

REPORT TO PICKMERE PARISH COUNCIL

7th February 2023

AGENDA ITEM 9.2 HS2B – RECEIPT OF CEC RESPONSE TO QUERY, AND UPDATE RE PETITION PROCESS

1. QUERY TO CEC

1.1 At your November 2022 meeting, your Council resolved to ask Cheshire East Council for:

...confirmation of the funding that you have applied for from HS2, or any funding that has been agreed, to underpin the monitoring and enforcement of the relevant HS2 Act requirements. The Parish Council is obviously concerned to be assured that your Council will have sufficient resource to carry out these functions efficiently and effectively...

1.2 CEC replied on 16 December 2022 as follows:

...The Council is able to recharge to HS2 for the officer time and resources required to undertake its [sic] roles as Local Planning Authority, Local Highway Authority and as a Qualifying Authority under the Act. This extends to any consultancy costs required to supplement existing resources in order to undertake this role effectively....

Between February 2021, when the Phase 2a Hybrid Bill received Royal Assent, and January 2022, the costs to the Council of undertaking its role amounted to £7,860.85 (excluding VAT) which the Council is seeking approval from HS2 for reimbursement. Costs from February 2022 to date are currently being compiled.

1.3 On being reminded that this did not answer the question, CEC responded again on 22 December and a copy of this response is attached as an Appendix to this report.

1.4 Essentially the answer is that CEC:

- Will have a role as local planning authority and highway authority in approving the detailed design of certain structures and elements of the HS2 scheme.
- Has the status of a 'qualifying authority' for HS2B, providing it with a wider range of planning controls, and controls over plans and specifications for e.g. embankments and earthworks, transformers, lighting, waste and spoil disposal, etc.
- Will be able to take advantage of funding via HS2 Ltd to perform these responsibilities in accordance with a Service Level Agreement yet to be drafted.

1.5 CEC has requested that the Hybrid Bill for HS2B be amended to allow minimum periods of time to be able to deal with the approval etc of details as just mentioned.

1.6 The letter states that monitoring and enforcement of HS2 Ltd and its contractors through construction will be governed by a Code of Construction Practice, with which contractors will have to comply. An HS2 Construction Commissioner will be appointed by the Secretary of State to deal with complaints where a complainant is unhappy with the performance of HS2 contractors against the Code of Practice.

1.7 Thus the answer to your Council's question is that arrangements will be made for funding but there is no detail of how much at the present time. Whether CEC will be able to secure sufficient such funding adequately to carry out the above duties and to enforce against errant HS2 contractors thus remains unknown and probably will only become evident when construction works commence.

2. UPDATE RE PETITION PROCESS

2.1 The following comments remain relevant despite recent speculation that HS2B might not proceed at all, or might be restricted in scope. The Council must proceed until such time as Government formally announces any change in the scheme's programme.

2.2 Your Council's working group on HS2 had had further meetings and has had further exchanges of correspondence with HS2 Ltd and also the House of Commons Petition manager.

2.3 It seems likely that your Council will not be invited to appear before the HS2 Select Committee for several months yet, though advice on this is vague. It has become evident that the form of such appearance will be similar to that of a public inquiry for instance into a planning appeal, in that the Select Committee members would effectively act as 'judge' or 'planning inspector' while the petitioners present their case, and HS2 Ltd, probably represented by a King's Counsel, will present HS2's response to the petitioner's comments. Cross examination of both parties will take place.

2.4 This has raised questions about whether your Council should be seeking to appoint a barrister, or advocate solicitor, to help present your Council's objections to the scheme. This would obviously be likely to cost a significant sum – possibly in the order of £5,000-£10,000.

2.5 The working group has concluded that this should not happen, but that reliance should be placed on those representatives of the Parish Council who would appear before the Select Committee.

2.6 However, it is clear that what will be required are forms of evidence to support the case that the Council is presenting to the Select Committee, and at this stage in particular, the group is thinking of photographs of various features in the village (for instance on School Lane and Pickmere Lane) where HS2 will have a substantial impact, and also plans illustrating the overall impacts of the proposed scheme on both the parish's rural environment and on the ease of movement of residents into, out of, and around the parish for work, for shopping, for social activities, etc etc.

2.7 **THE KEY MESSAGE THAT BECOMES APPARENT AS ONE CONSIDERS THE HS2 SCHEME IN DETAIL IS THAT THE ENVIRONMENT AND THE WORKING OF PICKMERE PARISH ON A DAY TO DAY BASIS WILL BE SERIOUSLY AND PERMANENTLY DAMAGED BY THE PROPOSED SCHEME, BOTH AS A RESULT OF THE LENGTHY CONSTRUCTION PROCESS (WHICH WILL LAST SEVERAL YEARS) BUT ALSO BECAUSE OF THE PERMANENT EFFECT OF THE SCHEME ONCE BUILT AND IN OPERATION.**

2.8 **SUCH EFFECTS WILL HAVE A FAR MORE SERIOUS EFFECT ON HOW PARISH RESIDENTS FOLLOW THEIR DAILY LIVES THAN ANY OTHER FACTOR OR EVENT THAT THE PARISH HAS EVER EXPERIENCED.**

- 2.9 The group is not convinced that parish residents appreciate this point but the material mentioned (graphics and data) can be used to inform parish residents further on the likely impact / disruption that the scheme is likely to mean.
- 2.10 In the light of the considerations above, the working group therefore seeks Council authorisation for expenditure on the preparation of evidence to support the Council's case at the Select Committee. At this stage it suggests a spending envelope of £3000, although clearly expenditure will be kept to the minimum.
- 2.11 There is no provision in the Council's budgets for this year or next year to cover such expenditure; accordingly it will have to be diverted from another of the Council's earmarked funds.
- 2.12 It is pointed out that before the Select Committee hearing, HS2 Ltd will be seeking (as with all petitioners) to negotiate away the many objections they are considering. If for instance before the hearing HS2 Ltd agree to an appropriate means of keeping Budworth Road open permanently, then that would help reduce the inputs required to support the Council's appearance at the Select Committee.
- 2.13 Finally, Council is reminded that it has already authorised expenditure of up to £250 per person (if an overnight stay in London was not required) in relation to subsistence claims from the councillors in relation to any appearance before the Select Committee, or £500 pp if an overnight stay was required.

3. RECOMMENDATION

- 3.1 That the report be noted and that authority be given for the Council's HS2 working group (Cllrs Flannery, Shore and Tarrant) to incur expenditure up to £3000 on the preparation of evidence, and any other requirements to enable and facilitate appearance before the Parliamentary Select Committee on the HS2B Hybrid Bill.

Jack Steel
Clerk to the Parish Council