

**Report of Director of City Development**

**Report to Executive Board**

**Date: 6 November 2013**

**Subject: DEPUTATION TO COUNCIL – “SOWHAT” REGARDING HIGH SPEED RAIL**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Rothwell, Garforth and Swillington	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report responds to the Deputation to Council from the Swillington Oulton and Woodlesford HS2 Action Together (SOWHAT) campaign group concerning the Government’s high speed rail proposals for the route of the proposed HS2 Phase 2 line through their community.
2. The Government’s proposals for the second phase of high speed rail to Leeds and Manchester were published on 28 January. The Executive Board received a report at its 15 February meeting on the proposals and has in principle welcomed the HS2 for the benefits to the economy and connectivity it offers for city region, whilst at the same time acknowledging that a great deal of work is yet to be done to achieve an acceptable final scheme.
3. The proposed route of HS2 Phase 2 between Birmingham and Leeds and the North (Church Fenton junction) passes close to the communities of Oulton, Woodlesford and Swillington. In particular the proposals include for the junction serving Leeds and the North being placed within close proximity to residential properties at Woodlesford.
4. An Exceptional Hardship Scheme has been announced by the Government however this scheme can only provide compensation in special and limited circumstances to home owners having an urgent and pressing need to sell their properties. It is not a substitute for a statutory compensation scheme nor does it match the provisions now being consulted on for the safeguarded Phase 1 route from London to Birmingham.

5. SOWHAT are seeking the Council's support for their campaign to have the route relocated and for a better compensation package for those affected.
6. In considering this report Members may wish to note that the HS2 is national infrastructure project promoted by the Government who have responsibility for all matters concerning the development of the proposals, including compensation, and that ultimately the final decisions will rest with Parliament.

### **Recommendations**

7. Executive Board is requested to:
  - i) Note the content of this report and the response to the Deputation;
  - ii) Recognise the significant and understandable concerns of the local communities situated on the initial proposed route of HS2 and the present limited scope of the Exceptional Hardship Scheme for compensation;
  - iii) Agree that a further report detailing the proposed City Council response to HS2 Phase 2 be submitted for the Board's consideration; and
  - iv) To note:
    - The timescales for implementation as outlined in section 3.13
    - That the Head of Transport Policy will be responsible for implementation.

## **1 Purpose of this report**

- 1.1 This report responds to the Deputation presented to the September Full Council meeting by the Swillington Oulton and Woodlesford HS2 Action Together (SOWHAT) campaign group concerning the Government's proposals for the HS2 Phase 2 route in the vicinity of their communities.

## **2 Background information**

- 2.1 The Government announced its proposals for Phase 2 of high speed rail (HS2) extending the previously announced Phase 1 route from London to Birmingham with a "Y" shaped extension serving Leeds, Manchester and linkages to the East and West Coast main lines in a Command Paper on 28 January 2013. A formal consultation on Phase 2 proposals and publication of the Phase 2 Exceptional Hardship Scheme was announced on 17 July with a closing date of 31 January 2014.
- 2.2 The high speed rail line will be an entirely new route designed for a new fleet of trains travelling at 225mph, but with potential for 250mph, giving an indicative journey time of 1 hour 22 minutes from Leeds to London Euston. It is anticipated that three trains per hour could run from London to each of the destinations of Birmingham, Manchester and Leeds, with each carrying up to 1,100 passengers with additional services between Birmingham and the Northern cities. The proposed opening date for the route to Leeds and Manchester is 2032/33 (Birmingham is 2027).
- 2.3 The Eastern Leg' of the Y-shaped route, 'West Midlands to Leeds Initial Preferred Route' will serve proposed stations in the East Midlands, South Yorkshire and Leeds, 'Leeds (New Lane)'. A connection to the East Coast Main Line south of York is proposed for through services to the North. The specific details are set out in the technical documents accompanying the Government's Command Paper including the line of route and an environmental report. A range of station and route alternatives were prepared by HS2 Ltd prior to the final announcement and these are detailed in their report to the Secretary of State.
- 2.4 The initial preferred option for the route enters Leeds district and runs north past the eastern edge of Woodlesford before crossing the Leeds to Castleford railway line, the Aire and Calder Navigation and the River Aire. It then runs northwards to pass the western edge of Swillington before swinging near to the M1 motorway past the northern edge of Garforth. Thereafter it follows the existing Leeds to York railway corridor and thence connecting to that line north of Church Fenton and running alongside the classic railway to meet the East Coast Main Line at Colton Junction South of York.
- 2.5 A route into Leeds leaves the line running to the North to the East of Woodlesford before curving round the Northern edge of the village crossing the existing railway and canal which are followed to a point adjacent to the M1 overpass from whence the line runs within the existing Castleford to Leeds railway corridor to enter the city centre.

- 2.6 An environmental report has been prepared by HS2 Ltd for the Government. However, the main impacts of the scheme in Leeds district appear to be in the Aire Valley in the vicinity of Woodlesford and to the south of Swillington where, because of the topography, the railway is elevated above ground level by extensive viaducts which reach to a height of some 20 metres in place. Furthermore, the east of Woodlesford where the Leeds line diverges from the northern line the lines are at differential height requiring multi-level viaducts at the intersection. Further north the line passes through generally rising ground and a significant part is in cutting.
- 2.7 On 17 July the Secretary of State for Transport announced the commencement of formal consultation on the HS2 Phase 2 proposals and published details of the Phase 2 Exceptional Hardship Scheme. The consultation will run until 31 January 2014. A further announcement was made on the 12 September of new proposals for a discretionary compensation package for the Phase 1 route proposals, consultation for which closes on the 4 December 2013.
- 2.8 The Government also established in June an independent expert group to maximise the economic benefits – including job creation – generated by the flagship rail project which is chaired by Commercial Secretary and former head of London Organising Committee of the Olympic Games (LOCOG) Lord Deighton.
- 2.9 It is presently anticipated that following the formal consultation the Government through HS2 Ltd will progress the confirmation of the final scheme proposals during 2014-15 prior to the preparation of a Hybrid Bill for Phase 2 to be laid before the next Parliament.

### **3 Main issues**

- 3.1 The Executive Board considered a report on the Phase 2 proposals at their 15 February meeting and gave its in principle support for the scheme. The potential benefits of this major project are recognised as being highly significant for the city and city region in terms of its transport connectivity and rail network capacity benefits and for the wider economic benefits this will bring. It was also recognised that further work was needed to understand in detail the benefit and impacts of the scheme and recent forecasts have shown £1 billion per annum of benefits for Yorkshire and 13,000 additional jobs. Recent work by Network Rail has also illustrated the benefits of the additional route for supporting the release of rail capacity to meet forecast future rail travel demand and provide improved services on the existing rail network.
- 3.2 Executive Board were very aware of the impacts of the proposals on those local communities adjacent to the route. It has been acknowledged that the scheme proposals require significant further development and improvement to achieve a scheme which meets the city's needs and the impacts on local communities. Also important was the need to see an acceptable compensation scheme in place that recognises the impacts of the scheme on residents by making fair and equitable provision for compensation in the most timely and efficient manner. These matters along with the continuing need for thorough and inclusive public consultation have been consistently identified to the Government and HS2 Ltd as of critical importance.

- 3.3 As described above the route proposals in the vicinity of Woodlesford, Oulton and Swillington have been the source of major concerns in the local communities. The issues of routing have been brought to the attention of HS2 Ltd by the Council and by the Member of Parliament for Elmet and Rothwell who has also made his own proposals for an alternative route.
- 3.4 It is very difficult for the Council to advance specific alternatives for what is one of the most complex engineering and transport projects in recent times. There are a whole range of constraints and limitations evident in the design of such a major scheme, such that the Council cannot hope with any certainty to identify a better solution from its own resources or match the technical wherewithal and funding available to HS2 Ltd for this work. However, it is considered that there is scope for HS2 Ltd to consider other options, including the use of tunnelling to reduce the lines impacts on the most sensitive sections of route and to provide more detail of the potential to mitigate local environmental impacts.
- 3.5 There is also a concern about the provisions being made for compensating home owners who are already affected by the uncertainties created by the publication of the initial route proposals.
- 3.6 Because the scheme is at the preliminary stage and on account of the way it has been developed there is at present no statutory obligations on the Government to compensate home and property owners who may have already been disadvantageously affected. For this reason the Government prepared an Exceptional Hardship Scheme (EHS) for Phase 1 of the route and as part of the Phase 2 proposals they instigated consultation on a similar scheme for Phase 2. This consultation opened with the January announcement and closed on 20 May. In a similar way to the EHS for Phase 1 the scheme is open to those property owners, mostly residential, who have a demonstrable and pressing need to sell their homes and are able to demonstrate hardship should they be unable to do so.
- 3.7 Leeds City Council's representation disagreed with the critical underpinning of EHS Criterion 3, 'Efforts to sell and the Impact of Blight', and Criterion 5 'Exceptional Hardship'. The proposed Exceptional Hardship Scheme for Phase 2, whilst acknowledging the blighting effect, only considers putting in place a procedure for dealing with cases of 'exceptional hardship', until safeguarding of the routes trigger the statutory blight measures under the Town and Country Planning Act 1990.
- 3.8 On 17 July along with the consultation announcement 2013 the Government announced its decision to proceed with the Phase 2 EHS by publishing 'HS2 Phase Two Exceptional Hardship Scheme Decision Document' and accompanying EHS Application Guidance. The Decision Document outlines 'The stated purpose of the scheme is to assist owner occupiers of property who have an urgent need to sell their property in order to escape or avoid exceptional hardship', among the changes, a streamlined process for re-application will be introduced. However the government states that in terms of exceptional hardship 'in order to demonstrate that it is necessary for the Government to step in and acquire a property it is only right that applicants first demonstrate all reasonable efforts to sell the property in the same way that they would if there were no plans

or HS2. We believe that this is in the best interests of applicants, communities and taxpayers'.

- 3.9 Subsequently the Government has now published for consultation its revised compensation scheme proposals for the preferred route of Phase 1 which is now being safeguarded. These proposals align more closely with the statutory blight and compensation requirements. This scheme whilst containing much of the previous EHS, clarifies the Safeguarding Zone provision, for properties in the immediate vicinity of the route and introduces a new Rural Support Zone and Long Term Hardship Scheme which potentially extend the compensation package beyond the limited boundaries of the Safeguarding Zone. Additionally new proposals such as provision for a Property Bond and sale and rent back provisions are also included in the consultation. However, because the Phase 2 scheme remains at the initial proposal consultation stage, this scheme for Phase 1 has not been extended to the second Phase proposals. Under the present timescales for development, Phase 2 is not expected to reach the safeguarding stage until 2015.
- 3.10 It remains the Council's view that the scheme is necessary, but that it potentially could be improved especially in terms of administrative efficiency to provide fast and efficient settlement for those adversely affected by the line of the route. With the publication of a revised discretionary scheme for Phase 1 and associated consultation there is now the opportunity for the Council to restate its position in addition to its submission to the scheme consultation.
- 3.11 Finally the uncertainties around the scheme are exacerbated by the extended delivery timescales for the scheme which will not see an announcement of the preferred route for Phase 2 made until later in 2014. A Bill for Phase 2 of the scheme is not expected to be put forward until after the next Parliament in 2015 and may not become statute until 2018-19. The present timescale is for commencement of construction in 2027 with opening in 2032-33. Concerns about this timescale are widespread with the belief that Government should be looking to speed up the process both to alleviate the present uncertainties in the communities affected the by the scheme and to also bring the completion of the route to the north forward.
- 3.12 In their Deputation SOWHAT request that the Council respond to the following points.
- *We want you to fully support the alternative route for HS2, proposed by Alec Shelbrooke which would broadly follow the existing motorway corridor to Stourton where it would rejoin the current proposed route, and express this support in the Council's written response to the current proposed route consultation.*

## RESPONSE

The alternative route presented by Alex Shelbrooke MP offers a further new possibility for consideration by HS2 Ltd in addition to the options already included within their report to the Secretary of State. The Council has already

indicated to HS2 that further options should be evaluated or reviewed to understand how the impacts of the present option can be mitigated or reduced.

This should include the MP for Elmet and Rothwell's proposal, as well as any others that are put forward to them including any that are advanced by local communities. It is not the Council's intention to put forward specific proposals, although it may be anticipated that in the Council's response the Government will be requested to look carefully at further route options and the available modes of mitigating or providing alternatives including the use of tunnels.

It is clear that only thorough and transparent evaluation by HS2 Ltd's technical team which shows the pro and cons of the available alternatives, and thus allows further discussion can provide for this.

- *We request that the Council properly examine the possible benefits and disbenefits associated with bringing high speed rail to Leeds. This examination must include the negative impact the project has already had on the value of housing stock.*

#### RESPONSE

The Council will be working closely with the City Region representative on Lord Deighton's HS2 Growth Task Force to understand the economic benefits. In parallel with this it is the intention to set up a local task group in the City Region to further develop and present our understanding of the economic and transport impacts and implications for the city region. The desire to see an evaluation on property values will be included within the emerging remit for this group.

- *To make a commitment to establish a working party which will liaise with all stakeholders, opening channels of communication and working actively to minimise the impact of implementing high speed rail on the residents of Leeds.*

#### RESPONSE

The implications of HS2 for the city need careful consideration and the Council will look carefully at what processes should be set up to ensure the views of local people are understood. Further advice will be taken from the Local Area Committees as to the appropriate mechanism for achieving this.

- *We seek a commitment from the Council to oppose HS2 if the government fails to implement an appropriate and fair compensation scheme, on the basis that such unacceptable treatment of its residents would be intrinsic to the whole HS2 business case.*

#### RESPONSE

It is already the Council's position that the present compensation scheme is inadequate and that this should be improved. The Council will continue to press the Government on this matter. Following the announcement of the Phase 1 scheme further compensation proposals it will be Council's intention to submit a response to these proposals, urging that further progress is made to extend the

benefits as soon as possible to Phase 2 communities and in the meantime to ensure the expeditious consideration of urgent compensation applications under the present scheme.

It is, however, important to recognise that not all residents may wish to relocate and that some may choose to remain in their homes. It will also be emphasised that the environmental mitigation package for the scheme should be to the highest possible standards to ensure the quality of life of residents is effectively safeguarded.

- *OR if not willing to oppose HS2 in the latter situation, to commit to implementing a local compensation scheme, as by supporting the project you are supporting the unfair treatment of affected residents of Leeds. If the anticipated economic benefits to Leeds are realised a proportion of this financial gain should be used to offset the personal financial loss of affected residents.*

## RESPONSE

The Government has made clear that it is intending to provide compensation to property owners affected by the scheme. It falls to the Government as the promoter of the scheme to provide and implement such a compensation scheme, in the first instance in the absence of legislation this is a voluntary scheme, but ultimately the Government are required to do this by statute. The Council has no powers or resources to provide its own compensation scheme. However, as made plain in this report the Council finds the present position unsatisfactory and will continue to press the Government to both expedite the development of the proposals to their preferred option when the statutory provisions will apply and to make the process for compensation under the interim scheme now in place as efficient and timely as possible.

- 3.13 As noted elsewhere it is the intention to bring forward for the Executive Board's approval the proposed City Council response to the HS2 Phase 2 consultation prior to submission by the 31 January 2014 deadline.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 At the time of the Government's announcement there had been no local consultation with the Council or any other local authorities, stakeholders, businesses or residents about the line of the proposed new route. The Department for Transport and HS2 Ltd have already been pressed by the Council and local Members of Parliament to initiate such consultation and were pressed to do this in advance of the formal consultation which has now commenced.
- 4.1.2 Officials from HS2 Ltd and the Department for Transport have subsequently met with officers and senior Councillors and a meeting has also been held between HS2 Ltd, local Ward Members and the MP for Elmet and Rothwell Constituency. The MP has also submitted to HS2 Ltd his own proposals for the alternative routing of the line in the vicinity of Woodlesford.



- 4.1.3 Ward Members received an advisory briefing immediately prior to the first announcement and were subsequently briefed on the available details of the initial proposals. Officers have provided further briefings to Members and have attended local meetings in Woodlesford and Swillington. Reports to both Inner and Outer South Area Committees have been made.
- 4.1.4 A formal response to the Government proposals for the Phase 2 Exceptional Hardship Scheme for compensation was submitted on the 20 May and is referenced in this report.
- 4.1.5 It is intended that the Council will provide a full response to the formal public consultation which will be submitted Executive Board in due course.
- 4.1.6 As part of the consultation a series of local events were held by HS2 Ltd along the Phase 2 route as follows:-

Event Area	Date and time	Venue
Leeds	Friday 18th October (12pm - 8pm)	The Met Hotel, King Street
Leeds	Saturday 19th October (10am - 5pm)	The Met Hotel, King Street
Garforth	Thursday 31st October (12pm - 8pm)	Garforth Academy. Lidgett La
Woodlesford	Friday 1st November (12pm - 8pm)	Blackburn Hall, Rothwell

## 4.2 **Equality and Diversity / Cohesion and Integration**

- 4.2.1 It is noted that the Government is currently conducting formal consultation in the HS2 Phase Initial Proposals. In the course of preparing the Council's response it will then be possible to assess the EDCI implications of the proposals.

## 4.3 **Council policies and City Priorities**

- 4.3.1 The anticipated economic benefits of high speed rail have the potential to contribute to the Vision for Leeds 2030 to be the best city in the UK. Improvements to strategic connectivity support the City Priorities and the West Yorkshire Local Transport Plan (LTP3).
- 4.3.2 The proposals have great potential to be developed to make a major contribution towards the Best Council objective for Sustainable and Inclusive Economic Growth by supporting jobs and employment with new and improved rail connectivity in the city region and beyond. However, also within the Best Council context it is important to recognise that there are consequences for local communities in achieving these benefits. It is therefore essential that the final scheme integrates with the environment and communities through which it passes by using the highest quality of design and mitigation measures to reduce disturbance and impacts before, during and after construction with the backstop of expeditious, fair and equitable compensation where necessary. The essential first step in this being by the promoters fully engaging with the communities and business affected.

4.3.3 Nevertheless the more detailed and specific impacts of the proposals on local communities and businesses suggest that further detailed work on the proposals by HS2 Ltd is necessary to demonstrate an acceptable scheme and that appropriate mitigation and compensation arrangements are in place for unavoidable adverse impacts.

#### 4.4 **Resources and value for money**

4.4.1 The announcement has no immediate issues in terms of resources or value for money. At present the responses to the publication of the Government's initial preferred option is being met through existing resources. It is however likely for such a complex scheme that further detailed advice and analysis will be required in due course.

#### 4.5 **Legal Implications, Access to Information and Call In**

4.5.1 This report is eligible for Call-In.

4.5.2 There are no specific legal implications for the Council at present regarding the Government's initial preferred route options for Phase 2. HS2 is a very large and complex project and therefore it is clear that the detailed proposals are likely to raise wide ranging issues of legal and regulatory nature in terms of regulatory, property and environmental matters.

#### 4.6 **Risk Management**

4.6.1 There are no immediate risk management issues. Appropriate arrangements will be put in place as the Council's engagement with the project is developed through the detailed scheme development public consultation stages. Through this process and extensive dialogue with all stakeholders it will also be the intention to minimise the wider risks to local communities and infrastructure.

### 5 **Conclusions**

5.1 The development of a direct High-Speed Rail Line to Leeds, would significantly contribute to the Vision for Leeds to become the best city in the UK by 2030, promoting the regions long term economic competitiveness.

5.2 The route of HS2 Phase 2 in Leeds District has significant impacts for some of the local communities through which it is proposed to pass. These have already been drawn to the attention of HS2 Ltd. The Council will engage with the Government and HS2 Ltd on all matters including local community issues relating to the scheme and due course respond to the formal scheme consultation.

5.3 In relation to the SOWHAT Deputation the specific concerns of the community are recognised. The Council has already indicated in the EHS Phase 2 consultation its concerns about this scheme which has not changed significantly with the Government's formal announcement. It is also essential that HS2 Ltd fully consider both alternative route options and mitigation measures in their forthcoming work to confirm the route proposals.

- 5.4 In the meantime the Council should work with the Government, HS2 Ltd and the local communities to achieve the best possible acceptable solution and designs for the scheme and to secure the provision of a timely and fair compensation scheme that reduces the present high uncertainties faced by residents. This will include responses to both the Phase 2 scheme consultation and to the recent consultation on the revised discretionary compensation scheme for the Phase 1 route.
- 5.5 As a national infrastructure project the promoter is the Department for Transport and as such the City Council's role is presently limited to that of an informal consultee during the current initial stage of project definition. Thus all the final decision on routing, funding, use of statutory powers and compensation rest with the Government and ultimately Parliament.

## **6 Recommendations**

6.1 Executive Board is requested to:

- i) Note the content of this report and the response to the Deputation;
- ii) Recognise the significant and understandable concerns of the local communities situated on the initial proposed route of HS2 and the present limited scope of the Exceptional Hardship Scheme for compensation;
- iii) Agree that a further report detailing the proposed City Council response to HS2 Phase 2 be submitted for the Board's consideration ; and
- iv) To note:
  - The timescales for implementation as outlined in section 3.13
  - That the Head of Transport Policy will be responsible for implementation.

## **7 Background documents<sup>1</sup>**

7.1 There are no background documents to the preparation of this report:

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.