

# HIGH SPEED RAIL (LONDON - WEST MIDLANDS)

Equality impact assessment updates

Response to consultations

March 2016



## Department for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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# 1 Introduction

- 1.1.1 An Equality Impact Assessment (EQIA) of the proposed HS2 Phase One (London - West Midlands) scheme was originally published at the same time as the hybrid Bill documentation in November 2013. The 2013 EQIA described all of the known equality effects on protected characteristics groups resulting from the construction and operation of Phase One of HS2, as it was then intended.
- 1.1.2 Since 2013 and the deposit of the Bill in Parliament, HS2 Ltd has made various amendments to that original scheme, and submitted those changes to Parliament in the form of Additional Provisions (APs). Two EQIA updates, published for consultation in 2015, take account of design changes to the Proposed Scheme promoted through APs, as follows:
- High Speed Rail (London - West Midlands) Equality Impact Assessment update: CFA1 Euston Station and Approach, September 2015<sup>1</sup>
  - High Speed Rail (London - West Midlands) Equality Impact Assessment update: CFA2 Camden Town – CFA26 Washwood Heath to Curzon Street, December 2015<sup>2</sup>
- 1.1.3 Two consultation summary reports have been produced to report on the comments raised in relation to both these documents.
- 1.1.4 This report provides HS2 Ltd's response to issues raised by consultation responses received on the two updates to the EQIA of the Phase One scheme. Some of the respondents to these EQIA consultations have separately submitted petitions against the hybrid Bill or associated APs. In some cases, these petitions raise the same issues highlighted in response to the EQIA consultation. This report confirms where issues raised in response to the EQIA consultations have been addressed through assurances given by the Secretary of State in response to petitions submitted to Parliament; this includes assurances provided after the publication of the relevant EQIA update. All assurances can be viewed in the High Speed Rail (London - West Midlands) Bill: register of undertakings and assurances.<sup>3</sup>

<sup>1</sup> Equality impact assessment update: CFA1 Euston station and approach. [www.gov.uk/government/consultations/equality-impact-assessment-update-cfa1-euston-station-and-approach](http://www.gov.uk/government/consultations/equality-impact-assessment-update-cfa1-euston-station-and-approach)

<sup>2</sup> Equality impact assessment update: CFA2 – CFA 26. [www.gov.uk/government/consultations/equality-impact-assessment-update-cfa2-camden-town-cfa26-washwood-heath-to-curzon-street](http://www.gov.uk/government/consultations/equality-impact-assessment-update-cfa2-camden-town-cfa26-washwood-heath-to-curzon-street)

<sup>3</sup> Register of Undertakings and Assurances. [www.gov.uk/government/publications/high-speed-rail-london-west-midlands-bill-register-of-undertakings-and-assurances](http://www.gov.uk/government/publications/high-speed-rail-london-west-midlands-bill-register-of-undertakings-and-assurances)

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## 2 Issues raised and HS2 Ltd's responses

### 2.1 Noise and air quality effects

- 2.1.1 **A number of responses to both consultations expressed concern about the impacts of noise and diminished air quality, particularly on schoolchildren and elderly residents. One respondent emphasised the level of uncertainty in relation to the type of accommodation that will be made available to those residents needing temporary rehousing, and requested further information from HS2 Ltd on the prospective mitigation.**
- 2.1.2 **Air quality effects on hospitals were raised as a concern in Euston, and there was a request that HS2 Ltd plan to monitor the rising levels of pollution in the community.**
- 2.1.3 Provisions for monitoring of air quality and noise are set out the Code of Construction Practice (CoCP). In relation to noise, proposals for monitoring locations will be set out in each Local Environmental Management Plan (LEMP). Monitoring data will be provided regularly to and reviewed by the nominated undertaker<sup>4</sup> and will be made available to the local authorities.
- 2.1.4 HS2 Ltd's policy on noise insulation and temporary re-housing is set out in Information Paper E23: Control of Construction Noise and Vibration<sup>5</sup>. Initial eligibility for the scheme depends on the predicted noise level following the assessment that will be carried out for that purpose once detailed construction plans are in place. Full details of the noise trigger levels, for both construction noise insulation and temporary re-housing, are set out in the draft CoCP and the information paper. Some buildings and/or their occupants will be treated as special cases and will be considered on a case-by-case basis, including night workers, those needing a particularly quiet home environment to work in, and those who have a medical condition which will be seriously aggravated by construction noise.
- 2.1.5 The nominated undertaker will conduct an assessment of compliance with noise thresholds six months after the start of main construction works. Furthermore, the nominated undertaker will commence a survey within six months of the start of the works to consider health impacts experienced by residents that are attributed to noise from the construction of HS2. The results of this latter survey may be used to review the criteria of noise mitigation, noise thresholds and construction hours.
- 2.1.6 The nominated undertaker will require its contractors to implement inspection and monitoring procedures to assess the effectiveness of measures to prevent dust and air pollutant emissions.
- 2.1.7 On 23 February 2016, the Secretary of State for Transport provided assurances to the London Borough of Camden regarding air quality. These include a requirement for the nominated

<sup>4</sup> This means the relevant nominated undertaker appointed under the Bill as enacted and, in the period prior to the Secretary of State appointing a nominated undertaker and imposing the requirements on it referred to in these assurances, HS2 Ltd. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of the Proposed Scheme.

<sup>5</sup> Information Paper E23: Control of Construction Noise and Vibration.

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/482695/E23 - Control of construction noise and vibration v1.5.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482695/E23_-_Control_of_construction_noise_and_vibration_v1.5.pdf)

undertaker to manage significant air quality effects caused by the construction of HS2 in the London Borough of Camden. This will involve air quality monitoring at locations next to highways, before works commence, to establish a baseline. If significant air quality effects are still predicted at detailed design stage, air quality monitoring will continue and an air quality action plan will be drawn up (with the local authority), with the objective of removing significant effects as soon as possible, and as far as reasonably practicable.

- 2.1.8 Due to the particular circumstances of duration and intensity of construction in Camden, the nominated undertaker will monitor air quality to identify where this has deteriorated significantly as a direct result of HS2 construction. In the event that such deterioration has occurred, the nominated undertaker will work with the London Borough of Camden to agree appropriate mitigations, including rehousing if appropriate.

## 2.2 Temporary or permanent loss of access or use of community facilities

- 2.2.1 **Wendover Cricket Club described the potential impacts that relocating the Ellesborough Road cricket ground could have on the different age groups that play cricket there, and advocated acquiring a temporary cricket ground to ensure the continuity of playing cricket for the different age groups.**
- 2.2.2 **Turweston Parish Council requested that the Queen Elizabeth II (QE II) Diamond Jubilee Playing Field, part of which is required during construction, be retained for use once the railway is operational.**
- 2.2.3 **Some respondents described the social aspect and community cohesion which would be impacted if Euston residents no longer had a place for recreation during the construction period. The impact of the loss of local open space will particularly be felt by those local residents who do not have their own gardens. Respondents also noted a number of potential health issues which could arise if there is not an adequate mitigation plan to compensate for the loss of parks and play areas in Euston (for example, the potential for heightened levels of air pollution that could result, particularly near Euston Road).**
- 2.2.4 The EQIA Update CFA2-CFA26 reported that there may be a period of up to two years following demolition of the Ellesborough Road cricket ground before the replacement ground in Halton can be used for cricket practice and matches, where the purchase of replacement ground has been secured under the powers of the Bill. The Department for Transport (DfT) and its nominated undertaker will seek to make the land available (with deemed planning permission) as soon as reasonably practicable following Royal Assent. HS2 Ltd will continue to discuss with the club the most appropriate means of delivery of the replacement ground.
- 2.2.5 AP2 provides for replacement land for a playing field in Turweston to mitigate the permanent loss of an area of the existing playing field. The provision of a replacement facility is on the basis that the loss of land over part of the current site and the permanent presence of overhead power lines as a result of the railway would constrain the range of activities that could take place. However, following further discussions with the Parish Council and Western

Power, the Secretary of State has provided an assurance that the section of the overhead power line diversion that crosses the QEII Playing Field will be re-routed underground. This will enable the continued use of the playing field following the completion of construction.

- 2.2.6 On 30 November 2015, HS2 Ltd wrote to the London Borough of Camden, setting out the assurances that the Secretary of State is willing to give in order to address concerns expressed about the Proposed Scheme. These included provisions relating to the improvement of existing open spaces and play spaces to mitigate the impacts of construction at Munster Square, Hope Gardens, Clarence Gardens, Cumberland Market, Amphil Estate and Lancing Street.

## 2.3 Impacts of construction on schools

- 2.3.1 **Particular concern was expressed about the measures to mitigate the impact of construction activity on specific schools in the London Borough of Camden, including Netley School, Christ Church Primary School and Alexandra College, which cater for pupils with autism and are therefore highly sensitive to noise and other construction activity. Concern was also expressed about construction traffic passing a number of schools identified in the EQIA update for Euston.**
- 2.3.2 HS2 Ltd will continue to engage with schools to fully understand any impacts that occur and identify any reasonable measures to mitigate them. The nominated undertaker will endeavour to minimise the disruption caused by construction on the activity of a school. This may well include undertaking certain works during school holidays, and the avoidance of large goods vehicles operating adjacent to schools during drop-off/pick-up periods. Furthermore, the Code of Construction Practice obliges the nominated undertaker to manage construction traffic near schools to ensure that safe access is maintained. This will be continually monitored during the construction phase, and arrangements will be put in place to monitor any impacts for one year after construction has been completed.
- 2.3.3 The Secretary of State has provided a number of additional assurances to reflect the specific needs of the Camden area. These include requiring the nominated undertaker to seek measures to further reduce or avoid significant effects on schools, including: ongoing engagement with schools; the provision of acoustic insulation and glazing; the provision of high hoarding; and the use of additional lorry control methods. The nominated undertaker will be required to prepare, in consultation with the local community and the London Borough of Camden, a local traffic management plan for protecting school pupils and other vulnerable road users (including all pedestrians). There will be continual monitoring during the construction phase and arrangements will be put in place to monitor any impacts for one year after the completion of construction.

## 2.4 Accessibility of local services

- 2.4.1 **A general worry was expressed that local roads will be blocked by construction traffic without a clear solution proposed. Respondents were particularly concerned about impacts on emergency services and access to schools.**



- 2.4.2 **In Euston, concern was also expressed that an increase in heavy goods vehicles on local roads and unavoidable diversions due to road closures would affect the ability of elderly residents to access local services. It is suggested that this could increase the likelihood of isolating local residents and would jeopardise the safety of the elderly and vulnerable.**
- 2.4.3 HS2 Ltd's policies towards the management of construction are set out in the draft CoCP and in information papers. Traffic management plans will be produced in consultation with the highway and traffic authorities as well as emergency services through Traffic Liaison Group meetings, in accordance with the draft CoCP.
- 2.4.4 This includes a requirement that traffic management will have due regard for the needs of vulnerable road users, as set out in Information Paper E13: Management of Traffic during Construction<sup>6</sup>.
- 2.4.5 The Secretary of State will require the nominated undertaker to maintain public access along the highway and other areas where the public has access, where reasonably practicable. In the London Borough of Camden, the nominated undertaker will be required to implement appropriate measures to ensure the local community, economy and transport networks can continue to operate effectively. Where this is not reasonably practicable, alternative measures shall be identified by the nominated undertaker to maintain continual public access, especially for pedestrians and cyclists, to routes near the construction sites.
- 2.4.6 The nominated undertaker will be required to maintain pedestrian access to and from schools during term time and normal operating hours of the relevant schools, except where it is necessary to temporarily suspend access in the case of an emergency or for the implementation of traffic and pedestrian measures.

## 2.5 Effects on people with disabilities

- 2.5.1 **Some respondents suggested that disabled people (including blind people) would be more adversely affected by the construction than any other people with protected characteristics.**
- 2.5.2 **One respondent called for an independent, localised panel to work with the disabled community to address potential impacts and find suitable mitigation solutions.**
- 2.5.3 There will be a requirement for the nominated undertaker to 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. 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.
- 2.5.4 HS2 Ltd or the nominated undertaker will commission specialist advisers to conduct access and route audits for the purpose of identifying appropriate measures to mitigate the likely

<sup>6</sup> Information Paper E13: Management of traffic during construction;  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437387/E13\\_-\\_Management\\_of\\_traffic\\_during\\_construction\\_v1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437387/E13_-_Management_of_traffic_during_construction_v1.3.pdf)

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effects of construction activity on people with mobility impairments and wheelchair users. The process for implementation will be set out in relevant local environmental management plans (LEMPs), following consultation with local authorities.

## 2.6 Property compensation

- 2.6.1 **A number of responses relating to CFA<sup>1</sup> expressed concern about property compensation as a means of mitigation, including the length of time that Euston residents would have to wait until they are entitled to it. The more generous provision of discretionary compensation schemes for rural rather than urban areas was also a concern, with one respondent noting the higher proportion of people with protected characteristics in urban areas.**
- 2.6.2 The HS2 property compensation package makes specific provision for atypical properties and special circumstances, which allows the necessary flexibility for the scheme to make reasonable adjustments under Section 20 of the Equality Act.
- 2.6.3 The discretionary property compensation Need to Sell (NTS) scheme makes provision for a 'compelling reason to sell' as one of the eligibility criteria. This could include, for example, the need to release funds for retirement or for reasons of ill-health.
- 2.6.4 The Interim Report of the House of Commons Select Committee on the High Speed Rail (London - West Midlands) Bill requested more recognition that age and stage in life may be a good reason for wanting to move house, acknowledging that older people may have restricted freedom to adapt their financial plans in response to changed circumstances.
- 2.6.5 The DfT accepts that older people may have restricted freedom to adapt their financial plans in response to changed circumstances. It is conducting a full review of these issues and how they are treated and considered under the Need to Sell scheme. The DfT will set out its conclusions and bring forward appropriate changes alongside the launch of the Need to Sell scheme for Phase Two (West Midlands – Crewe), which is expected to happen in Spring 2016.
- 2.6.6 Since Autumn 2014, a Voluntary Purchase Offer scheme has been made available to people up to 120m from the railway in rural areas. The Government provided its justification for this in a Property Compensation Decision Document (April 2014)<sup>7</sup>, which sets out why it would be inappropriate and unnecessary to introduce this scheme in an urban area; on the basis that rural areas suffer more significant generalised property blight due to a combination of factors.

## 2.7 Business and employment

- 2.7.1 **Some respondents noted the impacts on local businesses during the construction phase and refer to the reputation that Drummond Street, in particular, has built over many years, which they said will be irrevocably damaged.**

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<sup>7</sup> Property Compensation Consultation 2013 for the London-West Midlands HS2 route, Decision Document Cmd 8833.

- 2.7.2 **One respondent questioned the number of construction jobs that are likely to go to local residents (for which they state there is no evidence), compared to the number of jobs which will be lost that are currently held by local residents.**
- 2.7.3 Specific assurances have been provided to the Drummond Street Traders Association in respect of the mitigation of effects and management of construction works. The nominated undertaker will be required to consult the London Borough of Camden on the development of a business support strategy, which will include: engagement of business pre-construction and during construction; business promotion and marketing; support of businesses that may be affected by HS2 works; and wider business support activities. Consideration will be given to the preferences of the Drummond Street Traders for the inclusion of particular measures (such as the provision of a viewing platform, marketing initiatives, hoardings displaying promotional material and other initiatives specifically promoting businesses located on Drummond Street).
- 2.7.4 Assurances have been provided to the London Borough of Camden that funding will be provided to support the creation of a linear park and enhanced walking route between HS1 and HS2 along Phoenix Way.
- 2.7.5 Options for mitigating construction impacts on the footfall in Drummond Street will be informed by a survey of the current footfall in the area.
- 2.7.6 Regular meetings will be held between the lead contractor, the nominated undertaker, the London Borough of Camden and local businesses to discuss construction issues and the forthcoming programme of works for the purpose of mitigating the impact of Phase One construction works associated with Euston Station on local businesses, including those on Drummond Street.
- 2.7.7 The Secretary of State will provide assistance to existing businesses within the London Borough of Camden, including those on Drummond Street, to find suitable alternative premises as a result of needing to move due to the Proposed Scheme.
- 2.7.8 HS2 Ltd is committed to offering training to local, disadvantaged and under-represented groups in order to promote fair and equal access to the employment opportunities generated by HS2. This will include requiring contractors to help these groups to access training and employment opportunities generated, and monitoring and reporting progress on the achievement of milestones to HS2 Ltd or the nominated undertaker.
- 2.7.9 In an assurance to the London Borough of Camden, the Secretary of State confirmed that the nominated undertaker will be required to make a financial contribution towards the cost of the construction and operation of a Euston Construction Skills Centre, which will build upon the success of the King's Cross Construction Skills Centre and offer the potential to integrate with other projects such as Crossrail 2.

## 2.8 Consultation process and materials

- 2.8.1 **There were concerns expressed about the technical nature of communications from HS2 Ltd and material on the website, which make it difficult to understand. One response stated that input from the local community in Euston should feed into the design plans.**
- 2.8.2 HS2 Ltd made the summary document of the EQIA Updates available in a range of formats, including Easy Read (targeted at those with low levels of literacy in English or people with learning difficulties) as well as braille, audio, and - for CFA1 - Bengali and Somali translations.
- 2.8.3 The Secretary of State has provided an assurance to the London Borough of Camden that he will require the nominated undertaker to undertake public engagement to inform the design development of Euston Station. This will commence in 2016 on preferred options for Euston Station design and again on the submission of the preferred design to the local planning authority. The consultation is envisaged to be an open, accessible and publicised process, including public exhibitions and online materials.
- 2.8.4 It is recognised that residents in Camden whose homes are particularly close to the construction works for HS2 will wish to be consulted on the mitigation measures for these works. In order to facilitate this, HS2 Ltd will, when engaging on the Community Liaison Plans, engage with local residents associations and other established groups for local residents.

## 2.9 Cumulative impacts of construction

- 2.9.1 **A number of respondents considered that the EQIA update had not taken into account the cumulative impact of a long construction period in the Euston area and the potential strain this could place on local residents. The London Borough of Camden emphasised this due to the length of time it will take to complete the scheme, which will have ongoing impacts for example in relation to noise, air-quality and other construction related issues.**
- 2.9.2 **Particular concern was expressed about the cumulative effect relating to both age and disability, warning that people could be disproportionately affected where age and disability intersect with other protected characteristics.**
- 2.9.3 Following consultation with the local authority and/or residents, the nominated undertaker will be able to commission access and route audits through a LEMP. These will indicate where additional measures or reasonable adjustments may be required for the purposes of ensuring accessibility by disabled or mobility-impaired people. Where possible, the nominated undertaker will be expected to work in partnership with local organisations that provide services to elderly and/or disabled people to deliver appropriate mitigation measures recommended by the audits. It is acknowledged that audits may need to be updated as construction works evolve, and mitigation measures adjusted accordingly.