

Internal briefing paper

High Speed 2 – Phases 1 and 2a

For: Economic Growth, Environment and Development (Overview and Scrutiny) Committee
Date: 19th September 2017

Key facts

To update Committee members of the progress with the Government's plans for high speed rail which impact upon Lichfield District.

Background

The Government is keen to develop an enhanced high speed rail system in the UK as part of an approach to facilitating sustainable economic growth across the country. High Speed 2 which comprises plans for a route between London and the West Midlands and later connections to the north west and Yorkshire respectively is intended to help boost growth outside the south-east.

Issues

Following an announcement in 2012 of plans for High Speed 2, on 23rd February 2017 Royal Assent was granted by Parliament for the construction and operation of a high speed rail link between London Euston and Handsacre, Lichfield District. This is known as HS2 Phase 1. The District Council has worked with Parliamentary agents, Staffordshire County Council and other parties throughout the development of the plans for Phase 1 to minimise any adverse impacts to residents of the District and the environment of the construction and operation of the rail link. The HS2 Phase 1 Act and the related supporting assurances and undertakings & agreed guidance reflects the Council's involvement in the process, as much as has been permitted.

The Act can be viewed at www.legislation.gov

The final version of the Environmental Minimum Requirements which accompany the Bill (and include the Code of Construction Practice) have been published [here](#).

The Register of Undertakings and Assurances has been updated and published [here](#).

Following Royal Assent, the nominated undertaker – HS2 Limited- is now working up its implementation plans for construction of the railway. This will involve HS2 securing the necessary detailed consents for aspects of the route design and construction eg. bridges, plant, highway routes and carrying out necessary preparatory or 'enabling' works. As local planning authority, Lichfield District Council has agreed to be a 'qualifying authority' (as has Staffordshire County Council as Highway Authority) for the purpose of assessing the detailed proposals meaning it will have more say in what can and cannot be built/developed – this does not however override the principle of development of the railway which was granted by the Act. Schedule 17 consent applications have begun being submitted to the Council for its determination.

Separately, HS2 Limited is putting together information which will help the local authorities and local communities understand the timing and nature of activities associated with the construction of the railway. Community Engagement Strategies will be produced alongside work programmes explaining planned actions. These will be made available to view on a new and dedicated HS2 Website and updated regularly.

HS2 Phase 1 is due to be operational by 2026.

On 17th July the Government deposited in Parliament a Hybrid Bill setting out plans for Phase 2a of HS2 – the north-west link from Fradley in Lichfield District to Crewe. As part of the Bill deposit a consultation exercise also commenced on the Environmental Statement (ES) supporting the proposed route design and mitigation. At the same time as submitting the Bill to Parliament the Government formally announced its intentions to progress in due course a similar bill to cover Phase 2b linking Phase 1 to Leeds via Derby/Nottingham and Sheffield.

The District Council is presently working with Staffordshire County Council to prepare a response to the ES consultation. A report was presented to the Council Cabinet on 5th September setting out the basis for a response and setting out the key issues: these are summarised at **Appendix 1** to this paper.

Following the end of the consultation period all comments will be presented alongside the Bill when it receives its second reading. This is likely to occur sometime in the new year. If approved at the second reading stage the Bill will then pass to a House of Commons Select Committee who will scrutinise the Bill contents in detail and indicate where it believes amendments should be made by Parliament. As with Phase 1 this will give the Council and other interested and affected parties the opportunity to petition the House of Commons (the same process also applies at the House of Lords stage) where there are issues which raise concern. This may result in changes to the final route and design.

Phase 2a is due to be operational by 2033.

Future actions

Phase 1 – as stated earlier the District Council is starting to receive schedule 17 consent submissions by HS2 necessary to allow it build the railway. HS2 under a service level agreement with the District Council will cover the costs of the work created as a result of this process.

Both LDC and Staffs CC sit on a route-wide Planning Forum which brings together all relevant local planning authorities impacted upon by Phase 1 and representatives from HS2 Limited. The forum will continue to be the conduit for raising and addressing issues in respect of implementing the Act.

Meetings have recently taken place with representatives of HS2 Limited to hear about the planned development of Community Engagement Strategies and how these will be presented and implemented.

Phase 2a – the District Council is working with Staffs CC to prepare and submit by the deadline of the 30th September a joint response to the consultation on ES. In parallel HS2 Limited are looking to engage and consult with local communities and individual land and property owners along the line of route to address general and more specific matters. The District Council following the 5th September Cabinet meeting is preparing to engage a Parliamentary Agent to advise it on the next stages of the Bill as it goes through Parliament.

Risk

As a Government sponsored project where decisions are taken by Parliament, the District Council has little if any say in whether a project such as HS2 will be agreed and progress. What the District Council can do and which it has with Phase 1 is to in detail scrutinise the proposals as they first emerge and seek to influence consideration of overlooked issues, the scope for alternative designs or enhanced mitigation to the benefit of the District and its residents. If through this process changes have not been made then the opportunity to formally petition parliament has been taken. There are risks associated with this ‘engagement’ and associated costs, including financial, however in the light of the Council’s objection to HS2 and reflecting the views of many local communities the costs of doing this are outweighed by the benefits which result from engaging and seeing subsequent changes being made to the plans. The intention is that the Council will replicate what it did on Phase 1 with Phase 2a.

Key benefits and outcomes

The District Council has maintained its objection to High Speed 2 ever since the plans were announced back in 2012. However, notwithstanding this the Council has sought to scrutinise the detailed plans for Phase 1 and now Phase 2a to ensure that impacts on local communities and the environment are minimised and mitigated for. With Royal Assent now having been granted for Phase 1 the Council and its partners, including Staffordshire County Council will be involved in scrutinising the arrangements for construction and future operation of the railway, holding HS2 Limited to account for complying with the Act and related undertakings and agreements. In addition as regards planning matters concerning design and appearance of certain elements of the scheme it has a formal regulatory role.

In terms of Phase 2a, as with Phase 1 the focus of the District Council’s attention will be on reviewing the now deposited Hybrid Bill and feeding its formal comments back through the Parliamentary channels. If there are concerns about any aspect of the proposals the opportunity will be there to petition the Select Committee following the second reading on the Bill and have those concerns considered.

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Summary of issues raised in respect of Phase 2a Environmental Statement – basis for formal response to be submitted by LDC and SCC prior to 30th September deadline

General

- The ES comprises a large number of documents covering a wide range of topics and issues. In parts the content of these documents shows inconsistencies which make it difficult to draw firm conclusions and reconcile statements made. For example, since the first iteration of the proposals the line of route has been lowered in certain areas but this is not always reflected in the assessment of impact on key features.
- Since the publication of a draft working version of the ES was produced in 2016 HS2 Limited has refined and 'improved' the route design. As now presented the line of route at least in parts has been lowered which is to be welcomed as the impact on local communities and the environment is duly lessened. Other changes relevant to Lichfield District include the removal of a maintenance loop in the Ridwares, the lengthening of viaduct near Kings Bromley to take account of re-modelled floodplain and proposed new borrow pits to support construction of the project.

Specific:

- A significant portion of Rugeley Power Station is identified as potentially being required during the construction phase of HS2. It is not clear from the documentation issued by HS2 of the actual extent of any land take and this is being pursued. However, this may mean the planned redevelopment of the former power station site is undeliverable during the current plan period and other issues of concern could emerge such as the movement of construction traffic in the local area.
- Unlike Phase 1, Phase 2a does not have such obvious impacts in terms of loss of commercial/employment floor space and subsequent business rates revenue. The route is rural and does not go through as many existing businesses. However to be consistent with our previous approach we should consider requesting compensation for lost business rates revenue resulting from demolitions.

- The proposed route includes significant stretches of viaduct which will be viewed in open countryside and prominent in the landscape, with associated visual and noise impacts
- As part of the development of the project, there are now four large scale borrow pits proposed in close proximity to Kings Bromley and the Ridwares where material to assist in the construction of the railway will be sourced. The impact of these in terms of their appearance, effect on wildlife/habitat and operation will need to be considered against the volume of traffic that would otherwise impact the area if the pits were not be utilised for the purpose envisaged and materials were brought in from elsewhere.
- A number of residents are concerned about the planned closure of Common Lane, which would cause heavy duty vehicles to be diverted past Richard Crosse Primary School in Kings Bromley. This point was raised as part of our response to the earlier Working Draft Environmental Statement.
- Protected/ priority species and habitat survey methodologies and results will need to be considered to check that impacts have been correctly determined and any mitigation suitably designed
- Habitat loss – including ancient woodland and locally designated wildlife sites will need to be considered including appropriate mitigation and offsetting.
- The assessment of impact on heritage assets is inconsistent and arguably uses an incorrect basis for determining the effects of the scheme and hence mitigation
- Concern over the baseline used to define the historic landscape, this appears to exclude appraisal of individual landscape features which are important at a local level

The above represents a summary of the key issues at the time of writing which will inform the final response. Further work is taking place and it may be that additional issues are identified which will be included in the response before it is agreed and submitted.