

Portfolio Holder Decisions/Leader Decisions

Date: Friday, 2 October 2020
Time: 12.00 pm
Venue: Microsoft Teams

Membership

Councillor Jeff Clarke

Items on the agenda: -

1. HS2 Consultation for the Bromford Tunnel extension

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Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

Disclaimers

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- Must leave the meeting room until the matter has been dealt with
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Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

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Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

Portfolio Holder Decision – HS2 Consultation for the Bromford Tunnel extension

Portfolio Holder	Portfolio Holder for Transport and Planning
Date of decision	2 October 2020
	Signed

Decision taken

Recommendation: That the Portfolio Holder for Transport and Planning endorses the proposed response to the Bromford Tunnel consultation as set out in Appendix A.

Reasons for decisions

HS2 Ltd are pursuing a Transport and Works Act Order (“TWOA”) to authorise a technical amendment to the works permitted by the HS2 Act (“the Act”) which directly affects the community of Water Orton and invites consultation responses.

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 in future to connect with Manchester and Leeds (Phase Two a & b).

The Act gained Royal Assent in February 2017. This is a process used to deliver key infrastructure projects of national importance, including High Speed 1 and Crossrail. The Act effectively granted planning permission for the works needed to bring the railway into operation. The submission of the Bromford Tunnel TWOA is to achieve a technical amendment to the Act powers to create an extended tunnel to the east (close to Attelborough Lane in Water Orton) in preference to original works for a viaduct.

It is HS2’s intention to bring the full TWOA forward by the end of 2020.

<i>Issues/Options/Timescales</i>

Financial implications

There are no new direct financial implications for Warwickshire County Council beyond the known costs of managing the ongoing impact to the community and the discharge of consents relating to the highway in the village of Water Orton, as a Qualifying Authority.

Environmental implications

The environmental implications of the tunnel extension are not available at this time. It will be beholden on HS2 to assess, remediate, mitigate, publish and communicate them to the wider community through their channels of engagement.

The Council expects that the tunnel extension will cause no additional impact over and above that which is outlined in the Environmental Statement that accompanies the HS2 Act and that further information will be made available.

Report Author	Sara-Louise Lee saralouiselee@warwickshire.gov.uk,
Assistant Director	David Ayton- Hill
Lead Director	Strategic Director for Communities; Mark Ryder
Lead Member	Portfolio Holder for Transport and Planning: Cllr Clarke

Urgent matter?	Yes
Confidential or exempt?	No
Is the decision contrary to the budget and policy framework?	No

List of background papers

HS2 on line background papers: <https://hs2inwarwicks.commonplace.is/schemes/proposals/bromford-tunnel/details>

The consultation question: <https://www.smartsurvey.co.uk/s/HS2-bromford-tunnel-twao/>

The HS2 Act text (page 104 of the pdf):
https://www.legislation.gov.uk/ukpga/2017/7/pdfs/ukpga_20170007_en.pdf

HS2 ES map book Volume 2 CFA 19 page drawings CT-05-134a and CT-06-134a (Pages 38 and 39 in the pdf):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398807/MB19_VOL2_CFA19_WAT_ERMARKED.pdf

Members and officers consulted and informed

Portfolio Holder – Councillor Clarke

Corporate Board – Monica Fogarty, Mark Ryder, Nigel Minns & Rob Powell

Legal – Samantha Amphlett

Finance – Virginia Rennie

Equality – Kiera Rounsley

Democratic Services –Helen Barnsley

Councillors – Cllrs Clarke, Reilly & Butlin

Local Member(s): Cllr Reilley

Warwickshire County Council's response to HS2 Bromford Tunnel Extension Transport and Works Act Order consultation 2020

1. Introduction

- 1.1 HS2 issued the consultation on the Bromford Tunnel extension on 7th September 2020. It is seeking views on one specific question, shown below:

2. Consultation question and response.

Question: What are your views on amending the wording in the High Speed Act to remove the requirement for the construction of the railway, 'partly on viaduct', as part of work no 3/157?

- 2.1 The Council does not in principle object to the amendment to the wording for an extension for the Bromford Tunnel to the east toward Water Orton Village. An extended tunnel in place of the construction partly on viaduct appears to be capable of providing a more sustainable solution to the wider community. The Council would expect to see details of the extended tunnel forming part of the Order, which removes the requirement for the construction of the railway 'partly on viaduct'.
- 2.2 However, the proposed change is not without additional adverse impacts to the residents of Attleborough Lane. The Council expects this to be recognised by the project and mitigated at the earliest opportunity through the design and planning process. Furthermore, it is beholden on the project to thoroughly communicate all the impacts, changes and construction management plans to the representatives and community of Water Orton in a clear, considerate and compassionate manner.

3. Key areas for early consideration and delivery by the HS2 project.

- 3.1 The Council wishes to ensure that the HS2 project is fully aware at this early stage of several detailed matters relating to the changes proposed for the Bromford Tunnel:
- 3.1.1 **Design:** The Council seeks confirmation that the design standards already applied at the Burton Green tunnel portal and portal buildings will be the same in Water Orton. We recognise that Burton Green was designated as a key design element this provides a benchmark against which the Bromford Tunnel must be constructed.
- 3.3 **Ecology:** The Council seeks clarification that the proposed tunnel design does not result in a loss of the ecological mitigation or landscaping that is currently set out in CT-060134a. The indicative plans for the tunnel suggest a smaller area of landscape mitigation is possible in comparison to the ES

drawings for the viaduct. If this is the case, the Council requires confirmation that the mitigation will ideally be adjacent to the community. If this is not possible then the mitigation will be in North Warwickshire and in close proximity to the tunnel portal.

3.4 Engagement & community impact:

The Council seeks reassurance that there will be an enhanced communication and engagement process in place for the communities most impacted by the changes. This should include, but not be limited to, visual interpretations of sight lines from Attleborough Lane and the residential properties and photo montages from the Public Rights of Way in the area. For many in the village this will come as an unwanted additional impact on their lives. It is imperative that the HS2 project recognises the distress the changes will cause during the construction period and treats the community with care and compassion.

3.5 Construction methodology: The Council seeks confirmation that all additional construction traffic is kept away from the heart of the village and the project utilises the Strategic Road Network via agreement with Highways England in preference to the village roads. Furthermore, it would be wholly inappropriate for any construction vehicles to operate close to the primary school at Plank Lane.

3.6 The Council expects the project to satisfy the principles of being a good construction neighbour and the specific needs of NWBC development control team regarding the height of the stockpiled material from the excavation.

3.7 The Council expects all planning matters and consents required by HS2 to be programmed with due consideration for the additional workload the amendment will create, and in collaboration with the local planning authority and the county council to ensure a joined up programme of works that do not unduly affect other local development in the area.

3.8 **Noise:** The noise bund and screen shown on the draft drawings does not clearly state if the bund is 2m high or the overall bund and barrier is 2m in height. The Council requires confirmation, to the satisfaction of North Warwickshire Borough Council Environmental Health team that the proposed structures are suitable to shield the residents of Attleborough Lane from any increase in noise disturbance.

3.9: Blight and compensation maps: The Council expects that an updated set of blight and compensation maps will be produced to ensure that the properties nearest the new tunnel portal and ATFS (auto transformer station) are considered for prolonged disturbance payments, blight or need to sell. Moreover, the project must ensure that all settlements are expedited, to reduce, unnecessary distress on homeowners who are now affected by the HS2 project.

- 3.10 The Council hopes that the need to engage the independent Residents' and Construction Commissioners will not be necessary. However, if the need arises, the Council hopes that the commissioners will factor in that it is three years since the Act received royal assent and this change will be an unwelcome additional incursion to the village.

4. Conclusion

- 4.1 These observations are based on the information published to date by HS2, the Council reserves the right to update or amend their position as new detail is made available in the future.