

<b>Report to:</b>	<b>EXECUTIVE CABINET</b>
<b>Date:</b>	25 January 2023
<b>Executive Member:</b>	Councillor Gerald P Cooney – Executive Leader
<b>Reporting Officer:</b>	Sandra Stewart – Chief Executive Julian Jackson – Director of Place
<b>Subject:</b>	<b>HS2 PHASE 2B UPDATE</b>
<b>Report Summary:</b>	The report provides an update on the objection of Tameside Metropolitan Borough Council (the Council) the High Speed Rail (Crewe-Manchester) Bill. Notwithstanding the Council's overall support for HS2, the Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. The Council has therefore petitioned against the Bill and is seeking to secure the necessary changes to make appropriate provision of sustainable travel modes during the construction period.
<b>Recommendations:</b>	That Cabinet be recommended to: <ul style="list-style-type: none"> <li>(i) Note the progress in the Council's opposition to the High Speed Rail (Crewe to Manchester) Bill ("the Bill").</li> <li>(ii) Agree that a total budget of up to £50,000 is allocated to support all related expenditure of the petition including any subsequent professional and technical advice that is required in advance of the Council's objection hearing before a select committee of MPs together with supporting any legal costs of any witnesses including advocacy and other costs required to support the case in favour of the council. The budget allocation will be financed via the Business Rates 100% retention reserve.</li> </ul>
<b>Corporate Plan:</b>	Key aims of the Corporate Plan are to ensure modern infrastructure and a sustainable environment that works for all generations and future generations. The proposed delivery of HS2 will support the delivery of these aims, subject to appropriate provision of sustainable travel modes during the construction period.
<b>Policy Implications:</b>	The proposed delivery of HS2 will support the policy aims of the Council's Inclusive Growth Strategy 2021, Tameside Climate Change & Environment Strategy, the Council's growth priorities agreed at Council February 2020 and the draft Greater Manchester Places for Everyone joint development strategy, subject to appropriate provision of sustainable travel modes during the construction period.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer)</b>	This report provides an update to the Council's objection to the full closure of the Metrolink Ashton Line for an approximate two year period. Ashton Moss has been identified as the preferred location for a stabling and maintenance depot constructed on the Ashton Line to enable continuity of Metrolink services as far into Manchester City Centre as possible during HS2 construction works.

The related financing arrangements of the alternative Ashton Moss depot proposal are not contained within the report. However, it is assumed that there will be no cost liabilities on the Council if this alternative proposal is subsequently approved as there is no budget provision to support such a proposal. The assumption being that all related costs will be wholly financed via the Government, TfGM or GMCA.

It is proposed that a total budget of up to £50,000 is allocated to support all related expenditure of the petition including legal, advocacy and other costs associated with the process required in advance of the Council's objection hearing before a select committee of MPs (section 4 of the report refers). To date the Council has incurred £4,000 in legal advice fees. The budget allocation will be financed via the Business Rates 100% retention reserve.

**Legal Implications:  
(Authorised by the Borough  
Solicitor)**

This is a timely update report for Members setting out the actions taken to date and the further steps that will be required as the matter progresses to the Select Committee stage.

**Risk Management:**

The proposed severance of the Ashton Metrolink line for two years without appropriate provision for sustainable travel modes during the construction period would result in reduced connectivity, increased traffic congestion and vehicle emissions, and a significant negative impact on the Tameside economy.

**Background Information:**

Further information can be obtained by contacting Mike Reed – Head of Major Programmes



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## **1. INTRODUCTION**

- 1.1 This report provides an update in relation to the High Speed Rail 2 (HS2) Phase 2b project, specifically, the petitioning by Tameside Metropolitan Borough Council (the Council) against the High Speed Rail (Crewe-Manchester) Bill.
- 1.2 The Council's petition against the Bill was submitted in August 2022 in accordance with the motion approved at Full Council on 21 March 2022 and Executive Decision Notice (EDN) of 3 August 2022.

## **2. BACKGROUND**

- 2.1 The Government plans to implement a new high speed rail network (HS2), including Manchester to London, Manchester and Leeds. This is a major national infrastructure proposal that is being progressed over several decades, by two Hybrid Bills through Parliament. Phases One and 2a of the network, between London and the West Midlands and between the West Midlands and Crewe have already been consented. Phase 2b, between Crewe and Manchester, will be progressed through a Hybrid Bill, which was deposited in Parliament on 24 January 2022, which is the subject of this decision.
- 2.2 On 24 January 2022, the Government's High Speed Rail (Crewe-Manchester) Bill (the Bill) was deposited in Parliament to the House of Commons and this is the start of the formal parliamentary process to obtain royal assent.
- 2.3 The HS2 Phase 2b Bill has now gone through the following stages:
- High Speed Rail (Crewe – Manchester) Bill deposited to Parliament on 24 January 2022.
  - Environmental Statement and Equality Impact Assessment Consultation period closed on 31 March 2022.
  - Independent Assessors Report regarding consultations published on 6 June 2022.
  - Second Reading of the Bill in the House of Commons on 20 June 2022 which commenced the Select Committee stage (i.e., petitioning stage) of the parliamentary process with all petitions returned by the 4 August 2022. A petition is a summary of objections to particular aspects of a Bill, to be heard before a Select Committee of MPs, and can be submitted if petitioners' concerns are not addressed in advance of the Bill's petitioning stage.
  - Members of the Hybrid Bill Select Committee were announced on 7 December 2022 and formally confirmed on 13 December 2022.

## **3. THE COUNCIL PETITION**

- 3.1 Notwithstanding the Council's overall support for HS2, the Council has identified a number of areas, which it considers to be critical in maximising benefits and minimising negative impacts of HS2 on the Borough.
- 3.2 The Council has the power to petition against a Hybrid Bill contained in Section 239 of the Local Government Act 1972 where it is satisfied that it is expedient to oppose the Bill. Under the Local Authority (Functions and Responsibilities) Regulations 2000 this power must be exercised by Full Council. On 21 March 2022 the Council resolved the following :
- (i) That it is expedient for Tameside Council to oppose the High Speed Rail (Crewe to Manchester) Bill ("the Bill");
  - (ii) That, subject to the above, that authority is delegated to The Leader, in consultation with the Chief Executive , to take 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 petition in respect of the Bill and to instruct the Director of Governance and Pensions accordingly;

and

(iii) Authorises 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.

3.3 The decision of 3 August 2022 gave approval for the Council to complete and submit the petition against the Bill to the House of Commons by the deadline of 4 August 2022.

3.4 The Council's petition set out our objections to the Bill for the following reasons. It is essential that the construction methodology for the HS2 infrastructure is focused on limiting disruption to Metrolink operations. The Bill as currently drafted includes provision for the full closure of the Metrolink Ashton Line for a circa two year period. To address this, the Bill should be amended to enable the construction of a new depot at Ashton Moss to enable a tram shuttle service to operate between Ashton and New Islington instead of the full closure of the Ashton Line and the provision of ancillary works, to enable the Ashton Metrolink line to remain open throughout the construction of HS2 to avoid the economic impact that such closure will cause.

3.5 The Indices of Deprivation (IMD) combine a range of economic, social and housing indicators to provide a measure of relative deprivation, i.e. they measure the position of areas against each other within different domains. Tameside is ranked 23 most deprived out of 333 authorities; based on the IMD average rank. It is a weighted average of the seven IMD domains: Income Deprivation, Employment Deprivation, Health Deprivation and Disability, Education Skills and Training Deprivation, Barriers to Housing and Services, Living Environment Deprivation, and Crime. Specifically, with regards to income deprivation, Tameside is ranked 34 most deprived out of 333 authorities; based on the IMD average rank. The Annual Survey of Hours and Earnings (ASHE) is conducted in April each year to obtain information about the levels, distribution and make-up of earnings and hours worked for employees. In Tameside, median gross annual earnings are £27,706, this is below the All English single tier local authorities figure of £31,877 and below the England figure of £31,490. This data therefore provides some useful context in terms of economic resilience and the potential impact on local residents due to the reduced transport connectivity associated with the severance of the Ashton Metrolink line.

3.6 The Council require that the existing Metrolink Ashton Line should be kept connected to the remainder of the Metrolink network for as long as practicable during construction of the HS2 station and modified Metrolink infrastructure and, when the line has to be disconnected from Piccadilly, trams are able to operate as far into Manchester City Centre as possible, with bus services provided to bridge the gap. There will be a need for a number of enabling works to facilitate this approach, including a stabling and maintenance depot constructed on the Ashton Line, with a preferred location identified at Ashton Moss. In the Council's view, adequate provision has not yet been made for them within the Bill and it is essential that omissions are incorporated. It is the Council's position that any additional or modified powers needed to construct and operate the Metrolink enabling works must be obtained by HS2 Ltd. This means that the Bill needs to be amended to include these powers.

3.7 In addition to the Council's petition the three MPs representing Parliamentary Constituencies within Tameside petitioned against the Bill on the basis of the impacts on their constituents caused by the severing of the Ashton Metrolink line. The Department for Transport (DfT) and HS2 Ltd have challenged the rights of the Tameside MPs to be heard at Select Committee on the basis that they have not shown that their constituencies are directly affected. It is noted that the right of the Council to be heard in respect of these matters is not challenged.

#### **4. NEXT STEPS**

4.1 Council officers continue to work closely with HS2 Ltd and representatives from DfT, in partnership with GM partners, to ensure that necessary provisions are provided and seek to

negotiate agreements accordingly. As part of this process it will be important to engage with Members and the Tameside MPs in early 2023.

- 4.2 The objections within the Council petition will now be heard before a Select Committee of MPs, the membership of which was formally confirmed on 13 December 2022. Whilst formal confirmation on the programme and timescales for this stage is still awaited, it is considered likely that the Select Committee will start holding public meetings in/around mid-late January 2023. The Select Committee will then likely to be firming up its approach to preparing for evidence hearings (including potential site visits) and to taking evidence (including sequencing of different topics/issues) though January; challenge hearings may also be held from late January/early February 2023. The Council is continuing to work closely with GM Partners as part of the Select Committee stage; this will include provision of appropriate support to the Tameside MPs in respect of the challenges on their right to be heard.
- 4.3 The Council will need to determine who will attend from an officer perspective as its expert witness able to respond to questions, technical enquiries, and cross examination. In terms of political representation, the strategy for this will need to be agreed in the context of further engagement with the GM Mayor and Council's Executive Leader, Members and the three Tameside MPs
- 4.4 To date expenditure in relation to the petition, including the relevant professional and technical advice, has been resourced through GMCA with no cost to the Council with the exception of £4,000 to date associated with Council specific legal advice. It is recommended that a further £46,000 of funding is allocated for Council specific legal advice in support of the Select Committee stage i.e. a total budget of up to £50,000. This will be financed via the Business Rates 100% retention reserve.
- 4.5 It is noted that Ashton Moss has been identified as the preferred location for a stabling and maintenance depot constructed on the Ashton Line to enable continuity of Metrolink services as far into Manchester City Centre as possible during HS2 construction works. A draft Development Framework for the Ashton Moss site is currently being prepared by the Council. The emerging options for the draft Development Framework identify specific areas of the site, which could be used to accommodate the proposed depot or for employment uses should the depot not come forward.

## **5. RECOMMENDATIONS**

- 5.1 As set out at the front of the report.