

THE GOVERNMENT'S CONSULTATION ON HIGH SPEED RAIL

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Jales Tippell Planning, Environment, Education and Community Services
Papers with report	<p>Appendix 1- List of Consultation Questions.</p> <p>Appendix 2- Plans detailing Proposed Route (<i>colour maps circulated separately for Cabinet and Executive Scrutiny Committee Members. Available to view on the night and satellite imagery of the route is online at the link below</i>)</p> <p>http://www.hillingdon.gov.uk/index.jsp?articleid=22812</p> <p>Appendix 3- The Government's proposed timetable for HS2</p>

HEADLINE INFORMATION

Purpose of report	<p>The High Speed 2 consultation proposing a new high speed rail network linking London to Birmingham and eventually Manchester and Leeds was published by Government on 28th February 2011. The route of the proposed high speed railway line will pass through the Borough.</p> <p>There are wide ranging environmental and community impacts that greatly exceed the comparative benefits of the new network, particularly in respect of noise, community/property losses and heritage impacts.</p> <p>Cabinet's endorsement is sought for the principle of opposition to the published preferred route, the proposed working arrangements/timetable for events and the financial implications.</p>
Contribution to our plans and strategies	Hillingdon's emerging Core Strategy Hillingdon's Unitary Development Plan Saved Policies 2007 Hillingdon Partners Sustainable Community Strategy
Financial Cost	The Council's 2011/12 Development and Risk contingency includes £100,000 that was earmarked for any potential challenge against the High Speed 2 rail link. An operational budget of £30,000 has been identified for 2011/12.
Relevant Policy Overview Committee	Residents' and Environmental Services Policy Overview Committee
Ward(s) affected	All

RECOMMENDATION

That the Cabinet:

- 1. Notes the contents of the report.**
- 2. Endorses the position statement of opposition as set out in paragraph 27 below.**
- 3. Agrees that the Council should join a consortium of local authorities led by Buckinghamshire County Council (the '51m' group) to oppose the Government's proposals for High Speed 2.**
- 4. Agrees to allocate expenditure for a sum not exceeding £100,000, as a contribution towards the joint fund held by the consortium of local authorities, to assist in the legal challenge and where appropriate in assessing and responding to the consultation.**
- 5. Agrees that the Council will jointly instruct leading Counsel with the consortium to formulate a legal strategy to oppose the Government's proposals for High Speed 2, and to delegate authority to the Borough Solicitor to act on this.**
- 6. Agrees to allocate expenditure for a sum not exceeding £30,000 towards the operational costs of holding public meetings, producing local publicity material, and any specialist work required in identifying the local impacts of HS2.**
- 7. Agrees to grant delegated authority to the Leader of the Council and the Cabinet Member for Planning, Transportation and Recycling in consultation with the Deputy Chief Executive and Corporate Director of Planning, Environment, Education and Community Services, the to make any necessary decisions needed regarding the associated work priorities and use of the agreed funds, including commissioning of expert advise.**
- 8. Instructs officers to report back to Cabinet on the draft response to Government on the High Speed Rail consultation before the deadline of 29th July 2011.**

INFORMATION

Reasons for recommendation

The proposed High Speed 2 Rail Line is likely to be the most significant development proposal in Hillingdon since the 3rd Runway. Its adverse impacts are considered to be far in excess of the benefits that will ensue from the proposal.

The Government's decision on whether to proceed with the proposal will be largely based on the responses to the consultation documents.

If the Council is to effectively influence the Government's decision, it needs to complete a thorough evaluation of the proposals and submit an effective response.

With limited time and staff resources, the use of specialist consultant's would be required to facilitate an informed response.

By joining a consortium, the Council will benefit from pooled resources, funds and expertise.

Alternative Options Considered.

The Cabinet may decide not to respond. This is not considered to be an appropriate option due to the adverse impact that this proposal will have upon residents of the Borough.

The alternative options of whether or not to oppose the proposal or to not allocate additional resources/funding are available but are not recommended.

Comments of Policy Overview Committee(s)

None at this stage.

Supporting information

The Consultation.

1. In 2009 the previous Government set up a company called HS2 Ltd who were commissioned to investigate the case for high speed rail and key strategic options. Its report was published in March 2010. On the basis of HS2 Ltd's analysis, the Government announced that it favours a Y shaped core high speed rail network, and in December 2010 it published its 'Preferred Route' between London and Birmingham.

2. On 28th February 2011, the Government launched a public consultation on 'High Speed Rail: Investing in Britain's Future', which it believes that a national high speed rail network will be a transformational investment in Britain's future and will help to bridge the north-south divide. The consultation documents set out the basis on which the Government has reached this view.

3. The consultation is requesting public views on two aspects. Firstly it seeks views on the wider strategy for a Y shaped network to run from London to Birmingham and then further north to Manchester and Leeds, with a spur to Heathrow, which is to be completed by 2033. Secondly it seeks views on the proposed route from London to the West Midlands, which is to be the first phase of the high speed rail network and operational by 2026. The proposal is known as HS2.

4. The consultation document sets out the Government's proposed high speed rail strategy and describes:

- the wider context in which high speed rail has been considered;
- why additional rail capacity is needed;
- the options for providing additional capacity and the case for high speed rail;
- the Government's strategy for delivering a national high speed rail network including links to Heathrow and the Channel Tunnel (known as HS1);
- how the Government's recommended route for an initial high speed line from London to the West Midlands has been identified;

- the core principles underpinning this work and sets out the proposed route in detail, including its sustainability impacts.

5. The consultation documents include details of alternative routes considered by Government, which do not form part of the consultation, together with brief reasons why these options were rejected.

6. Members of the public/interested parties who wish to respond to the consultation must do so by answering 7 heavily loaded questions detailed in the consultation document itself. The document does not invite more general views. Appendix 1 of this report provides a list of the 7 questions.

7. To accompany the consultation document is an Executive Summary, maps of the proposed route, the Economic Case for HS2, the Appraisal for Sustainability (which includes 6 annexes and a summary), the Route Engineering report and a Strategic Alternatives Study.

8. As detailed above, if following consultation, the Government decides to proceed with HS2, it will secure the powers to deliver the scheme by means of a Hybrid Bill (estimated to be laid in Parliament in 2015). This vehicle was used to secure the Cross Tunnel Rail Link and Crossrail. The procedure is more restrictive than a private bill and includes an additional Select Committee stage, after its second reading in the House of Commons. This allows objectors whose interests are directly affected by the Bill to be heard. If the matter reaches the Select Committee stage, members of parliament will be unable to reject the Bill in its entirety and objectors (including the Council and residents) will need to petition to secure a change to the Bill or a concession from the promoters.

The High Speed Rail proposals

9. HS2 is designed to carry trains that will travel at up to 250 mph. The route will initially provide 14 new train paths every hour each way for long-distance services, with up to 18 trains an hour on a wider network. The infrastructure will be designed to accommodate large and longer trains of up to 400 metres, carrying up to 1,100 passengers each.

10. The Proposed Route will initially link London to Birmingham in 49 minutes (currently 1 hour and 24 minutes). In 2033, the route will link London to Leeds in 73 minutes and London to Manchester in 80 minutes (currently more than 2 hours).

11. The Government estimates that the construction of the Y shaped network will cost £32 billion. In order to justify this cost the Government has estimated that the development will generate benefits of around £44 billion, as well as revenues totalling a further £27 billion.

12. The construction of the Y shaped network will be delivered in two phases. The first phase will comprise an initial line from London to the West Midlands (including a link to the existing West Coast Main Line) and it will incorporate a connection to the High Speed 1 line to the Channel Tunnel. The second phase will comprise two lines from the West Midlands to Manchester and Leeds, including stations in South Yorkshire and East Midlands and a direct link to Heathrow Airport.

13. Broadly, the Government is promoting this scheme on the assumption that it may produce the following benefits:

- increase in rail capacity to meet rising demand for long-distance rail travel;
- ease overcrowding on existing railways;
- slash in journey times between cities, bringing London within 49 minutes of Birmingham and within 80 minutes or less of both Manchester and Leeds;
- links to existing East Coast and West Coast Main Lines, bringing Scotland within three and a half hours of London;
- reduction in demand for internal UK flights;
- creation of around 40,000 jobs; and
- contribution to major regeneration programmes.

Impact on Hillingdon

14. The Preferred Route will directly impact the residents of this Borough. In particular, Members should note that the Preferred Route proceeds directly through parts of Ruislip and Ickenham. Appendix 2 of this report contains a series of plans showing the Government's Proposed Route.

15. The main potential adverse impacts for residents would be noise, visual intrusion and possibly vibration. Some noise and visual impacts would also be experienced by communities further from the route, particularly where the alignment is on an embankment. The 'noise maps with mitigation' produced by Government as part of the consultation documents, are inaccurate and do not include sufficient information to enable officers to properly consider the impact that the Proposed Route will have upon residents. This omission will be addressed in the Council's consultation response.

16. The construction of the Proposed Route will obviously require the permanent acquisition of land. The plans produced to accompany the consultation document do not provide sufficient detail to enable officers to identify all of the land and properties that will require permanent acquisition. However, HS2 Ltd officers have stated that there will be 10 demolitions of residential properties in Hillingdon, (3 in Bridgewater; 6 in Blenheim Crescent; and the Lodge at Shering Plough Animal Health).

17. In addition to the impact on residents, there will also be some loss of employment sites. These include the industrial units near the Days Hotel and some at Braintree Industrial Estate. There may be some loss of land at the Victoria Road Waste Transfer Station and the Waste Transfer Station at West Ruislip.

18. The HS2 proposals is likely to impact on some community facilities such as the Hillingdon Outdoor Activity Centre (HOAC) and Ruislip Gardens Recreational Grounds. It will result in loss of land and facilities at the Ruislip Public Golf Course. The Blenheim Care Centre is also at risk.

19. The proposed viaduct will result in visual intrusion within the green belt and the piers associated with the viaduct will impact on the lakes at HOAC, affecting wildlife and leisure activities. The proposed cutting through New Years Green Covert is likely to result in the loss of 3 hectares of woodland and up to 3,000 trees, again impacting on nature conservation.

20. No details have been provided with regard to construction, such as the temporary access roads required and where the site depots will be. It is therefore unclear what the construction impacts will be. However given that approximately 60% the Proposed

Route in Hillingdon runs through built up areas, there will undoubtedly be significant impacts on residents. Given that HS2 will pass over 4 roads, under 2 roads and over the London Underground Lines, it is likely that there will be significant disruption to traffic flows and public transport services.

21. If a decision is made to proceed with HS2, the Government will direct local authorities to safeguard land to enable the development of the Proposed Route to take place. The Government has indicated that, in early 2012, a formal consultation will commence on the areas of land to be safeguarded. For some owners this will be the first indication they will receive that their land is likely to compulsorily purchased. At this point statutory blight provisions will take effect which enable people with a 'qualifying interest' to serve a notice on the Government requiring them to consider buying the property if particular criteria have been satisfied. However, the current proposals are likely to impact on property values in the period before statutory protection is available.

22. As a result, in August 2010, the Government launched an Exceptional Hardship Scheme for householders most severely affected by the announcement of the Preferred Route. The scheme has strict eligibility criteria, making it unduly restrictive for residents to utilise.

23. The Government accept that the effect of blight is strongest at the point of most uncertainty and as a result, the consultation document sets out a number of discretionary compensation measures for comment. The options include the continuation of an exceptional hardship scheme, the introduction of a bond based scheme (previously used by Central Railway Ltd for the proposed rail freight line from Liverpool to Lille and BAA at Heathrow) or a compensation bond scheme (a completely new approach).

24. The Government propose to collate responses to this consultation question and determine which discretionary measures should be carried forward for formal consultation in early 2012. Any decision, on which discretionary compensation measures is considered to be the best, depends very much on the individual's personal circumstances and aspirations.

The Consortium

25. At this early stage, officers are assessing the detailed implications of the HS2 consultation proposals for the reasons detailed in this report.

26. Officers have also been pursuing options for joint working with a consortium of other Councils affected by the Proposed Route where this will be beneficial to Hillingdon's interests and would avoid obvious duplication of work. Buckinghamshire County Council is taking the lead in co-ordinating the Consortium which currently consists of 13 local authorities ('the 51m group'). The consortium includes:

- Buckinghamshire County Council
- London Borough of Hillingdon
- Aylesbury Vale District Council
- Chiltern District Council
- South Bucks District Council
- Wycombe District Council
- Cherwell District Council
- Lichfield District Council

- South Northants District Council
- Warwick District Council
- North Warwickshire Borough Council
- Warwickshire County Council
- Stratford-on-Avon District Council

27. The Consortium of Local Authorities has agreed a joint position statement as follows:

'The authorities along the route have come together to oppose the proposals for High Speed Rail as they are currently proposed.

We do not believe that the business case stacks up and therefore cannot support the route suggested by Government and are actively working on a plan to strongly object to the proposals.

We are opposed to the current High Speed rail proposals as they are presently outlined and do not believe that they are in the best interests of the UK as a whole in terms of the benefits claimed in the business case

We are not opposed to the need for higher speed rail per se and fully acknowledge the need for strategic improvement to the national rail infrastructure but cannot agree with the current proposals as the economic and environmental benefits are not at all credible.

We do not believe that all the other alternatives to achieve the transport capacity, regeneration and environmental benefits have been fully explored by the Government and with in excess of £30billion proposed to be invested, we owe it to the nation to ensure these are fully explored.'

28. Officers consider that there is merit in commissioning legal advice from leading Counsel in order to establish the various options and opportunities available to the group to oppose HS2 or to influence the proposals. The consortium will seek legal advice to ensure that all reasonable and appropriate opportunities for challenge are taken throughout the process.

29. In addition to securing legal advice, the consortium is to manage a number of work streams where specialist consultancy work needs to be commissioned in order to evaluate the specific impacts of this scheme. This cost of this work is to be shared by the consortium and a 'joint fund' is to be set up for this purpose. At this stage it is difficult to quantify the resources that will be needed in order to assess and respond effectively to the consultation but a sum of £100,000 is considered adequate and could be reduced by complimentary contributions from the Consortium authorities.

30. The Council's formal response to the consultation will be endorsed by a future Cabinet meeting.

Financial Implications

31. The Council's 2011/12 Development and Risk contingency includes £100,000 that was earmarked to meet the costs of any potential challenge against the High Speed 2 rail link. As outlined in the report, this level of resource is considered sufficient in the short-term to fund Hillingdon's contribution to the joint action. A sum of £30,000 has been identified as an operational budget during 2011/12, to meet the costs of setting up meetings and purchasing materials such as maps. The maximum financial impact for 2011/12 is therefore £130,000.

32. The actual and future resourcing requirements of the Council's challenge will be tracked through the monthly budget monitoring and Medium Term Financial Forecast (MTFF) processes during 2011/12. This will inform the requirement for any contingency provision in 2012/13 and beyond.

33. The proposal to undertake coordinated action as a consortium should ensure that best value is achieved from the funds available.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

The proposed High Speed 2 Rail Line is likely to be the most significant development proposal in Hillingdon since the 3rd Runway. The HS2 route runs straight through the borough. About 60% of the route is through built up areas and 40% goes through the open green belt. None of it is in tunnel. The effects on residents, service users and communities will therefore be significant. The key effects of HS2 are summarised in paragraphs 14 -21 above. Officers are considering the impacts of the proposed route in more detail, and will address any issues arising in the Council's formal response to the consultation, which will be endorsed by a future Cabinet meeting.

Consultation Carried Out or Required

This is a Government proposal and consultations are being out by HS2 Ltd on behalf of its behalf from 28th February until 29th July 2011. Hillingdon Council held a residents meeting in December 2010 and March 2011.

CORPORATE IMPLICATIONS

Corporate Finance

The maximum financial impact to meet the costs of any challenge against the High Speed 2 rail link for 2011/12 is estimated at £130,000. Corporate Finance has reviewed this report and is satisfied that £100,000 has been included in the 2011/12 Development and risk contingency to meet the cost of this. Monitoring of this contingency , will be done through the monthly budgetary monitoring process and resourcing needs for future years will be identified through the Medium Term Financial Forecast (MTFF). In addition, during 2011/12 £30,000 has been identified as an operational budget to meet the costs of setting up meetings and purchasing materials.

Legal

Section 2 (1) of the Local Government Act 2000 gives the local authority the power to do anything which it considers is likely to promote the economic, social and environmental well being of its area.

Section 2(4)(b) provides that the power under subsection (1) includes power for a local authority to give financial assistance to any person. The term 'person' includes individuals and particular groups of people.

Section 3 (1) of the 2000 Act provides that 'the power under section 2 (1) does not enable a local authority to do anything which they are unable to do by virtue of any prohibition, restriction or limitation on their powers which is contained in any enactment.

Legal Services has checked to see if there would be any prohibition in any legislation which would prevent the well being power from being invoked in these circumstances but cannot find any such prohibition.

The legislation does not define the level of financial assistance that a local authority may provide under the well being power. It is a matter for members to determine what would constitute a reasonable level of assistance and in this respect should have regard to the Corporate Finance comments.

Corporate Landlord

A number of council-owned properties will be affected by the proposed route as follows:

Property name	Occupier	Type of lease	Period of lease	Comments
Hillingdon Outdoor Activity Centre	Trustees of HOAC	Voluntary Sector Lease	Until 30th June 2028	Viaduct to go straight through the site and across lake also in ownership of council. Effectively means the centre will have to close. Council may need to find alternative site within the Borough
Park Lodge Farm	JR and SM Howie	Farm Business Tenancy	Until 31 March 2035	Will cut across fields potentially leaving one field in accessible without turning from fast road. Dangerous with a tractor. Suggest a tunnel access under the viaduct
Pit 2, Denham Quarry	Harrow Angling	Fishing licence	Until April 2012. likely to renew	Make fishing impossible during the build works.
Denham Quarry	Various angling clubs and permit holders	Fishing licences	Until April 2012. Likely to renew	Make fishing impossible during the build works. Access track to Pit 3 & 4 will be blocked by works and will require access underneath after build. Rights of Way officer will need to be consulted.
Ruislip Golf course	Mack Trading	Business Lease excl '54 Act	Until July 2053	Affect operations on the southern part of the site.
Land south of the railway by the River Pinn	Green Spaces	None	None	Possible interruption during build works. Access may be required across the land.
Park beside Herwyn Avenue	Green Spaces	None	None	School & playing fields will need to be protected from noise and disruption during and after works.
Recreation Ground near Ruislip Manor School	Green Spaces	None	None	School & playing fields will need to be protected from noise and disruption during and after works.

The council as freeholder will receive compensation and payment for the land taken as part of the overall compensation scheme. However, the scheme clearly affects different occupiers, who in turn provide valuable services to residents within the borough.

BACKGROUND PAPERS

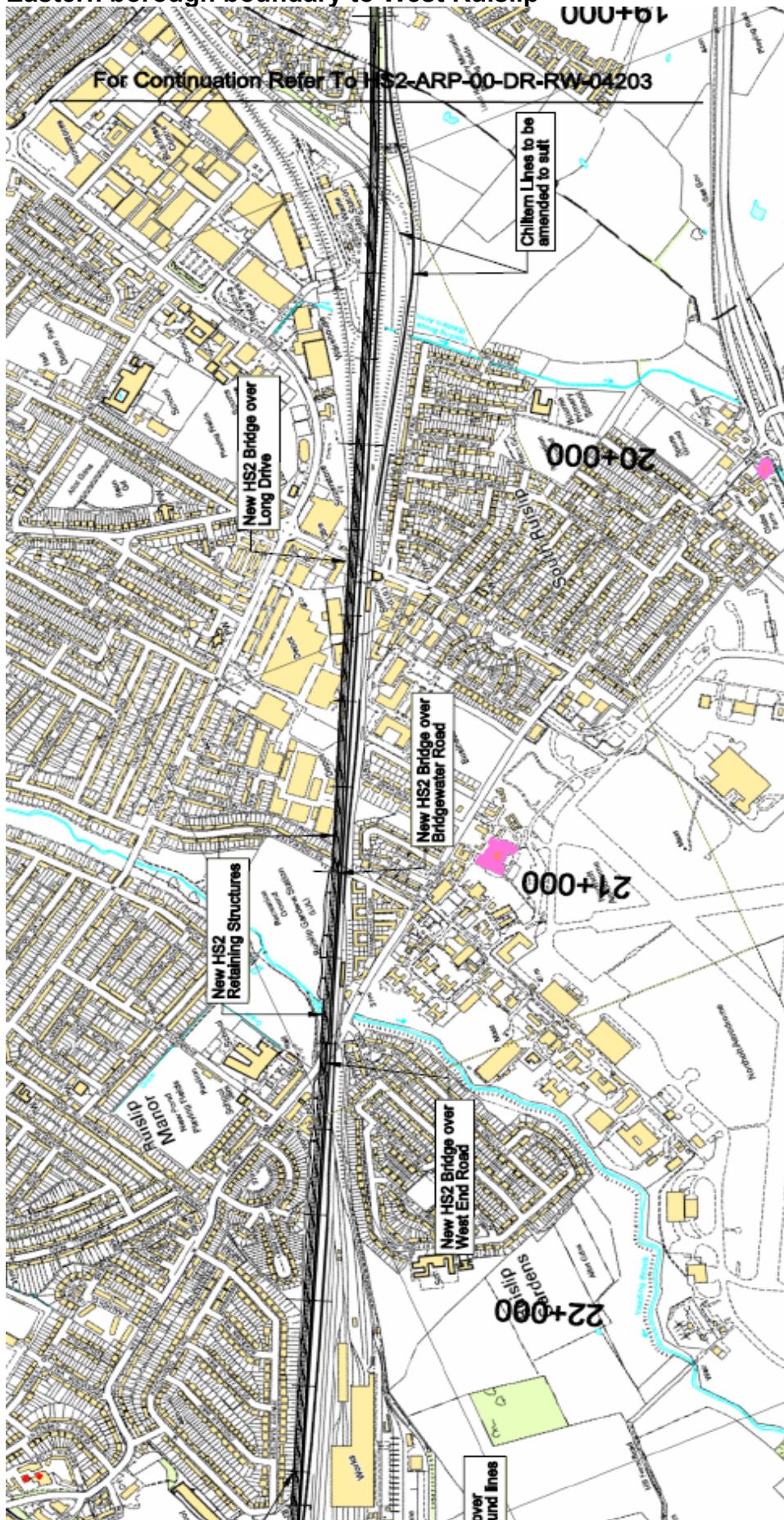
The DfT's Consultation Documents regarding 'High Speed Rail: Investing in Britain's Future' dated February 2011

Appendix 1: List of HS2 Ltd's Consultation Questions.

1. Do you agree that there is a strong case for enhancing the capacity and performance of Britain's inter-city rail network to support economic growth over the coming decades?
2. Do you agree that the national high speed rail network from London to Birmingham, Leeds and Manchester (The Y Network) would provide the best value for money solution (best balance of cost benefits) for enhancing rail capacity and performance?
3. Do you agree with the Government's proposals for a phased roll-out of a national high speed network and for links to Heathrow and the High Speed 1 line to the Channel Tunnel?
4. Do you agree with the principles and specification used by HS2 Ltd to underpin its proposals for high speed rail lines and the route selection process HS2 Ltd undertook?
5. Do you agree that the Government's proposed route, including the approach proposed for mitigating its impacts, is the best option for a new high speed rail line between London and the West Midlands?
6. Do you wish to comment on the Appraisal of Sustainability of the Government's proposed route between London and the West Midlands that has been published to inform this consultation?
7. Do you agree with the options set out to assist those whose properties lose a significant amount of value as a result of any new high speed line.

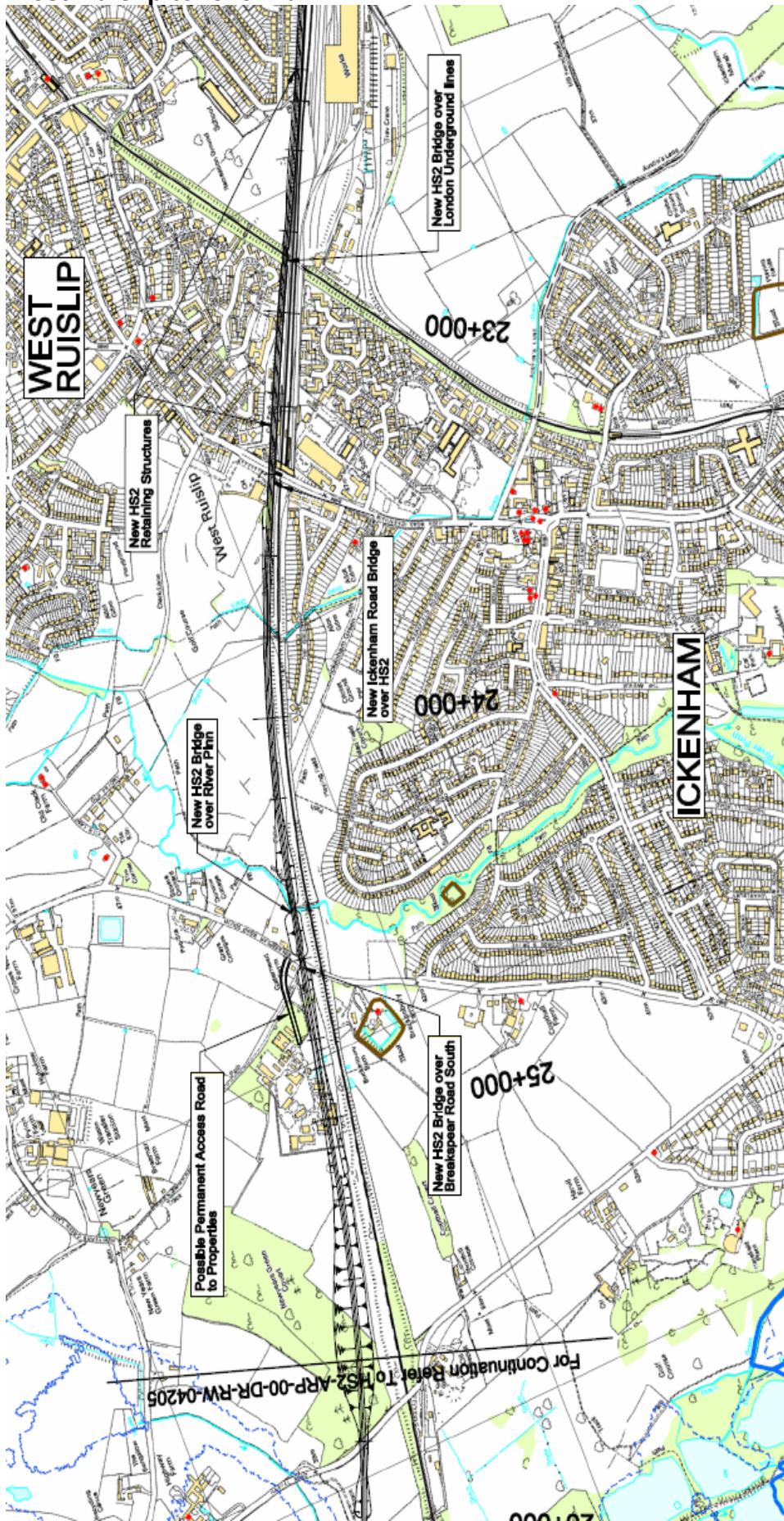
Appendix 2: HS2 Ltd's plans of the Proposed Route

Eastern borough boundary to West Ruislip



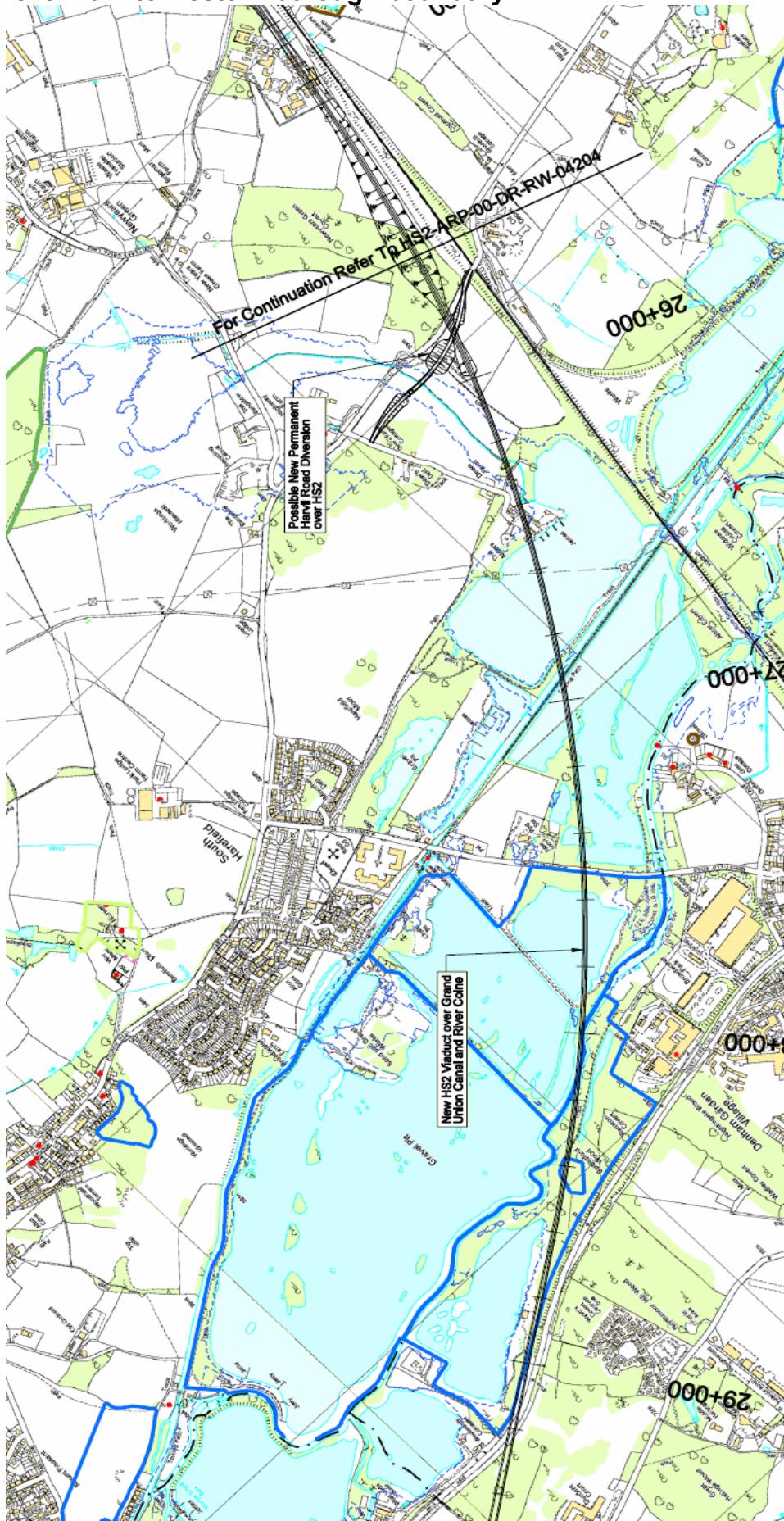
Appendix 2: HS2 Ltd's plans of the Proposed Route continued

West Ruislip to Ickenham



Appendix 2: HS2 Ltd's plans of the Proposed Route continued

Ickenham to western borough boundary



Appendix 3: The Government's proposed timetable for HS2

28 February 2011	Formal public consultation commenced on preferred route.
29 July 2011	Consultation closes.
December 2011	Government's formal decision on HS2 expected.
Early 2012	Formal consultation commences on areas of land to be safeguarded and discretionary compensation schemes.
Summer 2012	Safeguarding direction ordered and statutory blight provisions bite. Discretionary compensation schemes commence and exceptional hardship scheme ceases.
2011-2013	Further assessment and detailed design expected.
2015	Hybrid Bill is expected to be laid in Parliament. First Compulsory Purchase Orders will be made.
2017	Start of construction.
2026	New line from London to Birmingham may become operational.
2027	Statutory compensation measures for physical impacts begin to bite.
2033	New line to Manchester and Leeds may become operational.