

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 21 July 2015

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**WARD(S):** Langley St Marys/Langley Kedermister/Foxborough and  
Colnbrook with Poyle

### **PART I** **FOR DECISION**

#### **HIGH SPEED 2/HEATHROW EXPRESS DEPOT**

##### **1 Purpose of Report**

The purpose of this report is to provide members with an update following discussions with the High Speed 2 (HS2) delivery team on the proposed relocation of the Heathrow Express (Hex) depot to Langley and request approval to proceed with petitioning against the HS2 Hybrid Bill second Additional Provision.

##### **2 Recommendation(s)/Proposed Action**

The Council is requested to resolve in accordance with the requirements of section 239 of the Local Government 1972:

- (a) That it is expedient for Slough Borough Council to oppose the High Speed Rail (London-West Midlands) Bill ("the Bill");
- (b) That subject to the above, the Head of Legal, in consultation with the Strategic Director for Resources Housing and Regeneration, taking all such steps as may be necessary or expedient to carry the above Resolution into effect, including all those steps required for the Council to submit any petition and thereafter to maintain and, if considered appropriate, withdraw its opposition in respect of the Bill; and
- (c) That the corporate seal of the Council being affixed to any documents required to be sealed in connection with the submission of its petition and the subsequent opposition to the Bill.

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

###### **3a. Slough Joint Wellbeing Strategy Priorities**

HS2 Ltd's proposals impact on the priorities of the Slough Joint Wellbeing Strategy in the following ways:

Health - The relocation of the depot to Langley is likely to negatively impact on air quality in the immediate vicinity and in the Brands Hill area as construction traffic will be routed through Brands Hill which is an AQMA site.

Economy and Skills - The relocation of the depot will not lead to any additional jobs being created in the borough (as the staff currently working at the Old Oak Common site will be re-deployed to Langley). Some new jobs may be created during the construction period - although this not guaranteed.

Regeneration and Environment - Slough's environment will not be enhanced by this development and the Wellbeing Board's regeneration aspirations could be negatively impacted by restricting business growth. Residents in the immediate vicinity of the proposed depot and the Brands Hill and Colnbrook areas could also experience more noise, pollution and traffic during both the construction and operational phases of the depot. At this stage the planned upgrade to Langley station (and car park) using TVBLEP funding could be impacted

Housing - Housing will also be directly impacted as the site currently identified for the depot was earmarked for 200 family dwellings.

### 3b. Five Year Plan Outcomes

HS2 Ltd's proposals will impact on the delivery on the following Five Year Plan outcomes:

#### **Outcome One: Slough will be the premier location in the south east for businesses of all sizes to locate, start, grow, and stay**

- HS2 Ltd's proposals will have a significant impact on transport infrastructure in the immediate vicinity of the proposed depot and possibly across the rest of the borough (particularly during the construction period). Construction is estimated to take around 2 years before the depot is fully operational. The local road network will be impacted with approximately 250 extra HGV movements identified by the HS2 team.
- Air quality in Slough is generally poor, the proposed development will add to further pollution. Nitrogen Oxide will rise with the increase in HGV movements and will add to the boroughs worst area for air quality. There is no mitigation planned by HS2 Ltd and therefore without control measures such as a Low Emission Zone it will not be possible to improve the quality of life for our residents.
- There is also a potential risk that HS2 Ltd's proposals could frustrate and potentially delay (as well as cause abortive costs to) Network Rail's Western Rail Link to Heathrow (WRLtH) scheme, which the council supports. HS2 Ltd are currently proposing an alternative option for the Hollow Hill Lane bridge (see Appendix B) to that required by Network Rail; HS2 Ltd propose to keep the existing bridges in their current state, while Network Rail want to close this bridge and re-provide it outside the borough. Delays to WRLtH would result in international investment not coming forward in Slough/across Thames Valley/ UK. This delay would have an impact on future job creation, business rates, new developments and traffic growth which could perversely impact negatively on Heathrow.

#### **Outcome Two: There will be more homes in the borough, with quality improving across all tenures to support our ambition for Slough**

- Construction of the depot will prevent the site owners from developing a minimum of 200 new dwellings in a sustainable location near the station. The local development plan currently identifies the site for mixed-use and/or housing, if this proposal is approved the town has no other similar sites available to provide for this number of family and affordable homes. Housing demand in Slough has risen and therefore it is critical that the borough continues to provide homes for its growing population.

- Businesses located on the site and future business through Crossrail are likely to move, contributing to a reduction in jobs and future job creation.
- There would also be a loss in council tax and/or business rates that would have accrued back to the council as a result of these new developments being built.
- The loss of council tax is estimated to be in the region of £1.84m/annum (including new homes bonus) and approximately £146K/annum for the existing business rates. If a mixed use development was implemented then the business rates would rise significantly. Over the remaining life of the Hex concession i.e. 8 years this would amount to around £16m.

**Outcome Three: The centre of Slough will be vibrant, providing business, living, and cultural opportunities**

- Inward investment and business retention is critically impacted by the perception of environmental quality. In order to deliver this outcome the council needs to change the image and perception of the town by emphasising and promoting its accessibility, environmental quality, connectivity and productivity to new businesses across the Thames valley and beyond. Increased congestion and a lack of good quality housing could frustrate our efforts and inhibit local economic growth.

**4. Other Implications**

- (a) Financial - There is likely to be a cost implication to fund a petition. At present officers are seeking clarification on the costs but they are estimated to be in the region of £10K to £15K. This cost would include advice and support from a parliamentary agent on the formulation of the petition and to physically lodge the document with the Bills office. The cost for appearing at the Select Committee is yet to be determined.

(b) Risk Management

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
<b><u>Legal</u></b> Time and cost of legal process leads to an unsuccessful outcome	a) Early intervention with legal approving advisor. b) & c) Legal advisor drafting early response prior to the Additional provision and Environment Statement being deposited.	To work with the HS2 delivery team to find a more appropriate site.
<b><u>Property</u></b>	No risks identified	
<b><u>Human Rights</u></b>	No risks identified	
<b><u>Health and Safety</u></b> Air quality affecting residents	SBC will need to lobby for HS2Ltd to provide mitigation	
<b><u>Employment Issues</u></b> No new jobs created Impact on attracting new business to area	SBC will need to lobby for HS2 Ltd to produce an acceptable mitigation package.	
<b><u>Equalities Issues</u></b>		
<b><u>Community Support</u></b> Unfavourable response to wider public consultation.	HS2 Ltd to provide response to public feedback.	
<b><u>Communications</u></b> Public unaware of proposals	HS2 Ltd to carryout public engagement with affected communities before the proposed works are carried out	

<b><u>Community Safety</u></b>	No risks identified	
<b><u>Financial</u></b> Loss of business rates and future council tax.	Engagement with proven/experienced Parliamentary agents	
<b><u>Timetable for delivery</u></b> Works expected to start in 2017.	Discuss with HS2 Ltd - routing to limit impact should development proceed.	
<b><u>Project Capacity</u></b>	No risks identified	
<b><u>Other</u></b>	Non identified	

- (c) **Human Rights Act and Other Legal Implications** - There are no Human Rights Act implications for the proposed action. Individuals and communities who are 'directly and specially' affected by the Hybrid Bill may petition against it, with the petition being heard by the House of Common's High Speed Rail (London – West Midland) Select Committee. This Committee has the power to amend the Bill by limiting the powers its gives and by inserting new powers. Where the latter amendments might themselves cause particular adverse effect, they can also be petitioned against.

So far there has been one round of 'Additional Provision' to the Bill, initiated by the promoter (the Department of Transport) in 2014 and largely concerned with reaching accommodation with petitioners from various parts of the line. A second round of petitioning has recently been announced (commencing on the 17 July) with an anticipated deadline of 14 August for the deposit of final petitions to the Select Committee.

Where a local authority intend to pass a Resolution in favour of opposing/petitioning in respect of a hybrid bill (such as the High Speed Rail Bill), notice of the meeting at which the Resolution is proposed to be passed must be advertised in one or more local newspapers circulating in the area of the authority not less than 10 clear days before the date of the meeting, such notice being in addition to the ordinary notices required for the convening of a meeting of the local or joint authority. The notice must be signed by the proper officer of the Authority. The Notice was published in a local paper on the 3<sup>rd</sup> July 2015.

A decision to submit a petition opposing a Parliamentary Bill is subject to Section 239 of the Local Government Act 1972, which requires a majority of all council members must support the resolution i.e. 22 members, not just a majority of those present and voting. Approval from a majority will provide officers the authority to lodge a petition with Parliament against HS2 Ltd's proposals on the Hex depot during this second round of petitioning.

- (d) **Equalities Impact Assessment (EIA)** -There is no identified need for the completion of an EIA for the proposed action.
- (e) **Workforce** - There are no identified workforce implications for the proposed action.
- (f) **Property** - There are no identified property implications for the proposed action.
- (g) **Carbon Emissions and Energy Costs** - There are no identified carbon emission or energy cost implications for the proposed action.

## 5. Supporting Information

- 5.1 The proposed relocation of the Hex depot to Langley is as a direct consequence of changes being made to the Old Oak Common interchange/maintenance site. HS2 Ltd argue that there is insufficient space to locate and/or operate the required depot on this site once the construction of a new Old Oak Common station on the existing site has been completed.
- 5.2 HS2 Ltd originally intended to move the Hex depot to another site nearby, but more detailed operational work undertaken by Network Rail since the Hybrid Bill's deposit has revealed that that site would not be 'operationally viable'. Officers believe there are a number of more effective ways of delivering this depot - either at another site along the Great Western Line or at the existing Old Oak Common site. These alternatives have been presented to the HS2 team but to date these suggestions have met with little or no support.
- 5.3 Officers are aware that HS2 Ltd are planning to deposit a second Additional Provision (AP) (with an accompanying Environmental Statement (ES)) to the Hybrid Bill (setting out their plans for Langley) with Parliament, on the 13th July 2015.
- 5.4 Notices in national and local newspapers will be published immediately after deposit, alerting the public to these changes and the opportunity to feed into the process by petitioning or responding to the consultation, as appropriate.
- 5.5 A petitioning period of four weeks has been announced for those 'directly or specially' affected by the changes in the second AP, so that the public can submit petitions. This petitioning period will begin on Friday 17 July and end on Friday 14 August.
- 5.6 Once these notices have appeared, a public consultation on the ES lasting 42 days will also commence. This consultation will begin on Friday 17 July and end on Friday 28 August. As with the main ES consultation at the time of the Bill's deposit, the responses to this consultation will be analysed by Parliament's independent assessor and the assessor's report will be tabled in the House ahead of a Third Reading.
- 5.7 This means that any petition officers seek to develop (with the assistance of a parliamentary agent) will need to be lodged with the Select Committee by Friday 14 August at the latest. In order for our petition to be recognised and heard by the Select Committee, officers need to:
- Demonstrate how HS2 Ltd's proposals for the Langley site "*directly and specially affect*" the council; and
  - Show that our petition has the full approval of council.
- 5.8 At this point in time, and based on the limited information that has subsequently been made available to the council since HS2 Ltd's briefing session for members on 10 June and a follow up meeting with officers at the end of June, officers anticipate that we may have grounds to petition on the following issues:
- Housing need impact: Loss of the potential to develop a minimum of 200 family homes in the Langley area

- Financial impact: Income of £2m/annum lost to the council (from council tax/business rates)
- Environmental impact: Increased air pollution/poor air quality as a result of additional HGV traffic in the immediate vicinity of the proposed depot and in the Brands Hill and Colnbrook areas. The image of the town adversely affected.
- Economic growth impact: Delivery timescales of WRLtH scheme deferred with the potential to derail the scheme.
- Quality of life impact: Noise during the construction period and when the site becomes operational significantly increased for residents but also for business employees.
- Other implications: Any other issues identified after receipt of the ES that supports and strengthens the Council's position will be added. Officers will continue to meet with the HS2 delivery team to explore all other options prior and following the submission of the petition.

## 6. Comments of Other Committees

The Cabinet considered a report on these matters at its meeting on 22<sup>nd</sup> June 2015 and agreed to recommend the development and submission of a petition opposing the Additional Provisions of the Bill to full Council.

## 7. Conclusion

- 7.1 A decision to submit a petition opposing a Parliamentary Bill is subject to Section 239 of the Local Government Act 1972, and this requires a majority of all Council Members must support the resolution and not just a majority of those present and voting at the meeting.
- 7.2 Delegate approval to develop the precise wording and form of the deposited version of any petition is being sought to ensure that the Head of Legal in consultation with the Strategic Director of Regeneration, Housing & Resources has the necessary authority to lodge a petition of behalf of the council against the Additional Provision in HS2 Hybrid Bill by 14 August 2015.

## 8. Appendices Attached

A - HS2 Presentation  
B – Map of site and proposed bridge

## 9. Background Papers

None.