Commissioner for Connected and Sustainable County

James Duddridge MP
Chair
Select Committee on HS2 Phase 2a Bill
House of Commons
London
SW1A 0AA

(Sent by email only)

CT/AJF 14 May 2019

Dear Mr Duddridge

High Speed Rail (West Midlands – Crewe) Bill – Additional Provision 2
Staffordshire County Council: Common Lane

I am setting out Staffordshire County Council’s position on Common Lane.

In summary, the points that the Council wish to make are:

• the Council must be indemnified by the Nominated Undertaker for all its reasonable costs if it exercises its CPO powers as a fall back. This is a fundamentally important point, and the Council are most surprised that the Promoter has not accepted it
• the Council remains of the view that the Promoter should be responsible for obtaining and implementing CPO powers, not the Council
• the Council has a preference for Option 7 over Option 7a.

The following adds background to those points:

Since the hearing, HS2 Ltd have provided an updated assurance which would require the Nominated Undertaker to offer the County Council funding of up to £250,000 for the reasonable costs of making and securing a compulsory purchase order (CPO) to secure the necessary land for the implementation of option 7 or 7a, should the Nominated Undertaker fail to acquire the land by agreement. Usually, where a developer relies on a local authority to implement CPO powers for a development proposal, it will indemnify the local authority for all its reasonable costs, not a capped amount. The Nominated Undertaker should be required to indemnify the Council against all reasonable costs of promoting and implementing a CPO, if one is required.

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When the Council appeared, it expressed support for the proposed new Option 7, but it requested that the Promoter should be given or should obtain compulsory purchase powers to be used as a safety net, should agreement not be reached with the landowners. Mr Wiggin asked why Council should not exercise its own CPO powers. The Council accepts in principle that it could, but remains of the view that as this is the Promoter's scheme and there is no obvious advantage in terms of timescale or cost, the promoter should obtain powers of CPO through an AP or a TWA Order.

HS2 Ltd's latest assurance letter now also says that the Nominated Undertaker will be required to seek to implement one of two alternative proposals for a permanent link road between the A515 and Crawley Lane (options 7 or 7a). The Council has a clear preference for option 7, which presents a cleaner, more logical permanent solution.

I hope this is helpful.

Yours sincerely

Clive Thomson
Commissioner for Connected and Sustainable County