

HIGH SPEED RAIL UPDATE

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Cabinet Portfolios	Leader of the Council Planning, Transportation and Recycling
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Papers with report	Appendix 1: 51m's response to the Phase Two HS2 Consultation (Attached) Appendix 2: The Council's response to the Environmental Statement Consultation. (due to size, circulated separately to Cabinet Members, Executive Scrutiny Committee and Group Offices only. It will be available to view and download on the Council's website)

HEADLINE INFORMATION

Summary	This report updates the Cabinet on the Government's proposals for High Speed Rail, including an update on the outcome of the recent Supreme Court appeal and a further judicial review challenge which the Council has brought jointly with HS2 Action Alliance in respect of the Safeguarding Directions which the Government has issued. The report also seeks Cabinet's approval to the Council's response to the Government's Environmental Statement which accompanied the Hybrid Bill and Cabinet's endorsement of 51m's response to the consultation exercise on Phase Two of HS2
Contribution to our plans and strategies	Hillingdon's emerging Local Plan Hillingdon's Unitary Development Plan Saved Policies 2007 Hillingdon Partners Sustainable Community Strategy
Financial Cost	The Council's 2013/14 and proposed 2014/15 Development and Risk contingency considered elsewhere on this agenda each includes £200,000 earmarked for any potential challenge against the High Speed 2 scheme.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	South Ruislip, Manor, West Ruislip, Ickenham, Harefield

RECOMMENDATIONS

That Cabinet:

1. **Notes the contents of the report including the update on the legal challenges against the HS2 Scheme.**
2. **Endorses 51m's response to the Government's HS2 Phase Two consultation.**
3. **Approves in principle the Council's response to the Environmental Statement consultation, delegating authority to the Deputy Chief Executive and Corporate Director of Residents Services, in consultation with the Leader of the Council, to make any further changes that may be required to it, before agreeing its final submission.**
4. **Strongly appreciates the efforts of local residents groups that have been established in response to the HS2 proposal and reaffirms this Council's commitment to work closely with them in their campaign against HS2.**
5. **Instructs officers to take all necessary agreed actions to continue to oppose the HS2 Scheme, including joint working with the 51m Group and HS2 Action Alliance and lodging a petition in Parliament against the Hybrid Bill Phase One, and to report back to Cabinet on any significant issues.**

INFORMATION

Reasons for recommendation

The proposed High Speed 2 [HS2] rail line is the most significant major infrastructure proposal since the third runway. Its adverse impacts are considered to be far in excess of any perceived benefits that will arise from the proposal.

The Government commenced a consultation exercise on Phase Two of HS2 on 17th July 2013, and it is important that 51M, of which the Council is a member, sends a robust response to the proposals set out in the consultation document.

The Government issued the HS2 Hybrid Bill on 25 November 2013 accompanied by a 50,000 page Environmental Statement [ES] which is subject to public consultation. By responding robustly to this consultation, the Council will ensure that the impacts of HS2 on communities are identified and will urge the Government to put suitable mitigation measures in place in the event that the HS2 project proceeds to implementation. The Council will also be petitioning against the Hybrid Bill and the response to the ES will be used as a basis for the petition.

The Council, as part of the 51m Group, appealed to the highest Court in the land, the Supreme Court, and the outcome of this appeal is set out in the report together with details of a separate legal challenge which the Council has jointly brought with HS2 Action Alliance [HS2AA]

Alternative options considered

The alternative option would be for the Cabinet to decide not to respond to the consultation on the ES or to endorse 51m's response to the Phase Two consultation. This is not considered to be an appropriate option, due to the adverse impacts that HS2 will have upon residents of the borough.

The Cabinet could also decide that the Council should not proceed with the joint legal challenge it has brought with HS2AA but this is also not be considered to be an appropriate option for the same reason as that set out above.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting Information

Background

1. The Cabinet report of July 2011 set out the Council's response to the Government's consultation on HS2. The 134 page submission emphasised the Council's concerns on the approach to the high speed rail strategy, the insufficient assessment of alternatives, lack of alignment with other Government strategies (most notably the aviation strategy) and it gave specific details on the devastating local impacts the proposed high speed route would bring to large parts of the Borough.
2. The last report which Cabinet considered on HS2 was in July 2013. It updated the Cabinet on the general progress of HS2, it sought Cabinet endorsement of the two consultation responses in relation to the HS2 consultations on the Phase One Design Refinement and the Phase One draft ES and finally, it updated Cabinet on the steps taken by the Council to legally challenge the Government's 'Decision' to proceed with the HS2 project in its document 'High Speed Rail: Investing in Britain's future - decisions and next steps' (DNS).
3. This report provides an update of the progress of HS2 since July 2013, seeks Cabinet approval to the Council's response to the consultation in relation to the ES, seeks Cabinet's endorsement of 51m's response to the consultation exercise on HS2 and finally, it provides an update on the outcome of the Supreme Court appeal and the further legal challenge which the Council has jointly brought with HS2AA.

Update on High Speed Two

4. In January 2012, the Government issued the Decision and Next Steps (DNS). This document totally ignored the consultation responses that challenged the heart of the principle of high speed rail and the route chosen. Instead, the document included decisions to:
 - proceed with the full network as was consulted on in 2011;
 - broadly proceed with the London to Birmingham route as previously consulted;
 - proceed with the Heathrow spur as previously consulted.

5. Given that fundamental objections by the Council and 51m to the Government's consultation in respect of the HS2 strategy and preferred route were not satisfactorily addressed, the Council, as part of 51m, decided to bring a judicial review challenge against the Secretary of State in the High Court on the basis that the DNS was unlawful. An update on the legal challenge is provided in paragraphs 39 to 53 below.

The Council's engagement with the HS2 project to date

6. In spite of the legal action taken by 51m, the Government and HS2 Ltd have pressed ahead with the HS2 project and the key milestones for the period May 2012 to January 2014 are set out, as a chronology, in the following paragraphs.
7. In May 2012, the Council coordinated the 51m response to the Environmental Impact Assessment - consultation on scope and methodology. The draft Scope and Methodology report was criticised as being ill conceived and totally inadequate. In November 2012, HS2 published a revised Environmental Impact Assessment scoping report which unfortunately still contained a number of glaring omissions and no real change of direction on the approach to the assessment by HS2 Ltd materialised.
8. In November 2012, the Council submitted a response to a Health Impact Assessment Questionnaire on scoping in relation to the draft health impact assessment. A number of significant concerns were raised about the approach being undertaken and of the lack of detailed information for comment.
9. In January 2013, the Council sent robust responses to two Government consultations on Safeguarding and Property and Compensation.
10. On 28 January 2013, HS2 Ltd published 'Phase Two: The route to Leeds, Manchester and beyond'. This alerted the communities further north, which had previously been relatively silent on the high speed proposals, to the potential local impacts of the project. The announcement within this report that work on the Heathrow Spur had officially been put on hold until the Airports Commission reported its recommendations in mid-2015 was also of strategic significance.
11. The High Court ruled on 15 March 2013 that the Government's consultation proposals on Property and Compensation were unlawful, forcing the Government to re-consult. At the same time it dismissed 51m's legal challenge.
12. On 16 May 2013, the Government launched two separate consultations. The first was on the HS2 Phase One Design Refinement and the second on the Phase One draft ES. Cabinet endorsed the Council's responses to both consultations at its meeting on 25 July 2013.
13. The Appeal Court heard the appeal in June 2013 and delivered its judgement in July 2013, dismissing all 51m's grounds of appeal apart from one which related to its contention that the Government was required to carry out a Strategic Environmental Assessment [SEA] in relation to the DNS which it issued in January 2012.
14. On 9 July 2013, the Government formally issued safeguarding directions for the whole of Phase One of HS2. The legal effect of these directions are outlined in paragraph 48 of the report below.

15. In September 2013, the Government launched a fresh consultation exercise on Property Compensation in accordance with the High Court's ruling. The consultation closed on 4 December 2013. The Council sent a robust response to the Government's proposals which was approved by the Leader of the Council.
16. In October 2013 the appeal by 51m was heard in the Supreme Court.
17. The Government revoked the July 2013 directions on 24 October 2013 and replaced them with a new set of directions.
18. The High Speed Rail [Preparation] Act 2013 received Royal Assent on 21 November 2013. It authorises the Secretary of State to incur expenditure on such matters as pre-construction activity [such as surveying and design], acquiring property and in paying compensation in respect of property likely to be affected.
19. The Supreme Court delivered its judgement on 22nd January 2014 and dismissed both 51m's grounds of appeal.

Current Government Consultations

20. On 17 July 2013, the Government commenced a consultation exercise on the proposed high speed rail route from the West Midlands to Manchester, Leeds and beyond (Phase Two). In addition to ascertaining views on the proposed route, the consultation also asked for views on the sustainability impacts of the proposed line of route. Although Phase Two of HS2 does not directly impact upon Hillingdon residents, the Council nevertheless agreed that a response to the consultation should be sent by 51m. The Council has not sent its own separate response. The deadline for responses was 31 January 2014. 51m's response, which can be found at Appendix 1 of the report, has been submitted to meet this deadline and Cabinet is being asked to endorse it.
21. On 25 November 2013, the Government published the HS2 Hybrid Bill which was accompanied by a 50,000 page ES. This Statement is subject to a public consultation exercise which was originally due to end on 24 January 2014. It is fair to say that the ES process has been a shambles. There were a number of omissions in the documents sent out by HS2 Ltd, with a number of important missing pages and incomplete maps. Volume 5 of the Statement was issued late and the HS2 Phase One GIS Environmental data was only made available as late as 28 January 2014.
22. The matter was referred to the House of Lords Standing Orders Committee which decided that the period for commenting on the ES should be extended to 27 February 2014 on the basis that there were a significant number of missing pages which could not be considered by consultees until 2 January 2014.
23. Further details of both consultation responses are set out below.

51 M response to Consultation on Phase Two of HS2

24. Although the Council has not sent its own individual response to this consultation, its officers have sent their comments to Buckinghamshire County Council who has coordinated the response on behalf of 51m. The Council's comments have been incorporated in the response.
25. Phase Two is the northern part of the scheme running from Birmingham to Leeds and Birmingham to Manchester. It is known as the "Y" network. Importantly, a Heathrow Spur that had been proposed as part of Phase Two originally is still on hold and it did not form any part of the consultation exercise.
26. The 51m response, which is attached as Appendix 1 to the report, maintains the opposition to the HS2 scheme and emphasises that there are far more cost effective alternatives. The response also highlights a fundamental change to the principles behind the design of Phase Two that has led to further concerns about the rationale of the whole scheme.
27. A summary of the main points contained in the 51m response is set out as follows:
 - (a) The principle of the Y network is not part of this consultation and there has never been a fair consultation on this principle.
 - (b) The philosophy for the design of Phase Two is substantially different namely,
 - Speed is not the driving factor for the Y network - 75% of the Leeds arm has a design speed of less than 400kph, whereas only 25% is less than 400kph for Phase One and this is nearly all in the tunnels out of London.
 - The alignment has been designed to follow major transport corridors [motorways] where possible, whereas Phase One was designed to achieve a speed of 400kph for its whole length [except tunnels and approaches to stations].
 - The alignment has significant deviations in it to avoid sensitive environmental areas and population centres.
 - (c) The lack of reliance on speed means that there is greater flexibility in avoiding harm. It also means that the costly High Speed trains will rarely reach top speed north of Birmingham.
 - (d) Many of the route options for Phase One were rejected on the basis that design speeds would be lower than the preferred route. The increased journey times and extensive tunnelling requirements were considered to be more important than the environmental benefits. However, as the Phase One scheme has developed, more tunnelling is required and the cost has gone up. The preferred Phase One option is therefore more costly and more harmful to the environment than other options.
 - (e) There is more flexibility around the station options for Phase Two and opinions are sought on the locations of intermediate stations and additional stations for the Y network. However, the consultation on Phase One was far more rigid and there was no scope for considering stations beyond those presented.

- (f) The Government has changed its justification for HS2 from speed to capacity, claiming that the West Coast Main Line is full which it uses as a justification for the need of HS2. This argument is fundamentally flawed.
- (g) HS2 as an engine for growth has not been proven. The Phase Two consultation provides no further credible evidence as to how HS2 will provide sufficient benefits that outweigh the very considerable harm.

The Council's response to the Environmental Statement Consultation

- 28. As is indicated in paragraph 20 above, the entire ES consultation process has been very unsatisfactory. In spite of this, the Council gives it the utmost importance and has prepared a detailed response which can be found at Appendix 2 of the report.
- 29. The response is in two parts. The first part has been prepared in the Council's capacity as an environmental authority. The Council is also the owner of land which will be negatively impacted by the HS2 project and therefore the second part is a response which has been prepared in the Council's capacity as a landowner.
- 30. Parliamentary Standing Orders were amended in June 2013 and a new House of Commons Private Business Standing Order 224A was introduced. This requires the Minister responsible for the Bill to publish all the comments made in response to the ES and to send them to an "independent assessor". The role of the assessor is to summarise the comments which have been made. The summary will be made available to MPs together with the ES at the second reading stage of the Bill. Standing Order 224A does not require the assessor to reach any conclusion in relation to the comments made or to conduct any evaluation of the ES. This is yet a further example of the Government adopting a significantly flawed process which does not instil any public confidence.
- 31. The Bill, if enacted, will authorise compulsory acquisition of land, rights to occupy land, rights to stop up and divert highways and to construct and operate a new high speed railway - initially between London and Birmingham. The land affected will include many thousands of acres over a sixty miles route. Four stations are proposed as part of Phase one - two in London (Euston and Old Oak Common) and two in Birmingham (Birmingham International Airport and Curzon Street).
- 32. HS2 Ltd has sent out formal notices to owners and occupiers of land likely to be directly affected in the Borough, utility undertakers and to the Council itself.

Overview of Hillingdon response to the Environmental Statement Consultation in its capacity as an Environmental Authority.

- 33. The response to the ES consultation reaffirms the Council's opposition to the scheme. It acknowledges that the borough will see a considerable amount of harm over the course of 8 years of construction as well as lasting adverse effects. The response acknowledges that there are extreme adverse effects associated with the scheme but no benefits.

34. The adverse effects can be summarised as follows:

- There is no business case for Phase One and the details in the ES do not reflect the changing objectives of the scheme. Principally, the ES clearly shows that more people will be travelling into London than leaving. There is no case to suggest that HS2 will rebalance the economy.
- The preferred option was originally selected because it was cheaper, quicker and involved less tunnelling than the alternative options, despite being more harmful to the environment. Subsequently, the Government has revealed the scheme is not about speed and the design of Phase One includes considerably more tunnelling with the associated costs rising. The response sets out the Council's concerns that there has never been a review of what would be the most suitable route which has seriously undermined the credentials of the proposed scheme.
- The response sets out the concerns over the poor quality of the assessment and that it does not befit the magnitude of the scheme or the public funds spent on it. The Council does not consider the ES to be compliant with the Environmental Impact Assessment Regulations or that it provides a sound evidence base for supporting the scheme.
- The response also raises concerns that if the scheme were to go ahead the Council will have to use its own resources to complete the work of HS2 Ltd.

35. The response also sets out the level of environmental harm in the Borough which includes:

- Approximately 200 hectares of lost farmland with only 145 restored on completion. This equates to an area approximately the combined size of the urban areas of Harefield and South Harefield which have a population of nearly 8000 people;
- The severance of farm land will increase the amount of land no longer available for farming;
- Exceedences beyond minimum EU air quality levels in areas affected by construction traffic. This will have an adverse impact on health;
- The loss of Hillingdon Outdoor Activity Centre, a charity run centre which has 22,000 users from a wide range of areas and backgrounds;
- Adverse noise impacts to communities;
- Disruption of roads and local services from construction traffic;
- Impacts on Ruislip Golf Course and the loss of Ruislip Rifle Club;
- Use of the Colne Valley as quiet recreational area is reduced even with noise barriers in place;
- Diversion of public rights of way onto busy roads with no footways endangering lives;
- Impact on many cultural heritage features such as Brackenbury Farm;
- Impacts on archaeology likely to be significant but have not been assessed;
- Significant impacts on the Mid Colne Site of Special Scientific Interest (SSSi);
- Impacts on several smaller nature conservation sites;
- A total loss of over 150 hectares of natural habitat;
- European Protected Species lost, disturbed or displaced;
- Non European Protected Species not adequately considered;

- A Viaduct through the Colne Valley that fundamentally harms the landscape;
- Changes to landscape from placement of excavated material;
- The plantation of new woodland in open countryside;
- Realignment of Pylons adversely affecting Uxbridge Golf Course;
- The dumping of excavated material onto areas of contaminated land;
- Congestion impacts on local businesses inadequately assessed;
- Significant noise increases which will affect over 200 properties;
- Significant noise Impacts in the Colne Valley changing to being noisier than the average ambient noise levels of an urban area;
- An increase in congestion from traffic movements with some being potentially entirely impractical;
- Increased risk of surface water flooding.

36. Despite the objections, the Council recognises that due to the unique decision making process adopted by the Government, the scheme could proceed without adequate consideration. In this instance, the Council will need to work with HS2 Ltd or petition for mitigation. The response sets out the approach to mitigation:

- (a) **Primary:** The Council believes that the amount of harm across a wide range of environmental and social matters warrants the extension of tunnelling from West Ruislip through to the west of the Colne Valley. This is likely to form the basis of the main petitioning points.
- (b) **Secondary:** If a tunnel is deemed unfeasible, the Council wants to see a vision for the environmental mitigation in the area. At present there appears to be a random approach to planning new woodland and grassland. The Council wants HS2 Ltd to come up with a scheme that provides a clear environmental benefit but one which also serves as a social and community facility. Comparisons have been made in the response to the role of the Barnes Wetland Centre in West London as a visionary approach.

The secondary mitigation will also include ensuring adequate noise mitigation is in place including property improvements where necessary. The Council also seeks a redesign of the congestion routes and commitment to removing all excavated material by rail.

Overview of Hillingdon response to the Environmental Statement Consultation in its Capacity as a Landowner

37. The focus of the response is in relation to seven particular parcels of land which are:

- Ruislip Golf Course and Clubhouse;
- Park Lodge Farm [which includes Dews Farm];
- Hillingdon Outdoor Activity Centre [HOAC];
- Denham Quarry;
- Priors Farm;
- Bourne Farm;
- Uxbridge Golf Course.

38. It is apparent that the ES is particularly weak in terms of the amount of information and detail it has provided in relation to land owned by the Council. This has made it difficult

for the Council to formulate a more robust and coherent response to the issues which have been highlighted in the ES.

39. The response has highlighted the following issues:

- Large amounts of soil will be deposited on Council owned land some of which are consistently saturated. The depositing of soil on other sites could also have a negative drainage impact on land owned by the Council;
- Noise and dust arising from the construction works will negatively impact upon land owned by the Council;
- HS2 will adversely impact upon Council owned land that is currently used for recreational purposes. This includes not only HOAC, Ruislip and Uxbridge golf courses but also open space off Priors Lane, a significant amount of well used public rights of way and the Colne Valley;
- The permanent loss of Ruislip golf course as an eighteen hole competition course;
- Loss of members at Ruislip golf course which will impact on the Council's revenue. The course may ultimately be forced to close and if this were to happen, a number of employees would face the prospect of losing their jobs. No proposals for compensation for these losses have been put forward in the ES;
- Excavated material will be deposited on Park Lodge Farm some of which is contaminated. Without a suitable restoration plan in place, the land may not be fit for another use which will have costs implications for the Council;
- The construction works will cause considerable severance to Dews farm which will significantly decrease the amount of rental income for the Council;
- An angling club with other 250 members will no longer be able to use a lake at Denham Quarry [which is also used by HOAC] as the fishing stock will be harmed by the piers for the Colne Valley viaduct which will be located in the lake;
- HOAC will effectively have to close on the basis that the Colne Valley viaduct will cross its site. A very valuable community facility will be lost for good. No alternative site, either within or outside the Borough, has been identified and no mitigation measures have been proposed;
- Hillingdon's land at HOAC will be neutered during the construction works and the major noise and visual effects will cause a diminution in its value;
- HS2 Ltd will require use of land at Uxbridge golf course to realign existing pylons and construct new pylons which will significantly affect three holes on the course - there has been no engagement with the Council to date in relation to this loss and no offer of compensation has been proposed;
- Hillingdon will be unable to implement an existing planning permission for remodelling works at Uxbridge Golf Course;

- The amount of noise and dust generated during the construction works at Prior Farm will have a major impact on the productivity of the holding;
- No information has been provided as to how Bourne Farm Barn, which is a Grade II listed building, will be protected from damage during the construction works.

Update on legal challenges

40. The 51m judicial review action was dismissed by the High Court on 15 March 2013. 51m immediately lodged an appeal against this decision to the Court of Appeal.
41. The Appeal Court heard the appeal in June 2013 and it delivered its judgment at the end of July 2013. The Court unanimously dismissed all 51m's grounds of appeal apart from one which related to its contention that the Government was required to carry out a Strategic Environmental Assessment [SEA] in relation to the DNS which it issued in January 2012. The three Appeal Court Judges were split by a majority of 2 to 1 in favour of dismissing this particular ground of appeal.
42. The Appeal Court gave 51m permission to appeal against its judgment to the Supreme Court which is the highest Court in the land.
43. The appeal was heard in the Supreme Court on 15 and 16 October 2013. The Court considered two specific grounds of appeal:
 - (a) That European legislation required the Government to undertake a SEA in relation to the DNS and it had not done so.
 - (b) The Parliamentary procedures which the Government was proposing to adopt in relation to the Hybrid Bill did not allow for effective public participation on environmental issues which was in breach of European legislation.
44. The Supreme Court, which was comprised of a panel of seven Judges, delivered its judgment on 22 January 2014. It dismissed both of 51m's grounds of appeal. The thrust of the Court's decision is that Parliament is autonomous and is free to decide on how it wishes to proceed in relation to the HS2 scheme and the procedures which they are likely to adopt are not apt for judicial supervision. The Court also had the ability to make a reference to the European Court of Justice for it to give its interpretation of the European legislation but disappointingly, it decided that it was not necessary to do this.
45. The Supreme Court has essentially entrusted Parliament with ensuring that it follows all the correct processes in implementing the HS2 project. The Council will be monitoring what Parliament does and the door has been left open for further legal challenges to be brought in the event that any process is overlooked or is subject to abuse.
46. Although the Supreme Court is the final appellate Court in the land, there is scope for 51m to take the matter further, in relation to the current legal challenge on the SEA ground only, by pursuing two possible routes. The first is to make a complaint to the European Commission. If the complaint is accepted, the UK Government will be taken to the European Court of Justice to explain why it has not completed a SEA in respect of the HS2 project.

47. The second route is to make a submission to the Compliance Committee of the Aarhus Convention which is a binding international treaty designed to ensure that Governments develop infrastructure in the most environmentally friendly way possible. If the submission is successful, the Government would then be bound by the treaty to conform to the Compliance Committee's request for an SEA to be completed.
48. The Council has no experience of either of these procedures and it is not clear what benefits they will bring if one or both of them are pursued. Neither procedure is likely to produce a quick outcome and will not prevent HS2 from being implemented. Furthermore, the Council has not yet discussed this matter with other members of 51m and therefore is not aware of what their views on this issue are. In the meantime, the Council has commissioned a legal opinion from the legal team which was instructed to represent 51m in the Supreme Court to provide a detailed explanation of what the procedures will involve and whether there are any advantages in pursuing them.
49. The Council has brought a separate judicial review challenge, together with HS2AA, in relation to the safeguarding directions which the Government first issued on 9 July 2013 for the whole of Phase One of HS2. These directions operate as follows:
- Where a local planning authority receives an application for planning permission within the geographical area covered by the directions, and which is not for a limited category of exempt development, it must consult HS2.
 - Subject to certain limited exceptions, it must not grant planning permission otherwise than to give effect to the recommendation of HS2.
 - The directions allow a local planning authority to refer the application to the Secretary of State. However, there is no suggestion that the Secretary of State will exercise his discretion otherwise than in accordance with the stated purpose of the directions.
50. The Council and HS2AA have claimed that the Government has failed to carry out a SEA before issuing the directions and therefore the directions should be quashed by the Court.
51. This judicial review application was put on hold, with the agreement of the High Court, until the outcome of the Supreme Court appeal was determined.
52. On 24 October 2013, HS2 Ltd wrote to the Council, informing it that following the design refinements consultation launched in May 2013, and analysis of responses by the Department of Transport and HS2 Ltd, design changes had been approved by the Secretary of State. As a result of this, the July 2003 directions for Phase One of HS2 had been revoked and replaced with a new set of directions for Phase One which would take effect from 24 October 2013.
53. The Council and HS2AA therefore applied to the High Court for its claim for judicial review to be amended to take into account the fact that the October 2013, not the July 2013, directions were being challenged. The High Court has approved the amendment and now that the Supreme Court appeal has delivered its judgment, the Council, together

with HS2AA, will be rigorously pursuing the claim. The legal costs involved in bringing the claim will be shared equally between the council and HS2AA.

54. If the Council and HS2AA are successful in their claim, this will not prevent the Government from proceeding with the Hybrid Bill but it will be forced to carry out a SEA before it can rely on the safeguarding directions. This will have the effect of slowing down one important aspect of the overall project. Furthermore, the directions allow owners of properties to serve Blight Notices on the Government, requiring them to purchase their properties and pay them compensation. The quashing of the directions will have a negative impact on this process as far as the Government is concerned.

Petitioning

55. The Council will be petitioning against the Hybrid Bill. A petition is a formal document which is deposited in Parliament and it is considered by a Select Committee after the Second Reading stage of the Bill. The Council will not be able to petition against the principle of the Bill as such but it can propose amendments to the Bill together with mitigation measures. A lot of work has been done by officers in preparing a robust response to the ES, which can be used in the petitioning process.
56. It is important to note that the Council will require authority from full Council to lodge the petition in Parliament under section 239 of the Local Government Act 1972. The Borough Solicitor is preparing a separate report, requesting such authority from full Council, at its meeting on 20 February 2014.

Involvement with residents

57. Officers continue to support residents in helping to understand the impacts of the HS2 proposal. The Ruislip Stop HS2 event on 14th October was well attended by residents and officers took the opportunity to help understand residents concerns regarding the safeguarding and compensation consultations issued by HS2 Ltd. The information helped to shape the council's own responses to ensure HS2 Ltd were properly informed in regard to the failings of their consultation processes and the information provided.
58. Officers have accompanied residents to meeting with Transport for London to help ensure that TfL officers are aware of the specific problems in the Borough and to gain support from TfL in supporting their concerns. Two meetings have been held to date on the 22nd October 2013 and the 15th January 2014. This has led to a further officer meeting with TfL where officers have been able to discuss the potential for joint working during the future petitioning process.

Financial Implications

The Council's Development and Risk Contingency in the current year and the budget proposals for 2014/15 considered elsewhere on this agenda each contain £200k to continue the Council's ongoing participation in challenging the HS2 infrastructure development. It is anticipated that the costs of the actions and challenges set out in the report will be contained within these contingency sums.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The proposed HS2 Rail Line is likely to be the most significant development proposal in Hillingdon since the third runway. The HS2 route runs straight through the Borough. Despite the addition of a tunnel for part of the route there remain significant concerns about the effects of HS2 on residents, service users and communities. These concerns have been heightened by not only the approach which the Government has taken in relation to issuing the ES but also by the contents of the ES itself.

Consultation Carried Out or Required

The Council has been proactive, leading in the response to a number of relevant consultations in respect of HS2, closely working with other organisations, Councils and the residents and communities affected.

CORPORATE IMPLICATIONS

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting that the Council's draft budget for 2014/15 as set out elsewhere on this agenda contains further provision to support the Council's challenge to HS2. As highlighted throughout this report, if the proposed infrastructure development were to go ahead there would be wide-ranging financial implications for the authority.

Legal

The Borough Solicitor is the joint author of the report and therefore the legal implications are contained in the body of the report.

Corporate Property and Construction

Corporate Property and Construction supports the recommendations made in this report.

BACKGROUND PAPERS

NIL