

## County Council – 14 December 2017

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### High Speed Rail (West Midlands - Crewe) Bill

#### Recommendations of the Cabinet Member for Economic Growth

The report summarises the County Council's activity to date in response to HS2. It covers the conclusion of the parliamentary process for Phase One (London to the West Midlands) and the authority's preparation for construction, in particular to discharge its duties in relation to detailed planning consents. It also covers activity on Phase 2a, including an approximate timeline for the Phase 2a parliamentary process which commenced in July, including petitioning.

I recommend that Members resolve:

- A. That the Council acknowledge the work undertaken to date on Phase One.
- B. That in the judgement of the Council it is expedient for the Council to petition the High Speed Rail (West Midlands - Crewe) Bill deposited in the 2017-19 session of Parliament.
- C. That the Council authorise the Cabinet Member for Economic Growth along with the Director for Economy, Infrastructure and Skills to develop the scope of the County Council's petition to Parliament and take all necessary steps to carry the foregoing Resolution into effect.
- D. That the Council acknowledge the sum of £210,000 which has been allocated across 2017-18 and 2018-19 to the HS2 budget in order for the Council to petition the High Speed Rail (West Midlands - Crewe) Bill.

The Council will petition the Bill in order to attempt to secure improvements to the scheme and to safeguard the interests of Staffordshire's residents and businesses.

In passing these resolutions, the council authorises opposition to the Bill in both the House of Lords and the House of Commons.

#### Report of the Director for Economy, Infrastructure and Skills

##### Background

High Speed 2 (HS2) will be the UK's new high speed rail network. The proposed network will link London and the West Midlands (Phase One) and will expand in two further phases: Phase 2a (Handsacre to Crewe) and Phase 2b (Crewe to Manchester and Birmingham to Leeds). Phase One is expected to become operational by 2026 followed by Phase 2a in 2027 and Phase 2b in 2033.

In making its decision on the Phase One element of HS2, the Government did not approve any formal development, but progressed the project via a Hybrid Bill. This is

a standard process to deliver nationally important key infrastructure projects including High Speed 1 (HS1) and Crossrail (London) where Parliamentary approval is considered necessary.

From the outset the County Council has been committed to get the best outcome from HS2 for the county, for communities and for businesses in terms of mitigation, compensation, improved connectivity and a share in any economic benefits the project delivers.

As part of our lobbying on Phase One we achieved the lowering of five miles of the route in Lichfield, bringing significant environmental mitigation.

The inclusion of the Handsacre Link will also allow Staffordshire residents to benefit from high speed travel via the hub at Stafford as well as via stations to the north and east of the county.

### **Phase One**

A Hybrid Bill comprises elements of both Private and Public Bills. They are commonly used to deliver nationally important infrastructure projects where Parliamentary approval is required. Hybrid Bills pass through both Houses of Parliament before receiving Royal Assent. The HS2 (London to West Midlands) Bill (Phase One) received Royal Assent on 23 February 2017.

The Bill then became an Act of Parliament, granting powers to build, operate and maintain the railway.

The County Council had approximately 100 petitioning points on Phase One of HS2, which ranged from major changes to the vertical alignment of the railway to points of technical detail concerning the Environmental Statement.

To petition the Phase One Bill and prepare the petition itself, the County Council appointed a Parliamentary Agent (solicitor) to provide advice and guidance. In addition, the County Council appointed Legal Counsel to represent the authority at Select Committee. At December 2013 Full Council passed a motion to petition against the Bill and allocated an appropriate budget provision to do so. Following a period of negotiation, the County Council reached agreement with HS2 Ltd. on several key items by means of formal assurances, and were not required to appear in Select Committee.

Three of the four assurances given to the County Council by HS2 Ltd for Phase One were bought forward by an additional provision (Additional Provision 2 or AP2). This required HS2 Ltd. to amend the Hybrid Bill and accompanying documents (such as the Environmental Statement) and resubmit to Parliament.

Phase One construction began following Royal Assent, with the commencement of enabling works (archaeology, utilities diversions, early planting etc.) The main civil engineering works are likely to commence early in 2019, although the exact programmes of work have yet to be confirmed by HS2 Ltd.

Throughout construction, (primarily during the main civil engineering works), the County Council, along with Lichfield District Council, will receive a number of requests for consent on a range of detailed planning matters. These will mainly relate to Highways and ordinary watercourses. The County Council has contracted Amey to deliver this service, which will be fully funded by HS2 Ltd. by means of a Service Level Agreement. Such consents will include approval of certain lorry routes.

HS2 Ltd. will shortly be presenting an overview of construction in Staffordshire to officers, to clarify what we can expect to see on the ground in the next few years. A briefing for Phase One Members will be subsequently provided. Items of general interest to members (for example traffic surveys or ecological works) will be provided by email by the HS2 project manager as they occur, with the portfolio holder for HS2 being briefed face to face once per month.

## **Phase 2a**

The High Speed Rail (West Midlands to Crewe) Bill was deposited to Parliament on 17 July 2017, supported by a full Environmental Statement (ES). This was open for consultation until 30 September 2017. The County Council led a comprehensive joint response with affected District and Borough Councils. Views of Parish Councils and other key stakeholders were also taken into account where possible.

Second reading is likely to occur in early 2018, triggering a petitioning period in the House of Commons. It is not possible at this stage to object to the principle of the scheme; however it is recommended that the County Council petition the Bill in order to secure optimal mitigation for Staffordshire. A number of potential key petitioning points have been identified, including:

- The potential to lower the vertical alignment of the railway as it passes by Kings Bromley on viaduct.
- Proper assessment of the potential to join Whitmore and Bar Hill tunnels, avoiding a range of impacts including loss of ancient woodland.
- Ensuring maximum mitigation for the railhead/maintenance depot at Stone, including consideration of noise, visual impact, and transport planning issues.
- Petitioning on alternative or improved construction routes where these are unacceptable in safety or capacity terms.
- Ensuring proper mitigation and restoration for the borrow pits proposed in Lichfield and Newcastle.
- A range of ecological, archaeological, landscape and Public Rights of Way matters.

The petitioning process is likely to closely follow that described above for Phase One, with a period of negotiation following submission of a petition. This may, if successful, result in reaching an agreement prior to a Select Committee appearance. If not the County Council would have to appear in front of Select Committee to present its case.

## **Timescales**

The petitioning period, if commencing in January 2018 as expected, would most likely close in February 2018. Following deposit of the petition, negotiations would commence with the aim of reaching agreement prior to any appearance at Select Committee, as described above.

If agreement is not reached, it is likely that a potential Select Committee appearance would fall in April/May 2018. In the event of a Committee appearance, the County Council would be among the first petitioners called.

### **What is a petition?**

A petition is a summary of objections to particular aspects of the Bill. Some examples of the County Council's petition points are described above. Submitting a petition enables the petitioner to be allowed to argue their case before the Select Committee (providing they have the 'right to be heard').

Any individual, group of individuals, or organisations with a 'right to be heard' under the provisions of the Hybrid Bill may appear on a petition against it. The promoter (the Secretary of State for Transport) can object to the petitioners' right to be heard and the Select Committee will decide if the petition can be accepted. This will be among the first business dealt with by the committee.

The County Council has an automatic right to be heard because works authorised by the Bill are in its area, and land which it owns is within the limits of land required by the Bill.

In 2016, the Private Bill Offices of the House of Commons and the House of Lords jointly conducted a review of the petitioning procedure for Hybrid Bills. As part of the first phase of implementation of the review, the Chairman of Ways and Means has published a paper of proposed changes. One such change is that petitions may now be submitted electronically. The main objective of these is to improve the process for the petitioner.

To support affected communities the County Council held a community briefing session on the petitioning process, on 28 November 2017, led by its Parliamentary Agent, Sharpe Pritchard.

It is recommended that the County Council authorise the Cabinet Member for Economic Growth, along with the Director for Economy, Infrastructure and Skills to develop the scope of the County Council's petition against the High Speed Rail (West Midlands-Crewe) Bill.

As a result of the operation of section 239 Local Government Act 1972 a resolution of the full Council (passed by a majority of the whole number of the members of the authority) is required to give full effect to the petition.

### **What is the Effectiveness of Petitioning?**

Failure to petition would leave the Council in a weakened position, with no means of securing improved mitigation for Staffordshire. HS2 Ltd. would not seek to offer any

assurances or negotiate on any of the petitioning points described elsewhere in this report.

Members may recall the significant mitigation improvements secured via the County Council's Phase One petition, which, as mentioned above, included the lowering of eight kilometres of the line in Lichfield, and the construction of the Handsacre link, connecting HS2 to the West Coast Main Line. As stated, this latter will provide the infrastructure needed for Staffordshire residents to receive HS2 services and gain economic benefit as a result. Phase One crosses 12 miles of Staffordshire: Phase 2a covers almost triple that distance at 33 miles.

As with Phase One, it is clear from the information contained within the formal Environmental Statement and Hybrid Bill that significant elements of the design require improvement in Staffordshire, and will have a substantial impact on the local environment and countryside if left unchallenged.

It is recommended that Council petitions against the Bill in order to attempt to secure improvements to the scheme and safeguard the interest of Staffordshire's local residents and businesses.

### **What are the likely costs?**

Costs will be incurred in the submission of a petition, preparation of evidence and appearances before the Select Committee, if required. Setting an exact cost projection for the Parliamentary process is difficult due to a range of unknown factors, including the number of petitions that could be received, the process the Select Committee will undertake to assess the petitions and the wider debate of the Bill through the formal stages within the House of Commons. However, the budget allocated for petitioning is £210,000 and it is anticipated that costs will not exceed this, even allowing for a Select Committee appearance.

There are further additional factors which could raise or lower costs; primarily the issue of whether the County Council appears at Select Committee or settles by agreement with HS2 Ltd., thus avoiding such an appearance.

The County Council will seek to share associated costs with neighbouring councils, and other councils affected along the line, where there is a common interest.

The County Council will develop its petition with assistance from its appointed Parliamentary Agent. Once drafted, the scope of this petition will be approved by the Cabinet Member for Economic Growth and the Director for Economy, Infrastructure and Skills. To support its petition the County Council will continue to gather evidence as required.

### **List of Background Documents:**

[High Speed Rail \(West Midlands – Crewe\) Bill](#)  
[Phase 2a Environmental Statement Staffordshire Authorities Joint Response](#)