

Cheshire East Council

Council

Date of Meeting:	14 th December 2017
Report of:	Hayley Kirkham, Head of HS2 Growth
Subject/Title:	High Speed Rail -(West Midlands Crewe) Bill (HS2 Phase 2a) Petitioning
Portfolio Holder:	Cllr Rachel Bailey, Leader of Cheshire East Council

1. Report Summary

- 1.1. The arrival of HS2 to Crewe could have the potential to deliver significant economic growth across the Borough, the Constellation Partnership and beyond.
- 1.2. On the 17th July 2017, the Government deposited the High Speed Rail (West Midlands – Crewe) Bill (“the Bill”) in Parliament. The Bill is a hybrid Bill and includes proposals for the HS2 line between Fradley and Crewe and provision to bring HS2 services to Crewe in 2027. The scheme is sometimes referred to as Phase 2a of HS2 and follows on from Phase 1 which concerned the route from Euston to Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street, Birmingham.
- 1.3. The proposals for Crewe in the Bill include the interventions needed to support 2 stopping HS2 trains per hour at Crewe, reducing journey times to London from Crewe to 55 minutes. The current plans do not support additional HS2 services from Crewe when phase 2b opens in 2033.
- 1.4. For several years, Cheshire East Council has advocated the delivery of an enhanced hub station in Crewe serving 7 HS2 trains per hour, each way, with direct services to Manchester, Birmingham and London. The step-change in connectivity delivered by this level of HS2 service will be the catalyst for transformative growth and regeneration across the Borough and sub-region.
- 1.5. Proposals outlined in the Bill would not deliver this step change in connectivity and therefore it is possible that only limited growth around the Crewe hub station would be attained.
- 1.6. The recent Crewe hub consultation “Crewe hub: building on existing connectivity” launched by the Department for Transport alongside the Bill presented 3 alternative options for enhanced HS2 train service patterns at

Crewe. Of the 3 options presented, only one, Scenario 3, allowed for 7 HS2 trains per hour and with HS2 connections to Manchester and Birmingham. This option delivered significantly higher transport benefits than each of the other options presented.

- 1.7. Cheshire East Council's ambitions for a Crewe hub station align to Scenario 3 of the Crewe hub consultation. Of the 3 options identified in the consultation and the Bill's proposals, this is the only option that would support the Council's and its Partners' growth ambitions. Therefore, the Council would not support the Bill's proposals as currently drafted in this regard.
- 1.8. The Bill could have its second reading in early December 2017 with a 25 day petitioning period commencing the following day. Any individual, group of individuals or organisations "directly and specially affected" by the Bill has the right to petition against it. Examples of objections raised are those relating to:
 - route alignment;
 - noise impacts and how they can be reduced and mitigated;
 - traffic issues including access to and from construction sites, how spoil is disposed of and whether better alternative sites in the locality exist;
 - the impact of changes to the road network, footpaths and bridleways;
 - measures to protect or preserve wildlife, flora and fauna;
 - impact on development opportunities.
- 1.9. Petitioning provides the opportunity for the Council to formally raise its concerns regarding the Bill before the House of Commons Select Committee. If a petition is not deposited it will not be possible for the Council to appear before the Select Committee. There will be a further opportunity to petition against the Bill in the House of Lords in due course.
- 1.10. This report seeks Council authorisation for Cheshire East to petition against the Bill during the relevant petitioning periods in the House of Commons and the House of Lords in relation to those aspects of the Bill that prejudice Cheshire East Council.
- 1.11. It is expected that changes to the Bill – known as an Additional Provision – will be deposited in Parliament later in 2017 or early 2018. An Additional Provision is essentially a "mini Bill" and the process for promoting one is largely the same as for the promotion of the current Bill. If the Council is concerned about any Additional Provision, it will be possible for the Council to petition against it in due course.

2. Recommendation

2.1. Council is recommended to:

- 1) Resolve that it is expedient to petition the High Speed Rail (West Midlands – Crewe) Bill introduced in the 2017 – 19 session of Parliament.
- 2) Delegate the authority to the Executive Director of Place, in consultation with the Leader of the Council and Director of Legal Services, to take all necessary and expedient steps to give effect to the resolution above.
- 3) Delegate to the Director of Legal Services the authority to seal any necessary documents and confirm that Sharpe Pritchard LLP (Parliamentary Agents) be authorised to deposit and, if necessary, sign the Petition of the Council against the Bill.
- 4) Delegate the authority to the Executive Director of Place in consultation with the Leader to withdraw any aspect of the Council's Petition against the Bill if this is no longer the appropriate course of action.

3. Other Options Considered

- 3.1. The opportunities that the arrival of HS2 could deliver for the Borough and sub-region are significant. However these are predicated on securing the right level of HS2 train service patterns at Crewe and an enhanced Crewe hub station.
- 3.2. The Bill's proposals for only 2 trains per hour to London would unlikely deliver growth above the current Local Plan and would not be a catalyst for regeneration and transformation of Crewe as depicted in the Crewe Masterplan.
- 3.3. Failure to secure an enhanced hub station with at least 7 HS2 stopping trains per hour would see a once in a lifetime opportunity lost for Crewe and loss of economic benefits to the whole of the UK. Moreover, Crewe would see significant disruption through the construction of the Bill scheme with little gains at the end of this.
- 3.4. Whilst the Council is working with Government and Network Rail to develop proposals for an enhanced Crewe hub this is not yet committed. By petitioning against the Bill the Council is in a stronger position to negotiate with Government and influence future decisions on the Crewe hub station.
- 3.5. Without petitioning against the Bill it could be considered that that the Council is satisfied with the current proposals.

4. Reasons for Recommendation

- 4.1. Cheshire East has been a strong advocate of the HS2 scheme with recognition of the wider economic and regeneration potential that it can unlock. This support remains conditional on the following assumptions:
 - That an enhanced hub station is delivered, capable of serving 7 HS2 stopping trains per hour with direct HS2 connectivity to Manchester, Birmingham and London; and
 - The maximum levels of mitigation and compensation are applied to Cheshire East residents and businesses negatively impacted by HS2.
- 4.2. Cheshire East's evidence base demonstrate the stark contrast in economic and regeneration potential of Crewe and the wider Constellation Partnership of delivering the Bill's proposals and the 7 trains per hour scenario.
- 4.3. The recent Crewe hub consultation by the Department for Transport identified alternative connectivity options for the Crewe hub, with only one option, Scenario 3, meeting the Council's ambitions for HS2 connectivity. The consultation also identified the transport benefits of providing greater high speed connectivity to and from Crewe with the benefits arising from Scenario 3 being 69% higher than the next best scenario.
- 4.4. The Council is undertaking a comprehensive work programme with the Department for Transport and Network Rail to develop a business case for an enhanced hub station at Crewe that delivers the Council's ambitions for HS2 connectivity and supports the wider regeneration of the Crewe HS2 Masterplan. There is currently no commitment from Government that the enhanced hub option will be delivered.
- 4.5. By petitioning against the Bill, the Council seeks, amongst other things, to influence future decisions on the Crewe hub.
- 4.6. It is not unusual for an organisation such as a local authority which, in principle, supports a Bill to petition against it in order to seek (for instance) better mitigation for its area. This happened during the promotion of the Phase 1 Bill and resulted, in some cases, in changes to the Phase 1 proposals in line with the local authority's petitioning position.
- 4.7. In November 2017, the Council appointed Sharpe Pritchard, a firm of recognised Parliamentary Agents, through a Council procurement framework, to provide specialist advice and support in relation to the Council's options and position with regards to petitioning. The Council is working closely with these agents and it was concluded that the most appropriate approach was for the Council to petition against the Bill.

- 4.8. The Council recognises the implications of petitioning on the Council and has the necessary resources to deliver the requirements with the Project team working closely with the Council's legal team on all aspects of the petitioning process.

5. Background/Chronology

- 5.1. The then Secretary of State for Transport, the Rt Hon Patrick McLoughlin MP, announced the initial preferred line of route and station options in January 2013 and the first round of public consultation ran until the end of January 2014.
- 5.2. In November 2015 the Secretary of State made the decision on the final preferred option for the Line of Route for Phase 2a, from Fradley to Crewe. At the same time safeguarding directions were issued to protect the route from conflicting development and a property consultation was launched to assist those living along the Phase 2a route. This directly affects those properties within 300m either side of the proposed HS2 Line of Route.
- 5.3. In November 2016 the Secretary of State proposed that the site for any HS2 Hub Station at Crewe should be on the site of the existing station.
- 5.4. Over the past 5 years the Council's evidence base for an enhanced Hub Station at Crewe has been strengthening. An enhanced Hub Station is one that is capable of handling 7 stopping HS2 trains per hour with direct HS2 connectivity to Manchester and Birmingham as well as London. This would bring Manchester and Birmingham within 21 and 28 minutes respectively of Crewe and see Crewe become one of the best connected places in the UK.
- 5.5. This evidence shows a difference in economic and social benefits that can be delivered by an enhanced station as compared to a base case station is stark. A draft HS2 Growth Strategy from the Constellation Partnership was submitted to Government in November 2017 which demonstrated how an enhanced Hub Station at Crewe will support the delivery of significant housing and employment growth across South Cheshire and North Staffordshire.
- 5.6. On the 17th July 2017, the Bill was deposited in Parliament. The Bill includes proposals for the line of route between Fradley and Crewe and the delivery of HS2 connectivity to Crewe with 2 HS2 trains per hour between Crewe and London.
- 5.7. Also on the 17th July 2017, the Department for Transport launched the consultation 'Crewe hub: building on existing connectivity'. The consultation identified, and sought views on, options for increased HS2 connectivity at Crewe. It identifies three alternative options for HS2 connectivity at Crewe with only one, Scenario 3, being capable of delivering the Council's ambitions for a Crewe hub serving 7 HS2 trains per hour with direct services to Manchester and Birmingham and increased HS2 connectivity to London.

- 5.8. It was encouraging to see that the consultation on the Crewe Hub options took account of the representations previously submitted to Government by the Council.
- 5.9. The consultation also set out the transport benefits and wider economic benefit outcomes from each scenario with the Council's preferred option, Scenario 3, delivering significantly higher benefits than either of the other two options presented.
- 5.10. These transport benefits together with the economic outputs and regeneration potential as set out in the Crewe HS2 Masterplan and Constellation Partnership's draft Growth Strategy provide a compelling case for an enhanced hub station. This is also supported by many of the Council's wider partners including Growth Track 360 partners across Cheshire and North Wales and Transport for the North.

The second reading of the Bill is due to take place in the forthcoming months and possibly as soon as early December 2017. Unless an alternative timetable is set by Government the second reading will trigger a 25 day petitioning period commencing the day after the second reading in Parliament. Therefore, petitions may need to be submitted by as early as January 2018.

5.11. The HS2 Scheme – Phase 2b

- 5.12. It is expected that a further bill providing for the construction of the HS2 route north of Crewe to Manchester ("Phase 2b") will be deposited in Parliament in 2019. There will be an opportunity to petition against that Bill after it has had its second reading in 2019 or 2020. A further Council resolution would be required to petition against that bill, if the Council considered it expedient to do so.
- 5.13. Whilst the proposals for HS2 Phase 2b are still being developed, the current consulted line of route is complex and passes through a number of communities north of Crewe where it is likely that that scheme will have a negative impact on local residents and businesses. Owing to complexities of the route and its likely effects, the Council is already working on its case in respect of those proposals.

6. Wards Affected and Local Ward Members

- 6.1. All Wards, All Ward Members

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. A major national project such as HS2 has national policy objectives. Addressing the development impacts of a project of this scale will cover all the Council's aims within the corporate plan.

- 7.1.2. The petitioning objections put forward by the Council will be in accordance with its policies.

7.2. Legal Implications

7.2.1. Petitioning against a Bill requires specialist knowledge and expertise in drafting the petition and presenting this to the Select Committee. Parliamentary Agents are solicitors approved by the House of Commons and Lords to undertake this work on behalf of bodies seeking to petition. The Council has appointed Parliamentary Agents to assist with this process.

7.2.2. Section 239 of the Local Government Act 1972 enables a local authority to oppose a public or private bill where it is satisfied that it is expedient to do so, but only in accordance with the procedure laid down in the Act. There is a requirement under section 239 for local authorities to pass a resolution of full Council to deposit a petition in Parliament against a local or private bill. A Hybrid Bill is considered to fall within the remit of section 239.

7.3. Financial Implications

7.3.1. The costs associated with petitioning including the costs of parliamentary agents for 17/18 will be met from existing budgets. The costs for 18/19 are built in to the business case for the HS2 programme which is currently being considered as part of the medium term financial plan.

7.4. Equality Implications

7.4.1. Any petition of the Council to the proposals within the HS2 phase 2a and phase 2b hybrid bills will support equality and diversity within the borough.

7.5. Rural Community Implications

7.5.1. The Council's petitioning objections will seek maximum mitigation against the environmental impacts of HS2 on our communities.

7.5.2. The Council's petitioning objections will seek the delivery of a full Hub Station at Crewe by 2027 rather than in several phases of works to minimise the disruption to local business and residents including those in our rural communities.

7.6. Human Resources Implications

7.6.1. None identified

7.7. Public Health Implications

7.7.1. The Council's petition will seek to ensure the maximum levels of mitigation are secured including those against the negative environmental impacts of the HS2 proposals. This could include, for example, impacts on air quality.

7.7.2. The Council's petition will support the delivery of an enhanced HS2 Hub Station which can have significant impacts upon public health through access to high quality environments, amenities and employment opportunities.

7.8. Implications for Children and Young People

7.8.1. The Council's petition will support the delivery of an enhanced Crewe Hub Station which will provide opportunities for employment and be the catalyst to deliver good quality housing and environments for residents of all ages.

7.9. Other Implications (Please Specify)

7.9.1. None identified

8. Risk Management

8.1. It is considered that preparing a robust petition will increase the ability of the Council to maintain its influence as a key stakeholder and achieve the best possible final decisions for the Borough

9. Access to Information/Bibliography

9.1. The background papers relating to this report can be inspected by contacting the report writer:

10. Contact Information

10.1. Contact details for this report are as follows:

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