

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

EXECUTIVE COMMITTEE REPORT

20 JANUARY 2014

1. **PROPOSED HIGH SPEED (HS) RAIL 2 ROUTE**

Report of the Chief Fire Officer, Treasurer and Monitoring Officer

RECOMMENDED

THAT Members note the contents of the report.

2. **PURPOSE OF REPORT**

This report is submitted to inform Members that the proposed route of the HS2 would have a substantial impact on the Fire Service Headquarters site.

3. **BACKGROUND**

3.1 The Government is looking to construct a HS2 route from London to Birmingham and up to the northern cities of Manchester and Leeds

3.2 Initial plans of the proposed route were made public during the Summer of 2013 which indicated there was a potential impact on the Fire Service Headquarters site.

3.3 In addition, the proposed route of the line would impact on road utilisation in certain areas which would need to be considered in terms of operational response capability, particularly during the development stage of the project.

3.4 Concerns arising from these issues were forwarded to HS2 representatives in July 2013 (Appendix 1). On 25th November 2013, HS2 published its intended line of route together with any affected land that may have to be compulsory purchased. The proposed compulsory purchase involves land at the Fire Service Headquarters site, which is shown at Appendix 2.

3.5 To this point, none of the specific concerns raised in Appendix

1 have been dealt with but it has been agreed that a series of meetings will take place between HS2 representatives and Fire Service representatives from January 2014 through to April 2014. The process for the HS2 project is set out on Appendix 3. No specific timescales have been published for the complete process, although it has been indicated that the target date for Royal Assent is some time in 2015. It is anticipated that the Second Reading will take place in April 2014, followed by a petition period of 3 to 4 weeks.

- 3.6 Further reports will be presented to Members as the issues on this matter become clearer.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 Subject to the content of the final Bill it is anticipated that the existing compulsory purchase statutory provisions will apply. Existing guidance recommends that the acquiring authority negotiate to acquire by agreement. In addition to the proposal that Petitions be heard by a Select Committee, those affected by any compulsory purchase order will be invited to object to the proposals, Valuation is not a ground of objection as this may be determined by reference to the Upper Tribunal (Lands Chamber). Negotiations usually continue irrespective of objection to the order and any subsequent Inquiry.
- 5.2 Given the content of Appendix 1 detailing the proposed compulsory acquisition of part of the Fire Service Headquarters it is anticipated that the Fire Service would wish to argue that the Service is adversely affected to such a degree that the premises should be acquired in its entirety. There are existing statutory provisions which enable a claim for the acquisition of the entirety of a premises to be determined by the Upper Tribunal (Lands Chamber) if an acquiring authority dispute a claim for the whole of a premises to be purchased. There is also the potential for a Blight Notice to be served on HS2 to require acquisition.

6. **FINANCIAL IMPLICATIONS**

- 6.1 In order to ensure the Authority's position is protected as far as possible in connection with the proposed HS2 route, specialist advisors have been appointed. Any costs incurred upto the point of petition, as referred to in Appendix 3, will be met directly by the HS2 project. A further report would be presented to Members if any proposed action would result in Authority costs arising from the specialist advisors.
- 6.2 No details are available regarding the potential scale of compensation the Authority might be entitled to at this stage as a result of the proposed HS2 route. It is anticipated this issue will become clearer during the meetings due to take place between January 2014 and April 2014 and will form the basis of a future report to Members.

BACKGROUND PAPERS

The contact name for this report is Mike Griffiths, telephone number 0121 380 6919.

PHIL LOACH
CHIEF FIRE OFFICER

STUART KELLAS
TREASURER

NEERAJ SHARMA
CLERK AND MONITORING OFFICER

HEADQUARTERS LOCATION

Several departments would be severely compromised to the point that certain essential operations would cease on the HQ/Safeside site and need to be relocated.

Direct impact

Fire Control - operational 24/7 – This is part of the critical national infrastructure, the facility must operate in a controlled and quiet environment at all times.

Removal of water storage for sprinkler system (This will leave the building unsafe for occupation)

Impact of deep piling on existing structure and services e.g. gas, electric, water mains etc.

No vehicle access to essential Equipment Maintenance Services (EMS) – repairing essential operational equipment including charging cylinders, repairing breathing apparatus and repairs to decontamination suits.

No access to International Search And Rescue (ISAR) equipment and specialist operational vehicle located under one archway

No access to the Detection Investigation Monitor (DIM) equipment, specialist vehicle and laboratory located under one archway

No access to the Facilities Management Maintenance workshop (located under one archway)

No vehicle access to the centralised Warehouse and Distribution centre which distributes essential operational equipment (e.g. Breathing Apparatus, Cylinders, Hose, etc) around the whole Brigade (38 stations). This facility also accepts all external deliveries to the HQ site.

Restricted access to the compressor room (charges cylinders) located by EMS

Limited access for maintenance to the Uninterrupted Power Supply (UPS) room located within the Warehouse

Rear access to the whole site compromised by the construction site line.

Noise levels around the site, both HQ and Safe side would be distracting

Severely reduced vehicle access and parking, losing over 150 spaces

No turning area for vans, appliances or supply vehicles

Loss of ambulance charging/parking

Ref. A201213 HS2

Side access

Restricted access (vehicular) to ICT fitting bay

Automated gates would need to be installed to allow safe/secure vehicle access in to HQ and Safeside

There would be very limited and restricted on site vehicle access/parking and turning areas

Loss of access from St James Road

Car park areas x 2 removed. Loss of 153 car parking spaces

Main side vehicle access removed

General concerns regarding HS2

Road closures (effecting response to emergency calls)

Road traffic control (effecting response to emergency calls)

Increased traffic volume (plant and materials)

Workers accommodation (increased local risk profile)

Concerns raised by WMFS Safety, Health and environment Team

There appears to be a requirement to move the tank of water for the sprinklers. However, there is no obvious new location for it and the building design is based on a risk assessment which requires the use of sprinklers.

The on-going service delivery to the communities of West Midlands Fire Service and Staffordshire Fire and Rescue Service merger are a key factor, and the impact of HS2 is likely to render this joint control centre untenable.

Noise at HQ. There is little information on the noise levels to be experienced, but they may affect Fire Control adversely. In addition, other staff may be affected adversely, from long-term exposure to noise. Also, high level meetings will be disrupted (Corporate Board; Authority, etc.). The assertion that night time noise will be worse doesn't feel right – there are more people at work in the day, to be affected. Noise at night should be limited because it is a residential area.

Specific concern regarding the impact on the Safeside building. This houses not only an interactive education centre serving thousands of children and young people each year, to deliver life-critical safety education, but also our Equipment Maintenance and Repair centre, our stores and more importantly, Fire Control. We are currently at a critical stage in a long term, high investment project involving the combination of our fire control centre with that of Staffordshire FRS. On-going service delivery to the communities of West Midlands and Staffordshire have been a key factor through the life of this project and the impact of HS2 is likely to render this control centre untenable.

How will the heavy dust levels created by the construction and boring processes be dealt with, as this will have a significant impact on the buildings air handling system as the filters will get contaminated quickly.

Vibration at HQ. There is little information on the expected levels, but many staff may be affected. The building moves now, just based on people moving around. Vibration from long-term piling is disruptive and may be unpleasant for individuals. There was no indication on whether day or night will be worse but more people will be affected in the day. Dependent on levels of vibration, there may be adverse effects on EMS, as they have equipment that may move around in use (e.g. Quaestor test rig for breathing apparatus).

Loss of HQ arches – some users may be able to relocate (e.g. Heritage; DIM) but where will bins and the maintenance workshop go?

What will we be left with after the construction is complete? We won't revert to the site layout and operations we have now, so what will be left?

Large number of car park spaces to be lost, including on-street parking as well as upper and lower car parks in St James Place. Potential loss of undercroft spaces (although site visit today included a discussion on putting a ramp in to allow some spaces to still be used). Number of spaces left will be severely restricted as there will need to be a space for the ambulance and all the pool cars will have to be moved to new dedicated spaces.

Traffic management on site – lack of turning space for large vehicles; 24 hour access required to HQ, Fire Control, BA pool and Stores; congestion of front car park having an impact on buses etc. used to transport children to Safeside; congestion of front car park increasing the risk of RTC, especially involving children; lack of vehicle/pedestrian separation (may not be able to comply with proposed requirements of Workplace (Health, Safety and Welfare Regulations), which are currently under consultation).

Arrangements for ensuring we are aware of effects of construction on location and adequacy of water supply for fire fighting, not just at HQ, but for the whole West Midlands section. Single authority consultation (there was a suggestion that LFB will be consulted for all fire brigade issues along the HS2) won't work as individual brigades are responsible for adequate supplies of water for fire fighting. If there is a single point of contact, e.g. LFB, checks and balances need to be in place to ensure the responsible brigade is consulted. Different brigades may have different standards and interpretation of requirements to meet legislative and operational duties.

The development of accommodation blocks on some of the construction sites is of concern for fire safety (not for HQ, but along the West Midlands section). Site Risk Surveys may be required or some form of Temporary Special Risk notification may be needed. Fire safety inspections may be required. How will we be involved in the planning of these – as a single authority, whose standards and interpretation of requirements may be different to ours? The construction sites themselves may also be of the same concerns, but sleeping in the accommodation blocks will significantly increase the risk.

There seemed to be an assumption that there is plenty of space elsewhere to relocate parts of HQ to, but is this the case? Relocation of parts of HQ to, e.g. fire stations, may have more adverse impact on operations.

Concerns raised by Operational Staff

Under the terms of the Regulatory Reform (Fire Safety) Order, WMFS has a duty to conduct a fire risk assessment and to take account of the outcomes of this in managing safety for its employees and others. The current HQ building was designed and built on the premise that a fire sprinkler system would protect the life safety of its occupants, being supplied from an adequate volume of water stored in a supply tank on-site. This fire-engineered solution was a basic premise of the successful application of part B of the Code of Practice for the Building Regulations. The HS2 proposal would necessarily remove the sprinkler supply tank from the premises, negating a key feature of the fire safety management system within the building and rendering it unsafe to occupy.

The scale and duration of works proposed to be generated by the HS2 scheme, will necessarily create a significant impact on local traffic volumes and densities, and at certain key locations in particular. This is likely to result in prolonged travel times for our fire appliances when responding to emergency calls. WMFS has created the concept of a risk based attendance time matrix, to ensure that our attendance time performance is appropriate to the extent of the risk within local communities and is linked to the likelihood and severity of outcomes arising from fires and other emergency incidents. This has connotations for life safety, the safety of firefighters responding to a developing fire or deteriorating incident, business continuity of local commercial interests and the costs likely to be incurred by providers of insurance. Any impact on the ability of WMFS to maintain the standards of response laid down in our risk based attendance matrix, will impact on our contract with the public of the West Midlands to uphold these standards, in line with our Integrated Risk Management Plan (as required in law, under the Fire and Rescue Framework Document and the Fire and Rescue Services Act).

In line with all other fire and rescue services (FRSs) WMFS is consulted as a matter of routine on all new planning applications under the regime of town and country planning, so that the FRS is able to comment on the adequacy or otherwise pertaining to any application, with regard to features such as road access for fire appliances; water supplies etc. We request clarification as to how this issue is to be dealt with in this area, both with regard to premises directly affected by or arising from the HS2 line and its construction, and as an indirect result of the project (ie. future planning applications brought about by the line's impact)

WMFS seeks further clarity over arrangements for operational response to incidents likely or possible to arise on construction sites pertaining to HS2, and to the longer term existence of the line when completed. Information will be needed, with regard to issues such as the nature of key aspects of the engineering project (such as tunnel construction) and the likely risk arising during the construction phase, together with the legacy of increased risk of rail incidents within the area.

During consultation, it has been stated that environmental works are likely to include the creation, or reinstatement of flood plains within the Birmingham area, from the River Cole. WMFS seeks clarity over the perceived flood risks arising from these intentions.

Further detail is required, concerning access to the line and construction features along its length, for the purpose of firefighting and emergency response, but also from the perspective of site security and the control of access to arsonists and others intent on crime or anti-social behaviour including fire setting or cable theft.

Further information is required with regard to the process to be established during the construction phase, for detailed, continuous involvement and communication with WMFS regarding impacts of the construction project on local risk, traffic volumes or road restrictions etc that could reduce attendance time performance. There will be a need for regular, on-going communications in this area.

Information is needed, to explain the intended process for managing applications under the regime of Community Infrastructure Levy (CIL). The project will undoubtedly transform some aspects of local communities and will directly and indirectly impact on the workload of WMFS, who will therefore expect some degree of compensation.

Arrangements for the CIL and its capital fund will be particularly relevant with regard to the planned servicing and maintenance depot in Washwood Heath, which will have a significant impact on drawing increased economic activity and population into the local area, as will station developments in Curzon Street / Moor Street etc.

Under the Civil Contingencies Act, WMFS has a duty as a category 1 responder, to liaise with other services and agencies in the creation of risk assessments relating to the potential for major incidents within its area of operations, and the possible impacts on local communities. HS2 will increase the risk of a major transport incident and could also be seen as increasing the risk of a terrorist attack, providing an additional range of targets within the West Midlands conurbation. Additional emergency response plans will need to be created, tested and maintained as a result of these increased levels of risk and there will be the need for enhanced levels of training and exercising of all operational staff to be able to respond to a major rail incident involving HS2.

Due to the controversial nature of the project and its impacts on local communities and the environment, there is likely to be substantial opposition to its execution. WMFS seeks assurance that adequate measures will be implemented to manage and control such opposition, which could potentially manifest itself as a physical presence in the area of the construction.

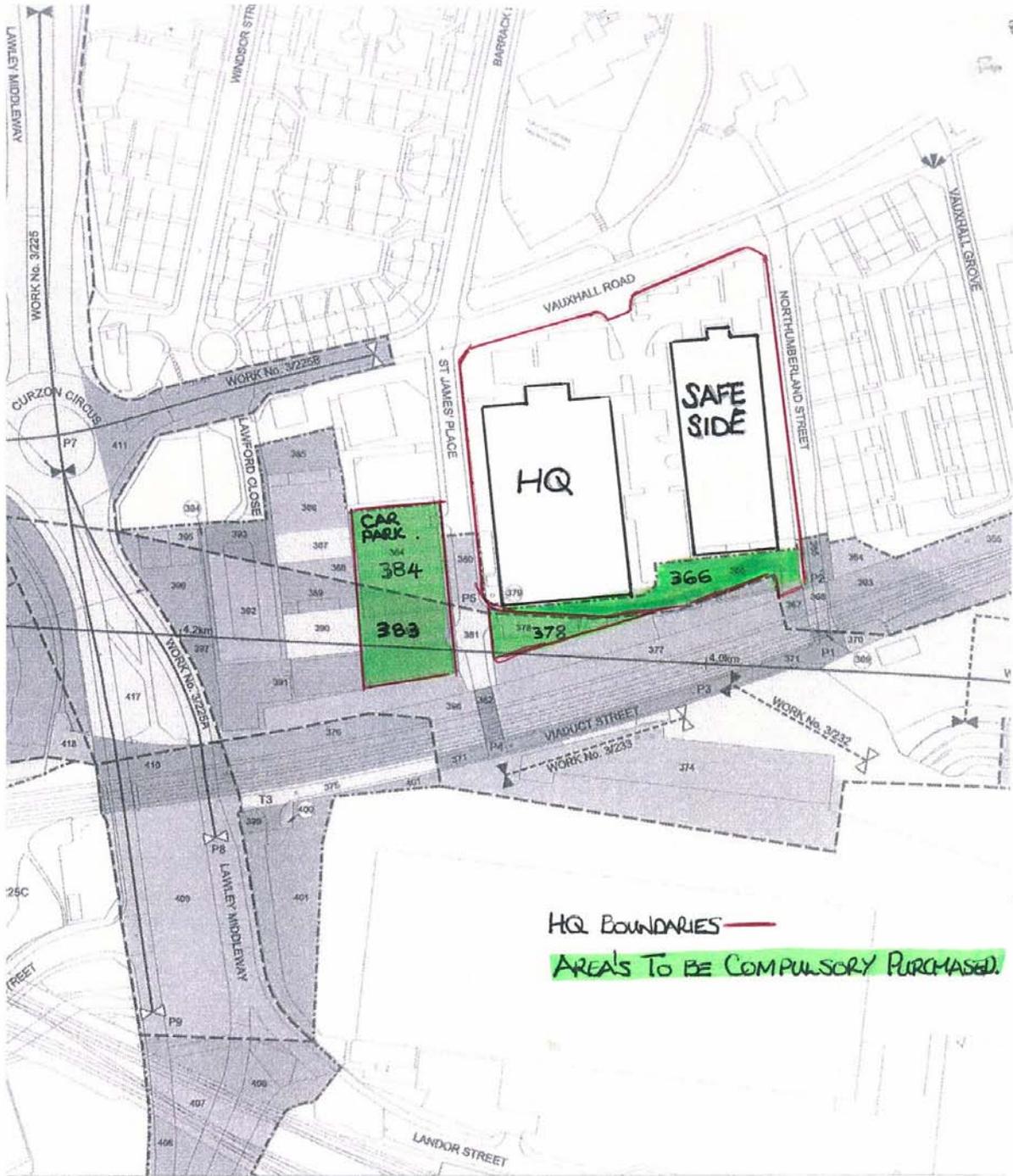
Given that safety will be a prime concern (with regard to the general public, but also for firefighters involved in responding to future rail incidents on HS2) WMFS would like to know whether the risk analysis and cost benefit principles and methods used in the rail industry and promoted by the Rail Safety and Standards Board (RSSB) are to be adopted with regard to HS2, which although it involves a similar operating profile, will by definition be very different in the nature of its infrastructure and methods of working.

In particular, WMFS, in the preparation of its Integrated Risk Management Plan (IRMP) takes note of the techniques used by the RSSB, such as in the form of its calculations of the cost per statistical fatality avoided (CPF) and the value of preventing a fatality (VPF), together with more qualitative measures of assessing risk and engaging with stakeholders locally. It is therefore of interest to WMFS, to understand how risk levels are to be calculated with regard to HS2 and in turn, how the results of risk analysis are to be communicated to stakeholders.

On a similar theme, WMFS would like to know how safety performance of HS2 is to be monitored and reported on. As it is currently standard practice for the RSSB to monitor safety through its management of the Safety Management Information System, will the performance of HS2 be incorporated into this regime in future, and be subject, for example, to the application of the Safety Risk Model and the Precursor Indicator Model?

Is it intended that HS2 will adopt and contribute to the RSSB's Confidential Incident Reporting and Analysis System and interact with local stakeholders through Community Safety Partnership Groups?

Will HS2 be obliged to comply with the Railway Group Standards that apply the mandatory operational and engineering requirements to the general mainline railway system or if not, what standards will apply?



Hybrid Bill Process

