity working in practice. I would just make the point that this is an enabling piece of legislation, so every project under it would itself have to be approved, and Scotland would of course need the same enabling mechanism. However, I will write to my right hon. Friend with the assurance he seeks.

Applicants seeking authorisation under the Transport and Works Act can apply to construct, alter, repair, maintain or demolish roads buildings and other structures, as needed to allow for the delivery of a scheme. If the order is approved, such provisions will apply equally to a guided mode of transport system using sensor technology, where applicants are required to deliver such a scheme. That demonstrates that there is currently wide provision to allow an application to incorporate any of the aforementioned matters where they are necessary and appropriate for the delivery of the scheme under consideration. That will not change as a result of the order. The power to make this amending order is set out in section 2 of the Transport and Works Act but is subject to approval by a resolution of each House of Parliament.

The term “guided transport” is defined as “transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way)”.

The order seeks to cover transport by vehicles guided by non-physical guidance systems. These systems, whether simple sensor systems that detect paint or other road markings, or more complex sensor systems that read the surrounding environment, are external to the vehicle.

To conclude, the order is essential to support innovation in transport and to allow the use of new, more advanced technologies. It had wide support from those who responded to the public consultation on this change. As enabling legislation, it does not impose additional costs on applicants applying for Transport and Works Act orders or on the Government in taking forward and providing consent for such applications. I hope Members will join me in supporting the order, and I commend it to the Committee.

2.36 pm

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): It is a pleasure to serve under your chairship on this statutory instrument on guided transport modes, Dame Caroline. Since taking on this brief over two years ago I have

consistently marvelled at the innovation and progress made in the transport industry. Improving safety, making efficiencies and tackling the climate crisis have long been aims of the industry, which has shown consistent innovation in bringing forward battery-operated trains, driverless vehicles and—among the more recent developing technologies—non-physically guided transportation, often using sensors.

As the Minister outlined, this statutory instrument facilitates the authorisation of applications for new transport schemes that wish to use non-physical guidance. Clearly, that signals significant potential change for our tramways, bus lanes, railways and roads, and it expands the types of guided transport modes that TWA applications can cover. Whether we are enabling buses to use road markings as guidance, or trains to monitor tracks and surroundings through sensors, it is important that legislation maintains the safety of these emerging technologies, while ensuring that our transport systems are able to take advantage of the latest developments.

I appreciate that this SI simply enables such applications and that the merits of individual applications will be considered under existing legislation in respect of their safety and the worker and passenger impact, but it would be remiss of me not to mention a number of issues. As the Minister will be aware, concerns were raised as a result of the consultation documents produced alongside this SI regarding the limits and drawbacks of sensor technology in particular. That included poor weather impacting electromagnetic contact and therefore the information a sensor is able to convey. Weather already has a significant impact on our railways, as we have seen as a result of landslides, heatwaves and debris on the track. Safety must be paramount when it comes to transport. I appreciate that this technology should mitigate some safety concerns through the detection of obstructions, pedestrians and faults, but I hope that the Minister can address any concerns directly.

We must also consider any worker impact that the implementation of these technologies and further automation may have. Any needless cutting back of experienced and valuable workers on our transport networks does not serve passengers, transport operators or the system as a whole. There will certainly be anxieties about that in the transport sector, given the current chaotic climate the Government are presiding over. Will the Minister therefore reassure me that those who have dedicated decades to our railways will not be short-changed because of such innovations, but will be better supported by them?

As the Minister knows, supporting such innovation and allowing it to develop must be a continued priority for the Government. We must ensure that we have adequate research and development spending and that we encourage the best and the brightest in Great Britain to build industries that will help us tackle future challenges. We cannot fall behind our European counterparts in particular, as we have with previous technological innovations, such as electrification. As has been noted, the technologies covered in this SI are already operational in Spain, France, Japan, and China. Without funding and support, we cannot realise these technologies on our own transport network. What steps has the Minister taken recently to ensure that there is enough research and development spending in this area and that this technology can indeed flourish?

I hope the Government are guided by industry experts, unions and developing technologies and ensure that we develop a world-leading transport network with the safety of passengers and workers at its heart.

2.41 pm

Huw Merriman: I hope that the Committee has found the debate informative and will join me in supporting the order. Let me respond to the points the shadow Minister sought reassurance over.

On safety, I make the point again that this is enabling legislation and will just extend the perimeter to non-physical transport means. There will still be the opportunity under the Transport and Works Act to fully assess a project. I am sure the hon. Gentleman has experience—I certainly do—of constituency projects, and one project I have in mind has had a full public inquiry, which had the remit to look at all the angles. Technology, and reliance on technology, will be just another angle to be looked at, but it will be looked at more deeply because this technology is novel and a new way of operating. I can absolutely give the hon. Gentleman the assurance that there will be no weakening of safety. Indeed, I envisage safety being looked at even more prominently as we deal with new technologies that come onstream.

The hon. Gentleman sought reassurance over workforce employment security, if I can put it in that manner. Again, to give him reassurance, let me say that a scheme being looked at in one part of the country would involve a bus using a sensor, but where the bus comes on to the public highway, the driver would take control—there will be a driver there at all times, and they will operate the bus at different times. Again, that is not being implemented by what we are talking about today—this being enabling legislation—but it could be put forward as part of a subsequent application. However, there will be no workforce issue. Of course, these brand-new, innovative projects and modes of transport should actually create a huge jobs market for this country, if it is at the forefront of this technology. That is why this legislation is so important: this is not just about building, or having the capability to build these things, but legislating to ensure that they can be operated in this country.

On the steps taken to deliver research and development, I should not put on an old hat, but I know that the Transport Committee is looking at the manner in which this country is innovating, and one reassuring point I would make to the hon. Gentleman is that the sheer amount of evidence coming from companies and organisations developing these products in this country demonstrates not only that the R&D budget is there and that there is investment from the UK Government, but that companies find the environment in this country very much to their liking. I hope the Committee will send out the message that we support that.

To conclude, the draft order will amend legislation to permit a wider range of transport to be authorised under the Transport and Works Act 1992, supporting, and allowing advantage to be taken of, new and more advanced technologies. On that basis, I commend it to the Committee.

Question put and agreed to.

2.44 pm

Committee rose.

