

# Executive

## HS2 Update Report

6 February 2012

### Report of Head of Strategic Planning and the Economy

#### PURPOSE OF REPORT

To receive an update report on the High Speed Rail proposals - HS2.

This report is public

#### Recommendations

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The Executive is recommended to:

- (1) Approve the proposed actions in response to the government announcement made on 10 January 2012
- (2) Note and endorse the officers' intention to seek legal advice as part of the 51M consortium on the merits of a possible application for a Judicial Review of the decision to proceed.

#### Executive Summary

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##### Introduction

- 1.1 On January 10 2012, the government announced that they intend to proceed with the HS2 project. This project will have a major impact on the Fringford ward.
- 1.2 It is our duty as a Local Planning Authority to seek to ensure that the District, local residents and businesses do not suffer as a result of such a large national infrastructure project.
- 1.3 The response from CDC to the HS2 consultation (July 2011) provided evidence of the potential implications for the District with considerable costs for mitigation.
- 1.4 A Judicial Review has the potential to demonstrate that the decision was unsound and can delay or overturn the decision. An application should only be made following the receipt of appropriate specialist advice.

## **Proposals**

- 1.5 To consider steps necessary to respond to the HS2 announcement.
- 1.6 To consider the legal issues surrounding this project.

## **Background Information**

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### **2.1 Government Announcement**

On January 10 2012, the government announced that they intend to proceed with the HS2 project. The official announcement stated that:

“BRITAIN TO HAVE NEW NATIONAL HIGH SPEED RAIL NETWORK

Britain will have a national high speed rail network providing vital new capacity and faster journeys across the country from 2026, Transport Secretary Justine Greening has announced.

HS2 will be a Y-shaped rail network with stations in London, Birmingham, Leeds, Manchester, Sheffield and the East Midlands linked by high speed trains conveying up to 26,000 people each hour at speeds of up to 250mph.

High speed trains will also connect seamlessly with the existing West Coast and East Coast main lines to serve passengers beyond the HS2 network in Edinburgh, Glasgow, Newcastle, Durham, York, Darlington, Liverpool, Preston, Wigan and Lancaster.

It will be built in two phases. The first will see construction of a new 140 mile line between London and Birmingham by 2026, the detailed route of which is published today. The second phase will see lines built from Birmingham to Leeds and Manchester by 2033. A formal consultation on second phase routes will begin in early 2014 with a final route chosen by the end of 2014.

The first phase of HS2 will include a connection to Europe via the Channel Tunnel. On completion of HS2 the network will include a direct link to Heathrow Airport.”

The DfT website contains a number of documents published today:

- The announcement of refinements to the previously announced ‘preferred route option’
- Revised maps for the proposed route
- A report on issues raised by the consultation on HS2 to which both Cherwell and South Northants Councils responded

More information can be found by following this link: [www.dft.gov.uk](http://www.dft.gov.uk)

### **2.2 Detail about proposed route changes**

The Minister has confirmed the Government’s intention to proceed with the Y route from London to Leeds and Manchester in 2 phases, the first phase being from London to Birmingham. The proposed route is broadly as

previously announced as the 'preferred route option'.

But, the Minister has announced 12 major refinements to the route, though none were announced for Cherwell District.

In view of the next stage, which will involve detailed negotiation it is worth noting a number of changes secured in neighbouring Districts:

- A new 'Green tunnel' is also included at Turweston, in Buckinghamshire – to the east of Brackley.
- Introduce a longer green tunnel (from ½ to 1 ½ miles) past Chipping Warden and Aston le Walls (in South Northants) and curve the route eastwards away from the village to also avoid a cluster of important heritage sites around Edgcote. These changes will provide additional mitigation for Aston le Walls, reduce setting impact on Grade I listed Edgcote House, avoid a Scheduled Monument (the Roman Villa site) and the possible location of the historic Edgcote Moor battlefield
- Lower the alignment and introduce a green tunnel past Greatworth (in South Northants), and a green tunnel (1 ½ miles) at Turweston. These changes will help mitigate landscape, noise and visual impacts as well as remove the need for a viaduct

Hs2 Ltd advised in a telephone call on the day of the announcement that issues relating to the impact on the highways network and local roads will be considered in the next phase of work.

### **2.3 HS2 Ltd Next Steps**

HS2 Ltd also advised that the next stage of their work would include:

- I. The setting up of a series of Forums to consider a) planning matters in Northamptonshire and Oxfordshire (similar forums will be convened for other Counties), b) a Community Forum to involve Parish Councils and community groups along the route in Northamptonshire and Oxfordshire (similar forums will be convened for other Counties) and c) a National forum to consider environmental policy matters which will involve Natural England, Government Departments etc and a Local Government input. The first meeting is due on XX
- II. Consultation on land safeguarding for the route will take place in the Spring, with decision in Autumn 2012 – no firm dates are yet available.
- III. Consultation on compensation for properties and interests the length of the route will take place in the Spring, with decision in Autumn 2012 – no firm dates are yet available.
- IV. Public consultation on the Environmental Statement is now planned for Spring 2013 (this is later than previously advised)

### **2.4 CDC Response to the Government Announcement**

In specific response to the government announcement on January 10th, CDC issued a press release the same day with the following wording:

“Disappointment at HS decision

Cherwell District Council is disappointed at today's announcement that the Government is pressing ahead with plans for the HS2 high-speed rail line.

The announcement was made by transport secretary Justine Greening today (Tuesday, 10 January).

The council opposed the scheme on the basis that the business case was flawed and further capacity could be provided on parts of the existing network at far lower cost.

Other concerns were for damage to the landscape and potential financial impact for homeowners in the area.

Councillor Michael Gibbard, Cherwell's lead member for planning, said: "We have always considered this project an enormous white elephant and are disappointed by today's decision.

"We are not giving up. This is an early stage in the decision-making and we will work with partners to consider a challenge."

Our consultation response in July 2011 provides a good basis for development in the light of this government decision. It also forms the basis for the response to the consultation on Land Safeguarding and Environmental Impact Assessment that are both expected later in 2012.

Now it has been confirmed that the project will proceed to construction, this advance identification of the level of detail we expect during the preparation work by DfT and hence the quality of the finished scheme has set an important precedent. It also clearly outlines our expectations as the local planning authority.

## **2.5 Next Steps by CDC**

Following the announcement, CDC is planning to work with SNC officers on the following actions:

1. On going partnership working with NFU, Wildlife Trust BCN and the local Chambers of Commerce to assess impacts and hence the mitigation and compensation required to ensure that the integrity of the district is not compromised.
2. Meeting with local ramblers and equestrian organisations to discuss rights of way issues and to start building up step by step road realignment / footpath / bridleway realignment issues to present/negotiate based on our earlier analysis. We will be engaging with OCC Highways too.
3. Meeting with NFU to ensure we pick up any farming issues relevant to our planning role.
4. Meeting with local Wildlife Trust to discuss next steps on Environmental impact mapping.
5. Prepare for the Safeguarding consultation and ensure that the route is recorded through the land registry.
6. Prepare for the Compensation consultation – making sure we have identified any issues relevant to our role as Planning Authority and make sure no residents/businesses are missed.

## **2.6 Environmental Impacts**

To date, a contribution of £38,000 from CDC's HS2 reserve has paid to the Local Authority consortium 51M to co-fund a set of very detailed technical reports in support of the evidence to the Transport Select Committee and the 51M evidence to HS2/DFT.

Additional local research is required to secure an independent, detailed assessment of the ecological impacts affected the length of the Preferred Route in preparation for the Environmental Impact Assessment which HS2 propose to undertake in 2012/13.

One of the objectives for the negotiation with HS2 will be to secure a commitment to "no net loss in biodiversity" and an acknowledgement that any mitigation proposals need to include the costs of implementation and also long-term management

In brief, the study will need to:

- Produce a user-friendly overview of the anticipated wildlife impacts of HS2
- Provide further detail with respect to habitats and where possible species
- Produce guidance on a proposed mitigation response. This was undertaken based on the hierarchy of first reducing the impact of the development on site; then mitigating on-site and finally the options for off-site mitigation

It is proposed that this work is undertaken jointly with SNC to secure economies of scale.

## **2.7 Working with the Local Authority HS2 Alliance (51M)**

The consortium 51M now consists of eighteen local authorities with 3 new local authorities having recently joined the national campaign to actively challenge the HS2 scheme:

- Harborough District Council
- Three Rivers District Council, Hertfordshire
- Coventry City Council

The announcement made by 51M immediately following the government announcement was:

Fight goes on as Councils condemn decision to proceed with HS2

"COUNCILS opposing HS2 say that although they have no objections to the principle of high speed rail, they will continue to fight the current flawed proposals, following news that the Government plans to press ahead with the £32 billion project. Leaders will be examining the decision and considering whether there are grounds for a legal challenge.

"This is an immensely bad decision for Britain," said Martin Tett, Chairman of the 51m alliance of local councils challenging the scheme, and Leader of Buckinghamshire County Council. "At a time of national austerity with rising unemployment and a massive deficit how can spending more than £32 billion

on a rail line be justified? Virtually all objective analysts have condemned this project. The business case is fundamentally flawed, it doesn't deliver the extra capacity where and when it is needed on the main commuter routes and it fails to help regenerate manufacturing industry in this country."

More information is available at [www.51M.co.uk](http://www.51M.co.uk)

## **2.8 Considering a Judicial Review**

Now that the government has decided to proceed with the current proposal for high speed 2, the Council needs to consider its position on whether there are any grounds for making an application to judicially review the Secretary of State's decision either alone or in collaboration with some or all of the 51M members. The 51M consortium is currently seeking legal advice on this and this will be considered by the Head of Law and Governance when it is received.

In the event that the Executive wishes to discuss this aspect of the matter any further it is recommended that the public be excluded from the meeting for such discussion pursuant to paragraph 5 of Schedule 12A to the Local Government Act 1972.

## **2.9 Key Dates**

- 2012 (January 10): Decision to proceed with the proposal
- 2012: DfT consultation on Safeguarding of the route (transfer of local planning powers)
- 2012/13: DfT Consultation on Environmental Impact Assessment
- 2015: Hybrid Bill is taken through parliament (SNC will be invited to submit evidence)
- 2016/17: Earliest proposed start date for construction
- 2024: Testing
- 2026: High-speed line operational

## **Key Issues for Consideration/Reasons for Decision and Options**

- 3.1 CDC is the Local Planning Authority and the only public body able to respond on matters of detail relating to the route now that it has been confirmed by Government. Failure to discharge this role will leave the District at considerable disadvantage.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- |                     |   |
|---------------------|---|
| <b>Option One</b>   | To agree the recommendations as set out |
| <b>Option Two</b>   | To amend the recommendations            |
| <b>Option Three</b> | Not to agree the recommendations        |

## Consultations

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### SNC and 51M

Extensive discussions on the nature and potential impacts of High Speed rail on sensitive landscapes.

## Implications

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### Financial:

The cost of contributing to the work of the 51M consortium has been met from the HS2 Reserve. To date £38,000 of the £50,000 Reserve has been spent.

Comments checked by Martin Henry, Director of Resources, 03000030102.

### Legal:

The consideration of a legal challenge to the Government decision requires full legal advice. Any application for judicial review would need to be made promptly and in any event within three months of the announcement.

Comments checked by Kevin Lane, Head of Law and Governance 0300 0030107

### Risk Management:

There are major implications for the District from the DfT proposal, which the approach in this paper are designed to address.

Comments checked by Claire Taylor, Corporate Performance Manager, 0300 0030113

## Wards Affected

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### Fringford

## Corporate Plan Themes

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### A Cleaner, Greener Cherwell

## Lead Member

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**Councillor Gibbard**  
**Lead Member for Planning**

## Document Information

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Appendix No	Title
Appendix A	The Transport Select Committee November 2011.
<b>Background Papers</b>	
CDC consultation response DFT announcement and associated papers (10 Jan 2012)	
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