

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 24<sup>th</sup> November 2015

**CONTACT OFFICER:** Joe Carter, Assistant Director Assets Infrastructure & Regeneration  
**(For all Enquiries)** (01753) 875653

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

### **PART I** **FOR INFORMATION**

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

1. **Purpose of Report**

To inform members that a fourth Additional Provision (AP4) was published on 12 October 2015 which officers are petitioning against under the authority of the existing HS2 – HEx Depot resolution passed by Council on 21 July 2015.

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

The Council is requested to note the AP4 petition based on the 21 July resolution and formally record support for the action through Council minutes.

The resolution passed on 21 July stated:

That 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 the Brands Hill Air Quality Management Area (AQMA) and onward to the M4 AQMA.
- **Economy and Skills:** The relocation of the depot will only lead to new jobs being created in the Borough if HEx depot staff currently working at the Old Oak Common site, choose not to be deployed to Langley. Some new jobs may be created during the construction period, although this can not be guaranteed.
- **Regeneration and Environment:** Slough's environment will not be enhanced by this development and the Council'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.
- **Housing:** Housing will also be directly impacted as the site currently identified for the depot is earmarked for 210 family dwellings, with the possibility of up to 800 dwellings on the wider site if a high density development scheme is considered.
- **Safer communities:** no immediate impacts are envisaged.

#### 3b. **Five Year Plan Outcomes**

HS2 Ltd's proposals will impact on the delivery of 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 across proposed construction transport routes through the Borough. Construction is estimated to take around 2 years before the depot is fully operational. The local road network will be impacted with up to 500 two-way HGV trips per day in the peak construction period (across three construction site entrances).
- 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 Borough's worst area for air quality. There is no mitigation planned by HS2 Ltd and therefore without control measures such as ultra low emission vehicles or a Low Emission Zone it will not be possible to improve the quality of life for our residents.

- It is no longer thought that HS2 Ltd's proposals will frustrate or delay Network Rail's Western Rail Link to Heathrow (WRLtH) scheme, which the Council supports.

**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.
- 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 (subject to changes in rateable value, levy and proportion retained by the Council). If a mixed use development was implemented then the business rates could 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 will be a cost implication associated with the second 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 before the HS2 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	To work with the HS2 delivery team to find a more appropriate site.

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
	Environment Statement being deposited.	
<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 negotiate 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 negotiate for HS2 Ltd to produce an acceptable mitigation package.	
<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.	

- (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.

The resolution passed by Council on 21 July 2015 authorising officers to proceed with petitioning against the HS2 Hybrid Bill second Additional Provision gave officers the flexibility to petition against all Additional Provisions related to proposed relocation of the Hex Depot to the Borough. The authority of the July resolution was validated within the Council and with our Parliamentary Agent before proceeding with the second petition.

- (d) **Equalities Impact Assessment:** 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.

## 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 as part of the development of the HS2 mainline.
- 5.2 HS2 Ltd originally intended to relocate 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 have met with no support.
- 5.3 HS2 Ltd deposited a second Additional Provision (AP2) (with an accompanying Environmental Statement (ES)) to the Hybrid Bill (setting out their plans for Langley) with Parliament, on the 13th July 2015. The Council deposited a petition against AP2 which was given the designation of AP2:152 by the HS2 Select Committee.
- 5.4 Following the petition officers have met with HS2 on two occasions to reiterate objections to the proposed location of the depot, suggest alternative sites be considered and commence discussions on potential mitigation requirements should the location of the depot not be reconsidered. All discussions have been undertaken on a non-prejudicial basis.
- 5.4 HS2 Ltd deposited a fourth Additional Provision (AP4), with an accompanying Environmental Statement (ES), to the Hybrid Bill (setting out changes to the balance of the proposed construction traffic routes) with Parliament, on the 12 October 2015. No concerns raised by the Council in its AP2 petition have been addressed in AP4.
- 5.6 Consequently, after consideration and discussion with our Parliamentary Agent it was decided that we would petition against AP4 which has a deposit deadline of 13 November 2015. Separately officers will prepare and submit a response to the accompanying Environmental Statement.
- 5.7 When the Council appears in front of the HS2 Select Committee the two petitions will be considered together. It is thought that the appearance will not take place until January 2016.
- 5.8 The Council's primary concerns will be reiterated in the AP4 petition:
  - Housing need impact: Loss of the potential to develop a minimum of 200+ family homes in the Langley area.
  - Financial impact: Income of c. £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: Few or no jobs will be created in the Borough as a result of the depot relocation.

- Quality of life impact: Noise during the construction period and when the site becomes operational significantly increased for residents but also for business employees.

## 6. **Comments of Other Committees**

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

Full Council on 21 July 2015 passed a resolution authorising officers to petition against amendments and oppose the High Speed Rail (London-West Midlands) Bill.

## 7. **Conclusion**

A decision to authorise officers to petition opposing a Parliamentary Bill subject to Section 239 of the Local Government Act 1972 was made on 21 July 2015.

Officers are developing a petition in response to AP4 and will lodge the petition, via our Parliamentary Agent, on behalf of the Council by 13 November 2015.

## 8. **Background Papers**

None