

Decision Record – HS2: Response to HS2 – Phase 2b Scope & Methodology & the Equalities Impact Assessment Consultations

Cabinet Portfolio Holder taking the decision	Cllr Jeff Clarke Transport and Environment
Date of Decision (not before 15 September 2017)	

Decision Taken

That the Portfolio Holder for Transport and Environment endorses the proposed response to the consultations for Phase 2b as set out in Appendix A and B.

Reasons for Decisions

The authority to respond to consultations on HS2 has been given to the Portfolio Holder for Transport and Environment.

Background Information

High Speed 2 (HS2) will be the UK's new high speed rail network. The network will link London and the West Midlands (Phase One) and will expand to connect with Manchester and Leeds Phase 2b. The eastern leg of the Phase 2b route directly affects North Warwickshire from Kingsbury, through the waterpark, along the east of the M42, then close to the villages of Birchmoor and Polesworth, then transecting Pooley Park then onward to the west of Austrey before leaving Warwickshire and entering Leicestershire

HS2 Phase 1 was granted Royal Assent in February 2017. The Act now enables HS2 Ltd to acquire the necessary land for the railway and begin the construction programme.

The Phase 2b preferred route was confirmed on 17 July 2017 and simultaneously the first of a number of consultations on the likely effects of the route was launched. The first consultations in the series are; the Environmental Impact Assessment Scope & Methodology report (S&MR) and the Equality Impact Assessment (EqIA) Scope & Methodology Report. There will be subsequent consultations on the findings of the Draft Environmental Statement and Full Environmental Statement at a later date.

The Environmental Impact Assessment Scope & Methodology Report (S&MR)

The S&MR provides an overview of what the Environmental Statement will cover along with some useful information about what HS2 is and the principles of the Hybrid Bill process. Furthermore, it outlines the main changes in approach between Phase 1 and the new Phase 2b.

The S&MR, is largely satisfactory and covers the elements that officers would expect to see in a document such as this. However, there are a number of qualitative terms used throughout the report which are sufficiently vague and subjective to give rise to concern.

In particular, the term "professional judgement" appears over 50 times in the S&MR. It is the view of officers that HS2 need to refine this term and set out what is meant by "professional judgement" and how judgements could be addressed or challenged in practice.

Within section 19 which deals with traffic and transport, there is one aspect of the methodology that gives rise to concern. Section 19.6.31 suggests that it is only when there is both a 30% increase and 9 or more injury accidents are recorded in the latest 3 year period that HS2 will enact mitigation at an accident location.

Officers are concerned that the approach requires both thresholds to be met and may not fully capture emerging accident problems during the construction works thus leaving Warwickshire residents vulnerable.

2. The Equality Impact Assessment Scope & Methodology Report

Officers reviewed this document and find it to be largely satisfactory and in line with the best practice. However paragraph 3.6.5 on page 18 states “The EqIA will not assess significance of effects.....” This statement is contrary to the main purpose of an EqIA. An EqIA is a means for assessing the significance of the effects HS2 will have in relation to equality and diversity.

Officers consider that clarification should be sought as to why HS2 Phase 2b does not need to act upon and mitigate the findings of the EqIA. It is the council’s view that unless this is addressed, there is a significant risk that the subsequent draft EqIA and full EqIA will fail in its duty, leaving an unacceptable impact on vulnerable groups and communities.

Financial Implications

N/A

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Joint Managing Director	Monica Fogarty
Portfolio Holder	Councillor Jeff Clarke

Checklist

Urgent matter?	No
Confidential or Exempt?(State the category of exempt information)	No
Is the decision contrary to the budget and policy framework?	No

List of Reports considered

Link to published proposed decision report:

<https://democratic.warwickshire.gov.uk/cm5/CalendarofMeetings/tabid/128/ctl/ViewMeetingPublic/mid/645/Meeting/4108/Committee/587/Default.aspx>

List of Background Papers

None

Members and officers consulted or informed

Portfolio Holder – Councillor Jeff Clarke

Corporate Board

Legal – Ian Marriott,

Finance – Liz Firmstone, Virginia Rennie

Equality – Polly Sharma

Democratic Services – Paul Williams

Councillors Western, Shilton, Clarke, Fradgley, Horner

Local members Councillors Wright, Jenns, Parsons and Reilly