

HIGH SPEED TWO

PHASE 2a INFORMATION PAPER

E22: MITIGATION OF SIGNIFICANT COMMUNITY EFFECTS ON PUBLIC OPEN SPACE AND COMMUNITY FACILITIES

This paper outlines the approach to the mitigation of significant community effects on public open space and community facilities.

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

This paper was prepared in relation to the promotion of the High Speed Rail (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

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

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E22: MITIGATION OF SIGNIFICANT COMMUNITY EFFECTS ON PUBLIC OPEN SPACE AND COMMUNITY FACILITIES

1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In July 2017, the Government introduced a hybrid Bill¹ to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a tunnel portal south of Crewe.
- 1.4. The work to produce the Bill includes an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs)², which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

¹ The High Speed Rail (West Midlands – Crewe) Bill, hereafter 'the Bill'.

² For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

2. Overview

- 2.1. This information paper sets out the approach to the mitigation of the loss of public open space and community facilities, and the circumstances in which the Secretary of State might acquire additional land for the purpose of mitigation, if or when required across the Proposed Scheme. It is not currently anticipated that it will be necessary to apply this policy in relation to the Proposed Scheme.

3. Public open space and community facilities affected temporarily

- 3.1. Where there will be a temporary but significant effect on a community resulting from the temporary loss of public open space or a community facility, mitigation is likely to take one of the following forms:
 - improvements or alterations to the remaining portion of the public open space (in instances where the public open space is partially occupied) or community facilities, e.g. reconfiguring pitch layouts or relocating play areas;
 - improvements to other public open spaces or community facilities in the area;
 - improving accessibility to other existing public open space or community facilities; and/or
 - identifying land owned by the relevant local authority that could be brought into use as public open space or used to accommodate community facilities with its agreement.
- 3.2. Where land used as open space or as a community facility is temporarily occupied by the Proposed Scheme, there will be a statutory requirement for the land to be restored in accordance with a scheme agreed with the owners of the land and the relevant local authority.

4. Public open space and community facilities affected permanently

- 4.1. Where there is a permanent and significant community effect resulting from the permanent loss of public open space or a community facility, mitigation is likely to take one of the following forms:
 - improvements or alterations to the remaining portion of the public open space (in instances where the public open space is partially occupied) or community facility, e.g. reconfiguring pitch layouts or relocating play areas;
 - provision of compensatory open space or community facilities as part of the design of the permanent works within the Bill limits;
 - improvements to other public open spaces or community facilities in the area;
 - improving accessibility to other existing public open space or community facilities; and/or

- identifying land owned by the relevant local authority that could be brought into use as public open space or used to accommodate community facilities with its agreement.
- 4.2. Where none of these other mitigation measures can provide suitable mitigation the Secretary of State could potentially acquire land for the mitigation of permanent significant effects on community facilities.
 - 4.3. Where a community facility is owned and operated as a commercial enterprise (i.e. is not in public or charitable ownership; or, does not provide publicly or charitably funded services) the above policies do not apply. In such cases, the nominated undertaker will work with the affected landowner to help them identify a solution which will enable them to continue to operate, on the basis that they could be eligible for compensation under the Compensation Code (see Information Paper C4 –Safeguarding and Statutory Blight).

5. Significant in-combination and isolation effects

- 5.1. Significant in-combination effects on open space and community resources arise from the combination of two or more residual significant air quality, sound noise and vibration, visual or heavy goods vehicles (HGVs) construction traffic effects.
- 5.2. Community isolation effects arise where the Proposed Scheme will sever or disrupt routes which are used for access between residential properties and community facilities on a regular basis.
- 5.3. Where reasonably practicable, the mitigation of significant in-combination and isolation effects on community resources and public open space during construction will be identified on a case by case basis in relation to the specific individual effects which will be experienced by the affected community resource. This is in accordance with the measures set out in the draft Code of Construction Practice (CoCP).
- 5.4. It is acknowledged that these effects may have particular implications for schools. The nominated undertaker will work closely with local education authorities and individual schools to identify reasonably practicable measures to mitigate residual significant in-combination and isolation effects, including discretionary, measures identified in the draft CoCP.
- 5.5. Consultation and engagement on the Proposed Scheme has been carried out at key stages in its development (see Information Paper G1: Consultation and Engagement).

6. More information

- 6.1. More detail on the Bill and related documents can be found at: www.gov.uk/HS2