

Local Members' Interest
N/A

Prosperous Staffordshire Select Committee – 19 July 2018

HS2 Construction Routes and Road Safety

Recommendations

1. To note the work undertaken to date on efforts to influence HS2 construction routes.
2. To note the limited powers (as outlined in the phase 1 and phase 2a Hybrid Bill) available to the highway authority in respect of approving HS2 construction routes.
3. To comment on the proposed HS2 construction routes as described in the phase 1 and phase 2 documentation
4. To comment on the emerging construction route proposals being developed by the authority.
5. To raise awareness of the HS2 Helpline and email: HS2enquiries@hs2.org.uk or Freephone 08081 434 434 for all queries and complaints regarding construction.

Report of Cllr Helen Fisher, Cabinet Member for Highways and Transport

Summary

This report provides the Prosperous Staffordshire Select Committee with an update on HS2 activity in Staffordshire and explains the powers and influence that the authority has in determining HS2 construction traffic routing.

Report

Background

1. HS2 is a major national infrastructure project led by HS2 Ltd., an executive non-departmental public body, sponsored by the Department for Transport. While it is not a County Council project, we have responded as an authority by focusing on getting the best deal for Staffordshire in terms of mitigation, compensation for residents, economic benefits and improved connectivity.
2. Members will recall that the County Council petitioned against Phase 1 and successfully achieved the lowering of 8 km of the line in Lichfield. We also secured an assurance that the Handsacre link, connecting HS2 to the West Coast Main Line, would be constructed. This will provide the infrastructure needed for Staffordshire to receive HS2 services and gain economic benefit as a result.
3. On 17 July 2017, the Phase 2a hybrid Bill was deposited in Parliament. The Bill seeks powers to build the route from the West Midlands through Staffordshire to Crewe. We petitioned this Bill in spring 2018 and achieved a number of improvements to HS2's proposed mitigation, including an assurance to lower the line of route as it passes near

Kings Bromley on viaduct, and a multi-million pound suite of permanent highways improvements.

4. The Department for Transport deposited an additional provision to the Bill on Friday 23 March. Petitioning against the additional provision closed on Friday 27 April. The County Council submitted a response to the consultation but did not petition the additional provision.
5. The Phase 2a hybrid Bill is at committee stage in the House of Commons, during which petitioners present their cases to Select Committee. Royal Assent is likely to be given during 2020, although this is subject to change.

Phase 2b

6. Phase 2b of the line runs from the West Midlands to Leeds. A section of the line will run past the south of Tamworth towards the East Midlands. This section of route will be subject to its own hybrid Bill, which the Secretary of State for Transport has stated he intends to deposit to Parliament in 2019. The County Council will engage with this as it has done for the previous two HS2 Bills and will be actively seeking to minimise the impact of construction traffic on the town.

Engagement

7. The Council has been in discussion with HS2 Ltd. and other highway authorities along the line of route to discuss and debate matters of common interest. This is via the HS2 Phase 1 Local Authorities Planning Forum, the minutes of which can be found [here](#). Construction traffic and routing has been a key discussion point and the Environmental Minimum Requirements supporting the Bill have to some extent been shaped by these discussions.
8. Getting the construction traffic routing right is vital to ensure road safety matters are appropriately managed and environmental impact is controlled. Information gained from Kent County Council indicated that a significant number of complaints to the HS1 'Construction Hotline' related to construction traffic routing and mud on the highway.
9. Since late 2017, limited, localised HS2 activity has been taking place at various locations along the route related mainly to ecological mitigation and archaeology.
10. As the project moves from the planning phase to the main construction phase it should be expected that the construction activity will have a significant impact on the public, particularly in close proximity to the construction sites.

The Council's Powers in Relation to HS2 Construction Routes

11. HS2 Ltd proposed construction routes (greater than 24 heavy good vehicles movements per day) were included in the Environmental Statement documentation on both phase 1 and phase 2a at the time of the Hybrid Bill deposit.
12. The County Council has some limited powers over the approval of some types of HS2 construction route. Schedule 17 of the Act states that for a construction route where there are greater than 24 large goods vehicle movements in a day, consent must be

obtained from the Highways Authority. Large goods vehicles are defined by the Act as vehicles over 7.5 tonnes (the same meaning as in Part 4 of the Road Traffic Act 1988). The grounds on which the County Council can refuse consent are as follows:

(6) The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that—

(a) the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 17(1) and which is to be carried out in the authority's area, or

(b) the arrangements ought to be modified—

(i) to preserve the local environment or local amenity,

(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or

(iii) to preserve a site of archaeological or historic interest or nature conservation value, and are reasonably capable of being so modified.

13. If there are fewer than 24 heavy vehicle movements per day, the Council has no control at all, nor does it have any control over routes used by non-heavy vehicles, even where numbers are significant. Where we do have limited control on construction routing it should be noted that if we refuse a route, HS2 Ltd. may appeal to the Secretary of State who could overrule us. Officers have been trying to avoid this situation through extensive engagement and through the additional highways improvements agreed in our assurances.
14. The Council will also have some powers of approval over interferences to the highway (diversions for example) under Schedule 4 of the Act.

Phase One

15. The Phase One hybrid bill has completed the Parliamentary process in both houses and received Royal Assent in February 2017, making it an Act. This granted deemed planning permission for the construction, operation and maintenance of HS2 Phase One.
16. The first part of construction, the enabling works (including archaeology, utilities diversions, early planting), has now commenced. We have been advised that main civil engineering works are likely to commence in spring 2019. This may be subject to change, as press reports indicate that the Notice to Proceed for main civil engineering works is delayed by approximately eight months to allow for cost reduction exercises. No information has been provided from HS2 Ltd. at the time of writing on this matter; a formal query has been channelled through the local authorities' planning forum. The line is expected to open to passengers in 2026 although it is unclear whether this may now also be deferred.
17. General highways and construction routing matters are presented to the Council by HS2 Ltd. and their contractors via a monthly Traffic Liaison Group. An introduction to upcoming consents and approvals is also provided. Meetings to discuss the detail of the required consent will then be held separately (similar to pre-application discussions) in order to identify and resolve any queries. When these are completed, the consent itself will be submitted to the Council's consents and approvals inbox for approval, and must be responded to within 28 days (otherwise it is deemed as being granted). Consents and

approvals are managed on behalf of the Council by Amey. Resource planning for management of approvals will be undertaken on an ongoing basis by Amey.

18. A map illustrating the Council's comments on the proposed Phase One construction routes is appended to this report. If taken on board by HS2 Ltd this should result in significant volumes of heavy vehicle construction traffic being removed from the Lichfield City road network. These comments have been received favourably by the contractor (Balfour Beatty Vinci), however they have not yet requested the commencement of pre-application discussions.
19. Consents and approvals work is fully funded by HS2 Ltd. via a Service Level Agreement.

Phase 2a

20. The Bill received its Second Reading in the House of Commons on 30 January 2018. This triggered a petitioning period which ran until 26 February 2018. The County Council petitioned on a range of matters (some jointly alongside District and Borough Councils). These included a wide range of concerns on construction traffic routing.
21. The Council was scheduled to appear on its highways items (among others) on 8 May 2018. Following robust negotiations with HS2 Ltd., supported by our parliamentary agent and QC, a suite of assurances and undertakings on key items have now been agreed. These included Highways matters such as routing construction traffic out of Lichfield City Centre, minimisation of use of Yarnfield Lane and Beaconside, a suite of mitigation measures for the Stone railhead/IMB-R and protection of veteran trees and hedgerows, among other items. Consequently, the Council did not appear at Select Committee on 8 May.
22. Negotiating assurances in this way retains control in the hands of the Council as far as possible. Should the Council have elected to appear at Committee, it is quite possible that all the offers from HS2 Ltd. would have been withdrawn, or at the very least reduced in number.
23. A full copy of the assurances secured is appended to this report. Following Royal Assent, the consents and approvals process will mirror that describes above for Phase One.

Environmental Minimum Requirements

24. These documents accompany the High Speed Rail (London - West Midlands) Act 2017. They are intended to ensure that impacts which have been assessed in the ES will not be exceeded. They include the Code of Construction Practice (CoCP), which sets out a series of proposed measures and standards of work, which must be applied by contractors throughout construction to provide effective planning, management and control of potential impacts upon people, businesses and the natural and historic environment; and provide the mechanisms to engage with the local community and their representatives throughout the construction period.
25. Part of the work of the HS2 Phase One Planning Forum has been to input into, influence and develop these documents in order to make them as robust as possible. Draft EMRs

are also in place for Phase 2a. These will cease to become drafts following Royal Assent.

26. All complaints during the construction period should be referred to the HS2 Helpline or email: HS2enquiries@hs2.org.uk or Freephone 08081 434 434. The Phase One Planning forum has formally requested details of complaints made to date and is awaiting a response.

Link to Strategic Plan

27. People will aspire to live in Staffordshire; from families looking for the very best schools and space to grow and thrive, to older people seeking a great quality of life.

28. By exploiting the arrival of HS2 the county town of Stafford has undergone a renaissance with a new station quarter teeming with business start-ups and homes, all under an hour away from London, Birmingham and Manchester.

Link to Other Overview and Scrutiny Activity – [County Council](#), Thursday, 14th December, 2017 10.00 am

Community Impact – not applicable as although the project will have a major community impact, it is not a County Council project: HS2 Ltd. is a third party.

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Appendices/Background papers

Appendix A - Phase One HS2 proposed construction routes (attached)

Appendix B - Phase One SCC proposed construction routes (attached)

Phase One Environmental Minimum Requirements:

<https://www.gov.uk/government/publications/environmental-minimum-requirements>

Phase 2a hybrid Bill:

<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0006/18006.pdf>

Appendix C - Phase 2a Undertakings and Assurances (attached)