



# HIGH SPEED TWO PHASE ONE INFORMATION PAPER

## D11: MAINTAINING ACCESS TO RESIDENTIAL AND COMMERCIAL PROPERTY DURING CONSTRUCTION

This paper outlines This paper sets out how access to residential and commercial property as a result of temporary interference with the highway will be maintained during construction works for HS2 railway, where the construction works require the temporary closure of highways.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

**The Helpdesk can be reached at:**

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# D11: MAINTAINING ACCESS TO RESIDENTIAL AND COMMERCIAL PROPERTY DURING CONSTRUCTION

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the project have been reached.

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<sup>1</sup>The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

## 2. Definition

- 2.1. This paper provides guidance how access to residential and commercial property will be maintained during construction works for the HS2 railway, where the construction works require the temporary closure of highways.
- 2.2. This Information Paper should be read in conjunction with the information papers D3: Code of Construction Practice, C8: Compensation Code for Compulsory Purchase, C4: Land acquisition and disposal policy.

## 3. General provisions

- 3.1. To construct the Proposed Scheme, it will sometimes be necessary to temporarily close or otherwise alter a highway, and temporarily divert traffic, pedestrians and/or other users.
- 3.2. HS2 Ltd's approach follows that of other large infrastructure projects. It reflects:
  - the provisions of the hybrid Bill;
  - obligations on the Proposed Scheme as a result of the Environmental Minimum Requirements, which include the Code of Construction Practice; and
  - provisions contained in the National Compensation Code.
- 3.3. In summary, the general approach is to ensure that reasonable pedestrian access to premises abutting the highway is maintained. This will include where reasonably practical a consideration of access for disabled people. Additionally, where reasonably practical, vehicular access will be maintained.
- 3.4. These provisions will ensure that the safety and convenience of the travelling public are appropriately addressed during the design and construction of the HS2 Phase One works.
- 3.5. This paper deals specifically with access arrangements.

## 4. Provisions in the Bill

- 4.1. The hybrid Bill - in Schedule 4, paragraph 6(2) - states that the nominated undertaker must provide reasonable access for pedestrians going to and from premises abutting on a highway<sup>2</sup> that is affected by works that the nominated undertaker carries out, if there would otherwise be no such access.
- 4.2. Paragraph 6(3) requires that where it is necessary to temporarily close a highway and it is listed in Schedule 4, table 3, part 4, the nominated undertaker must consult the relevant highway authority prior to exercising the temporary closure powers.

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<sup>2</sup> The term 'highway' is used here to include footways and footpaths, as well as carriageways.

- 4.3. Paragraph 6(4) states that the purpose of consultation is to ensure public safety and, so far as reasonably practical, to reduce inconvenience to the public.
- 4.4. Paragraph 6(5) states that, where the works involve the temporary closure of a highway not specified in Schedule 4, table 3, part 4, the written consent of the relevant highway authority must be obtained.
- 4.5. Paragraph 6(6) states that consent must not be unreasonably withheld, but may be given subject to such conditions as the relevant authority may reasonably require in the interest of public safety or convenience.
- 4.6. Other provisions in the Bill relate to the provision of alternative highways prior to the stopping-up of highways. More explanation is provided in the Information Paper E14: Highways and Traffic during Construction - legislative provisions.

## 5. The Code of Construction Practice

- 5.1. The provisions of the Bill are reinforced by the HS2 Code of Construction Practice, which requires the nominated undertaker to, where reasonably practicable, maintain public rights of way for pedestrians, cyclists and equestrians affected by the Proposed Scheme, including reasonable adjustments to maintain or achieve inclusive access.
- 5.2. Traffic management plans will be produced in consultation with the highway and traffic authorities and emergency services. These will include, as appropriate, temporary and permanent closures and diversions of roads and public rights of way. Further details about traffic management plans are given in Information Paper E13: Management of Traffic during Construction.
- 5.3. Where hoardings affect access to, or obscure visibility of, businesses or community facilities, signs will be displayed to notify highway users that the businesses remain open. The nominated undertaker will signpost diversionary routes to the businesses, and to alternative community facilities if a community facility is closed.
- 5.4. The nominated undertaker will communicate regularly with affected parties throughout the period of the HS2 construction works.
- 5.5. If residents or businesses are dissatisfied with this process, they can address their concerns to the independent Complaints Commissioner. Please see the Information Paper G3: Complaints Commissioner.

## 6. Further provisions

- 6.1. Where reasonably practical, vehicular access will be maintained to residential and commercial premises.
- 6.2. The nominated undertaker will ensure that people with restricted mobility continue to have access to services and buildings where such access and services are temporarily disrupted during the HS2 construction works.

- 6.3. Where the normal means of access must be diverted or blocked off, alternative safe routes for wheelchair users and ambulant disabled persons will be identified, taking into account existing hazards and obstructions such as pavement kerbs and lamp-posts.
- 6.4. Where particular difficulties are identified, arrangements will be made on a case-by-case basis.

## **7. More information**

- 7.1. More detail on the Bill and related documents can be found at: [www.gov.uk/HS2](http://www.gov.uk/HS2)
- 7.2. The draft Code of Construction Practice can be viewed at: [www.gov.uk/government/publications/hs2-phase-one-environmental-statement-volume-5-draft-code-of-construction-practice](http://www.gov.uk/government/publications/hs2-phase-one-environmental-statement-volume-5-draft-code-of-construction-practice)