

North Yorkshire County Council**Executive****7 March 2017****HS2 Route Refinement and Property Consultation****Report of the Corporate Director – Business and Environmental Services****1.0 Purpose of report**

- 1.1 To advise Members of the consultation on the HS2 (High Speed Rail), and for Members to approve the County Council's formal response to the consultation.
- 1.2 To inform Members of the County Council's involvement in the HS2, and for Members to consider the proposals for reporting and delegation of decisions relating to HS2.

2.0 Background

- 2.1 In November 2016 the Government confirmed its preferred route for Phase 2b of the HS2 (High Speed Rail) network.
- 2.2 The North Yorkshire section extends for approximately 7 km from the boundary with Leeds (near the confluence of the M1/A1M) to the East Coast Main Line at Church Fenton, entirely within Selby District.
- 2.3 There does not appear to be a formal process that HS2 Ltd needs to follow in developing its detailed plans for the network, but it is understood that HS2 Ltd will drive the technical development process including the Environmental Impact Assessment (EIA), route design and mitigation, and the preparation of the draft legislation. Based on our current understanding the process appears to have a number of similarities with Nationally Significant Infrastructure Projects (NSIPs).
- 2.4 There are three principal stages:
- Planning – Preparation of evidence for, and drafting of, the Hybrid Bill for Phase 2b by the end of 2019.
 - Legislative – Passage of the Hybrid Bill through Parliament and Royal Assent anticipated by 2022.
 - Implementation – Construction 2023 – 2033.
- 2.5 HS2 Ltd is currently undertaking public consultation on Route Refinement and Property compensation.
- 2.6 Additionally, HS2 Ltd is seeking to engage with NYCC as a relevant Local Authority to establish data for the preparation of the EIA.
- 2.7 NYCC Executive considered a report on Response to Government Consultation – High Speed Rail: Investing in Britain's Future on 21 January 2014. This endorsed a formal response that gave support in principle to HS2 and sought opportunities for continued engagement, including mitigating local impacts.

3.0 HS2 Consultation

3.1 The current consultation runs until 9 March 2017. The key areas covered are set out below:

3.2 Route Refinement:

3.2.1 After considering all feedback from the public consultation on the Phase Two route, stations and depots in 2013, HS2 Ltd has further developed and refined the route. In reviewing the route, HS2 Ltd has also considered the evolving strategic picture including taking into account the vision of Transport for the North (TfN) for a faster, more frequent and more reliable rail network across the North.

3.2.2 The Secretary of State has decided to consult on a number of locations where more substantial changes are recommended. There are seven route refinements, none of which are in North Yorkshire.

3.2.3 As well as the changes which are being consulted on, a number of further refinements have been made to the Phase 2b route. These refinements reflect feedback from the 2013 consultation on Phase Two and lessons learned from the development of the Phase One and Phase 2a design. Within North Yorkshire one of these refinements is changes to the proposed viaduct arrangements near Church Fenton.

3.2.4 Although these refinements are not subject to consultation at this stage, HS2 Ltd will undertake further engagement and consultation where considered appropriate as the design of the Phase 2b route develops. This will enable consideration of issues such as the design and mitigation of the route, and how HS2 Ltd can best work with local aspirations.

3.3 Property:

3.3.1 HS2 Ltd is proposing a package of assistance and compensation measures to communities along or near the preferred Phase 2b section of the HS2.

3.3.2 Part A is specifically related to the preferred Phase 2b route and looks at two key areas:

1. The schemes to be applied to the route:
The consultation invites comment on the schemes that the Government has proposed for the preferred Phase 2b route, and whether they are appropriate. The Government asks if changes should be made to them and what alternatives should be considered.
2. The boundaries between the rural and urban areas of the route:
Some of the schemes that the Government proposes will only apply in rural parts of the preferred Phase 2b route, and the document therefore sets out the planned boundaries between rural and urban areas. Comments on these are welcomed. All of the North Yorkshire section falls within a rural area.

3.3.3 Part B of the consultation document considers a specific criterion of the Need to Sell scheme relating to 'no prior knowledge' of HS2.

3.3.4 Officers from across the County Councils relevant service areas have considered the issues raised in the consultation documentation. A draft response to each of the consultation documents is attached at Appendix 1.

4.0 Performance Implications

- 4.1 HS2 is a nationally significant project that could have strategic implications for NYCC.
- 4.2 The response to the current Route Refinement and Property Compensation consultation has been prepared utilising existing staff resources.
- 4.3 However, the ongoing engagement with HS2 Ltd is likely to impact on service capacity during the life of the project. The range of issues affecting service areas cannot be fully determined until a more detailed work programme is received from HS2 Ltd. In the meantime mechanisms are being established to manage and co-ordinate engagement in this process. BES Growth, Planning & Trading Standards will take the lead and co-ordinate input and responses from across the authority.
- 4.4 It will therefore be important to establish clear objectives for NYCC's involvement in this phase of HS2. It is considered that these should be to:
- Provide HS2 Ltd with technical data as required and where relevant to North Yorkshire and the County Councils interests;
 - Represent NYCC's interest (Policy, Community, Natural Capital and Physical assets) in the development and delivery of HS2;
 - Seek to maximise opportunities (particularly economic) for NYCC and North Yorkshire;
 - Provide a clear point of contact and an efficient and value for money service.
- 4.5 It is likely that some information requests and engagement with HS2 Ltd will need a rapid response. To ensure efficient and effective decision making and project awareness at the appropriate level, it is considered that:
- Decisions which are listed below, and not limited to, will be delegated to the Corporate Director BES in consultation with BES Executive Members to explore and agree matters in relation to:
 - Technical Input
 - Providing data for the Environmental Impact Assessment and other necessary supporting assessments
 - Undertaking peer review of HS2 reports in relation to North Yorkshire's interests
 - Technical design advice to HS2 Ltd
 - Preparing evidence to support NYCC interests
 - Co-ordination
 - Potential for joint working with Selby District Council, as part of Better Together
 - HS2 liaison and cost recovery
 - Memorandum of Understanding (MOU) or service level agreements with HS2 Ltd regarding delivery of service and recouping NYCC staff costs.
 - Information updates – Monthly, or as needed, progress reports on key issues will be given to BES Executive and management.
 - Any key decisions will be taken by the Executive
 - The above delegations shall not impede on any existing delegations contained within the Officers Delegation Scheme of NYCC's constitution provided to the Corporate Director BES.

5.0 Financial Implications

- 5.1 Currently the Council has no HS2 specific budget lines. However, there are no direct financial implications for North Yorkshire County Council in terms of the Route Refinement and Property consultation process.
- 5.2 Officer time will be required to engage with HS2 Ltd and deliver supporting data. HS2 Ltd has offered a Memorandum of Understanding to enable cost recovery for time spent by officers, or our consultants, supplying data. This is a voluntary arrangement and it is understood that HS2 Ltd is under no obligation to offer financial compensation to Local Authorities engaged in this process. Details of the financial arrangements have yet to be confirmed.
- 5.3 One Council property, a farm at Church Fenton, will be affected by the alignment of HS2. Property Services are aware of this and will deal with the property compensation issues.

6.0 Legal Implications

- 6.1 The consultation process has no direct legal implications for North Yorkshire County Council. However, the County Council would need to be mindful of, and act in accordance with any legislative or policy change or reform that arises when the Hybrid Bill for HS2 Phase 2b comes into force.

7.0 Consultation Undertaken and Responses

- 7.1 HS2 Ltd is responsible for formal public consultation on HS2.
- 7.2 Internal consultation has been undertaken with key service areas in relation to Route Refinement and Property. The proposed Council response is attached at Appendix 1.
- 7.3 In order to assist the community accessing information on HS2, consideration is being given to establishing a web page on the Council's web site that will provide basic information and sign posting where further information and contact details for HS2 can be found.

8.0 Equalities Implications

- 8.1 The final decision on how HS2 will be implemented rests with Government. This report and its recommendations will not have a direct impact on County Council policy. Nevertheless, an equality impact screening assessment has been undertaken on the proposed response to the consultation on HS2. This concludes that the proposed response will not have an adverse impact on people with protected characteristics as defined by the Equality Act 2010, see attached Appendix 2.

9.0 Environmental Impacts/Benefits

- 9.1 It is likely that HS2 will have environmental impacts within North Yorkshire. HS2 Ltd is undertaking an Environmental Impact Assessment to consider the effects and identify any required mitigation measures. NYCC officers will be engaged as part of this process. Ultimately it is for HS2 Ltd to demonstrate that it has adequately identified and addressed the relevant issues. The Government will make the final decisions on the Hybrid Bill.

10.0 Reasons for Recommendations

- 10.1 While there are no direct implications for North Yorkshire in terms of the proposed Route Refinement consultation, there is opportunity to identify issues that have changed in respect of North Yorkshire since the last formal consultation in 2013/14. With regards to the Property consultation, it is considered appropriate to indicate the acceptability of the schemes on offer and to indicate opportunities for clarification that will help the efficient operation of the process for the benefit of residents of North Yorkshire and the County Council.
- 10.2 Confirmation of the objectives for NYCC will help to clarify and focus engagement with HS2 Ltd, enabling a more efficient process. Similarly, establishing appropriate delegations will enable an efficient engagement process that will help to speed up service delivery and reduce costs.

11.0 Recommendation

- 11.1 That the response set out in Appendix 1 is submitted as the response of North Yorkshire County Council to the Route Refinement and Property consultation.
- 11.2 That the objectives for North Yorkshire County Council's engagement in the current planning phase of HS2, as set out in paragraph 4.4 of this report, are endorsed.
- 11.3 That the reporting processes and delegations identified in paragraph 4.5 of this report are endorsed.

DAVID BOWE
Corporate Director – Business and Environmental Services

Author of report – Mark Rushworth

Background Documents –
HS2 Route Refinement Consultation
HS2 Property Consultation

Questionnaire responses:

The following responses are proposed to the HS2 consultation questionnaires:

Route Refinement

With the route alignment within North Yorkshire being confirmed, there are no specific questions related to this section of the route. However, as a number of years have passed since the initial consultation was undertaken in 2013/14, and in the light of the ongoing dialogue that HS2 Ltd has indicated that it will engage in on route design, there is an opportunity to provide an update from NYCC service areas in relation to North Yorkshire:

Strategic Policy and Economic Growth

One of the key objectives of the NYCC [Council Plan](#) is that *North Yorkshire is a place with a strong economy and a commitment to sustainable growth that enables our citizens to fulfil their ambitions and aspirations.*

NYCC has produced a [Strategic Transport Prospectus](#) 2015 for North Yorkshire which sets out the long term vision (to 2045) for how improved transport in North Yorkshire can contribute towards a thriving northern economy. The Strategic Transport Priorities set out within this document are:

- Improving east-west connectivity (including Trans Pennine links)
- Improving access to High speed and conventional rail
- Improving long distance connectivity to north and south

In its role as Highways Authority, North Yorkshire County Council has commissioned a study of the economic impacts of improved transport connectivity between the East Coast of Yorkshire and the north bank of the Humber with the western side of North Yorkshire linking into York and East Lancashire.

The aims of the study include the requirement to assess the economic impact of the County's Strategic Transport Prospectus and the contribution that this makes to the aspirations of the Northern Powerhouse in terms of future growth in Gross Value Added (GVA), numbers of jobs and future housing growth both within North Yorkshire and also in surrounding functional economic areas.

The [North Yorkshire Local Transport Plan 2016 – 2045](#) has established the following objectives:

- Economic Growth - Contributing to economic growth by delivering reliable and efficient transport networks and services
- Road Safety - Improving road and transport safety
- Access to Services - Improving equality of opportunity by facilitating access to services
- Environment and Climate Change - Managing the adverse impact of transport on the environment
- Healthier Travel - Promoting healthier travel opportunities

The County Council is also developing a plan to deliver economic growth. The vision aspires to North Yorkshire being a modern economy characterised by high quality, efficient transport and communications, higher levels of entrepreneurialism and opportunities for younger people to access good quality employment and affordable housing opportunities. An identified key enabler is:

Deliver a modern integrated transport network – delivering the Council’s Strategic Transport Prospectus, improving strategic road and rail links between the east and west sides of North Yorkshire to deliver agglomeration benefits within the County by connecting North Yorkshire to the Northern Powerhouse and the rest of the UK.

Highways & Transportation

North Yorkshire County Council as Local Highway Authority (LHA) requests early engagement in relation to any adverse impact on the local highway infrastructure. The Altofts to Church Fenton HS2 Fact Sheet indicates temporary or permanent highway realignment would be required for the A162, Common Road and additional minor roads. The LHA would request that early discussions are held to agree any temporary or permanent highway realignment options and any impact these may have on highway structures. Consideration will also need to be given to the impact of any additional or diverted journeys resulting from the changed rail network, any alterations to local transport services to ensure integration with HS2 and the impact of traffic associated with the construction phase of the scheme on North Yorkshire’s highway network.

Minerals & Waste Planning

Since making our previous comments on this there has been no substantive change in the position, other than that the [Minerals and Waste Joint Plan](#) has now progressed to formal Publication stage. The HS2 route crosses areas of surface minerals resources proposed to be safeguarded in the Plan. The Plan also sets out draft policies which seek to protect safeguarded resources unless certain criteria can be met. One of these could be that the need for the sterilising development outweighs the need to safeguard the mineral. Taking into account the strategic importance of the HS2 proposal we consider it is unlikely that minerals safeguarding considerations would present a significant barrier to the development, but it remains an issue which should be addressed as part of the scheme, in order that it can be demonstrated that it has been taken into account, and any mitigation considered. Policies S01 and S02 of the draft Plan are the key draft policy references, for information.

Property

Question 1

The Government believes the proposed schemes outlined in the Property Consultation document provide a comprehensive package of assistance and compensation to communities along or near the preferred Phase 2b section of HS2. Are there any factors which you think should be considered to make the proposed schemes more suitable for the preferred Phase 2b section of HS2? Can you suggest any ideas you may have to improve the package of compensation and assistance schemes for the preferred Phase 2b section of HS2?

The proposed route will sever an NYCC Farm at Church Fenton.

The compensation scheme on offer appears to be reasonable. In comparison to, for example, a road scheme, the series of payments are all in addition to statutory compensation and appear to generally mitigate against many of the foreseeable problems that may arise. We consider these additional packages to be necessary in the case of HS2, due to the unprecedented scale of this project and the likely impact this will have on the local residents of North Yorkshire.

It is particularly welcomed that many of these compensation schemes come into operation with immediate effect. There are, however, a number of points that require clarification as detailed below:

- 1) We welcome the compensation bands that are set within the Rural Area. We would, however, expect that the band widths would be backed up by technical data taken before and after the construction of HS2 and amended appropriately depending upon the impact the technical data shows.

- 2) The acquiring authority need to ensure they take into account all relevant factors that affect the nearby property owners, including, but not limited to; noise, emissions, vibration and light.
- 3) The compensation packages on offer are specifically for residential owner-occupiers and small businesses. We seek clarification of the criteria that define a 'small business' and assume the term 'business' applies to all businesses including agricultural businesses.
- 4) We note that the 'Cash Offer' is up to 10% of a properties unblighted value, with a minimum of £30,000 and a maximum of £100,000 being payable. We seek clarification that a property owner with a property worth £250,000 will receive the minimum payment of £30,000, rather than receiving no payment due to being below the threshold. This similarly applies to properties at the higher end of the threshold.

We note that the Heads of Claim for Statutory Compensation address:

Land Take – Value of the land being taken

Severance – Loss in value of claimants remaining land as a result of being split by the scheme

Injurious Affection – Loss in value due to use of the scheme (eg dust, salt spray, noise etc)

Disturbance – disturbance to claimants day to day operations as a result of the scheme

Basic Loss / Occupiers Loss Payment – additional payment of up to 10% of the value of the 'Land Take'

Betterment – In some cases the scheme may have a benefit to the property (eg land more likely to be developed for a service station etc.) This is deducted from a claimant's compensation.

If no land is taken a Claimant could possibly benefit from a 'Part 1' or 'Section 10' claim.

Question 2

The following questions relate to the proposed rural and urban boundaries along the preferred Phase 2b section of HS2. See map on page 7 of the Property Consultation document for an outline of the five proposed rural/urban boundaries along the preferred Phase 2b route.

We note that there are no specific question related to North Yorkshire, where the whole of this section lies within the Rural area. We therefore have no comment at this stage.

Question 3

Do you have any comments on the current operation of the 'no prior knowledge' criterion in relation to the Need to Sell scheme? Do you believe changes should be made to this criterion and, if so, what changes should be made and why?

When assessing the 'No Prior Knowledge' Criteria, we would urge the Acquiring Authority to assess each case on its own merits, and where a claimant can provide reasoned evidence that they did in fact have no prior knowledge, their claim will be accepted.

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA:')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Growth, Planning and Trading Standards		
Proposal being screened	HS2 Route Refinement & Property consultation response		
Officer(s) carrying out screening	Mark Rushworth		
What are you proposing to do?	Provide a response to HS2 Ltd consultation on refinements to the HS2 route and property compensation measure.		
Why are you proposing this? What are the desired outcomes?	To enable the County Council to provide advice to the HS2 Ltd to help shape the scheme within North Yorkshire.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	<p>No – at this stage consultation responses will be dealt with through existing staff resources. There are no direct implications for Council services arising from the proposed response to consultation.</p> <p>Future work may entail ongoing engagement with HS2 Ltd. HS2 Ltd has proposed a mechanism for compensating NYCC for officer time in responding to their requests for information.</p>		
<p>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	

Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	The full implications of HS2 are unknown at this stage. The County Council's response to HS2 Ltd consultation will not have a direct effect on other organisations.		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	<p>While HS2 will impact on rural parts of Selby District the current consultation and proposed response will not have a direct effect on Council policy or services, or people with protected characteristics.</p> <p>The final decision on how HS2 will be implemented rests with the Government.</p>		
Signed (Assistant Director or equivalent)	Matt O'Neill		
Date	14.02.2017		