



Department
for Transport

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

Promoter's Response to the Select Committee's Second Special Report of Session 2015-16

March 2016

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Introduction

1. This document constitutes the response of the Promoter of the High Speed Rail (London - West Midlands) Bill to the Second Special Report of the 2015-16 session (hereafter referred to as 'the report') published on 22 February 2016 by the House of Commons Select Committee on the High Speed Rail (London - West Midlands) Bill (hereafter referred to as 'the Bill').
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. The Select Committee made clear in their report that they have confined their directions and recommendations to areas where they felt an intervention was necessary and in cases where they do not expressly mention anything, it can be assumed that they were content not to intervene on the position taken by the Promoter. This response similarly 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. Commitments given in this document are subject to delivery within existing Bill powers unless otherwise expressly stated. Where existing assurances are referenced, the reader may wish to refer to the draft Undertakings and Assurances register for the complete text upon which the Secretary of State is bound¹.

Promoter's response

In paragraphs 44 and 45 of the report, in relation to Birmingham Curzon Street, the Select Committee notes:

"We are pleased that Birmingham City Council was offered sufficiently satisfactory draft assurances that it was able to dispense with a substantive appearance before the Committee. Key among the assurances offered were: involvement in station design, good station permeability, cooperation on relocating displaced businesses within Birmingham where possible, and provision of local apprenticeships. A strategy was agreed to mitigate the impact of HS2's requirement for temporary closure of Saltley viaduct. There will need to be convenient access between the Curzon Street station and Birmingham New Street station."

"We said early on that we wanted an accommodation to meet the needs of Curzon Park Limited. We are pleased that in addition to Curzon Park Limited

¹High Speed Rail (London - West Midlands) Bill: register of undertakings and assurances
<https://www.gov.uk/government/publications/high-speed-rail-london-west-midlands-bill-register-of-undertakings-and-assurances>

retaining certain land, it will retain scope for recovery of land subject to feasibility. The Promoter will consult Curzon Park Limited during the detailed design of Curzon Street Station with regard to development potential of the retained land.”

5. The Promoter has offered several assurances to Curzon Park Ltd, including that they will be consulted on the design of Curzon Street station, to ensure the development potential of Curzon Park Ltd’s land is properly appreciated. The assurances also include giving further consideration to the extent to which Curzon Park Ltd’s land can be taken temporarily rather than permanently.
6. In paragraphs 46 to 50 of the report, the Select Committee summarises the outcome of the representations made to them with respect to the Washwood Heath site. Following the review of the rolling stock maintenance depot that was undertaken by the Promoter, assurances were given to AXA and Birmingham City Council that reflected the changes made to the scheme including the reduction in land take and the resulting increase in land available for development post construction. This includes the potential for provision of underground balancing ponds, which remain options that are being considered by the Promoter as we continue to seek further reductions in land take through the detailed design stage for both operation and construction.
7. The Promoter is seeking to put in place a Memorandum of Understanding with the relevant parties that will set out how the parties will work together to ensure the development of employment land is brought forward in a coordinated and comprehensive way, with a view to maximising opportunities for jobs.
8. Paragraph 53 of the report summarises the Select Committee’s consideration of representations from the Lichfield Cruising Club. The Promoter has agreed with the Cruising Club that their concrete slipway and dry dock area are assets that will be eligible for compensation. We have further agreed that we will meet the reasonable upfront costs for a contractor and designer to assist with considering options for relocating the affected elements. We are confident that this approach will mitigate the impact of HS2 on the Cruising Club.
9. Paragraph 58 of the report summarises the representations made by Silklink Ltd, the owners of the Grimstock Country Hotel. The Promoter will acquire the Hotel and is considering how the Hotel can be managed as a running business throughout the construction phase with a view to providing the employees of the Hotel with some certainty.
10. Paragraph 59 of the report summarises the representations from Patrick Dillon, the owner of Dunton Hall. The Promoter will continue discussions regarding the position of access to Mr Dillon’s land and Reindeer Park up to the date when the land is occupied for HS2 works in this area. At the present time, the Promoter does not propose to acquire any part of Reindeer Park Lodge outside of Bill limits. The owner of that property and business has

indicated that he does not wish to sell to the Promoter any land outside of Bill limits. He petitioned against any enhanced use of the proposed agricultural access into Mr Dillon's severed land. The emerging local authority plan envisages that access for minerals extraction on Mr Dillon's land should be taken via Hams Lane. In the event that the owner of Reindeer Park Lodge wishes to sell his property to the Promoter, this would be considered in accordance with the provisions of the Compensation Code and discretionary acquisition schemes. If, as a result, the property came into the ownership of the Promoter, access arrangements would be reviewed at that time.

In paragraph 61 of the report, the Select Committee notes:

"The North Warwickshire area will experience major effects from the project. We urge the Promoter to be assiduous in maintaining contact with the constituency MP, as with all Members with constituencies on the line."

11. The Promoter can confirm that arrangements are in place for ongoing engagement with the MP's constituency office. The Promoter will also continue to maintain contact with offices of the constituency MPs along the line of route.

In paragraph 66, under the Hampton in Arden section, the Select Committee notes:

"The Promoter has given assurances that subject to feasibility it will use reasonable endeavours to support the relocation of a local recycling centre, currently located off the A45, to a brownfield site rather than the greenfield site proposed in AP4. The railway necessitates a relocation. ... We hope that the brownfield alternative comes to fruition."

12. The Promoter will continue to discuss with Solihull Metropolitan Borough Council and the relevant landowner, the possibility of relocating the local recycling centre to a brownfield site or another suitable alternative site and will seek to resolve this issue in a timely manner, taking reasonable steps with a view to ensuring that there is no impact on the continuity in delivery of the Council's waste management service.

In paragraph 70 of the report, the Select Committee notes:

"Richard Lloyd of the Heart of England Railway Action Group argued for better noise attenuation at the playing fields at Chelmsley Wood. His detailed insight is often helpful. We would like some greater recognition by the Promoter of the needs of those using the playing fields. There should be sensible arrangements on footpaths there and elsewhere in this area."

13. The Promoter will provide a noise attenuation barrier in the vicinity of Heath Park, which is the location of the existing playing fields, as well a barrier proposed alongside the route as it passes the site for the replacement playing field, which is next to the Birmingham Business Park. On that basis, the Promoter feels that users of the playing field will be adequately protected from noise such that the playing field can be used for its intended purpose.

The recommendation on the arrangements of footpaths in the area is noted and will be addressed as part of the detailed design process, where we will work with the highway authority, the Local Access Forum, user groups such as the Ramblers, and the community to identify suitable arrangements.

In paragraph 73 of the report, in relation to roads in North Warwickshire, the Select Committee notes:

“Mr Wright [Rt Hon Jeremy Wright MP] told us he was sceptical about the suitability of the B4115 for use even temporarily as a construction route. The Promoter said that it would seek to build substitute slip roads for construction use quickly.”

14. The Promoter has committed to a package of traffic management measures in the North Warwickshire area to mitigate the effects of construction traffic on the local road network, including a one way system for construction traffic on the B4115, some amendments to the A46/Stoneleigh Road junction and provision of a temporary slip road for construction traffic. The use of the B4115 for construction traffic mitigates the significant effects that would otherwise occur at the Stoneleigh Road junction. The Promoter will ensure the timely construction of the new slip road, which will be needed in order to facilitate the one way system for the B4115. The slip road will mitigate the effect of using the B4115.

In paragraph 74 of the report the Select Committee notes:

“AP2 produces a short extension of the tunnel at Burton Green to provide additional mitigation. It will produce a small noise reduction. Rt Hon Jeremy Wright MP pressed for modelling of noise at the tunnel portals to reassure residents. We have repeatedly sought such modelling... If the model were to show no tunnel boom, so much the better.”

15. The Environmental Statement (ES) explains what we have done to assess aerodynamic noise. The Promoter has extended porous portals across the route to give greater confidence that the perceived problem of ‘tunnel boom’ will not occur. The Promoter remains of the view that porous tunnel portals will not demonstrate ‘tunnel boom’ and as such no noise effect would be discernible, even if it were possible to produce an effective demonstration model for the sound energy of the pressure wave emitted from porous tunnel portals. The Promoter will continue to keep modelling options under review.

In paragraph 80 of the report, the Select Committee notes:

“We heard remaining concerns about substantial existing flood risk in the Chipping Warden area and the possibility that tunnel construction will exacerbate it. We have directed a high-level study of drainage needs.”

16. The Promoter has recently commissioned consultants to undertake the high level drainage feasibility study and will produce a report that will aim to provide comfort to the local community that the local drainage concerns will be effectively managed.

In paragraph 85 of the report the Select Committee notes:

“...we believe the possible traffic burden on Wardington needs careful attention. The village has been seeking a bypass, and would struggle to cope with the currently proposed HGV movements. We urge the Promoter to assist in finding ways to address matters.”

17. Given the challenges of delivering a bypass in this area, the Promoter has provided a number of assurance to Wardington Parish Council on measures to reduce the volume of HS2 construction traffic on the A361, including placing a limit on the number of HS2 construction vehicles passing through the village and commencing construction of a dedicated haul road between Greatworth and the Chipping Warden Road Head as soon as reasonably practicable in the construction programme. We will continue to work with Oxfordshire County Council and Northamptonshire County Council on local measures which will form part of the Local Traffic Management Plan.

In paragraph 86 of the report the Select Committee notes:

“...local businesses and bridleway users remained sufficiently worried to have considered raising funds for greater noise barrier protection themselves. We direct the Promoter to go one step further than it already has on the basis that there should be some local funding contribution too. The Promoter should seek a 1:1 matched funding arrangement with local interested bodies for provision of greater barrier protection in the vicinity of the bridleway crossing.”

18. The Promoter understands the desired location of a noise barrier to be along the section of embankment at Mossy Corner, rather than adjacent to the bridleway. To recognise the specific circumstances in this location, the Promoter has provided an assurance to Mixbury Parish Council to engage further on mitigation to the bridleway in this location. If further noise mitigation is deliverable within the authority of the Bill and funding is forthcoming from the local community, as suggested, we will provide match-funding and deliver it.

In paragraph 87 of the report, the Select Committee notes:

“Petitioners from Turweston needed a solution to address the intrusion of the line on the important village playing field. We asked the Promoter to think about alternative grounds that would not incur ongoing costs to the parish council. It may be that undergrounding of power lines could be part of the answer. The Promoter is examining that and has commissioned an analysis of options which will be shared with the parish council when completed. The Promoter gave assurances on movement of construction traffic through the village.”

19. Since the Committee finished its hearings, the Promoter has completed work on the underground option of powerlines in the vicinity of the playing field at Turweston, and has offered a set of assurances to the Parish Council. The

Promoter is having ongoing discussions with the Parish Council to consider how to reduce the impact of the scheme on the playing fields. In paragraph 91 of the report, in relation to the proposed maintenance depot at Calvert, the Select Committee notes:

“The operational site will need 24-hour lighting provision. Lighting use will be minimised consistent with functioning of the site. Known technology will be deployed to reduce light spillage. This should be the best available. Lighting provision will satisfy environmental guidance for a ‘dark sky’ installation.”

20. The Promoter will ensure the lighting provision associated with the operational depot minimises the light spillage from the depot as far as reasonably practicable.

In paragraph 94 of the report, the Select committee notes:

“Clive Higgins has a business at Steeple Claydon. His concern was about potential effects on access of a new overbridge crossing the East-West rail link. The Promoter said that its design choices were constrained by engineering requirements on the north side of the railway. We would like the Promoter to revisit this to see whether there are ways to secure better access provision for Mr Higgins.”

21. The Promoter is committed to providing a safe and effective means of providing access for Mr Higgins and will continue to refine proposals during detailed design. Any change of the road realignment in this area is likely to move the impact from one landowner to another and, given the engineering constraints, the amount of land required for an alignment passing further to the south would be greater than that currently required. For those reasons the Promoter would only wish to consider such a move if it was acceptable to all affected parties.

In paragraph 101 of the report, with respect to the FCC waste transfer station, the Select Committee notes:

“The Claydon Estate owns other land in this area of the line. It sought reductions in land take and greater connectivity of woodland. We hope these can be achieved.”

22. In designing the southern sidings, the Promoter will seek to introduce further connectivity of woodland and where reasonably practicable, reduction in land acquisition.

In paragraph 104, under the Quainton and Waddesdon section, the Select Committee notes:

“Properties at Doddershall owned by Mr Christopher Prideaux and his son Mr David Prideaux will be significantly affected by the line. The Promoter has worked with them to achieve substantial improvements in the effect of the project, including on land take. We applaud those efforts. We hope that other outstanding issues in relation to this estate will be similarly resolved.”

23. The Promoter has made significant changes to the configuration of ecological mitigation which have reduced the amount of land being acquired from the Doddershall Estate. The Promoter is having on-going discussions on the petitioners' remaining concerns, which relate to access arrangements and noise mitigation, with a view to coming to an acceptable conclusion.

Also under that section, in paragraph 105, the Select Committee notes:
"Further down the line, at Sedrup, petitioners sought sympathetic consideration of bunding ... We ask that noise protection in the area be sensitively designed."

24. The Promoter will ensure that all noise mitigation measures, both at Sedrup and elsewhere along the line of route, are designed in a manner that is sensitive to the local area.

In paragraph 110 of the report, the Select Committee notes:

"We would like the Promoter to take another look at screening and noise mitigation of the Stoke Mandeville maintenance loops for those in nearby communities. In any event, residents should receive as much early certainty as possible about the height of the railway at this point. We asked that there be some demonstration of the effects of passing over high speed points. This may help to allay concerns. "

25. The Promoter will review proposals for screening and noise mitigation for the Stoke Mandeville maintenance loops in line with the Environmental Minimum Requirement commitments, liaising as appropriate with Aylesbury Vale District Council.
26. The Promoter will make available to the local community in Stoke Mandeville, an approximate sound demonstration of the noise effect of a train passing over high speed points later this year.
27. The Promoter will inform Stoke Mandeville Parish Council, on behalf of the local community, of the height of the railway once that is fixed.

In paragraph 130 of the report, the Select Committee notes:

"To the extent that the northern Chilterns portal occupies a bigger footprint under AP4, we would expect the Promoter to seek if possible to alleviate that at design stage; for instance, through the use of retained cuttings. This might help reduce the effect on Grim's Ditch, which is a scheduled ancient monument. The Promoter told us that it would seek to mitigate the visual impact of the portal. The Promoter has said that it will consult on where to install noise barriers within the cutting north of the tunnel portal."

28. As detailed design progresses, the Promoter will seek cost effective means of reducing the overall width of the cutting in the vicinity of the northern portal of the Chilterns tunnel. Given the depth of the line at this location, this is unlikely to involve a retained cutting, but it may be possible to reduce land take through steeper side slopes.

29. The Promoter recognises the importance of reducing harm to our heritage and will continue to seek to reduce the effect on the Grim's Ditch scheduled monument, both in terms of the physical impact on the scheduled monument, and in terms of changes to its setting. Discussion are on-going with Historic England and will continue.

In paragraph 142 of the report, the Select Committee notes:

"A number of residents will be significantly affected by construction and operation, such as those near viaducts. Provision for them should begin as soon as possible. There should be regular engagement with them. Successful and sympathetic design of the viaducts at Wendover Dean and Small Dean will be critical to the reputation of the project both at completion and in decades to come."

30. The Promoter has committed to various levels of public engagement depending on the scale of proposed structures (details are set out in Information Paper D1). Both of these viaducts are key design elements, which will mean that they will be subject to local engagement on their design. The Promoter is already working with parties affected by the two viaducts in the Chilterns AONB.

In paragraph 145 of the report, the Select Committee notes:

"Chilterns petitioners were concerned about several hydrogeological issues. ... We want the Promoter to address the matter of hydrogeological surveying as a priority. "

31. The Promoter has started ground investigation surveys in this area to further investigate the impacts of the Wendover green tunnel and north cutting on hydrogeological features. The ground investigation will comprise the intrusive investigation of the underlying geology, monitoring the level and quality of the groundwater level, and the monitoring the flow and quality of the spring.

In paragraph 147 of the report, the Select Committee notes:

"In consultation with the local authorities, the Promoter is considering another option in the form of a haul road further north. We heard that this may be more difficult to build. It would require construction of a new roundabout which may itself disrupt traffic flow. Efficient movement of construction materials to and from the Hunts Green spoil placement site is important and this may or may not favour a different haul road location. (The haul road will be used for tunnelling machinery as well as excavated material.) We encourage the county council and the Promoter to find the solution with least impact, taking account of local opinions. The solution must be safe, and make allowance for vulnerable residents and road users."

32. The Promoter has offered an assurance to Buckinghamshire County Council which provides for an option to construct an alternative haul road alignment further north along the A413. This is on the basis that the alternative

proposed by the Council can be constructed within a reasonable timescale, that it does not create significantly worse environmental effects that cannot be mitigated and that it does not increase costs or otherwise affect the economic, timely and safe construction of the railway. As part of the process of effecting this assurance, the views of the local community will be taken into account. The solution must be safe, and make allowance for vulnerable residents and road users’.

In paragraph 149 of the report, the Select Committee notes:

“Given the possible pressure on traffic in the Chilterns, the Promoter may want to consider the idea of developing a traffic ‘app’ so that residents and business can obtain real-time information on traffic.”

33. The Promoter will work with existing traffic information providers to consider options for how to best utilise and integrate our planned construction traffic information into existing popular traffic information applications.

In paragraph 151 of the report, the Select Committee notes:

“Petitioners from the Misbourne valley pressed for mitigation of the overall effect of the railway through removal of pylons and undergrounding of high-voltage cables. ... The Promoter observed that undergrounding would cost approximately ten times more, and would not be without its own environmental effects, such as additional land requirement at the point where cables enter or emerge from underground. Despite that, we believe that where new infrastructure intrudes on sensitive landscape there is merit in listening to what local inhabitants believe to be the appropriate balance, and in considering removal of pylons in appropriate cases. “

34. The Promoter will consider local opinions in the design of new pylons in the Misbourne Valley area. The Promoter will seek opportunities to limit new intrusions on the landscape from pylons as far as reasonably practicable.

In paragraph 152 of the report, the Select Committee notes:

“The Hunts Green spoil placement area is required to manage the movement of spoil onto highways. The Promoter should seek to minimise and mitigate its effects with precautions against flooding and visual screening (if that is possible and desirable in view of the site location). Its planned height and extent should be reduced as much as possible.”

35. The Promoter confirms that Hunt’s Green permanent sustainable placement area is no longer required for the delivery of the Proposed Scheme and has now been removed from the scheme. The Promoter will still require the temporary use of part of this area to manage earthwork movements and is continuing to discuss options for reducing the impact of this temporary use with the landowner.

In paragraph 153 of the report, the Select Committee notes:

“Public rights of way are an important amenity for the Chilterns. Both temporary right of way diversions and restored paths should take into account their importance to the community and the economy. We heard a sensible suggestion for displaying maps with diversions and new routes at local rail stations to help visitors. “

36. The Promoter will work with the relevant local communities in the Chilterns, as part of its engagement during construction, to identify opportunities to provide information on diversions and new routes, including at local rail stations.

In paragraph 154 of the report, the Select Committee notes:

“Paul Fullagar runs horse training premises at Frith Hill. We expect a sensible arrangement to be reached with him in relation to access and the possible effect of HGV movements on his business, if the haul road to the north portal site remains as proposed in AP4. “

37. The Promoter will continue to engage with Mr Fullagar with a view to addressing the effects upon his business and, as far as reasonably practicable, will maintain access to his property during construction.

In paragraph 155 of the report, the Select Committee notes:

“The Bill contained provisions that could have been used to provide passive provision for a future spur from the railway to Heathrow. The Secretary of State has confirmed that the spur will not be built as part of HS2 Phases One or Two... We direct the Promoter not to use the Bill powers to implement passive provision for a Heathrow spur.”

38. The Promoter will not use the powers in the Bill to provide passive provision for a Heathrow spur. This assurance will be added to the Undertakings and Assurances Register and the Promoter will take immediate steps to ensure relevant landowners and communities are informed of this change.

In paragraph 158 of the report, the Select Committee notes:

“The canal boat residents may need to be rehoused during construction. They have a legitimate expectation that such rehousing will be convenient, comfortable and suitable to accommodate what may be unusual practical needs. As far as reasonably possible the effect on the community of boat owners as a whole should be recognised and addressed. Non-essential intrusion into the character of the area such as by removal of any trees lining the canal should be avoided. “

39. The Promoter has agreed to treat the Langley canal boat residents as special cases with respect to the noise insulation and temporary rehousing policy (further details of this policy can be found in HS2 Information Paper E23) and will, where appropriate, work with the residents to ensure they are consulted on aspects of any planned temporary relocation. During the detailed design of the replacement floodplain storage area to the south of the canal, the

removal of trees lining the canal will be avoided as far as reasonably practicable. In the event that it proves necessary to remove any trees lining the canal, new planting will be provided.

In paragraph 159 of the report the Select Committee notes:

“Fiona Mactaggart MP and Rt Hon Dominic Grieve MP reinforced the concerns we heard about from residents in Slough, Langley and Iver on the volume of local heavy goods traffic and on the already poor local air quality. In addition, Mrs Mactaggart expressed concern about dust from contaminated land.”

40. The draft Code of Construction Practice includes measures that will be applied, where appropriate, to control dust generated during the construction of the Proposed Scheme, including that undertaken on or adjacent land affected by contamination. The Promoter will consult with the local authority and the Environment Agency regarding control or protection measures, which may include appropriate methods for excavating and handling contaminated material.

In paragraphs 161 and 162 of the report, in relation to Thorney Lane LLP, the Select Committee notes:

“Everfortune Ltd and Thorney Lane LLP are owners of land to be used for the Heathrow Express relocation. They proposed alternative sites west of Paddington (including the North Pole sidings). Professor MacNaughton told us why those were not feasible for operational and maintenance reasons. There is an issue relating to the extent of indemnity against liability for the contaminated land, which we expect the parties to be able to resolve. Failing that, it can be raised before our colleagues in the Lords.”

“These petitioners were also concerned about the extent to which their land will be taken for environmental mitigation. (Some 30ha will be taken for that purpose, compared with about 3-4ha for the actual depot.) We request that the Promoter reconsider whether this extent of land use is necessary.”

41. Thorney Lane LLP are the owners of the land being used for the Heathrow Express depot relocation. The Promoter will be offering a further commitment on land ownership with respect to the land required for environmental mitigation. We are preparing an agreement for Thorney Lane LLP, which will capture this and the assurances previously offered to them. Everfortune Ltd do not own land at the same location but have operations in Park Royal, which are affected by the requirement to bring the ‘F Sidings’ back into operation, separate from the Langley relocation site.

In paragraphs 163 and 164 of the report, the Select Committee notes:

“Colne Valley Park CIC was concerned about the future of green belt land in this area. The park receives some two million visits per year. They wanted assurance that land proposed for floodplain mitigation and woodland habitat

creation to the east of the proposed depot will remain earmarked as such should ownership change.”

“A solution is needed, taking account of ultimate land ownership, to address cumulative impacts of construction and to provide some certainty in relation to the green belt for those who enjoy its benefits.”

42. The Promoter recognises that the Colne Valley Regional Park is an important recreational area, which is covered by a number of environmental designations, and the Proposed Scheme at Langley does not change the green belt designations in the local area.
43. The Promoter will engage with other committed major transport infrastructure projects in the immediate vicinity of the Heathrow Express depot construction site to understand the environmental impacts of these projects and the local residents will be kept informed about HS2 construction activities in the area.
44. Discussions are ongoing with the local landowner on land ownership of land proposed for floodplain mitigation and woodland habitat creation, with maintenance of habitats fulfilled in accordance with HS2’s policy.

In paragraph 180 of the report, in relation to the Colne Valley Viaduct, the Select Committee notes:

“Although the number of residential properties close to the viaduct is not high, we recognise that a limited number of nearby residents will be adversely affected by it. ... The Promoter should undertake further baseline noise assessments and ensure there is proper monitoring of noise during construction and on operation. ... The viaduct construction sites must be properly secured.”

45. In advance of the commencement of construction works, the Nominated Undertaker will seek to obtain consents for the proposed construction works from the local authority, under Section 61 of the Control of Pollution Act 1974. This application process will require noise assessments to be undertaken and baseline noise monitoring locations, including those along the Grand Union Canal, will be agreed with the local authority. The process of prediction, evaluation and assessment of noise and vibration will continue throughout construction, as will discussion with the local authority. Construction sites will be secured and visually screened in line with the controls set out in the Code of Construction Practice monitoring framework.
46. Noise monitoring during operation of the railway will be carried out in accordance with the operational noise and vibration monitoring framework which sets out actions that are required if the measured sound level is worse than expected.

In paragraph 186 of the report, in relation to Hillingdon, the Select Committee notes:

“Although overall it produced benefits, AP4 actually increased predicted traffic volumes on certain roads. The Promoter acknowledged that its current modelling predicted some exceeding of capacity.... Significant improvements have been achieved, but more progress is needed.”

47. The Promoter is working with Transport for London and the London Borough of Hillingdon to identify how we can further reduce traffic impacts in Ickenham. The results from this work are due to be reported in May 2016 and further improvements to mitigate the traffic impacts will be considered thereafter.

In paragraph 188 of the report, the Select Committee notes:

“Denham, although some distance from the line itself, has its own set of traffic issues which HS2 will exacerbate. We believe the Promoter should be open to the idea of shuttle bus provision from Denham to important locations such as hospitals.”

48. In developing the Local Traffic Management Plan, the Promoter will consider the location of and routes to and from key facilities such as hospitals, fire stations and ambulance stations. If a shuttle bus for Denham residents to important locations is deemed beneficial in that context, the Promoter will work with the local authority to provide this service.

In paragraph 190 of the report, the Select Committee notes:

“Other issues arise from the extent of construction and spoil placement sites in this area. AP4 petitioners from Harefield, Ickenham and Ruislip were concerned about the protracted periods of spoil placement use, fearing dust, pollution, blight and flood. These are justified worries. The Promoter has given assurances that spoil height should be no greater than 3m permanently or 5m temporarily. We want the spoil placement areas to be minimised in height and extent, to be properly screened, and for screening planting to start early. Local hedgerows should be protected. The needs of locals moving round the sites should be taken account of, for example with cycle paths. There should be regular community forums to provide feedback on contractor compliance with the construction code. We heard that the area around West Hyde is a frost pocket where sound travels. Sound barriers should be effective and visually sensitive. Top quality mitigation of conveyor belts removing tunnel spoil will be important not just in Hillingdon but at all project sites, both for sound and visual effects.”

49. The Promoter continues to engage with the London Borough of Hillingdon and Transport for London with the aim of reducing the extent of sustainable placement in the West Ruislip and Ickenham area. The results from this work are due to be reported in May 2016 and further opportunities to reduce sustainable placement will be considered subsequently. The detailed design of sustainable placement sites will be subject to approval of the local planning authority under Schedule 17 of the Bill and the Promoter will seek to ensure that the permanent placement of excavated material is incorporated into the existing landform as far as possible.

50. Regarding the screening of sustainable placement areas during construction, it is proposed that a number of temporary material storage areas be created along the boundary of the sustainable placement sites, so as to provide visual screening of construction activities from adjacent residential properties. Seeding, planting or sealing of bunds will be undertaken as soon as reasonably practicable.
51. In accordance with the Code of Construction Practice, prior to the commencement of construction works associated with sustainable placement of surplus excavated material, surveys of hedgerows, ditches and field boundaries will be completed as appropriate. It is not feasible to protect all existing hedgerows within the proposed sustainable placement sites, given the constraints this would place on the capacity of the proposed sites and the provision of an integrated landscape design. However, upon completion of permanent earthworks, where hedgerows have been removed, they will be replanted on their existing alignments as soon as is reasonably practicable.
52. The Promoter is continuing to engage with the London Borough of Hillingdon with respect to the temporary and permanent diversion of Public Rights of Way and has provided the London Borough of Hillingdon with a number of assurances in relation to these routes.
53. In responding to the HS2 Residents' Commissioner's third report, the Promoter has outlined its approach to ongoing engagement through a number of mechanisms, including proactive group engagement, such as community engagement events and the re-establishment of the community forum meetings, taking account of feedback received during their previous use.
54. The design of the conveyors, for example whether they are open or enclosed systems, will take into consideration the potential noise generated by the conveyors and further assessment of the predicted effects on any receptors within close proximity. The Nominated Undertaker will carry out such noise predictions during application for Section 61 consents (Control of Pollution Act 1974), with reference to the Environmental Minimum Requirements.
55. The Promoter will look to provide sound barriers in this area that will perform to the standards set out in the Environmental Statement and, in accordance with the design policy, their appearance will be sympathetic to their local context, environment and setting.

In paragraph 191 of the report, the Select Committee notes:

"The project will have a heavy environmental footprint in this area. Steps can be taken to leave a legacy of environmental improvement. Following the interim decision on the tunnel, the Promoter came forward with offers of funding of £3.25m for restoration works following construction. In view of the particular value of green space in and around Hillingdon, Denham, Ickenham, Harefield and Ruislip, we believe the aspiration of no net biodiversity loss should apply to this area as a case in its own right."

56. The Promoter will consider an area within the Hillingdon, Denham, Ickenham, Harefield and Ruislip environs within which a no net biodiversity loss target will be applied.

In paragraph 192 of the report, the Select Committee notes:

“Access to walks along and around the Grand Union Canal was a particular priority. We are pleased that London Borough of Hillingdon was offered satisfactory assurances by the Promoter on local public rights of way, including their restoration after construction. Better than satisfactory restoration of the West Hyde compound would be another way for the project to address local concerns for the long term.”

57. As part of the approvals process under Schedule 17 of the Bill, the local planning authority will have a role in determining the restoration plan for the construction site at West Hyde. The Committee heard from a number of petitioners in this area with differing views on what they would wish to see here, including from the current landowner who wished to continue to farm the land following construction. The Promoter will work with the planning authority to determine the most appropriate outcome in this area.

In paragraph 193 of the report, the Select Committee notes:

“A Colne Valley Park Regional Panel is to be established comprising local authorities, Natural England and the Hertfordshire and Middlesex Wildlife Trust, with an independent chair and funding from the Promoter. There will be consultation on its terms of reference. Through that body, the project should work to bequeath positive environmental legacies to Hillingdon and its environs. The panel may also want to consider projects such as improved user access, better visitor facilities and sensible footpath reconfigurations following HS2 construction. We hope that the Promoter will consider funding for those aspirations. There will also be assistance with effects on local golf facilities.”

58. The Promoter has established the Colne Valley Panel and the Panel have held four meetings to date. An independent chair has recently been appointed to take forward its work in the developing an Additional Mitigation Plan. The Promoter has agreed to provide £3 million of funding to support the delivery of the agreed measures.

59. The Promoter also recognises the impact of the scheme on council run community recreational facilities in the London Borough of Hillingdon (LBH), particularly in relation to Uxbridge and West Ruislip Golf Courses, the Hillingdon Outdoor Activity Centre and various cycle and walking routes. Whilst the scheme does not acquire these facilities outright nor prevent their activities continuing it is sympathetic to the cumulative impact on the recreation facilities in the area. The Secretary of State has therefore also provided an assurance to LBH that requires the Promoter to enter into an Agreement with LBH, which will inter alia include a contribution to LBH of up to £3.3 million to be used on discrete projects relating to the recreational,

amenity and well-being uses within the LBH, including potential reconfiguration of the golf courses.

In paragraph 199 of the report, in relation to the Hillingdon Outdoor Activity Centre (HOAC), the Select Committee notes:

“We welcome the work that has been done in developing this possible alternative for a valued and valuable amenity. We hope it comes to fruition. The way forward will be in determining the most that can be achieved and who can contribute. Subject to planning approvals being obtained in sufficient time, the Committee would wish to see HOAC relocated to the Denham Quarry Site, if HOAC decide that that is preferable to staying put.”

60. The Promoter acknowledges the Select Committees wishes to see the proposal for HOAC to be relocated to the Denham Quarry site come to fruition. Whilst the Promoter recognises that relocation is not the most economic course of action, we understand that this is an important community asset for Hillingdon and the surrounding area and the strong commitment to the ongoing operation of HOAC made by Hillingdon, and others, in front of the Committee.
61. This is why the Promoter continues to progress work to relocate this facility and to this end we have recently commenced public engagement on the proposed planning application.
62. However, relocation cannot be at any cost - it needs to balance the needs of the community against the need to protect the public purse. Success in this regard will depend upon all parties acting reasonably and reassurance on the longer term ongoing financial support for any new centre akin to their current operating model.

In paragraph 200 of the report, the Select Committee notes:

“The Denham Water Ski clubhouse is located essentially underneath the north-western end of the proposed viaduct and will require relocating. We commend its owner on developing a successful undertaking which sits successfully alongside several artificially created sites of special scientific interest. The owner should expect cooperation from the Promoter in pursuing a planning application for an alternative clubhouse.”

63. The Promoter will fund the reasonable costs for a planning application by the petitioner for an alternative clubhouse.

In paragraph 201 of the report, the Select Committee notes:

“... we visited the proposed locations of three vent shafts in the Ealing and Northolt areas: at Mandeville Road, Green Park Way and Westgate near Hanger Lane... We encourage the Promoter to consider how to reduce the impact of spoil removal and to examine ways in which spoil might be deployed usefully.”

64. The Promoter is in ongoing dialogue with the London Borough of Ealing on this point and will continue to look for opportunities to reduce the number of construction traffic movements with respect to excavated material removal. Excavated material which cannot be beneficially reused for the earthworks of the Proposed Scheme will be used in other local construction projects or the restoration of mineral sites where such opportunities are identified.

In paragraph 204 of the report, which relates to Old Oak Common Lane, the Select Committee notes:

“Special provision should be made for vulnerable people; for example, to receive food deliveries.”

65. The Promoter has agreed to compensate the London Borough of Ealing for reasonable additional transport costs that they may incur when providing for vulnerable residents due to the closure of the road. This might include additional food delivery costs as a result of having to take longer routes.

In paragraph 205 of the report, the Select Committee notes:

“The project will evaluate whether HGV entrances can be kept away from homes. Other measures will include provision of visually acceptable noise barriers and noise reducing hoardings, reduction of light pollution and pollution monitoring. Certain plant machinery will be locally insulated. Properties will be assessed for acoustic glazing, and ventilation requirements.”

66. In developing its detailed design and construction plans, and as part of its efforts to mitigate, as far as reasonably practicable, the impact of the Proposed Scheme on residents of Wells House Road, the Promoter will consider a range of options for the location of the vehicular entrance to the Old Oak Common Station main compound from Old Oak Common Lane.

67. Other mitigation measures will reduce construction effects such as noise, light and air pollution so far as reasonably practicable, in accordance with the Code of Construction Practice.

In paragraph 206 of the report, the Select Committee notes:

“Assurances to Ealing Borough Council also cover landscaping. Tree loss in Victoria Gardens and Cerebos Gardens will be minimised. It is important that the project provide a legacy of public open space and highways improvement in this densely populated area.”

68. The Promoter has agreed assurances with the London Borough of Ealing in relation to the legacy of public open spaces. These include the temporary and permanent provision of playground facilities, a study on the potential for public realm restoration works, including the provision of additional semi-mature trees and a study on potential highway improvements.

In paragraph 209 of the report, the Select Committee notes:

“Wormwood Scrubs will be the location for some utilities reconfiguration (a sewer rerouting). ... We heard that, additionally, a permanent pedestrian access onto the Scrubs might be created in connection with the railway. The local Member of Parliament, Andy Slaughter MP, believed that this would be inconsistent with its use as amenity. We endorse his request that HS2 Ltd seek to reach a position of certainty on protecting the Scrubs, and offer appropriate assurances.”

69. While the pedestrian access in question is an aspiration of the Mayor of London’s Old Oak Common and Park Royal Development Corporation rather than the Promoter, we will work with the relevant partners to continue to identify pragmatic solutions to any outstanding concerns relating to the use of the Scrubs as an amenity.

In paragraph 211 of the report, in relation to St Mary’s School in Kilburn, the Select Committee notes:

“The peak period of vent shaft construction works will last for some six months. Construction traffic will mostly avoid the school approach road by using Albert Road, and will avoid Canterbury Road during the school drop-off collection hours. The Promoter came forward with some £500,000 of measures to mitigate noise effects on the school and to provide ventilation to safeguard interior air quality. We are satisfied that these are reasonable measures and that accordingly there is no reason to propose a further relocation of the vent shaft. We have directed a study of whether construction may have adverse effects on the school’s outside recreation space. If there are predicted adverse effects from, for example, HGV movements or spoil dust, measures should be taken to alleviate them. Subject to a risk assessment, staff from the Nominated Undertaker should be assigned to secure the safety of children entering and leaving the school, for instance at unusual hours.”

70. The environmental assessment undertaken for the Canterbury Works vent shaft includes an assessment of the impact of construction on the school, including its outside spaces. As detailed construction plans are developed, the Promoter will review the predicted effects on the school’s outside space with a view to alleviating, so far as reasonably practicable, any adverse effects on school children using these areas. The Promoter has agreed to enter into an agreement to contribute a sum of up to £500,000 for improvements to mitigate the impact of construction noise on the school building. The Nominated Undertaker will engage further with St Mary’s School in advance of the commencement of construction works, and continue to do so during construction of the Proposed Scheme, in order to ensure the continued safety of children entering and leaving the school site.

In paragraph 214 of the report, with respect to the Alexandra Place Vent Shaft, the Select Committee notes:

“Construction traffic and activity should be timed to take account of local residents. Depending on local wishes, the Promoter may need to look at more considerate working hours avoiding weekends and busy traffic periods.”

71. The Promoter will take forward this recommendation through the development of the Local Environmental Management Plan (LEMP) and Local Traffic Management Plans, which it will develop with input from the local authority. Working hours will be agreed with the relevant local authority on behalf of local residents as part of securing the necessary consents under Section 61 of the Control of Pollution Act 1974.

In paragraph 232 of the report, under the section headed Addressing Construction Impacts in Camden, the Select Committee notes:

“We want monitoring of air quality to feed into an assessment of whether rehousing should occur in cases where air quality deteriorates.”

72. The Promoter is committed to reducing the air quality effects of the scheme, and has given a robust assurance to manage its impacts in Camden, by means of ongoing measurement, review and assessment. Due to the particular circumstances of duration and intensity of construction in Camden, the Promoter will monitor air quality to identify where air quality has deteriorated materially as a direct result of HS2 construction and in the event that such deterioration has occurred the Promoter will work with the London Borough of Camden to seek to agree appropriate mitigations, including rehousing if appropriate.

Also under the Camden construction impacts section, in paragraph 233, the Select Committee notes:

“There, at Amptill estate, and in other areas particularly close to construction, we would like residents to be consulted on their preferences for how to moderate the impact of the construction programme. Start-up and shutdown hours might be moderated, for instance. We want the Promoter to avoid adding to the burden carried by the area with works such as night-time surveys. Night-times should be off limits for such activities. Periodic construction breaks and non-working Saturdays should be consulted on and considered. If parking can be usefully reinstated for short periods of construction inactivity, it should be.”

73. The Promoter recognises that residents in Camden whose homes are particularly close to the construction works for HS2, such as Amptill Estate, will wish to be consulted on the mitigation measures for these works. HS2 will engage with local community representatives on the Local Environment Management Plans (LEMPs). Furthermore, engagement on the Community Liaison Plans will include mechanisms for residents associations and other established groups to communicate their preferences regarding how the

impacts of the construction programme can be moderated, including consideration of construction breaks and non-working Saturdays.

74. With respect to survey works, the Promoter will use all reasonable endeavours to avoid night-time working hours unless it is necessary for these to be undertaken during the night-time for example for safety reasons, including where surveys need to be completed in close proximity to the railway and cannot therefore be completed when trains are in operation. Where it is identified that night surveys are required and have the potential to cause disturbance, these will be discussed with the London Borough of Camden, and where reasonably practicable the local residents will be notified prior to commencement.
75. Working hours will be agreed with relevant local authorities as part of securing consents under Section 61 of the Control of Pollution Act 1974.
76. The Promoter will endeavour to reinstate parking space for the Amphyll Estate where it is practicable to do so during suitable periods of inactivity within the construction programme.

Further in the same section, in paragraphs 234 and 235, the Select Committee notes:

“The intrusion of utilities works onto the recreational and other outdoor space of Amphyll estate is undesirable but probably unavoidable. We want the Nominated Undertaker to use the best available mitigation equipment to reduce noise intrusion here and in similar locations. We want a programme of works to compensate for loss of these amenities. We mention club memberships and provision of access to recreational amenities as possible ideas. There may be other, better ideas.”

“No more than six months after the start of the works, there should be an assessment of compliance with noise limits and a survey of health impacts. The Promoter should reconsider rehousing based on the outcome of that survey. It may need to revisit the noise limits and hours applicable to construction work in Camden at that point. Throughout the project we expect the Nominated Undertaker to consult conscientiously, thoroughly and sympathetically to address any specific problems with non-compliance. It should listen to what residents say about what might help, and respond with more than average diligence.”

77. The Promoter has committed to minimising impacts at residential properties and their external amenity spaces, in accordance with Planning Practice Guidance. The lead contractors' Environmental Management System will include measures and processes for managing noise and vibration during construction, including any steps that would be taken when measured levels are greater than predicted.
78. The Promoter can confirm that it will conduct an assessment of compliance with noise thresholds six months after the start of main construction works. Furthermore, the Promoter 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.

79. The assurances provided to the London Borough of Camden include a commitment to further consider a specific group of residential properties not identified as being likely to qualify for noise insulation. The results of this study will be considered for a potential review of the criteria for noise mitigation.
80. The Promoter has committed to fund improvements to open space at Amptill Estate to mitigate the impact of construction of the authorised works. The scope of this work will be agreed between the Promoter and the London Borough of Camden.

In paragraph 240 and 241 of the report, the Select Committee notes:

“Businesses, hotels and professional and academic organisations in and around Stephenson Way will be severely affected by construction. They need proper notice of when works will commence so that they can organise their activities. We believe a minimum of three months’ notice is appropriate—preferably more. ... The activities of several of the organisations we heard from are noise and/or vibration sensitive. We would like the Promoter to pay the reasonable costs of risk assessment and surveying to determine sensitivity to construction effects such as vibration.”

“There should be a footfall survey in relation to Drummond Street and neighbouring restaurants and shops to establish usage patterns. That will help address how to retain business. The Promoter should consider ways to make the route from Euston to Drummond Street attractive and friendly.”

81. The Promoter provided an assurance to the London Borough of Camden with respect to specific actions that will be undertaken to mitigate the impact of business in the local area and has also provided specific assurances to businesses on Stephenson Way and Drummond Street. The Promoter accepts the Select Committee’s recommendation to provide businesses, hotels and professional and academic organisations in and around Stephenson Way with a minimum of 3 months’ notice of when the main construction works in this locality will commence. For those properties in Stephenson Way likely to be significantly affected by HS2 construction noise, the Promoter will undertake further surveys to determine sensitivity to construction effects and appropriate mitigation measures.
82. The Promoter acknowledges the suggestion for a footfall survey to be carried out and is already in discussions with the traders on this issue.

In paragraph 254 of the report, the Select Committee notes:

“Quick and comfortable ways to get between HS1 and HS2 will nevertheless be needed. Euston and St Pancras are some 800m apart. A tunnel between

them could run under roads parallel with Euston Road, arriving in the northern part of St Pancras. The coherent design plan we have suggested as an imperative for Euston should include convenient ways to get between HS1 and HS2. "

83. The assurances provided by the Promoter to the London Borough of Camden, included the provision of £3 million of funding to support the creation of a linear park and an enhanced walking route between HS1 and HS2 along Phoenix Way. We have previously considered the scope for the provision of a pedestrian tunnel between HS1 and HS2 but the presence of vibration sensitive equipment at the Crick Institute together with the significantly higher capital cost meant that this was not a feasible option. If Crossrail 2 comes forward with a joint Euston / St Pancras station there could be scope for underground pedestrian access to be provided between HS1 and HS2 as part of that scheme.

Need to Sell

In chapter 5 of the report, which covers the Need to Sell scheme and compensation, in paragraph 279 and 280, the Select Committee notes:

"There should be a bigger margin in the acceptance rates to reflect that. It is difficult to imagine justification of less than 90% acceptance on applications by those over 70 or who will be over 70 when the project commences."

"The Government should provide an update to the House before Third Reading. "

84. The Promoter accepts that older people may have restricted freedom to adapt their financial plans in response to changed circumstances and also that the home of an older person is more likely to present a physical burden. We are in the process of conducting a full review of these issues and how they are treated and considered under the Need to Sell scheme. We will set out our conclusions and bring forward appropriate changes alongside the launch of the Need to Sell scheme for Phase 2a of HS2, which we expect to happen this Spring.
85. In particular, we believe that the issue of a home being a physical burden is more complex than other areas that the NTS panel considers. The review we are currently undertaking considers the nature of the changes needed to address this issue and is an area on which guidance will be issued. We will also consider if there are any further changes needed to the scheme and, if appropriate, we will consult on those alongside the consultation for the Phase 2b Need to Sell scheme, later this year.

In paragraph 286 of the report, the Select Committee notes:

"We previously said that acceptances under the scheme should stand as acceptances, unless there are unusual circumstances. In stating that it might be in everyone's interests for applicants to keep their property on the market,

the Government response says the emergence of a “suitable offer” might allow a normal purchase to proceed without Government intervention. We agree, but once an applicant has been accepted such a suitable offer should be defined as one matching or better than the scheme offer. Once accepted under the scheme, owners should have certainty of their financial position rather than face the risk that a third party can undercut and unpick their security of position.”

86. The Promoter agrees that applicants should have certainty of their financial position once they have been accepted onto the scheme. We will, therefore, consider what changes are necessary to ensure the Need to Sell scheme recognises this and make any necessary changes to the scheme alongside the launch of Need to Sell for Phase 2a of HS2 this Spring.

In paragraph 288 of the report, the Select Committee notes:

“Although some conversations have taken place between the Council and its members, and the CML Valuation Panel has confirmed that there is no blanket policy of refusing lending in cases of blight, we were disappointed not to have had more open and effective cooperation on this. We welcome the discussions that have taken place between the Council and HS2 to share information. We welcome too the Council’s recommendation to its members to review their policies. We hope that more will be forthcoming.”

87. The Promoter is committed to working with Council of Mortgage Lenders and its members on a long term basis to better share information on order to help minimise cases of lending refusals.

Route-wide issues

In paragraph 301 of the report, the Select Committee notes:

“It was clear to us that describing the effects of a new railway route from London to Birmingham and beyond would be work in progress for some time, not complete and perfect at the start. Many petitioners complained that there was too much, not too little, information. Certain mistakes and omissions we observed were regrettable more for causing confusion (which they did) than for being seriously misleading. That is not to say that errors or omissions would never be a significant problem. Reliable traffic modelling on final analysis will be crucial. The project and its environmental effects will continue to be refined. We decided that those wishing to object knew enough on the basis of the published environmental statements to make out their objections.”

“We make one observation, however, which is that it appears to be in the control of the Promoter to decide when an environmental effect is significant enough to merit a new statement. We wonder whether there should be some independent input into that.”

88. The question of whether there are new or different significant environmental impacts has to be determined in accordance with the criteria set out and

consulted on in the Scope and Methodology Report that formed the basis for the assessment in the original Environmental Statement. We consider that this sets out as clearly as possible the definitions of significance for the various environmental topics accepting that an element of professional judgment is required for many such impacts.

In paragraph 303 of the report, the Select Committee notes:

“We direct the Promoter to identify an independent third party arbiter to review the different net loss metrics and publish its findings so that HS2 Ltd can be challenged on its figures if appropriate. Natural England is one possibility.”

89. The Promoter will work with the Department of Environment, Food and Rural Affairs to identify an appropriate independent body to review the no net loss calculations.

In paragraph 306 of the report, the Select Committee notes:

“We were concerned to hear reports of high failure rates for tree planting on HS1. We asked the Promoter to look into that. We want the early planting of tree mitigation to be more than just an aspiration. The Promoter should provide clear assurances that it will undertake such work as soon as reasonably practicable.”

90. The Promoter will take steps to review the new tree planting and seek out opportunities to reduce the failure rates of new trees and also consider where it can provide early planting, wherever reasonable and practicable.

In paragraph 307 of the report, the Select Committee notes:

“We heard that some bird and bat populations might be particularly at risk from the operational railway. (Approximately 1% of the UK population of barn owls is near the route and faces threat.) Measures to protect those populations by encouraging habitat and foraging shifts are required.”

91. The Promoter will develop further measures that provide additional protection for at risk bat and bird populations during detailed design, wherever reasonably practicable.

In paragraphs 309 and 310 of the report, the Select Committee notes:

“The tenant of Upper South Farm at Duddershall, Mr Goss, has a cattle shed which will be very near to the line. The Promoter estimated that the closest façade was 40m away ...”

“We want a proper look at how animals in such conditions might be affected and whether better mitigation should be provided in this particular case. The RSPCA might be invited to contribute a paper. Mr Goss also needs a sensible solution on how to move livestock around the farm once the railway arrives.”

92. The Promoter will continue to discuss accommodation works with Mr Goss, including access arrangements, during the detailed design stage. The Bill already includes access provisions to cross the railway by using Station Road and we will continue to discuss solutions for Mr Goss as part of detailed design.
93. With respect to the noise impact on Mr Goss' livestock, the Promoter will work with relevant animal and noise experts to commission an investigation of the likely impacts on livestock from railway noise, which will include identifying potential mitigation measures for any likely impacts. The Promoter will aim to conclude such work ahead of Royal Assent to the Bill. Alongside this, the RSPCA will also be invited to contribute their thoughts on this issue.

In paragraph 332 of the report, the Select Committee notes:

“The Code of Construction Practice, set out in HS2 Information Paper D3, will govern construction operations. Petitioners wanted it to be directly enforceable. The duration of the HS2 construction project will insert a strong element of self-policing into compliance with the code; contractors will face termination of contract if they breach it. A further incentive is that legislation could be introduced after the commencement of the project if necessary. There will be a Construction Commissioner as well as a Complaints Commissioners and a small claims scheme. The efficacy of all these will be closely scrutinised. Adjustments can be made if necessary.”

94. The Promoter would like to clarify that contractors will face a sanction for any breach of the Code of Construction Practice. In the event of multiple or persistent breaches that sanction may extend to termination of contract. The role of the Construction Commissioner is proposed to embrace the role of the erstwhile planned Complaints Commissioner.

In paragraph 334 of the report, the Select Committee notes:

“... Local authorities will need to agree traffic management plans before work begins.”

95. If the number of large goods vehicles to or from a site exceeds 24 per day, any local roads used by large goods vehicles must have been approved by the relevant planning authority (that is the unitary authority or county council for the area) under the planning regime established under Schedule 17 of the Bill. Under the terms of the Code of Construction Practice, local authorities will be consulted extensively on the development of the Local Traffic Management Plans. Excavated material, equipment and materials that need to be moved along the public highway by large goods vehicles to and from construction sites will be required to follow designated construction routes. Local authorities will not have a formal approval role in relation to Local Traffic Management Plan. As explained, such plans will be developed in close consultation with local authorities.

In paragraphs 340 and 341 of the report, the Select Committee notes:

“There are several areas along the route where traffic pressure is already at or near critical levels. Unlike shorter transport schemes, HS2 cannot bring specific benefit to adjoining areas that are not within the hinterland of a station. Among the benefits that improvements in local roads could bring to the quality of local life and the vigour of local economies are better safety, less congestion, quicker journey times and better design.”

“We propose to the Secretary of State that local authorities along the HS2 route be able to bid to the Department for Transport for funding for such schemes if they are appropriate and capable of timely implementation. Such schemes might include improvements not just for motor vehicle users but for cyclists, horse riders and walkers, as well as better provision for the young, old or disabled. In any event, we would like HS2 to leave a legacy of improved road traffic risk identification and safety improvement along the route.”

96. The Government is already contributing £6 billion to the Local Growth Fund this Parliament for investment in local transport, including £475 million for major schemes. In addition, the construction of HS2 will provide a range of junction and road improvements to ensure that construction traffic can operate safely and efficiently. The Promoter has also committed that where such road improvements are only temporary the Nominated Undertaker will, at the request and agreement of the highways authority, leave them as permanent improvements. However, the Promoter recognises the Select Committee’s ambition to do something above and beyond this in terms of leaving a legacy of improved road safety. Therefore, we will provide up to £30 million to support road safety schemes in the non-urban local authority areas along the Phase One line of route.

97. The Promoter wishes to minimise any additional administrative burden on local authorities to administer such a fund and so will look to use existing funding mechanisms to allocate this funding. Local authorities receive an allocation of funding to support local transport schemes as part of their annual settlement. In addition, the Local Growth Funds that are administered by the Local Enterprise Partnership network include an allocation for local transport schemes. The Promoter will consider the most appropriate mechanism for achieving the objectives set out by the Select Committee recommendation and how the funding will be allocated between local authority areas, and provide a further update on this ahead of the Lords Select Committee hearings concluding.

In paragraphs 343 and 344 of the report, with respect to the design related issues, the Select Committee notes:

“We expect a truly consultative approach to design of sensitive parts of the railway, with an element of dialogue and choice, not a one-way information flow. We have encouraged the Promoter to develop a flowchart for community involvement and we invite them to try out the inclusive approach we recommend with the flowchart itself.”

“The cost of design will be material, but so will sensitivity to the local landscape, geology and architecture. Viaducts and vent shafts will need especially careful attention. We have mentioned several by name. Many or most will merit the same careful treatment.”

98. The Promoter shares the Select Committee’s views that the design of key elements such as vents, viaducts and bridges merit careful attention. We are committed to engaging with local communities on key design elements along the route. Such engagement will involve dialogue and choice as design develops. We will illustrate the process in a flow diagram as recommended by the Select Committee. The Promoter will ensure that key design elements (including those mentioned by the Select Committee in the footnote below²) are designed to maintain the local environment and local amenity. The local community engagement process mentioned above will be a key element in realising this objective.

In paragraphs 305 and 350 of the report, the Select Committee notes:

“Losses to the environment could be relatively more significant in urban areas with little green space. This should be recognised through specific extra allocations to Birmingham and Camden on top of the current Community and Environment Fund budgets. The visual impression created by the railway will depend to some extent on the maintenance of its security infrastructure and the land adjacent to that. We expect the Nominated Undertaker and its successors as operators of the railway to set appropriate standards for maintenance.”

“We recommend that the funding envelope of both funds should be substantially increased. We suspect the Government is aware that the amounts are too low. We want to see specific allocations to certain communities to avoid bidding wars”

99. The Promoter commits to providing an additional £10 million of funding for the Community and Environment Fund and the Business and Local Economy Fund, making available a total of £40 million for these funds.
100. The aim of the Funds is to support good quality bids, therefore the drawdown of this full £40 million will depend on enough good quality bids coming forward for funding. For this reason we do not think that it is sensible to allocate the full funding geographically as, while this may stop bidding wars between communities, it may also mean that lower quality bids are supported in one area even though there are better quality bids elsewhere.

² Design elements referred to in the Select Committee report include the Chattle Hill Box Structure (viaduct in Water Orton) (paragraph 57), the Birmingham and Fazeley Canal viaduct in Curdworth (paragraph 60), the River Blythe viaduct (paragraph 63), the Oxford Canal viaduct (paragraph 77), the viaducts at Wendover Dean and Small Dean (paragraph 142), the vent shafts in the Chilterns at Chalfont St Giles, Amersham, Little Missenden and Frith Hill (paragraph 150), the Colne Valley viaduct (paragraph 181), the Alexandra Place vent shaft (paragraph 214) and the Adelaide Road vent shaft (paragraph 227).

101. However, the Promoter recognises that it would be useful for communities to have an indication of the likely minimum spend they would receive from these funds. We will, therefore, provide indicative allocations of a portion of the fund on a Local Economic Partnership or other appropriate local level. This will indicate the minimum spend that an area would be likely to receive depending on them bringing forward bids of a sufficient quality. We will develop these indicative allocations and publish them by the end of the Lords Select Committee hearings.

In paragraph 353 of the report, the Select Committee notes:

“Impacts of construction on schools should be monitored during construction and for one year after the HS2 building project. Maintaining safe and proper access will be critical. The Promoter should be open to financial support for schools if there are, for instance, demonstrable adverse effects on roll numbers that affect a school’s viability or its capacity for employing teaching staff. It should endeavour to maximise the amount of construction work in school holidays.”

102. With respect to financial support for schools that experience adverse effects as a result of the construction and operation of the Phase One scheme, the Promoter will continue to work with affected schools and Local Education Authorities to understand any impacts and what mitigation might be provided.

103. As part of its obligations under the Code of Construction Practice, the Promoter will endeavour to minimise the disruption caused by construction on the activity of a school and this is likely to include undertaking certain works during school holidays. Furthermore, the Code of Construction Practice also obliges the Promoter to ensure, as part of the site-specific traffic management measures, that the Nominated Undertaker manages construction traffic in the vicinity of schools to maintain safe access. This will be monitored during the construction phase and arrangements will be put in place to monitor impacts for one year after construction activity in the area has finished.

In paragraph 354 of the response of the report, the Select Committee notes:

“Places of worship will need consistent and considerate treatment. The Promoter should be prepared to postpone work that interferes with unavoidable activities such as funerals. There should be a hotline for such matters. We would also like the Promoter to consider some specific support for religious and similar institutions whose legal status may prevent or make difficult a conventional claim for lost revenue. Conventional claims may also be inappropriately elaborate in such cases. The remedy should be a fund that is readily accessible and easy to negotiate.”

104. As part of the local engagement process, the Promoter will engage with places of worship with a view to avoiding conflict with their activities. In particular through sharing information in advance about the timing of work in the vicinity of their premises. In this way, the Promoter expects that neither

the works of the Nominated Undertaker nor the activities of the places of worship will require postponement.

105. There are very few places of worship along the route whose income is likely to be affected by construction of the scheme. The Promoter will consider, on a case by case basis, making appropriate arrangements to reimburse places of worship in the unlikely event that they suffer a significant loss of revenue resulting from an inability to undertake core activities.

In paragraph 355 of the report, the Select Committee notes:

“The Promoter’s powers of land acquisition and occupation are set out in the Bill. The Promoter has given undertakings on minimising the extent of acquired land. During our proceedings, we frequently directed or attempted to nudge the Promoter toward either smaller land take or shorter duration of occupation, particularly in the case of farms. As we conclude our work, we remain concerned that the permanent occupation powers are being used too extensively. We do not intervene to direct that the Secretary of State should not consider the economics of particular cases, but we do believe that the Government should be circumspect in considering economics of land occupation given the railway’s objective of developing the economy, helping to change the economic geography of the country for the better.”

106. The Promoter does not seek to acquire more land than is necessary to construct and operate Phase One of HS2 in a timely and economic manner. The Promoter has already offered many assurances reducing land take from the powers originally sought in the Bill. There is however a sensible balance to be drawn between minimising land take and reducing the size of work sites, which could result in prolonging construction activity, and increasing the cost of construction. The extent of land take will be reviewed at the detailed design stage with the aim of reducing it further.

107. The Promoter has given wide ranging assurances to the NFU and CLA on the issue of temporary versus permanent land take and has issued an explanatory note on the use of temporary occupation powers under Schedule 17 of the Bill rather than outright acquisition. Temporary occupation costs can be high where occupation is for long periods, in urban areas and on development sites. In these circumstances, the Promoter will seek to be reassured that it is economic to proceed with temporary occupation in accordance with the duty to protect the public purse.

In paragraph 358 of the report, the Select Committee notes:

“We want the Promoter to devise a flood risk scheme to address potential concerns about flooding at Marsh Mills Farm. We expect the Promoter to work sensibly to a solution on access, land take and drainage issues at Nash Lee Farm.”

108. We note that the Committee’s report refers to flooding concerns at Marsh Mills Farm heard on 24 November. The flooding concern heard about on 24 November related to Old Mill Farm. Having confirmed with Committee staff,

we respond on the basis that the Committee's direction was intended to apply to Old Mill Farm. As part of the Environmental Statement, the Promoter undertook a Flood Risk Assessment for the area that includes Scotsgrove Brook (Bonny Brook). The Promoter will undertake further flood risk assessments as part of detailed design and will work with the relevant statutory bodies, including the Environment Agency, to ensure that the drainage structures to be constructed will not increase flood risk to people or communities in the area.

109. The Promoter is investigating a range of solutions to the issues raised at Nash Lee Farm and will be in a position to share them with the petitioner.

In paragraph 359 of the report, the Select Committee notes:

“Mr and Mrs Howie farm in Hillingdon. They employ a number of farm workers on land that was used for World War II food production. Effects of the project include mitigation planting and the presence of an electricity feeder station. We encourage the Promoter to look at ways to reduce impacts on the farm activities.”

110. The Promoter recognises that the project does impact Park Lodge Farm and in Additional Provision 4 has reduced the size of sustainable placement required on the land. The Promoter will work with the tenant farmer, Mr and Mrs Howie, their agents and the London Borough of Hillingdon with a view to reducing land required for landscaping and the National Grid feeder station.

In Paragraph 363 and 364, in relation to taxation matters, the Select Committee notes:

“We wrote to HM Treasury seeking a generalised extension of the discretion to extend rollover relief periods in the case of HS2, or at least a statement that there would be a starting assumption of such extension. We did not want farmers spending money on detailed individual tax advice when a general position or set of starting assumptions could be usefully set out.”

“HM Treasury said that it would write to farmers to advise them of existing rollover relief discretions. We wished for greater certainty and clarity. There is precedent for extended discretion in cases from other business sectors. The Treasury should make it clear that the enhanced rollover relief periods will apply to all those whose land is acquired for the project. As it will take HS2 some ten years to bring its Phase One rail project to fruition, there is a case for allowing farmers a comparable period for reinvestment.”

111. In the letter to the Select Committee from the Financial Secretary to the Treasury, dated 26 January 2016, the Government explained that it keeps all taxes under review as part of the usual policy making progress and the Select Committee's suggestion will be noted and considered as part of that. The letter further notes that the Government will need to balance the provision of certainty for some individuals with other considerations, such as the impact on other projects.

In paragraph 365 of the report, the Select Committee notes:

“We heard argument that the powers in clause 47 whereby the Secretary of State may acquire land for regeneration purposes were too broad. We were presented with two sets of compromise language: one from the Promoter, requiring the Secretary of State to consult on use of the powers; and one from Camden Borough Council which would tie exercise of the power to the vicinity of the works and/or to local plans. We decided the latter would be too restrictive. The power is a backstop power designed to prevent ‘ransom strips’ obstructing regeneration. We favoured the Promoter’s language. We direct an appropriate amendment to the Bill.”

112. The Promoter notes the decision of the Select Committee with respect to the amendments and these have been made in the Bill as reported by the Select Committee.

In paragraph 369 of the report, the Select Committee notes:

“The Department of Culture, Media and Sport can establish which areas within, say, 3km of the HS2 route are unlikely to have superfast broadband provision and good 4G mobile telephone coverage by 2018 (the year after anticipated start of construction). Few if any of those living close to the route will benefit directly from the HS2 project. If commercial propositions are not speedily forthcoming the Government should fund the provision. ... We direct that, one way or another, the provision of a modern railway is to be associated with achieving modern high-speed communication along its route.”

113. The Promoter understands that the Select Committee’s concerns in relation to broadband provision are focussed on communities in non-urban areas along the line of route. We will work with the Department of Culture, Media and Sport to understand the current plans for superfast broadband and 4G mobile connectivity in the relevant areas and what other measures could be considered to help enable those areas receive connectivity as a priority.

In paragraph 370 of the report, the Select Committee notes:

“The project will be making substantial use of existing railway infrastructure and assets. Some of those may not be in good condition. Using it to the extent required by a project of this nature might create annoyance to residents. The Nominated Undertaker should fund reasonable improvements in such cases. A petitioner from Camden described poorly maintained gates, currently not that frequently used, whose increased use would irritate. There will be other examples. The Nominated Undertaker should be alert to them and respond quickly.”

114. The Promoter will ensure the Nominated Undertaker works with Network Rail to identify opportunities to maintain, and where appropriate make improvements to, those elements of existing rail infrastructure that will be frequently used during the construction phase and may benefit from being upgraded.

In paragraph 371, in relation to freight and the Euroterminal rail site, the Select Committee notes:

“We asked the Promoter to reconsider alternatives to and to negotiate with DB Schenker in good faith, on the basis of DB Schenker’s existing lease between Network Rail rather than what might have been. The Promoter agreed.”

115. The Promoter will negotiate in good faith alternative temporary occupancy arrangements under Schedule 16 of the Bill, provided this does not increase the cost to the project compared with outright acquisition, and practical arrangements can be agreed with the petitioner.

Future hybrid Bill Procedure

116. In chapter 8 of the report, the Select Committee makes some recommendations in relation to the procedure for dealing with hybrid Bills. The Government is considering whether there should be a review of how the hybrid Bill process works, and of the Standing Orders for Private Business that apply to hybrid Bills, and is discussing with the House Authorities how such a review could be taken forward. We would expect that the Select Committee’s recommendations would be fully considered within any such review.

Conclusion

117. The Promoter gratefully acknowledges the Select Committee’s report and recommendations. Members of the Select Committee have devoted considerable time and effort to providing conscientious and balanced deliberations on the petitions presented to them. The Promoter would like to thank members for the patient and dedicated manner in which they have approached their task.
118. We recognise the demands this process has placed on petitioners. The Promoter has always endeavoured to be as accommodating as reasonably practicable. We have listened to those affected by the scheme and in many cases been able to make the changes being called for.
119. The commitments in this response will require ongoing diligence with respect to design and construction methodology, transparency and clarity in communication with affected parties and swift resolution of outstanding issues. The Promoter will ensure it makes every effort to fulfil these requirements.