

County Council – 12 December 2013

High Speed Rail (London - West Midlands) Bill

Recommendations of the Cabinet Member for Economy and Infrastructure

The County Council has formally raised objection to High Speed 2 as it will have a significant impact on the environment and Staffordshire's local communities, despite bringing no tangible economic benefits to the residents or businesses of Staffordshire. The County Council has been championing the cause of improved mitigation for Staffordshire's environment along with the need for fair and timely compensation for affected residents.

Following 18 months of dialogue with Government, Department for Transport and HS2 Ltd the County Council now has the opportunity to oppose the High Speed Rail (London – West Midlands) Bill through the Parliamentary stages to ensure those making the real decisions hear Staffordshire's voice and maximum mitigation is achieved.

I recommend that Members resolve:

- A. The Council reaffirms its position in opposing High Speed 2 as there are no clear or confirmed economic benefits for Staffordshire and it will have significant impacts on our environment and countryside.
- B. That in the judgement of the Council it is expedient for the Council to oppose the High Speed Rail (London – West Midlands) Bill deposited in the 2013-14 session of Parliament.
- C. That the Council authorise the Cabinet Member for Economy and Infrastructure along with the Director for Place and Deputy Chief Executive 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. The County Council allocates a budget provision of £200,000 to provide the financial resource needed to petition against the High Speed Rail (London – West Midlands) Bill.

In opposing the Bill, the Council will petition against it in order to attempt to secure improvements to the scheme and to safeguard the interest of Staffordshire's local 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 Deputy Chief Executive and Director for Place

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 the future to connect Manchester and Leeds (Phase Two) with Birmingham, London and Heathrow Airport. Phase One is expected to become operational by 2026 with Phase Two in 2033.

In January 2012, the Secretary of State for Transport announced the route of Phase One linking London to Birmingham. This route meets the West Coast Main Line just south of Handsacre in Lichfield. In Staffordshire, Lichfield is the only district that will be directly affected during Phase One of the project, which will see approximately 12 miles of new railway and associated equipment built.

In making its decision on the Phase One element of HS2, the Government did not approve any formal development, but agreed to take the project forward via a Hybrid Bill. This is a common process to deliver schemes of national importance such as key infrastructure projects including High Speed 1 (HS1) and Crossrail (London), and where Parliamentary approval is considered necessary.

HS2 Phase One Hybrid Bill

The High Speed Rail (London – West Midlands) Bill was introduced and given a first reading in the House of Commons on 25 November 2013. The advertisement of the introduction of the Bill in the national press marks the start of a 56 day consultation period on the formal Environmental Statement. It is anticipated that the Second Reading of the Bill will take place during Spring 2014 which will then be followed by the petitioning phase and potential Select Committee appearances.

The County Council is currently reviewing the detailed information contained within the Hybrid Bill and formal Environmental Statement.

During the Parliamentary stages of the Bill, the County Council will continue its support for those communities in Staffordshire affected by HS2, and their calls for improved mitigation and compensation.

Cabinet, at their November meeting, agreed in principle to petition against the Hybrid Bill depending on its content. Although the County Council is yet to review the documentation in full detail it is clear that the proposals for HS2 in its current form are as expected, and in particular do not diverge significantly from the proposals as they were set out in the draft environmental statement, which the Council commented on shortly before the summer. HS2 will have a significant impact on our environment and communities along the route.

In the judgement of the Deputy Chief Executive and Director for Place, it is necessary for the Council to oppose the High Speed Rail (London – West Midlands) Bill to be promoted in the 2013-14 session of Parliament, and that is her recommendation to Council. In opposing the Bill, it is recommended that the Council petitions against the Bill in order to attempt to secure improvements to the scheme or to safeguard the interest of Staffordshire's local residents as summarised within this report.

What is a Hybrid Bill?

A Hybrid Bill has some of the characteristics of a Public Bill, which affects the whole country, and some of the characteristics of a Private Bill, which affects a specific group or area.

The most recent Hybrid Bill to pass through parliament was the Crossrail Bill in 2008.

Hybrid Bills generally conform to a different set of rules compared to normal acts of Parliament. Approaches to Members of Parliament to make our case for mitigation measures and compensation in response to HS2, are allowed, but not to the members of the select committee that will consider the Bill in detail, once it is appointed. There is a formal petition process through which we can make sure that Staffordshire's concerns are considered by Parliament. This process is very specific and technical and, consequently, is often supported by the use of Parliamentary Agents. The County Council has already secured the services of a Parliamentary Agent who will assist in the development of our petition and response to the formal Environmental Statement.

How long does the Hybrid Bill process take?

Subject to the necessary stages of the Bill being followed the Secretary of State expects that the High Speed Rail (London – West Midlands) Bill would receive Royal Assent during the current Parliament and before the next general election in 2015. Construction of Phase One would commence in 2017 with operations starting in 2026. However, we have been advised that this timetable could change bearing in mind the large number of potential petitioners.

What is a petition?

A petition is a summary of objections to particular aspects of the Bill but it is not possible to petition against the principle of the scheme. It enables the petitioner (the County Council) to be allowed to argue his/her case before the Select Committee on the High Speed Rail (London – West Midlands) Bill.

Any individual, group of individuals, or organisations 'directly and specially affected' by the provisions of the HS2 Phase One 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. The County Council has a 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 that is subject to compulsory acquisition under the Bill.

The timetable for submitting the petition will be set at the time of the Second Reading – likely to be in Spring 2014.

The Council has opposed the principle of HS2 and this view was ratified by the County Council on 17 March 2011. There are also a number of detailed concerns about the project and its impact both during construction and operation. It is recommended that the Council petition against the High Speed Rail (London – West Midlands) Bill and seek

changes to be made to the proposals to address those concerns. The exact scope of the County Council's petition is yet to be determined but at the time of writing it is anticipated that it will broadly comprise:

- A lowering of the route through Lichfield District facilitated by:
 - Diversion of the Trent and Mersey Canal
 - Passing under the A38, South Staffordshire Railway Line and West Coast Main Line
 - 400m long cut and cover tunnel at Whittington Heath Golf Course
 - 800m long cut and cover tunnel at Hints
- Improved highway alignments compared with those currently proposed
- Revised construction traffic routing
- Improvements to Wood End Lane to facilitate HS2 Ltd construction traffic
- Improved biodiversity and ecological mitigation
- Providing support to farmers impacted by the scheme to maintain the viability of farming and Staffordshire's rural economy

The petition will draw on the work already completed in response to the Phase One Draft Environmental Statement.

It is recommended that the County Council authorise the Cabinet Member for Economy and Infrastructure, along with the Director for Place and Deputy Chief Executive, to develop the scope of the County Council's petition against the High Speed Rail (London – West Midlands) Bill.

What is the Effectiveness of Petitioning?

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.

Failure to petition could leave the Council in a very weak position and could result in major problems of controlling events once construction starts. It is likely that the promoter will seek to negotiate agreements and the quality of these will depend on the identification of the issues and putting forward a good case.

It is anticipated that costs will be incurred in the preparation of evidence and appearances before the Select Committee – if required. At the initial stage of petitioning, it is only necessary to register a brief statement of the issues. The petition should set out any concerns that the council has and which it might wish to bring to the attention of the select committee. The select committee is entitled to disregard any points that are not mentioned in the petition. It is hoped that the Department for Transport and HS2 Ltd would meet some of the Council's concerns by agreement.

What does this mean for Staffordshire?

The County Council has continually made representations to the Secretary of State for Transport and HS2 Ltd on the need to incorporate meaningful mitigation into the proposed design. It is clear from the information contained within the formal Environmental Statement and Hybrid Bill that significant elements of the design remains unchanged in

Staffordshire and will therefore have a significant impact on the local environment and countryside if left unchallenged.

In noting the content of this report, if Council authorise a petition against the HS2 Phase One Hybrid Bill it will provide an opportunity for the County Council to attempt to secure effective mitigation measures for local communities in Staffordshire who are affected by Government's proposals.

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?

Setting a clear and final budget for the Parliamentary process is difficult due to the unknown factors surrounding 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.

There are also a number of factors which could raise or lower costs and the main one is whether the County Council appears at Select Committee or settles by agreement with HS2 Ltd on mitigation it expects, thus avoiding such an appearance. If the County Council is able to reach agreement and is not required to appear before Select Committee the likely costs are estimated to be £140,000.

If the County Council does not resolve all its concerns by agreement, and decides to appear at the Select Committee stage, then additional costs (including legal counsel's fees) will arise. In this instance the estimated cost is likely to be £200,000. However, this estimated cost represents less than 1p for the Staffordshire taxpayer (based on Band D property in Staffordshire).

The County Council has opted to support communities win compensation and also mitigate the environmental impact on the county, rather than incur potential hefty legal costs in trying to block the scheme by joining groups such as 51m.

As a council should protect the interests of the county and our communities, petitioning against the Hybrid Bill is necessary to ensure we reduce the impact of this national transport scheme as much as possible.

If left unchallenged the impact of HS2 in Staffordshire has the potential to be significant. The petitioning process is by far the best means to influence the proposals to try and secure maximum mitigation for local communities in Staffordshire.

In noting the anticipated costs, 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. Depending on the duration of the Parliamentary process, a further report will be presented to Cabinet should additional funding be required.

What are the next steps?

The County Council will develop a response to the formal Environmental Statement and submit a response to this on the close of the 56 day consultation period.

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 Economy and Infrastructure and the Deputy Chief Executive.

To support its petition the County Council will continue to gather evidence as required.

List of Background Documents:

[High Speed Rail \(London – West Midlands\) Bill](#)

[Staffordshire Phase One Mitigation and Enhancement Plan](#)

Parliament [website](#) with information about the passage of Bills through Parliament