

**HERTFORDSHIRE COUNTY COUNCIL
CABINET
MONDAY, 16 MAY 2016 AT 2.00PM**

Agenda Item No.
11

**COUNTY COUNCIL
TUESDAY, 17 MAY 2016 AT 10.30AM or on the
rising of the Annual General Meeting of the
County Council whichever is the later**

Agenda Item No.
4

**HIGH SPEED 2 (HS2) - FORMAL RESPONSE OF HERTFORDSHIRE
COUNTY COUNCIL**

Report of the Chief Executive and Director of Environment

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Executive Member: - Derrick Ashley, Environment, Planning & Transport

Local Member: - Ralph Sangster, Rickmansworth

1. Purpose of report

- 1.1 To update and inform Members of the progress of the High Speed 2 (HS2) scheme.
- 1.2 To enable Cabinet and the County Council to consider a proposal to authorise a petition to the House of Lords opposing the High Speed Rail (London - West Midlands) Bill.

2. Summary

- 2.1 Officers are concerned about a number of changes which have been made to the HS2 scheme following petitions to the House of Commons, some of which give rise to additional impacts within Hertfordshire.
- 2.2 In order to formally raise these concerns and negotiate their resolution, a petition was submitted to the House of Lords on 18 April 2016.
- 2.3 The Report also sets out the current level of engagement that the County Council has with HS2 Ltd on the scheme, the arrangements for joint working with Three Rivers District Council and the need for community engagement.

3. Recommendations

- 3.1 The Environment, Planning and Transport Cabinet Panel will consider a report on this matter at its meeting on 10 May 2016. The Panel will be invited to recommend to Cabinet:-

“That Cabinet recommends to County Council and that County Council agrees:-

- (i) that it is expedient to oppose the High Speed Rail (London – West Midlands) Bill (“the Bill”) currently at the Select Committee stage in the House of Lords;*
- (ii) that the Chief Executive and Director of Environment, in consultation with the Executive Member for Environment, Planning & Transport be authorised to take all steps and do and perform all such acts on behalf of the County Council as he may consider necessary or expedient to carry the above Resolution into effect, including all steps required in respect of the petition submitted to the House of Lords on 18 April 2016 including if considered appropriate, to withdraw its opposition and petition in respect of the Bill;*
- (iii) that the Chief Executive and Director of Environment, in consultation with the Executive Member for Environment, Planning & Transport be authorised to agree the terms of any agreements or other documents with HS2 Ltd and Three Rivers District Council relating to the HS2 scheme.”*

- 3.2 The Panel’s recommendations to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Cabinet Order of Business.

- 3.3 Cabinet’s recommendation(s) to County Council will be reported orally and tabled at the County Council meeting.

4. Background

- 4.1 HS2 is a proposed new high speed railway running from Euston Station in London to Birmingham, Leeds and Manchester. A section of the line including a section of the Colne Valley Viaduct and Chiltern Tunnel Southern Portal will be within Hertfordshire’s county boundary.

- 4.2 The HS2 scheme is being promoted by HS2 Ltd and the Bill which will confer the powers to construct the railway is currently progressing through Parliament. It is anticipated it will receive Royal Assent in December 2016.

- 4.3 On 25 March 2014 Council agreed:

“(1) that it is expedient to oppose the High Speed Rail (London – West Midlands) Bill ("the Bill") introduced into the House of Commons on 25 November 2013;

(2) that the Chief Executive and Director of Environment, in consultation with the Executive Members for Highways & Waste Management and Community Safety & Planning, be authorised to take all steps and do and perform all such acts on behalf of the County Council as he may consider necessary or expedient to carry the above Resolution into effect, including all steps required for the County Council to deposit a petition against the Bill and, thereafter, to maintain and, if considered appropriate, to withdraw its opposition and petition in respect of the Bill;

(3) that the Chief Executive and Director of Environment be authorised to sign up to the Planning Memorandum in order that the County Council may become a Qualifying Authority; and

(4) that the Chief Executive and Director of Environment, in consultation with the Executive Member for Highways & Waste Management, be authorised to finalise the points to be included in the petition.”

4.4 In May 2014 the County Council petitioned the House of Commons in relation to concerns about highways matters (in particular the construction of slip roads on to the M25 to deal with construction traffic) and a number of detailed local access and environmental issues. These were dealt with through amendments to the scheme or written undertakings from HS2 Ltd and the County Council's petition was therefore withdrawn in February 2015.

4.5 A number of Additional Provisions (APs) have since been introduced by HS2 Ltd to deal with other petitioners' points. The most significant for Hertfordshire is AP4, which proposes a longer tunnel under the Chilterns and as a consequence more spoil and potentially a longer construction period.

4.6 The County Council's comments on the changes proposed by AP4 were submitted to HS2 Ltd in November 2015. These concerns still remain and no response was received from HS2 Ltd in respect of these. They can be summarised as:

- a. Construction timescale- the extension of the tunnel will extend construction timescales;
- b. Figures for construction waste- the extension of the tunnel will increase the levels of spoil emanating from the portal;

- c. Vehicle numbers- there are a number of concerns regarding vehicles in the vicinity of the compounds, and the impacts upon the local community;
- d. Mineral resource- required for construction of the scheme, which is not identified by HS2, and could have a detrimental impact upon our land bank, economy and road network;
- e. Air quality- intensified use of certain areas for vehicles and appropriate monitoring of air quality for the duration of the development.

5 Petitioning

- 5.1 Parliamentary agents instructed by the County Council, advised that the only effective way to ensure engagement by HS2 Ltd and the Secretary of State on these issues was for the County Council to submit a petition against the Hybrid bill to the House of Lords by the deadline of 18 April 2016. As authorised by Council on 25 March 2014, the Chief Executive, in consultation with the Executive Members for Environment, Planning & Transport and for Highways agreed that a petition should be lodged (the petition is attached at Appendix 1 to the report).
- 5.2 Petitions are due to be heard in the House of Lords from May 2016. Whilst petitioning within the House of Lords cannot give rise to significant changes to the scheme, it is hoped that greater clarification will be given to Hertfordshire in respect of its concerns.
- 5.3 In order to oppose a bill, section 239 of the Local Government Act 1972 requires a resolution passed by a majority of the whole number of Members at a full County Council meeting held after giving 10 clear days' notice in one or more local newspapers circulating in the County. This notice is separate from the ordinary notice of full council meetings. The Notice has been published in the Comet, Berkhamsted and Tring Gazette, Watford Observer, Hemel Hempstead Gazette, Herts Advertiser and Bishops Stortford Observer.
- 5.4 A resolution under s239 was duly made by Council on 25 March 2014, but in the interests of transparency and given that the proposal is now to petition the House of Lords, Council is now being asked to make a further s239 resolution (the House of Lords Petitioning Kit Guide provides that this can be done after the petition has been submitted).

6 Next steps

- 6.1 Officers will be meeting with representatives of HS2 Ltd to discuss the issues raised in the petition.
- 6.2 Officers have seen an indicative timeline for construction of the line which shows that enabling works / site preparation are expected to

commence in early 2017. This is of high importance as the site compound for the Colne Valley will be constructed first. This compound will support seven satellite compounds. In total there will be up to 915 workers across all the compounds at any one time, with onsite accommodation for 250. It is notable that the document confirming these numbers has not been updated since 2013 despite the changes made to the scheme since that date.

- 6.3 The Chiltern Tunnel works are expected to commence in the second half of 2018; the Colne Valley Viaduct in the last quarter of 2018. The line itself is expected to be brought into full service in 2026. The implications for Hertfordshire in respect of site preparation and the actual working compounds are significant in respect of disruption in the locality.
- 6.4 Officers are continuing to work with HS2 Ltd and other affected authorities regarding a number of matters. Through attendance at the Planning Forum, a considerable amount of work has been and continues to be done to refine and negotiate supporting documents concerning the scheme including: the Code of Construction Practice (COCP), Environmental Minimum Requirements (EMRs), Service Level Agreements (SLAs) and planning advice notes. These documents will set out minimum standards, specific details and working practices.
- 6.5 Officers also attend the Colne Valley Panel (see Appendix 2 to the report for membership details) and are working on a Memorandum of Understanding to be signed by its members. The Panel was awarded £3m in December 2015 to spend on additional mitigations within the Colne Valley Regional Park and it is hoped that an agreed mitigation plan will be in place by December 2017.

7 HS2 Planning Memorandum, Service Level Agreements (SLAs) and Memorandum of Understanding

- 7.1 As set out in paragraph 4.3 above, on 25 March 2014 Council agreed that the Chief Executive and Director of Environment be authorised to sign up to the Planning Memorandum in order that the County Council may become a Qualifying Authority. The Planning Memorandum is to be sent to all Chief Executives shortly and must be signed before the end of the House of Lords Select Committee.
- 7.2 As a Qualifying Authority, the County Council will be able to deal with Schedule 17 approvals (Conditions of Deemed Planning Permission) i.e. to determine applications for detailed works on the line for which deemed planning permission will be given under the High Speed 2 Act once passed. This is seen as being critical to being fully involved and keeping the maximum influence over the final form of the HS2 scheme in the County. The work of the County Council as a Qualifying Authority will also include pre-application advice, advertising,

consultation, site visits, approval of materials, Rights of Way diversions, Highways works and earthworks.

- 7.3 The Planning Memorandum will require the County Council to join and attend a planning forum, to ensure that approvals are dealt with in a timely manner and to allocate sufficient planning and other technical resources to deal with approvals.
- 7.4 The County Council will also enter into an SLA with HS2 Ltd in order to ensure there is no additional financial burden upon it when dealing with Schedule 17 approvals (Conditions of Deemed Planning Permission). Officers are currently working with a number of other Authorities on the terms of this SLA.
- 7.5 Although there has been no indication of the number of approvals that are to be processed, applications are expected from 2017 with the majority to be submitted 2018-2019. Pre application advice is expected to be sought by HS2 around autumn this year.

8. Community Engagement

- 8.1 HS2 Ltd has undertaken a number of community engagement forums in Warwickshire, Buckinghamshire, and Surrey and in London, but not yet within Hertfordshire. Maple Cross will be significantly impacted by the scheme both in development and in operation. It is considered of paramount importance that HS2 Ltd hold a community forum for these residents.

9 Financial Implications

- 9.1 The costs of submitting the petition are estimated at £3,000 which has been accommodated within existing budgets.
- 9.2 There will be further financial implications associated with the petitioning process.

Background Information

Appendix 1- Petition to the House of Lords
Appendix 2- Colne Valley Panel Membership

[Minutes of Hertfordshire County Council meeting: 25 March 2014](#)

[Section 239 of Local Government Act 1972](#)