



Department
for Transport

House of Commons Select Committee on High Speed Rail (West Midlands - Crewe) Bill

Promoter's response to the Select
Committee's Third Special Report of
Session 2017 - 2019

Moving Britain Ahead

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Introduction

- 1 This document constitutes the response of the Promoter of the High Speed Rail (West Midlands - Crewe) Bill to the Third Special Report of the 2017-19 session (hereafter referred to as 'the report') published on 7 June 2019 by the House of Commons Select Committee on the High Speed Rail (West Midlands - Crewe) Bill (hereafter referred to as 'the Bill').¹
- 2 The Bill is being promoted by the Secretary of State for Transport. Responsibility for delivering the various actions that are outlined in this response will rest with either HS2 Ltd, the Department for Transport or the relevant nominated undertaker. The terms 'Promoter' and 'we' are used at various points in this document to encompass all of these parties.
- 3 This response aims to only address the matters raised by the Select Committee in their report where an action from the Promoter was sought or where a clarification was deemed to be beneficial.
- 4 Where existing assurances are referred to, the reader may wish to refer to the draft Phase 2A Register of Undertakings and Assurances for the complete text.² Where the assurance referred to has not yet been included in the draft Register, a link to where the complete text can be found is provided if the assurance has been published. Where it has not, the assurance will be included in the next draft of the Register. Where an assurance is described in the response, the text of the assurance itself as included in the Register takes precedence.

¹ See HC 2770 at <http://publications.parliament.uk/pa/cm201719/cmselect/cmhs2/2270/2270.pdf>.

² See <http://www.gov.uk/government/publications/hs2-phase-2a-register-of-undertakings-and-assurances> for a copy of the latest draft of the HS2 Phase 2A Register of Undertakings & Assurances.

Promoter's Response

New Grid Supply Point

- 5 In paragraph 59 of the report the Select Committee said:
- “We accept that the proposal in AP2 for the siting of overground pylons between Parkgate and the Newland Auto Transformer Feeder station contained in AP2 is the best option for provision of electricity to the railway. The cost differential is £65m. Although the area is rural in nature, it is an undulating landscape and so the pylons would appear at differing heights and thus not make a huge impact on the landscape. [...]”*
- 6 The Promoter welcomes the Select Committee’s decision on the power supply connection.

Common Lane and Crawley Lane

- 7 In paragraphs 68-69 of the report the Select Committee said:
- “We support the view of Staffordshire County Council that the Council must be indemnified by the Nominated Undertaker for all reasonable costs if the Council needs to exercise its compulsory purchase order powers so that the financial burden will not fall on local council tax payers.*
- We support HS2’s proposal for the new revised route, building a spur from Crawley Lane up to the A515 to avoid King’s Bromley village prior to the main construction work commencing, as this will provide an alternative solution for Common Lane while avoiding construction traffic passing in front of Kings Bromley school. This will accommodate many petitioners and local residents’ concerns.”*
- 8 The Promoter welcomes the Select Committee’s support for the approach outlined by HS2 Ltd for resolving this issue. The nominated undertaker will seek the necessary powers and consents required to deliver a revised route between Crawley Lane and the A515 as early as possible during the construction programme.
- 9 The Promoter has committed to covering the reasonable costs of Staffordshire County Council should it prove necessary for them to seek compulsory acquisition powers. The Promoter does not believe that this is likely to exceed £250,000, but will ensure that, in any case, the costs of this are not borne by the Council.

West Midland Bird Club (No. AP2–59)

- 10 In paragraph 72 of the report the Select Committee said:
- “We instruct HS2 to install bird protectors on the pylon wires across the valley sections between Newlands Lane National Grid sub-station and the Parkgate*

substation. HS2 should act on advice from the West Midland Bird Club on the most appropriate sections on which to install the protectors.”

- 11 The Promoter has given an assurance to the West Midland Bird Club requiring the nominated undertaker to install bird diverters on the pylon wires across the valley sections between the Newlands Lane Auto-Transformer Feeder Station and the National Grid Parkgate Substation, acting on the recommendations of the Club on the most appropriate sections on which to place diverters.

The Slater family (No. AP2–33)

- 12 In paragraph 73 of the report the Select Committee said:
“HS2 must ensure that the height of the underbridge is 5.7 metres and the width 4–4.5 metres so as to allow access for delivery vehicles to the farms.”
- 13 The Promoter will incorporate the requested specifications into the detailed design process and continue to engage with the Slater family and other users.

Sian Froggatt (No. AP2–49)

- 14 In paragraph 74 of the report the Select Committee said:
“HS2 should buy Norman’s Bungalow from Mr and Mrs Froggatt at the bungalow’s full unblighted market value. HS2 should ensure that the water supply pipe is installed in a way in which does not impact on the existing bluebell beds. HS2 must give an undertaking to Mr and Mrs Froggatt that no part of their land becomes a dumping area for soil. Local placement must be managed in a manner that does not affect Mr and Mrs Froggatt’s farm adversely.”
- 15 The Promoter will make an offer to acquire Norman’s Bungalow at market value; this offer will open upon completion of the construction of the bungalow and close at 30 September 2022. The Promoter will work with the utilities provider to determine an appropriate route to provide water to Quinton’s Orchard Farm, with the aim of avoiding the established native bluebell beds within Bill limits along Quintons Orchard Drive. The Promoter confirms that local placement will not be deposited on Mr & Mrs Froggatt’s land and will give them an assurance to that effect.

Stone Town Council (No. AP2–47)

- 16 In paragraph 75 of the report the Select Committee said:
“Stone Town Council pointed out the number of cyclists using the A34/A51 Stone Bypass and the additional danger presented by construction traffic on that junction. The main crossing point over the A51 is uncontrolled and will become significantly more dangerous when additional lanes are added. The Town Council said “the only designated pedestrian route is across the roundabout on the A51 arm, and this really provides access to and from the Cherryfields Stone Estate, a housing estate, on the north of the junction to gain access to Aston Village Hall, which is located about 200 metres to the south of the island”. We heard that this was the only crossing facility provided across the four arms of the roundabout. HS2 argued that there were two possible outcomes, to remove the crossing as it is little used, or provide a new crossing with traffic signals towards the east on the A51. We questioned whether the

reason that the crossing was not greatly used at present was because it was so dangerous. We recommend that HS2 work with the Highways Authority and Stone Town Council to ensure that a safe, accessible and convenient means of crossing the A51 is provided at its junction with the A34.”

- 17 The Promoter will engage with the highway authority and Stone Town Council to ensure that a safe, accessible and convenient means of crossing the A51 is provided at its junction with the A34.

Newcastle Road Residents (No. AP2–75)

- 18 In paragraph 76 of the report the Select Committee said:

“A short length of Newcastle Road (A519) will be changed from a two lane road to a four lane road which will impact on the residents of Newcastle Road. We recognise the concerns of those living along this road and instruct HS2 to engage with the Highways Authority to propose a suitable crossing point which is acceptable to the local residents and as close as is safely possible to the existing junction and provide improvements to the existing pathway so that the community benefit.”

- 19 The Promoter will continue to engage with the highway authorities for the A519 and the A500 at Hanchurch as directed.

Mr and Mrs Bloor (No. AP2–51)

- 20 In paragraph 77 of the report the Select Committee said:

“HS2 should provide an access road to the construction compounds taking the site traffic as far away as possible from the petitioner’s property.”

- 21 An assurance has been offered to Mr and Mrs Bloor to relocate the highway access for the Tittensor Road Utility Compound and Swynnerton Embankment Satellite Compound away from their property.

- 22 In paragraph 78 of the report the Select Committee said:

“Mr and Mrs Bloor had applied for HS2 to purchase their property as they understood their property to be blighted by the proposals. Plans for the areas beside their properties were subsequently changed by HS2 and as a consequence HS2 rejected their claim. HS2 must revisit this application and make a reasonable proposal for Mr and Mrs Bloor to consider.”

- 23 HS2 Ltd will engage with Mr and Mrs Bloor to establish whether they still wish to sell their property and, if they do, will make an offer to acquire them under the terms of the Need to Sell scheme.

Ingestre Park Golf Club (No. AP2–25)

- 24 In paragraphs 81-84 of the report the Select Committee said:

“HS2 told us that the proposal contained in AP2 would cost £4.9m. The Golf Club said that HS2’s proposals in AP2 would cost £13m but that their option was cheaper. Ingestre Golf Club argued that it would cost £10.9million for their option but the net cost would be “£7.8 million on the new proposed course because the £3 million compensation would have to be deducted” from the overall compensation figure

which they would receive. The figures provided by HS2 and Ingestre were not comparing like with like. Having evaluated the costings and taking into account the view of the Parish Council we agree that the proposals set out in AP2 will ensure that the golf course can continue as a community asset.

We understand that there will be a reduced number of holes for golfers to play for a 6 month period and we are also aware that the Golf Club is a source of local employment. Employees of the golf club, those working both full and part-time, must not be disadvantaged by the proposals contained in AP2. We therefore emphasise that the golf club is entitled to apply for compensation as part of the existing compensation packages, which would enable the golf club to continue to employ or pay compensation to all staff who are employed at present.

The Club could operate with nine holes for six months and with 18 holes before and after this period and perhaps offer attractive subsidised and reduced fees to golfers whilst the new course is created. The club was concerned that the realignment would reduce the visibility at the first Tee. Security cameras for this area could also form part of the Golf Club's claim for compensation.

HS2 told us that the Secretary of State would be happy to support this way forward. We expect Ingestre Golf Club to work with HS2 to ensure that the proposals set out in AP2 are delivered for the local community and that the Golf Club maintain current levels of employment for all their staff."

- 25 The Promoter welcomes the decision of the Select Committee and will work with Ingestre Park Golf Club to take forward the proposals in Additional Provision 2 to the Bill (AP2). The proposals in AP2 were promoted with the aim of providing an opportunity for the Golf Club to continue as a local business and employer. The Promoter confirms that the Golf Club will be able to apply under the compensation code for losses arising from the implementation of the proposals set out in the Bill as amended by AP2 and those losses can include staff costs.

Ingestre with Tixall Parish Council (No. AP2–21)

- 26 In paragraph 85 of the report the Select Committee said:
- "Residents of Ingestre will see an increase in construction traffic during the building of the railway as construction compounds will be sited at Trent North, Hanyards Lane and Ingestre Park. The Parish Council petitioned, on the grounds of road safety, for a new footpath alongside Ingestre Road so that pedestrians, those with pushchairs and wheelchair users would be safe travelling along this section of road. HS2 has given an assurance that a footpath will be provided and in Committee, gave a further assurance that the footpath could be extended westwards. We welcome this."*
- 27 The full assurance to which the Select Committee refers has been included in the latest draft of the Phase 2A Register of Undertakings and Assurances.

Graham Ward 2010 Discretionary Will Trust etc. (No. 40)

- 28 In paragraph 87 of the report the Select Committee said:
- "HS2 should take the land for the borrow pit on a temporary basis and not a permanent basis as is currently proposed. This should minimise the length of time that excavated material will be transported by road."*

- 29 The Promoter will enter into discussions with the Trust to agree terms for temporary possession of the borrow pit land, unless otherwise agreed with the Trust. When assessing the terms for temporary possession, the Promoter will refer to HS2 Phase 2a Information Paper C3: Land Acquisition Policy, such that the overall cost to the Promoter does not exceed the cost of proceeding on a permanent basis with compulsory acquisition and subsequent disposal of the land.

Cheshire Wildlife Trust (No. AP2–58)

- 30 In paragraph 88 of the report the Select Committee said:
- “We understand the Trust’s concern that the water vole habitat on Swill Brook and Half Moon Drain will be destroyed by the Scheme. There will be a permanent severance of the link between the two brooks as an inverted siphon will be placed in the Half Moon Drain blocking the existing link between two brooks. The Trust told us that this will impact on the breeding population of water voles. We direct HS2 to work with Cheshire Wildlife Trust and Natural England in order to ensure that there is no diminution of the water vole communities currently residing to the west of the West Coast Main Line and the East of the proposed HS2 line. If this should mean relocation of the water voles to a more suitable habitat then we have been assured by both parties that this will be done under licence from Natural England.”*
- 31 The Promoter has committed to seeking further opportunities to create ditches along the construction boundary to enhance the proposed mitigation in order to ensure that there is no diminution of the breeding population of water voles, as recommended by the Trust. The assurance given also proposes the translocation of the population to alternative sites, including those owned by the Trust, if this becomes necessary following further surveys at detailed design stage. In fulfilling this assurance, the Promoter will continue to discuss this matter with Natural England.

The Freightliner Group, Freightliner Group Ltd, Freightliner Ltd and Freightliner Heavy Haul Ltd (Nos. 116 and AP2–26 and 139 and AP2–27)

- 32 In paragraph 91 of the report the Select Committee said:
- “The Committee understands and supports the better design of Handsacre Junction at AP2. But HS2 must be mindful to ensure that as detailed design progresses it includes plans to ensure, and gives an absolute commitment to the industry, that the capacity for freight train size and capability is maintained and improved.”*
- 33 The Promoter welcomes the Select Committee’s support for the improved design of Handsacre Junction. As the design progresses, the Promoter will ensure capacity will not be reduced at the junction with regards to freight train length, weight and motive power, during the period of operation between HS2 Phase 1 opening and Phase 2a opening.³
- 34 Furthermore, HS2 presents significant opportunities for future rail freight capacity. Beyond Phase 2a, further released capacity on the West Coast Main Line will become available, allowing the possibility for more freight and regional passenger

³ See the Promoter’s note to the Select Committee at <http://www.parliament.uk/documents/commons-committees/hs2-phase-2a/written-evidence/096%20Briefing%20Note%20-%20Handsacre%20Routing%20and%20Capacity%2014May2019.pdf>.

trains to operate on the conventional railway.

SGB World Services (No. AP1–14)

35 In paragraph 92 of the report the Select Committee said:

“We agree with HS2 that compensation payments should be no higher than the figures provided in the note to the Committee.”

36 The Promoter welcomes the Select Committee’s assessment.⁴

Mental health

37 In paragraphs 95-96 of the report the Select Committee said:

“HS2’s Scope and Methodology Report Addendum to the Environmental Statement noted “there is an acknowledgement that there is limited published evidence of the impact of large-scale infrastructure projects on human health”. That this is acknowledged by HS2 at such an early stage indicated an awareness of the issue. We noted at the time of the Government’s response to our Second Special Report that a procurement exercise was under way to provide HS2 staff with expert advice and assistance in supporting vulnerable people. Whilst we welcome this and look forward to seeing its impact we are unable to understand why such support for the community had not been put in place before the process began. It can only benefit the project to get this right. We hope that the procurement and operation of the new advice service for staff proves successful and is taken through into Phase 2b so that both staff and communities’ benefit.

We welcome the increased efforts by HS2 to help those affected by the Scheme. Individuals and communities need support to understand this unusual process with which they need to engage. The process is complex for the lay person: legal notices, differing property compensation schemes and the process of understanding and applying for entitlements seems muddled and unnecessarily bureaucratic. Support is required for individuals who may not be able to advocate on their own behalf, who are frail and who have deteriorating health. We look forward to Parliament receiving an update on the progress of this new initiative. [...].”

38 HS2 Ltd is launching a support service that is able to provide expert advice to those members of the workforce who are engaging with communities, as well as helping manage, support and signpost those individuals who are deemed to be vulnerable.

39 This independent support service will be made available along the whole line of the new railway route. Key areas of focus will include:

- providing face to face or telephone consultations with those individuals deemed vulnerable, ensuring support is tailored to their specific needs.
- assisting people in understanding and responding to HS2 Ltd documentation.
- signposting individuals or HS2 Ltd workforce to the relevant organisation for additional support.

⁴ A copy of the note referred to can be found at <http://www.parliament.uk/documents/commons-committees/hs2-phase-2a/written-evidence/HS2%20-%20%20SGB%20World%20Services%20Ltd.pdf>.

- assisting HS2 Ltd with case management of those individuals who may become vulnerable as a consequence of HS2 activity.
- 40 In addition, HS2 Ltd is also delivering specific training for frontline staff to ensure they are able to identify and communicate with those individuals who may be vulnerable.
- 41 In paragraph 96 of the report the Select Committee said:
- “Parliament will also be interested in the study commissioned through Public Health England and Imperial College London on the “health impacts experienced by Euston residents that are submitted to noise from the construction of HS2”. This valuable research will help to inform the approach for future large scale infrastructure projects.”*
- 42 HS2 Ltd continues to work with Public Health England, Imperial College London and other partners on a study into the health impacts experienced by Euston residents that are submitted to noise from the construction of HS2. The initial stage of the study, a baseline health impact assessment, is currently in production and will be delivered by questionnaire to approximately 15,000 properties in the Euston area determined to be potentially affected by the construction of HS2. A subsequent survey will be undertaken approximately 6 months after main construction works begins in order to assess the health impacts of the construction works. The outcomes of this study will be used to inform not only the approach used on the other HS2 phases but also on other future large scale infrastructure projects.
- 43 In paragraph 101 of the report the Select Committee said:
- “We appreciate the cross-departmental work that has taken place on this issue and instruct the Government to incorporate and build on this work. The committee instructs HS2 to report to the HS2 Phase 2b hybrid Bill Select Committee on how the government is taking forward this issue.”*
- 44 The Promoter and HS2 Ltd will ensure that the commitment on a long-term epidemiological quantitative health study is fulfilled so that a progress report can be shared with the Phase 2b hybrid Bill Select Committee in due course. HS2 Ltd are now in the process of engaging with academic institutions in order to inform the design of the study.

Calculating compensation payments

- 45 In paragraph 117 of the report the Select Committee said:
- “The Bill contains provisions to protect the required land from any conflicting proposed developments. This has been a source of concern to some petitioners who have requested that planning restrictions be lifted before the Bill receives Royal Assent. It has not been possible for the Committee to grant such requests as the Secretary of State needs to safeguard the land for the Scheme. Discussions need to take place between HS2 and the petitioners on such matters.”*
- 46 Safeguarding is kept under review and updated as the project evolves and as the level of engineering detail provides a greater understanding of the actual land take required. This is to ensure that land which is not required for construction or operation of HS2 is not unnecessarily blighted for extended periods.
- 47 HS2 Ltd is more than happy to have discussions with developers in respect of any planned development that has potential to conflict with HS2. Any applications sent to HS2 Ltd under paragraph 5 of the Safeguarding Directions are considered on a case

by case basis. Private development proposed on land where safeguarding applies may be accommodated if the development would not impact on the ability to build or operate HS2, or otherwise lead to excessive additional costs.

- 48 The Promoter intends to update safeguarding for Phase 2a of the route prior to Royal Assent to reflect the Bill as amended in Select Committee, and to remove any land from safeguarding that is no longer required.

Express Purchase scheme

- 49 In paragraphs 120-121 of the report the Select Committee said:

“This scheme applies to those who hold property in the surface safeguarded area or if 25% of the total area of the property falls within the area marked “surface safeguarding” on the safeguarding maps. The scheme aims to assist owner occupiers in applications to HS2 under the statutory blight regime. There is no requirement for the owner to attempt to sell the property. Owners can sell their property to the Government through this scheme, at the full, unblighted market value, and receive in addition a 10% home-loss compensation payment up to a maximum of £49,000, as well as receiving reasonable moving costs including stamp duty, legal and surveyor’s fees and removal costs.

The HS2 Residents Commissioner has said that “Express Purchase is a misleading term—there are a significant number of stages to go through before HS2 Ltd can acquire a property, and the process can be very drawn out, leading to frustration on the part of applicants.” We support the view of the Residents’ Commissioner and expect HS2 to make faster decisions, reduce unnecessary bureaucracy and deliver a faster service to customers.”

- 50 The Promoter shares the Residents’ Commissioner’s desire for property acquisitions to be processed as smoothly and as efficiently as possible. The non-statutory Express Purchase scheme does provide real benefits compared to the statutory regime; qualifying applicants are not required to market their property, establish the impact of the scheme on the whole of the property, or demonstrate that they have made reasonable efforts to sell. Property owners who successfully apply for the Express Purchase scheme are entitled to receive the full unblighted market value of their property, and an additional 10 per cent home loss compensation payment, up to the current maximum of £63,000, plus reasonable moving costs.
- 51 All decisions on whether to acquire a property once a Blight Notice has been received are made within the two-month period set out in legislation. It is sometimes the case that disagreements on a property’s valuation cannot easily be resolved, and this can take time, just as it does for open market sales. However, the Promoter will continue to work with HS2 Ltd and other stakeholders to identify and implement ways to make the acquisition process more efficient and deliver a faster service to applicants.

Residents’ Commissioner

- 52 In paragraph 122 of the report the Select Committee said:

“We are grateful to the Residents Commissioner for briefing us on her role confirming that she did not act on behalf of individual residents but residents as a whole.

However we understand that her title gives rise to confusion and suggest that HS2 provide a simpler, clearer definition of that role on the website.”

- 53 The Promoter will ensure that the scope and definition of the Residents' Commissioner's role is clearly and simply set out online and in other communications.

Special circumstances and future work

- 54 In paragraphs 128-132 of the report the Select Committee said:

“A tenant who occupies a dwelling, business premises or agricultural premises on a short tenancy is entitled to claim a disturbance payment covering any reasonable losses if their dwelling is compulsory purchased. This does not however, apply to those tenants with shorthold assured periodic tenancies and some agricultural tenancies and to permanent narrow boat dwellers under tenancy. We heard that there are individuals in this position under Phase 2a proposals. These are vulnerable tenants and we have expressed our concern to the Secretary of State for Transport, Rt Hon Chris Grayling MP.

The Secretary of State told us that he understood and shared the Committee's concerns that vulnerable individuals be properly supported and compensated. Although we recognise that the matter of vulnerable tenants raised by Antoinette Sandbach MP to this Committee apply to the HS2 Phase 2b route, this should not prevent the Secretary of State from promoting cross departmental working in order to rectify this situation before the HS2 Phase 2b Bill is introduced into Parliament, so that there is a dedicated compensation scheme in place to which vulnerable individuals and group of tenants may apply.

The Government confirmed in its response to our special report that the compensation schemes do not extend to a person who lives on a narrow boat. The Secretary of State in his letter of 11 March said that his officials had written to the Ministry of Housing, Communities and Local Government asking officials to consider reviewing the issue of home loss payments for houseboat owners within the wider land compensation regime. We welcome recognition by the Government that this is an unresolved issue.

We are acutely aware that that despite the variety of compensation schemes some people remain disadvantaged by the existing schemes and suggest to the Secretary of State that the definitions and classifications of 'atypical' properties must be broadened to cover tenants not covered by existing schemes. This needs to include compensation payments to those unable to secure a similar property of a similar type at a similar rent. There may be tenants who for personal reasons are wedded to their community and cannot tolerate the thought of leaving. If they are forced to do so they would not have anywhere else to go. An identifiable fund should made available for houseboat occupiers who currently rent a mooring space from which they can claim compensation as if they were in the same position as a leaseholder with 24 months to run on the lease. We heard that under Phase 2a there are nine people who are affected this way. We direct HS2 Community Engagement Officers to publicise this change to those occupiers so that they are made aware of the instruction of the Committee.

We expect the Government to take this initiative forward and introduce a more permanent and inclusive compensation scheme for this and other vulnerable groups

before the publication of the Phase 2b (Crewe - Manchester and Birmingham - Leeds) Bill. We instruct HS2 to specifically look at the compensation package offered relating to mobile homes before HS2 Phase 2b commences.”

- 55 Residents with assured short hold tenancies and agricultural tenants impacted by HS2 may be eligible for statutory compensation under existing compensation legislation. In addition, an agricultural tenant may also be eligible for non-statutory property compensation schemes, depending on their individual circumstances.
- 56 The Promoter set out the statutory compensation arrangements for all types of residential tenant, as applicable to the HS2 project, in HS2 Phase 2a Information Paper C15: Guide to Compensation for Short Term Residential Tenants.⁵ The Promoter will continue to publicise compensation arrangements to raise awareness amongst all types of tenant affected by HS2.
- 57 Where an individual is not eligible for either statutory property compensation, or for assistance under one of the non-statutory property schemes established for HS2, they may apply to be considered atypically on a case by case basis.
- 58 Atypical consideration is a dedicated and funded support route established for the HS2 scheme and is open to residents with any type of tenure. The Promoter has deliberately not sought to define the terms of its atypical arrangements in order to provide a broad basis for different circumstances to be considered, including those described by the Select Committee.
- 59 In order to meet the Select Committee recommendation, the Promoter will work with HS2 Ltd to develop more detailed guidance on its atypical arrangements, including in respect of assured short hold tenancies, agricultural tenancies and movable homes, and consider what other improvements can be made to increase awareness and accessibility for those likely to be affected by HS2.
- 60 The Select Committee has identified that the compensation entitlements of houseboat residents that are affected by public works differ in law from some other types of resident who live in movable homes. The Promoter will review current property compensation arrangements for movable/mobile homes and carry out the necessary consultation to explore in particular:
- whether there is a case to bring houseboats into line with caravans in respect of statutory home loss payment entitlement;
 - whether there is a case to introduce regulations to compensate houseboat residents who are impacted by significant noise disturbance from rail works; and
 - the potential use of non-statutory compensation measures in advance of legislation being made should the case for change be established.
- 61 In the interim, and in view of the Select Committee’s instruction, the Promoter will identify the relevant houseboat owners on Phase 2a that are impacted by HS2, and ensure that HS2 Ltd’s Phase 2a community engagement team publicises to them that they may request for their case to be considered atypically. Funding arrangements for atypical assistance are already in place, so the Promoter does not propose to establish a distinct fund for houseboat owners specifically at this stage. The Promoter would seek to apply principles in assessing houseboat owners’ eligibility to compensation and non-statutory assistance similar to those that are

⁵ See

http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779283/C15_Guide_to_Compensation_for_Short_Term_Residential_Tenants_v_1.0.pdf.

applied to eligible tenants, as far as is appropriate.

62 In paragraph 134 of the report the Select Committee said:

“We note that HS2 are currently procuring a service to provide help for people with special needs to give them additional support in applying for compensation. HS2 should maintain records of numbers of applicants in order to monitor progress of this new scheme and ensure that the data is shared with the Residents Commissioner in order for her to evaluate the success of the schemes and the support provided to vulnerable applicants.”

63 Reporting, as described, is a requirement of the contract with the service provider and data will be shared with the Residents' Commissioner as requested.

Rural Support Zone scheme

64 In paragraph 135 of the report the Select Committee said:

“Most of the HS2 Phase 2a line will run through rural areas. This scheme applies to those properties in rural areas, which lie between the outer border of the safeguarding area and within 120 metres of the centreline of the new railway. Successful applicants can require the Promoter to purchase their properties at the full unblighted value. Owners may receive a cash offer from HS2 of either between £30,000 and £100,000 or request that HS2 voluntarily purchase the property. The Department for Transport as part of its review in 2018 looked at Rural Support Zone payment levels but agreed to make no change. We believe that this fund should not be capped.”

65 Payments under the Rural Support Zone schemes are made from the HS2 budget rather than a distinct, capped fund. The Promoter keeps its non-statutory schemes under review, including the level of the cash offer.

Community Engagement

66 In paragraphs 140 of the report the Select Committee said:

“The Residents' Commissioner, who is employed under contract by HS2, has the role of holding HS2 to account for delivering the commitments made by HS2 in their Residents' Charter. The aim of the commitments “is to build respectful long-term relationships with communities and actively encourage (our) workforce to listen to local concerns and be considerate and accountable for their actions at all times.” We expect everyone employed by HS2 to abide by these commitments. Should the Bill receive a Third Reading in this House and be sent to the House of Lords for further scrutiny we hope that a House of Lords Select Committee will press HS2 for continuous improvement in this area. The success and timely delivery of major projects can be aided by better community engagement. This could include, for example, as part of the procurement process, HS2 requesting that prospective contractors suggest new and innovative ideas for added value to local communities, such as offering apprenticeships to local people, with those successful tenderers implementing suggestions and opportunities and the nominated undertaker monitoring this scheme.”

67 The HS2 Community Engagement Strategy sets out HS2 Ltd's commitments to the communities HS2 impacts, and describes how HS2 Ltd aim to be a good neighbour

every single day. Importantly, this strategy sets out the expectations of all those who are working within and on behalf of the HS2 project. HS2 Ltd report on their progress against these commitments in their regular 6 monthly progress reports, two of which have now been published.⁶

- 68 On Phase 2a, HS2 Ltd have a dedicated community engagement team, and each section of the route has a dedicated and well-established engagement manager providing continuity of relationships with local people. HS2 Ltd tailor their engagement to the needs of local communities, using a range of methods including events, meetings, site visits, notifications, newsletters and dedicated 'Commonplace' community websites. HS2 Ltd also have a Freephone 24/7 Helpdesk available to communities. HS2 Ltd are continually collecting feedback from the local communities along the entire line of route to identify areas for improvement.
- 69 HS2 Ltd's contractors for Phase 2a will be instructed to employ local community engagement representatives and support delivery of the HS2 Community Engagement Strategy. This will include ensuring that communities are informed about work in their area and that their questions are responded to.
- 70 HS2 Ltd will work with their contractors to involve local people in the delivery of the railway and take advantage of local job opportunities. HS2 Ltd's contractors will be required to produce a Skills Implementation Plan and deliver a number of agreed skills outputs, such as apprenticeship opportunities. HS2 Ltd will encourage their contractors to focus their interventions and efforts on unemployed and local people, as well as those from disadvantaged groups.
- 71 HS2 Ltd's contractors will also be expected to deliver a Community Investment Plan, setting out how they will benefit the local areas they work in - going beyond their immediate construction role. This includes having a strong commitment to Corporate Social Responsibility (CSR) by investing their time, skills, people and equipment in the local community. Such activity includes volunteering, supporting local charities, and linking with local HS2 Community and Environment Fund projects to leave a lasting legacy.⁷

Crewe hub

- 72 In paragraph 143 of the report the Select Committee said:
- "We heard about plans for the Crewe Hub and the importance of links between the upgrade of Crewe Station and Phase 2a and Phase 2b at Crewe. This is a town with a railway history and through active community engagement and creating an innovative culture HS2 may enhance local opportunities for regeneration not only at Crewe but its surrounding areas and those along the route. We hope that ideas flow from these communities and are looked upon favourably by HS2 when evaluating their merits."*
- 73 The Promoter recognises that a Crewe hub could generate significant opportunities – not only for Crewe itself, but for the surrounding sub-region. It has recently allocated funding to Network Rail to develop an alternative option to the Crewe station layout

⁶ See http://s3-eu-west-2.amazonaws.com/1042421-static-assets-production/wp-content/uploads/2018/10/02151856/22661_HS2_CES_6month_Report_interactive.pdf and http://s3-eu-west-2.amazonaws.com/1042421-static-assets-production/wp-content/uploads/2019/04/04171803/23031_HS2-CE-6-month-report_v5.pdf.

⁷ An additional £5m has been allocated for Phase 2a for the HS2 Community and Environment Fund (CEF) and Business and Local Economy Fund (BLEF) – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/701206/C11_The_Community_and_Environment_Fund_and_Business_and_Local_Economy_v2.0_.pdf.

proposed in the Bill which would support the vision of a Crewe hub.⁸ Subject to the Full Business Case, and confirmation of affordability within the available budgets, the Promoter would expect to make a decision in summer 2020.⁹

- 74 To fully realise the vision of a Crewe hub will need central and local government to work together. The Promoter welcomes the progress being made by Cheshire East Council and the Local Enterprise Partnership in identifying how they could invest in the wider scheme to ensure the benefits are fully realised and will continue to work through the Crewe Hub Joint Board.

Provision of broadband to rural communities

- 75 In paragraph 145 of the report the Select Committee said:

“We heard from petitioners that there were opportunities to carry out the necessary infrastructure works whilst excavations were taking place on their land. We would like to see a joined-up approach to the Government’s commitments. At detailed design stage, planners should incorporate the necessary infrastructure to support super-fast broadband in rural areas. We do not expect HS2 to provide super-fast broadband but we do expect the Government not to miss this opportunity to install the necessary infrastructure to rural areas where such opportunities arise. This could be HS2’s 21st Century contribution to improved communications.”

- 76 The Promoter recognises the need for a joined-up approach to realise wider Government commitments and the benefits of cross-Government working. The Promoter will engage with the Department of Digital, Culture, Media and Sport and infrastructure providers regarding current plans for super-fast broadband and to understand how the construction programme for Phase 2a may provide any opportunities.

Petitioners who appeared before the Committee

- 77 In paragraph 147 of the report the Select Committee said:

“Many petitioners continued to maintain dialogue with Counsel for HS2 up until the moment before their appearance before the Committee. Some matters were settled in the corridor outside the committee room before the petitioner was to appear that day. Sometimes matters were settled in the room in front of the Committee as Counsel gave undertakings and assurances to the satisfaction of the committee and the petitioner. We urge HS2 to work faster so that deals on the day of the hearing are done sooner.”

- 78 The Promoter is committed to seeking to settle with petitioners as far in advance of their scheduled hearing as possible.

Jack Brereton MP (Stoke on Trent South) (No. 153)

- 79 In paragraph 155 of the report the Select Committee said:

⁸ As set out in the ‘HS2 Crewe Hub Consultation: Government’s Response’, published in March 2018, and which the Government supports.

⁹ Authority to deliver in terms of the Rail Network Enhancement Pipeline (RNEP).

“Jack Brereton MP petitioned the Committee for HS2 to be fully integrated with the conventional rail network. Mr Brereton supported HS2 and believed that it had the potential to provide a considerable economic boost to Stoke on Trent, and north Staffordshire, bringing opportunities for highly skilled and highly valued jobs. He said it was vital to improve rail services, in both capacity and connectivity, and that this should be planned now as the five-year spending round for Network Rail was due to begin in 2019. HS2 should undertake further work in partnership with Network Rail to ensure that the conventional network was to an acceptable standard to facilitate HS2 compatible services.”

80 The Promoter and HS2 Ltd have been working collaboratively with Network Rail to identify opportunities for integration between the conventional and HS2 networks. Work continues to identify requirements for further works on the conventional rail network to enable it to run HS2 compatible services. This could include identifying opportunities to maintain, or where appropriate to make improvements to, those elements of existing rail infrastructure that will be frequently used by HS2 trains.

81 In paragraph 158 of the report the Select Committee said:

“HS2 made a commitment to environmental sustainability and has made a commitment to reuse excavated material in the construction process. Mr Brereton requested that data from HS2’s model to reuse 90% excavated material in the construction should be published. Geotechnical ground investigations began in autumn 2017 for Phase One, and this data could inform Phase 2a. Jeremy Lefroy MP also raised this issue. HS2 responded that it was too early to say how the Phase One Project was performing against the 90% objective. We urge HS2 to give an undertaking to publish the evidence found.”

82 HS2 Ltd will report the progress in reusing excavated material and will publish relevant data annually.

Jeremy Lefroy MP (Stafford) (No. 188)

83 In paragraph 160 of the report the Select Committee said:

“He said that constituents had told him that negotiations with HS2 were too lengthy and that such delays impacted on the viability of local businesses. He asked that HS2 be required to pay reasonable compensation for time taken and out of pocket expenses for such occurrences and stated that an expenses reimbursement scheme would not result in large amounts of money being paid out.”

84 The Promoter recognises that individuals and businesses can incur expenses during negotiations on compensation. The Promoter is committed to paying all reasonable expenses in accordance with the compensation code, and this can include time taken and out of pocket expenses.

85 In paragraph 161 of the report the Select Committee said:

“We are not convinced that HS2 fully understand the extent of time and money that is spent by petitioners and those affected by the Scheme in understanding the process and liaising with HS2 staff. This is a matter that needs to be kept under review and we recommend that the next High Speed Rail (Crewe - Manchester and Birmingham - Leeds) Bill Select Committee look at this matter early in the process.”

86 The consultations, engagement and published documentation aim to ensure that people understand that they do not need to petition to secure payments due under

either the compensation code or non-statutory schemes. Following the passage of the Bill for Phase 1 of HS2, Parliament consulted on possible changes to the petitioning process, and the Promoter's response included suggestions for reducing the time and money costs to petitioners. Any further changes to the process are a matter for Parliament to consider, should it so wish. Any future hybrid bill Select Committee would need to work within the rules as set out in Erskine May and elsewhere.

87 In paragraph 164 of the report the Select Committee said:

“It is not open to the Committee to propose additional stations, as the committal motion at Second Reading gave an instruction that there are to be no new stations, or additional spurs but we note that this is a continuing concern of certain Members of Parliament. We urge the Secretary of State to speak to the constituency MPs about local rail services.”

88 The Secretary of State is happy to speak with constituency MPs about local rail services, upon request.

Parish Councils

89 In paragraph 172 of the report the Select Committee said:

“We regret that on many occasions we heard from the Parish Councils that the County and Borough Councils had not engaged sufficiently with the local Parish Councils to seek their views. We hope that as the legislation progresses and the preparation work for the railway continues this will be remedied locally. HS2 when sending correspondence to the primary authorities should copy the correspondence to the relevant subsidiary authorities.”

90 During the delivery of Phase 2a, HS2 Ltd will ensure all key stakeholders are kept informed, involved and responded to, in accordance with the HS2 Community Engagement Strategy, including, where relevant and appropriate, copying correspondence with primary authorities to the relevant subsidiary authorities. As part of this engagement activity, HS2 Ltd will seek to ensure primary authorities and subsidiary authorities are engaged within the same, broad timescales. A recent example of HS2 Ltd's engagement with parish councils is an invitation to visit ground investigation sites along the line of route, which has been taken up by six parish councils to date.¹⁰

91 When HS2 Ltd engages or consults primary authorities as part of their statutory, technical function, such as those related to planning, highways or heritage, it would be for the primary authority to decide how they involve subsidiary authorities and other local representative groups or bodies.

The Woodland Trust (No. 99 and AP2–63)

92 In paragraphs 180-181 and 183 of the report the Select Committee said:

“Since that Report we have been made aware that HS2 has stated that in some areas along the route some of the soils proposed for translocation are subject to the Plant Health (Forestry) Order 2005 No. 2517. This Order prohibits all imports of ash seeds, plants and trees to prevent the spread of dieback of ash (Chalara) to regions

¹⁰ As of 13 June 2019.

where the disease is not present. Ash is common in lowland England. We welcome the fact that HS2 is in dialogue with the Forestry Commission about this issue for HS2 Phase 1 and understand that the Forestry Commission will issue HS2 with a single Statutory Plant Notice to authorise soil translocation activity subject to certain conditions being met. We urge HS2 to ensure that all conditions are fully met so to ensure that the risk of the spread of Chalara is minimised.

We expect HS2 to ensure that the lessons learned from soil translocation in HS2 Phase 1 are embedded in any work for HS2 Phase 2a and beyond, and shared more widely so that other infrastructure projects may benefit from the studies.”

[...] We ask HS2 to ensure that mechanisms to control invasive and extraneous species are used in order to protect all new planting and translocated soils from disease and to promote further growth.”

- 93 The Promoter recognises the importance of tree provenance and the need to minimise the risk of tree disease by following best practice in biosecurity and plant quarantine.
- 94 In accordance with HS2 Ltd’s Ecology Technical Standards, a bespoke Biosecurity Management Plan will be produced where there is a risk of introducing plant diseases as a result of planting, seeding and remedial works being undertaken.
- 95 The salvage and translocation of ancient woodland soils has been included as a compensatory measure for the loss of ancient woodland that will, where conditions are suitable, act to provide the best opportunity to retain some of the diversity associated with the ancient woodland

National Farmers Union (Nos. 107 and AP2–52) and the Country Business and Landowners Association (No. 140)

- 96 In paragraph 196 of the report the Select Committee said:
“The NFU were concerned that farmers who had not petitioned against the Bill would not be entitled to the same protection regarding the part B assurances as those farmers who had petitioned. HS2 told us that it had reflected on these concerns and had now written to all farmers affected by the proposed scheme, including those who had not petitioned against the Bill. HS2 invited those farmers who had not petitioned to consider whether there were any assurances contained in Part B which might affect their own holding and should be offered to them. They asked farmers to respond by 31 January 2019. We would like the Government to include in its response to this report an update on the outcome of this process, and how many farmers requested assurances.”
- 97 HS2 Ltd wrote to all farmers and agricultural businesses affected by the Phase 2a scheme in September 2018. No responses were received from farmers or agricultural businesses that had not already petitioned against the Bill. However, through ongoing engagement following the sending of the letter, the Promoter made an offer of further Part B assurances to 40 petitioners.
- 98 In paragraph 199 of the report the Select Committee said:
“We asked for agricultural and land specialists to be made available to those affected by the route. The NFU told us that there had been agricultural specialists’ consultation on Phase 1 but that this had not successfully carried over to Phase 2a where there had been ‘a complete breakdown’ of this valuable relationship. This is

worrying as the HS2 Phase 2a route covers a large rural community and we recommend a relaunch and promotion of the Phase 1 arrangements for Phase 2a and beyond.”

99 The Promoter has given an assurance to the National Farmers’ Union that there will be an agricultural liaison service for HS2 Phase 2a as there is on Phase 1 with individuals experienced in agricultural matters available to all individual farmers and landowners.

100 In paragraph 201 of the report the Select Committee said:

“We remain concerned about insufficient notice periods for temporary possession of land. HS2 has offered two assurances in respect of notification and notice periods for temporary possession and has given an undertaking to provide a minimum notice period of three months. We remain concerned. HS2 should give three clear months’ notice of the quarter in which the land will be taken. Farming is a seasonal business and farmers need to plan before they plant crops.”

101 The Promoter has given an assurance to the National Farmers’ Union as outlined in its note to the Select Committee on temporary possession that written notice of the quarter that land is to be occupied will be given at least 3 months in advance of the beginning of that quarter, and reasonable endeavours will be made to give that indication at least 6 months in advance of the beginning of that quarter.¹¹

Borrow pits

102 In paragraph 208 of the report the Select Committee said:

“The Borrow Pit review uses data contained in the January 2019 draft preliminary ground investigations report. Further geotechnical investigations will be undertaken during the development of the detailed design and “further ground investigations be undertaken between approximately 2020 and 2022 as the design is progressed through to the final design”. We have heard from Mr William Murray concerns about the geological data used for the area of Whitmore and HS2 should take this opportunity to ensure that Mr Murray’s concerns are addressed during this further work.”

103 The ‘Summary Assessment of ground conditions for Whitmore Heath Tunnel’ report was published by the Promoter and a copy has been given to Mr Murray. The initial version of the report used desktop data in the assessment but it was subsequently revised in February 2019 to use the results of the draft preliminary ground investigations report.¹² The assessment of the findings from the preliminary ground investigation at Whitmore Heath have not altered the assumptions on ground or groundwater conditions based on the original desk study assessment which informed the initial preliminary design of the Whitmore Heath tunnel. The Promoter considers that this further ground investigation work addresses Mr Murray’s concerns.

104 In paragraph 209 of the report the Select Committee said:

“The Borrow Pit Review has been published on our website. This review is the first stage of intrusive geotechnical investigations and therefore not a definitive and final

¹¹ See <http://www.parliament.uk/documents/commons-committees/hs2-phase-2a/written-evidence/092%20HOC%20158%20-%20Select%20Committee%20Ask%20-%20Notice%20periods%20for%20temporary%20possession.pdf>.

¹² See http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791686/C861-ARP-GT-REP-WS06-000001_Summary_Assessment_of_Ground_Conditions_Whit....pdf.

report. HS2 should continue to work with those affected by the locations of borrow pits and be mindful of the Committee's desire for noise and visual screening to protect the local communities from noise and dust as so far as is possible."

- 105 HS2 Ltd will continue to work with directly affected landowners and others affected by the operation of the borrow pits and be mindful of the Select Committee's desire for noise and visual screening to protect local communities from noise and dust.

Canals and waterways

- 106 In paragraph 211 of the report the Select Committee said:

"In our Second Special Report we recommended that the Secretary of State made provision for the construction of a 5-metre high noise and visual barrier at the Great Haywood Marina in order to protect narrow boat owners living there. The Government told us that this would not be possible as HS2 had already given assurances to the National Trust about the viaduct in that the Area of Outstanding Natural Beauty of Cannock Chase. The Government's response says "while HS2 Ltd gave an indication of the engineering complexity of delivering higher barriers here, this did not cover the trade-off between barrier heights and their visual impacts" and that the 5-metre high noise barriers would impact on the view. We ask why this was not raised by Counsel for HS2 in Committee at the time of petitioning. In order for the process to work well for both petitioners and HS2 the Committee requires such evidence so that an informed and fair decision can be made. We expect the Trent and Sow Parklands and Cannock Chase Area of Outstanding Natural Beauty Group, (of which the Canal and River Trust is a member) to work with HS2 to find a suitable solution which will allay the concerns of the Inland Waterways Association about noise."

- 107 The Promoter agrees with the Select Committee's view that the Trent, Sow Parklands and Cannock Chase AONB Group, of which the Inland Waterways Association is also a member, has a key role locally. The Promoter will ask the Group to consider this aspect as part of their consideration of the design principles for this structure which will inform the detailed design.

Cycling, Footpaths and Bridleways

- 108 In paragraph 216 of the report the Select Committee said:

"HS2 will inevitably create a degree of severance. Diversions have been agreed for several footpaths and bridleways, but a diversion of a few 100 metres, which would have no noticeable effect on a motor vehicle, might be a significant additional journey for pedestrians, cyclists and riders. We do not believe HS2 has been sufficiently proactive in finding ways to ameliorate the impact of severance for pedestrians, cyclists and horse-riders and would like to see some additional provision to compensate for the inevitable inconvenience. In addition, we believe it is in the best interests of HS2 as well as of the local population, for HS2 to enhance alternative routes for non-motorised transport where that will encourage non-motorised transport away from construction traffic roads."

- 109 The Promoter agrees that local roads and public rights of way provide important connections between communities, and the scheme has been designed with the aim of minimising the effect of severance on local communities, particularly with regards

to the re-design or replacement of roads and public rights of way. Where a temporary or permanent realignment or diversion of a public right of way is unavoidable, the design objective has been to seek the shortest practicable route.

- 110 The Promoter has been continuing dialogue with relevant groups on these matters. For example, the relevant local authority is now promoting an order to reclassify Footpath 58 as a bridleway, which was a specific recommendation from the Select Committee in an earlier report.¹³ The Promoter will liaise with the local authority to determine whether HS2 Ltd can assist with accommodating bridleway access in this instance.
- 111 In response to the Select Committee's request, the Promoter will provide additional funding for signage to help pedestrians, cyclists and horse riders navigate changes to the road and public rights of way network and away from construction traffic. As part of the detailed design process, the Promoter will work with highway authorities, local access forums, user groups (for example The Ramblers) and communities to identify the best way of maintaining public rights of way during construction, including the appropriate provision of such signage.
- 112 More broadly, the Promoter has established the HS2 Community and Environment Fund (CEF) and the Business and Local Economy Fund (BLEF) to support communities disrupted through the construction of HS2. Both funds explicitly cover the sorts of measures the Select Committee have in mind:
- "improved pedestrian, equestrian, or cycle access not provided under statutory services" (CEF); and
 - "improved local cycling and pedestrian access to local economic centres" (BLEF)
- and the Promoter would welcome applications for projects which deliver against these criteria.
- 113 In paragraph 219 of the report the Select Committee said:
- "Colwich Parish Council petitioned the Committee on 1 May 2019 arguing for an upgrade of the towpath of the Trent and Mersey Canal and work to expose the footpath within the highway verge of the A51 for the benefit of walkers. HS2 are now in discussions about using the Community Fund to upgrade the towpath and we were told that HS2 would be agreeing with the Parish Council an assurance on the upgrade of this footpath."*
- 114 The Promoter has given an assurance to Colwich Parish Council that the nominated undertaker will be required to clear the vegetation obstructing the footpath alongside the A51 between Great Hayward and Hixon, and to repair the existing asphalt paving on the pathway that is currently paved with asphalt during the compound establishment period.
- 115 The Promoter is continuing to engage with Colwich Parish Council, working with the Canal and River Trust and Sustrans to help facilitate an alternative route for cyclists wishing to avoid construction traffic on the Great Haywood Road, including working with them to make a bid for HS2 Community and Environment Fund (CEF), Business and Local Economy Fund (BLEF) or Sustrans funding.

¹³ See paragraphs 119-120 in http://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755284/hs2-phase2a-promoters-response-select-committee-second-special-report.pdf.

Observations of the Committee

116 In paragraphs 222-223 of the report the Select Committee said:

“There is a large volume of documents in committee. Members are provided with a new set each day containing all the evidence. We recommend that HS2 (who co-ordinate the evidence for the petitioner and their Counsel) provide a map at the beginning of each section so that it is immediately clear exactly which farm or village the committee is being asked to look at.

We also think that it would have been helpful to have two screens in front of each member in the Committee Room so that comparative maps could be brought up rather than flicking between large paper files.”

117 The Promoter will take these observations into account when preparing for future Select Committees.