

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – THURSDAY, 23 FEBRUARY 2017

Title of report	HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS - RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
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Purpose of report	To agree the Council’s response to the HS2 proposal and the current consultation in respect of the proposed route for HS2 in the district.
Council priorities	Homes and Communities Business and Jobs
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>In the event of HS2 proceeding it is likely that this will have staffing resource implications on an ongoing basis. These will be managed as far as possible within existing staffing resource but there may be a need for specialist input which will need to be budgeted for.</p> <p>None</p> <p>Failure by the Council to respond to the current consultation would potentially result in local concerns not being considered to the detriment of local communities along the proposed route of HS2.</p> <p>Not applicable</p> <p>None discernible</p> <p>Not applicable</p>

Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	None
Background papers	HS2 documentation all available at: https://www.gov.uk/government/organisations/high-speed-two-limited
Recommendations	<p>THAT COUNCIL:</p> <p>(I) AGREES THE HS2 STRATEGY FOR THE DISTRICT APPENDED TO THIS REPORT;</p> <p>(II) AUTHORISES OFFICERS TO NEGOTIATE WITH HS2 LTD TO MAXIMISE THE LOCAL BENEFITS ARISING FROM HS2 INCLUDING IMPROVING CONNECTIVITY FROM THE DISTRICT TO THE HS2 STATIONS;</p> <p>(III) AGREES THE RESPONSE TO THE HS2 CONSULTATION AS APPENDED TO THIS REPORT AND AUTHORISES THE DIRECTOR OF SERVICES TO SUBMIT THE COMMENTS AS THE COUNCIL'S OFFICIAL RESPONSE TO THE HS2 CONSULTATION; AND</p> <p>(IV) SUPPORTS THE COUNCIL'S PROACTIVE ROLE IN SEEKING TO SUPPORT BUSINESSES AND RESIDENTS ACROSS THE DISTRICT WHO MAY BE AFFECTED BY THE HS2 PROPOSALS</p>

1.0 BACKGROUND

- 1.1 At its meeting on 21 January 2014 Council considered the consultation on the proposed route of HS2 and at that time the Council resolved to object to the route on the basis that the district would be significantly impacted without any tangible benefit.
- 1.2 In November 2016, the Government published proposed route changes and commenced a consultation period which expires on 9 March 2017. The purpose of this report is to allow Council to consider its position in light of the proposed route changes and to respond to the Government's consultation.

2.0 CONTEXT

- 2.1 The construction of a new high speed railway through the district will have significant implications, principally while the engineering works are underway. It is considered that the Council has an important role to play, to assist local residents and businesses wherever possible, to make a balanced case in order that opportunities are maximised, and providing relevant and up to date information.
- 2.2 Expert consultants (SLC Rail) have been engaged, to provide know-how, guide the Council and help to narrow down options and priorities. As part of thier engagement,
- Representatives of SLC ran a workshop with colleagues within the Council, to determine the constraints and important features of the District;
 - Representatives of SLC presented to Policy and Development Group on 11 January 2017 and gathered views of members on the proposed route changes
 - Representatives of SLC have been meeting with local communities, parish councils and other groups affected by the route changes;
 - Key external bodies were approached (such as the National Forest Company) to share information about the likely impact on their assets as a result of HS2;
 - A meeting has been held with HS2 officials to gather more information on the consultation; and
 - Materials have been prepared as a result of this work, which are appended to this report.

3.0 PROPOSED STRATEGY

- 3.1 SLC's refreshed work has resulted in a proposed strategy for the District which is appended to this report. In summary, that strategy, which is commended to the Council is to:
- Recognise the economic benefit nationally and locally of delivering HS2 brought about by better connectivity and greater capacity on both rail and road networks;
 - Ensure the Council engage with HS2 Ltd, Highways England, Network Rail and bus operators to optimise local connectivity benefits from HS2;
 - Actively engage with HS2 and other local/regional stakeholders;
 - Respond to the latest consultation document by 9th March 2017;
 - Ensure the Council always presents a balanced position on HS2;
 - Support our residents, particularly those who will need to claim compensation;
 - Engage directly with action groups through one point of contact who is able to liaise with them and act as an advocate for their views, and ensure that these are communicated with HS2 and other stakeholders. That point of contact will be the Council's Head of Planning and Regeneration.
- 3.2 If members agree with this strategy, then this will become the Council's official position on the HS2 project. This will mean the Council moves away from outright opposition to the scheme and instead recognises the benefits that will flow from developing a High Speed rail link connecting some of the country's major cities. However that recognition and general support does not take away from the fact that at places along the route there are clear issues of concern that need to be addressed as part of the more detailed planning for the scheme. In that context, Council is also asked to endorse officers proactively engaging with

HS2 Ltd in order to properly negotiate and seek to secure benefits for the district in accordance with the approved strategy. In particular, members are asked to endorse that a key part of those improvements must be to secure regular, high quality public transport links from the district to the HS2 stations.

4.0 RESPONSE TO CONSULTATION

4.1 Appendix 2 to the HS2 Strategy sets out a proposed response for the Council to the current consultation on the HS2 route changes. This response sets out in some detail the likely level of impact along the route in the district and points out particular areas of concern.

4.2 In summary, the proposed consultation response is:

- To recognise the logic behind the **East Midlands Airport/Kegworth amendment**, as there are clear financial benefits for HS2 Ltd for not constructing a 3km tunnel underneath the airport. The course of the railway will also follow the A42, which is in line with HS2's basic principle of following existing transport corridors where this is feasible. However there is a need to mitigate and compensate for the loss of amenity space and playing fields as a result of losing planning permissions to the west of Kegworth and to take account of new bridges that are needed to ensure the delivery of the Kegworth by-pass is not jeopardised.
- To point out that the Council's clear preferences would have been for either a station at East Midlands Airport (similar to the one at Manchester Airport), or failing that, one alongside the existing station at East Midlands Parkway rather than a station at **Toton interchange**. However, we recognise that HS2 Ltd have made their decision on Toton to place the new station equidistant from Derby, Nottingham and Leicester to give fair access from each of the East Midlands cities. It is therefore now the Council's priority to ensure the best possible connectivity between Toton and the district, and to this end the Council will expect HS2 Ltd to support this aim and to work closely with all local councils to achieve this.
- To point out that the District Council is **unable to agree with the proposed amendment to move the railway east of Measham**. The proposed Council response gives a number of reasons for this disagreement, including noise, wildlife, housing and jobs, heritage, in particular the impact on the St John Moores Foundation and the detrimental impact this route change will have on the villages and towns of Appleby Magna, Appleby Parva, Measham and Packington. The Council response recognises the reasons why HS2 Ltd have proposed such a change, principally to avoid impacting on the Plastic Omnium factory at Measham. However the Council response highlights the significant impacts the proposed re-route will have on the area and asks HS2 Ltd to reconsider this route change in comparison to the other available options around Measham, at least one of which would still avoid the Plastic Omnium factory, and to publish a full impact assessment of all of the route options around Measham.

4.3 Council is therefore asked to endorse this response to the consultation and authorise officers to submit to HS2 Ltd as North West Leicestershire District Council's official response to the HS2 consultation.

5.0 THE COUNCIL'S PROACTIVE ROLE

- 5.1 As well as responding to the current consultation, the proposed strategy for the Council is to offer as much support as possible, whilst taking a balanced view, to residents and businesses in the district that may be affected by the proposed route. To that end, a list of business that are directly affected by the railway has already been compiled. It is intended that the directly affected businesses will be approached by the Council, and offered a package of assistance comprising two key elements:
- 5.2 The first element is to signpost businesses to where they can access compensation and this has already been undertaken by the Council's Business Focus team.
- 5.3 The second element is to assist those businesses that need to relocate, to find alternative land and/or premises. The Council already maintains a register of available business premises and land, and affected businesses will be prioritised. It is proposed to operate a sequential approach to finding new sites for existing businesses. The first priority will be suitable sites within the District, the second priority will be suitable sites within the County of Leicestershire, and the third priority will be within the Travel to Work Area (which is a 60 minute radius).

Public Protection

- 5.4 The Environmental Protection Act 1990 is relevant to noise and vibration that is likely to be experienced during the construction of the railway. This is enforced by the District Council in the normal way, in the usual way following the councils enforcement policy which adopts a staged approach to enforcement.
- 5.5 Once the railway is in operation, the Railways Act 1993 provides a defence for operators against a claim on the basis of nuisance arising from the operation of railway services, provided they are carried out without negligence. The Council does not have powers to investigate claims of negligence, so once operational, the responsibility for the investigation of any complaints would lie with the rail regulator.
- 5.6 Private claims may be brought for compensation as a result of vibration, provided that the value of land or property is reduced as a result. Complainants should obtain their own legal advice
- 5.7 In the light of the limited powers, both in duration and extent, that the Council possesses, it is intended that the Council's focus should be on the acoustic management, such as ensuring that the line has appropriate fencing and bunding, to protect affected receptors as far as possible.