

Local Members' Interest
N/A

Prosperous Staffordshire Select Committee – 18 December 2014

HS2 Phase One Project Update

Recommendations

1. The Committee acknowledge the Cabinet Member's actions, decisions and progress to date
2. The Committee acknowledges the assurances provided to the County Council from HS2 Ltd in respect of the Phase One Hybrid Bill.
3. The Committee considers the County Council's position and next steps for both Phases of HS2

Report of Mark Winnington Cabinet Member for Economy, Environment and Transport

Summary

The Government intends that High Speed 2 (HS2) will provide a significant expansion to the UK's high speed rail network. The proposed new 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. High Speed 2 Limited (HS2 Ltd) is a company established by the Government to undertake the detailed work required to prepare the Hybrid Bill.

This paper provides an update of HS2 in Staffordshire. It outlines what the County Council has been doing in respect of the HS2 Phase One, with particular emphasis on petitioning the Phase One Hybrid Bill.

It is recommended that the Committee acknowledge the County Council's approach and work completed to-date. In considering this report, it is recommended the Committee takes into account the authority's position while drawing on the knowledge gained from Phase One which can be taken forward into engagement with the HS2 Phase Two team.

Report

Background

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. Phase One is wholly within Lichfield District which will see approximately 19km of new railway and associated equipment built.

HS2 Phase One will be constructed through powers granted to the Secretary of State by Parliament via a Hybrid Bill. The High Speed Rail (London – West Midlands) Bill is currently passing through the House of Commons Select Committee and residents, businesses and land owners can petition against the Hybrid Bill if they are specially and directly affected by the Bill and its supporting information. It is important to note that petitioning cannot be against the principle of HS2 Phase One (i.e. against high speed rail as a whole) but the detail contained within the Bill, Environmental Statement and plans/drawings/sections.

The preferred proposal for the line of route from West Midlands to Leeds and Manchester (Phase Two) was announced by the Transport Secretary in January 2013.

From the Phase One route in Lichfield the proposed Phase Two route continues through the county from Lichfield District passing through the areas of Stafford and Newcastle Borough. The length of the Phase Two route is 53km long and there is also approximately 50 metres of new railway at the southern tip of Tamworth for the Leeds section of route.

The Secretary of State for Transport launched the consultation on the Government's preferred route for Phase Two of the HS2 project, to Leeds and Manchester in July 2013. The consultation ended on 31 January 2014 and the County Council, together with Newcastle-under-Lyme Borough Council and Lichfield District Council, prepared a response to the consultation. A Ministerial response to the route consultation is expected mid-2015.

What is the County Council's position?

The County Council has formally raised objection to the scheme as it will have a huge impact on the environment and many communities. However, the principle of HS2 Phase One was established and debated in the House of Commons at its Second Reading on 28 April 2014 where 453 MP's voted in favour to 41 against. This is a clear message of the Government's intention to press on with the project.

While opposing the proposals, but recognising HS2 has cross party political support in Westminster, the County Council will continue to ensure that Staffordshire gets the best deal from the project while ensuring those affected by the project receive fair and timely compensation.

As the only democratic countywide organisation, we will continue to work with partners to achieve one voice so that we co-ordinate the 'Voice of Staffordshire' to ensure we champion the case for Staffordshire's people to secure mitigation and meaningful compensation for communities affected by the HS2 Project.

What has the County Council done to date?

In supporting the communities affected by HS2 the County Council has appointed a full time project manager who has engaged with HS2 Ltd, local stakeholders and affected communities along the route.

In addition to supporting communities and businesses directly affected by the project, the County Council has prepared responses to approximately nine different HS2 consultations including the Phase One Hybrid Bill and accompanying Environmental Statement (circa 50,000 sheets of paper).

The majority of work, since the last update report to Committee in September 2013, has been focused on petitioning the Hybrid Bill.

In addition to the above, each County Councillor whose division is impacted by the HS2 route has been allocated a sum of £5,000. The HS2 Community Support Fund provides financial support to affected parish councils and community groups to facilitate mitigation and promote/create awareness. To-date, this fund has supported more than £5,500 of grants with additional applications over £1,000 currently being processed.

What is the HS2 Phase one Hybrid Bill?

In making its decision on the Phase One element of HS2, Government did not approve any formal development, but agreed to progress the proposals via a Hybrid Bill. A Hybrid Bill comprises elements of both Private and Public Bills and is a common process to deliver projects of national importance such as key infrastructure projects e.g. High Speed 1 (HS1) and Crossrail (London), and where Parliamentary approval is considered necessary.

The Government deposited the Hybrid Bill to Parliament in November 2013 and following its Second Reading in April 2014, it is now in the House of Commons Select Committee. The Bill will pass through both Houses of Parliament before receiving Royal Assent.

Once the Bill receives Royal Assent it becomes an Act of Parliament and gives powers to:

- Construct and maintain Phase One of the HS2 line
- Acquire land (and limited rights in land) necessary for the works to be carried out
- Grant planning permission for the works
- Deregulate of works on HS2 (the disapplication of certain powers contained in other legislation, such as the Highways Act)
- Facilitate works on conventional lines, such as the West Coast Main Line, to integrate them with HS2.

What is a petition and petitioning?

A petition is a summary of objections to particular aspect of the Bill. Essentially, a petition is a request to the House of Commons for the petitioner (in this case the County Council) to present a case before the Select Committee on the HS2 Hybrid Bill.

The petition itself follows a prescribed format but outlines why the Bill affects the County Council and what it is the authority would like the select committee to do about it. The County Council had approximately 70 petitioning points contained within its petition which ranged from major changes to the vertical alignment of the railway to points of technical detail concerning the Environmental Statement.

To petition the 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. Members may recall a motion being passed at December 2013 Full Council where Council voted in favour to petition against the Bill and allocate a sum of £200,000 to the budget.

What did the County Council petition for?

As outlined above, the County Council's petition contained approximately 70 separate petitioning points.

In April 2014, the County Council organised a petition management workshop with local stakeholders, residents and businesses to discuss the main elements of potential petitioning items while trying to co-ordinate the 'voice of Staffordshire'. The outcome of this workshop was to provide common petitioning items within petitioner's petitions to ensure collective voice provided the maximum impact.

Following the deposit of the County Council's petition in May 2014, detailed discussions took place with representatives of HS2 Ltd. A list of four key items was established to focus dialogue with HS2 Ltd; the key item list was created in discussion with the Cabinet Member for Economy, Environment and Transport and local stakeholders and comprised:

- Securing the construction of the Handsacre junction with the West Coast Main Line – to provide Stafford and potentially Stoke on Trent with access to the new high speed rail network
- Lowering the route in the vicinity of the Trent & Mersey Canal. The Canal and River Trust promoted a horizontal shift of the railway to avoid the need to cross the canal, this in turn lowers the route to near ground compared to embankments up to 9m high
- Lowering of the route to pass underneath the A38, South Staffordshire Railway Line and West Coast Main Line at the east of Streethay. The route would be lowered from 15m high embankments to ground level or in cutting
- A 810m cut and cover tunnel at Hints to reduce the impact of the railway on two ancient woodlands and the village while providing provision for Brockhurst Lane to pass over the railway. This would remove a height restriction of 2.7m as planned by HS2 Ltd.

How did the County Council petition?

In a parallel work stream, evidence was collated to support the justification for what was being asked while outlining what benefits each would bring. The County Council prepared evidence to support the 'ask' for the Handsacre Link to be constructed as proposed.

The Canal and River Trust instructed, at their own expense, a consultant to review the alignment of the railway at the point at which it crosses over the Trent & Mersey Canal. This work revealed that a horizontal shift of the railway could avoid the need to cross the canal while presenting a lower alignment.

The County Council, with assistance from HS2 Ltd, undertook detailed ground investigation work to determine hydrology and geology at the east of Streethay. This evidence would be used to support the claim that a lower alignment can be achieved. In addition, the County Council instructed its infrastructure delivery partner to undertake a technical review of geological and hydrological conditions of the area and outline potential engineering solutions to overcome such conditions. In addition, environmental evidence was prepared to outline the environmental benefits of a lower alignment.

At Hints, evidence was prepared to justify the need for a cut and cover tunnel. However, legal advice suggested that this 'ask' was significant and that it is highly likely that it would not be taken forward by HS2 Ltd due to the significant additional cost – circa £45m.

Community engagement

In addition to the County Council's petition, members of the local community and Parish Councils submitted their own petitions against the Hybrid Bill. Many of the petitions contained similar concerns to that of the County Council, potentially as an outcome of the petition management workshop, but perhaps more importantly contained items of local matters. In many cases, community representatives have championed their community/Parish 'asks' and have been an asset to those communities they represent; petitioning is a difficult process and many representatives have had to learn, in their own time, very quickly.

Going forward, the County Council will try to harness the experience of the Phase One community champions to assist and support those along the Phase Two route.

What were the outcomes?

It was clear from negotiation discussions with HS2 Ltd that the County Council faced a significant challenge in securing assurances from the project so that the key items could be delivered. Officers from the County Council made it clear that if these items could not be achieved, it would present a case before the Select Committee. However, if agreement could be reached then it would withdraw its appearance but continue to work through the remaining petitioning items.

On October 1 Patrick McLoughlin announced that following the work with Staffordshire County Council modifications to the proposed route would be made to reduce the impact on Lichfield. The County Council received the following assurances from HS2 Ltd:

Handsacre link

If the Bill is enacted including powers to construct the Handsacre Junction, the Promoter will require the nominated undertaker, if it constructs any part of the railway authorised by the Bill to complete the construction of the Handsacre Junction linking to the West Coast Main Line. This is subject to any amendment of the Bill by subsequent legislation to remove the requirement to construct the Handsacre Junction.

Modification to the link onto the West Coast Main Line

The Promoter will promote and, subject to the approval of Parliament, will require the nominated undertaker to implement, an additional provision to provide a revised alignment of the railway connecting to the Handsacre junction which incorporates a horizontal shift of the railway avoiding the need for two separate crossings of the Trent and Mersey Canal.

In developing the horizontal shift of the railway, this assurance lowers the route to near ground level.

Lowering of the railway beneath the A38, South Staffordshire Railway and West Coast Main Line Crossing

Linked into the above, the Promoter will promote and, subject to the approval of Parliament, will require the nominated undertaker to implement, an additional provision which will provide for the lowering of the railway so as to cross beneath the A38, the South Staffordshire Railway and West Coast Main Line.

Lowering of the vertical alignment at Hints

The Promoter will promote and, subject to the approval of Parliament, will require the nominated undertaker to implement, an additional provision to lower the alignment of the railway near Hints by 3m and divert Brockhurst Lane over the railway.

The Promoter will require the nominated undertaker, in connection with the implementation of this additional provision, and so far as is reasonably practicable and in the light of the results of geotechnical site investigations, to implement mitigation so as to limit the impact of the scheme on Roundhill Wood's ancient woodland.

This additional provision, while not the original request, does offer improved mitigation than the scheme outlined in the Hybrid Bill.

What Happens Next?

Lowering of the route in the vicinity of the Trent & Mersey Canal and under the A38/West Coast Main Line entails a change of approximately 7km of the route when compared to the original Hybrid Bill scheme in Staffordshire. The final decision to bring forward these significant changes was made by the Secretary of State for Transport.

Three of the four assurances given to the County Council by HS2 Ltd will be brought forward by an additional provision. This requires HS2 Ltd to amend the Hybrid Bill and accompanying documents (such as the Environmental Statement) and resubmit the Parliament. This will be the subject of further consultation and petitioning albeit a condensed process when compared to the on-going process. Due to the size and scale of the changes, the additional provision is expected during the summer of 2015.

The County Council will continue to engage with HS2 Ltd to ensure the additional provision has the least impact on the communities and environment. As the County Council's petition has not been withdrawn, officers will remain in dialogue to resolve concerns on the remaining petitioning items and if agreement cannot be reached the authority can then make representation at the House of Lords. It is likely that some of the County Council's remaining concerns become addressed as further detail is better understood as the design of HS2 Phase One

develops. Officers attend regular route wide HS2 Forums where topic based meetings such as planning, noise, highways and cultural heritage are discussed and views presented. In addition, the County Council will become a member of the Local Authority Noise Consortium (LANC).

LANC is consists of local authorities along the route who have pooled resources to present a route wide case on noise related concerns. If the outcome of the LANC petitioning is successful, it could see additional properties fall within the intervention levels for enhanced mitigation; in addition to the increased number of properties this could benefit on Phase One; lower base line intervention levels would set precedent for properties along the Phase Two route.

Valuable lessons have been learnt from the Phase One petitioning process and the experience gained can be taken forward into the Phase Two engagement. The County Council will continue to champion the cause of residents and business impacted by the project while trying to maximise mitigation and any economic benefits from the scheme.

Following the release of the second report by HS2 Ltd's Chairman, Sir David Higgins, recommendations have been put forward to Government to bring forward the delivery of the Phase Two route between Lichfield and Crewe by 6 years. Sir David has also recommended that the possibility of running classic compatible service to Stoke-on-Trent, Macclesfield and Stockport be investigated. Following the release of this report, titled 'Rebalancing Britain' Government have launched a consultation on safeguarding the route between Lichfield and Crewe. The County Council will be preparing a response to the consultation which closes in the New Year.

Contact Officer

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Appendices/Background papers

Staffordshire County Council [Petition](#)

High Speed Rail (London - West Midlands) Bill [Parliamentary web pages](#)

Sir David Higgins (2014): [Rebalancing Britain, From HS2 towards a national transport strategy.](#)

Community Impact Assessment - Full Assessment

Name of Policy/Project/Proposal
HS2 Phase One Project Update
Responsible officer
Helen Riley, Director for Place and Deputy Chief Executive
Commencement date & expected duration
N/A

1. What is the starting point for this proposal?

Petitioning the Hybrid Bill followed as a result of HS2 Ltd depositing the Hybrid Bill to Parliament. The County Council has repeatedly raise concern regarding the height of the route in Lichfield District and petitioning was the prescribed way in which to secure changes to the proposals as set out in the Hybrid Bill and accompanying information.

2. What was the insight behind the proposal?

The petition draws on the County Council's response to the Environmental Statement and the Phase One Mitigation and Enhancement Plan.

The above is in additional to regular meetings with Phase One community representatives and other interested parties.

3. Finding out what people need

A stakeholder petition management meeting took place in April 2014; officers from the County Council presented the key petitioning items that would be contained within its petition. A feedback questionnaire was circulated and feedback used where appropriate. Other petitioning items were developed as part of the County Council's statutory role.

Some local stakeholders have differing views on the content of the petition and the assurances provided but those who are directly and specially affected by the project can make their own representations to the Select Committee.

4. Responding to issues identified

The petition tried to incorporate local stakeholder views where possible but the authority has taken a holistic view of the project in Lichfield to develop the mitigation secured.

The authority has tried to co-ordinate the voice of Staffordshire but there are some local stakeholders with differing views. As previously outlined, individuals can make their own representations to the committee

5. What is the final proposal and what is it to achieve

As a result of petitioning the Hybrid Bill, the County Council has secured key modifications to the route which will reduce the impact of HS2 on our communities and environment.

The involvement in the Phase One petitioning will prove invaluable should the similar need arise for Phase Two.

6. How will we know we have been successful?

As a result of petition, key changes to the project in Lichfield have been secured. On-going dialogue will resolve outstanding petitioning items but if agreement cannot be reached, the authority has the option to continue petitioning the House of Lords.