

## INDEPENDENT PHASE 2a PLANNING FORUM FOR HS2

### PLANNING FORUM NOTE 11

---

#### SITE RESTORATION SCHEMES

---

##### Introduction

1. Paragraph 12(1) of Schedule 17 requires that the nominated undertaker must, after discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the relevant planning authority.
2. A scheme must be submitted for agreement within 4 months of the discontinuation of the use of the site. The relevant planning authority is the district or unitary planning authority.
3. This note sets out:
  - General provisions relating to site restoration submissions under paragraph 12.
  - The content and format of site restoration schemes submitted for agreement.
  - The programme for and timing of submissions.
  - Matters reserved for subsequent agreement.
  - Works where site restoration agreements under paragraph 12 are not required.
4. There may be certain requests for approval that require further information, Annex 1 to PFN17 provides general guidance on the level and type of information which may be appropriate to Schedule 17 decisions. Through pre-application discussions planning authorities should identify to the nominated undertaker any additional information it considers is necessary to make a decision on the forthcoming application.
5. This note does not deal with site restoration schemes in relation to waste and soil disposal sites and the excavation of bulk materials from borrow pits. The restoration of such sites are required to be approved by local planning authority separately under paragraph 8 to Schedule 17.

##### General Provisions Relating to Site Restoration

6. The presumption is that land used temporarily for construction purposes that does not occupy the footprint of the permanent works or mitigation scheme will be restored to its former condition. An alternative condition can be agreed, subject to the restriction that the HS2 Act does not allow the carrying out of works other those necessary or expedient for the railway.
7. The land-owner or other person with an interest in a site may in some instances intend to implement consented non-HS2 development immediately after the discontinuation of the use of the land for HS2 purposes. It is in the public interest that such development is not delayed and that there is not unnecessary expenditure on restoration works that are immediately removed. In these circumstances the scheme submitted to the local planning authority for agreement by HS2 Ltd may therefore comprise minimal or no restoration beyond leaving the site in a clean and safe condition.
8. Temporary Worksites will in some cases occupy land that on completion of construction will be required for permanent ecological, landscape, community or noise mitigation. Where this is the case, the site restoration scheme for agreement under paragraph 12(1) will comprise details of

that proposed permanent mitigation, as shown in Table 2 below. Final mitigation proposals will, where reasonably practicable, take into account any comments the local authority has expressed on any indicative mitigation proposals provided previously (see Planning Forum Note 10). The site restoration scheme agreed under paragraph 12(1), where it includes permanent mitigation works, will form part of the overall mitigation scheme considered as part of the final bringing into use submission for a scheduled work or works.

9. Appendix A shows how agreed site restoration schemes comprising permanent mitigation fit into the overall mitigation scheme relevant to a bringing into use request for a scheduled work or works.
10. Where permanent mitigation includes noise barriers, earthworks, buildings or other structures, the design and external appearance of these structures will require approval of plans and specifications under paragraph 2 to Schedule 17. These approvals are likely to have already been obtained prior to site restoration. Where the restoration scheme for a site comprises works that require plans & specifications approval, or it is reasonably necessary for the determination of a scheme submitted under paragraph 12 to consider the details of works that require plans & specifications approval, the plans & specifications request will have at least been submitted concurrently with the proposed site restoration scheme.
11. Schedule 17 paragraph 12(9)(b) states that the requirement to agree a site restoration scheme under paragraph 12(1) does not apply in relation to a site where the nominated undertaker is subject to an obligation under paragraph 5(1) of Schedule 16 (obligation to put land into such condition as an agreed scheme provides, before giving up possession of the land).
12. This means that where possession has been taken under paragraph 1(1) or (2) of Schedule 16, the nominated undertaker is required, before giving up possession, to put the land into such condition as is provided for in a scheme agreed with the owners of the land and the relevant planning authority.
13. In practice this will mean that such land will still be subject to a site restoration agreement, but one agreed under paragraph 5(1) to Schedule 16. The content and format of such submissions will be the same as those submitted under paragraph 12 (1) to Schedule 17, as described in this note. A scheme agreed under paragraph 5(1), where it includes permanent mitigation works, will also form part of the overall mitigation scheme considered as part of the final bringing into use submission for a scheduled work or works.
14. A site restoration submission under paragraph 12(1) is subject to the statutory consultation requirements in paragraph 18 to Schedule 17.

#### **Content and format of site restoration schemes submitted for agreement**

15. Where it is proposed to return a temporary worksite to its former condition, or other condition not comprising permanent mitigation of a scheduled work, the restoration scheme submission will comprise of the documents shown in Table 1.

*Table 1: Content of site restoration scheme for agreement – restoration to former condition or condition not comprising permanent mitigation*

<i>Document</i>	<i>Suggested scale/ content</i>
Covering letter	To include a description of site restoration scheme, including: <ul style="list-style-type: none"> <li>• a description of the former condition to which the site will be returned, or description of the proposed surface treatment (supported by photographs of the pre-construction condition where necessary).</li> <li>• details of any seeding and fencing proposed.</li> <li>• specification of proposed ground surface treatment.</li> </ul>
Other information	Location plan (showing the site to be restored) @ 1:1250 – 1:10,000 as appropriate  Surface materials specification sheets (as necessary)

16. Where the restoration of a temporary worksite or part of a worksite comprises proposed permanent ecological, landscape, community or noise mitigation, the restoration scheme submission in relation to that part of the site will comprise the documents shown in Table 2.

*Table 2: Content of site restoration scheme for agreement – site comprising permanent mitigation*

<i>Document</i>	<i>Suggested scale/ content</i>
Covering letter	Summary of the documents comprising the restoration scheme for agreement.
Location plan (showing the site to be restored)	1:1250 – 1:10,000 as appropriate
Where permanent ecological mitigation is proposed.	<ul style="list-style-type: none"> <li>• A plan/plans showing areas (m2) of habitat creation, annotated to show habitats to be created and details of species mix.</li> <li>• Programme of habitat establishment including management durations.</li> <li>• A written description of the mitigation setting out the effects it seeks to mitigate and how it would achieve this.</li> </ul>
Where permanent landscape mitigation is proposed	<ul style="list-style-type: none"> <li>• A plan/plans showing areas (ha) of landscape mitigation earthworks and planting. For landscape planting the plan will be annotated to show the proposed species.</li> <li>• A written description of the mitigation setting out the effects it seeks to mitigate and how it would achieve this.</li> <li>• The likely fence line where the mitigation will include a fence.</li> </ul>

<i>Document</i>	<i>Suggested scale/ content</i>
	NB. Where permanent landscape mitigation includes earthworks, these will be subject to approval of plans and specifications under paragraph 3 to Schedule 17.
Where permanent community mitigation is proposed	<ul style="list-style-type: none"> <li>• Plan/plans showing the new facilities.</li> <li>• The plan will be annotated to indicate the purpose and use of the mitigation works.</li> <li>• A written description of the mitigation setting out the effects it seeks to mitigate and how it would achieve this.</li> </ul> <p>NB. Where permanent community mitigation includes buildings or other structures, these will be subject to approval of plans and specifications under paragraph 2 to Schedule 17.</p> <p>Where relevant, the scheme for agreement may include details of contamination remediation measures.</p>
For works which have a mitigating effect in relation to the operational noise from the railway or new road	<p>A report demonstrating how the works are expected to perform in mitigating noise and vibration, including the following:</p> <ul style="list-style-type: none"> <li>• A description of the works.</li> <li>• Plans showing the location of the works, the surrounding environment and receptor positions.</li> <li>• Details of the methodology used in predicting noise and vibration levels;</li> <li>• Assumptions relating to the acoustic performance of rolling stock and track;</li> <li>• Assumptions relating to the acoustic performance of the work, such as long term acoustic performance, transmission, sound absorption/reflection, sound diffraction; and</li> <li>• Tables setting out the predicted levels of noise and vibration and tabulated predictions at all individual receptors where the LOAEL is likely to be exceeded.</li> </ul> <p>NB. Where permanent noise mitigation includes earthworks or noise barriers, these will be subject to approval of plans and specifications under paragraph 3 to Schedule 17.</p>

### **Programme and timing of submissions**

17. Paragraph 11 of Schedule 17 requires that where development consists of or includes the carrying out on any site of operations ancillary to the construction of any of the scheduled works, the operations must be discontinued as soon as reasonably practicable after the completion of the scheduled work or works.

18. The Planning Memorandum (paragraph 7.5.4) states that the nominated undertaker will use reasonable endeavours to submit a site restoration scheme, for the agreement of the qualifying authority, prior to the discontinuation of the use of any site for carrying out operations ancillary to the construction of any of the scheduled works.
19. At the latest, a site restoration scheme will need to be submitted for agreement within 4 months of the discontinuation of use of a relevant site, in accordance with paragraph 12(3).
20. Proportionate pre-application consultation on site restoration submissions will be undertaken in accordance with the Planning Memorandum.

**Matters reserved for subsequent agreement.**

21. Paragraph 12(6) allows for an agreement to a site restoration scheme to reserve particulars for subsequent agreement between the nominated undertaker and the relevant planning authority.
22. Examples of matters that might be reserved for subsequent approval might be details not known at the time of submission, for example:
  - Details of species in relation to ecological mitigation planting or seeding;
  - Details of the location of fencing.

**Works not subject to site restoration agreements under paragraph 12.**

23. The following works will not be subject to a site restoration scheme agreement under paragraph 12(1). These works, and the justification in relation to each category is set out in the table below.

*Table 3 Works Not Subject to Paragraph 12 Site Restoration Agreement*

<i>Category of Work or Land</i>	<i>Justification</i>
Schedule 16 land	Site restoration scheme required to be agreed with landowner and local authority under paragraph 5(1) to Schedule 16, as noted in paragraphs 8-10 of this note.
Sites to which paragraph 8 (waste & soil disposal, borrow pits) applies	Site restoration schemes in relation to waste and soil disposal site and borrow pits are required to be agreed with local planning authority separately under paragraph 8 to Schedule 17.
Works in a highway	Where temporary works are undertaken within a highway using the temporary interference powers of Schedule 4 Part 2 paragraph 6, the highway will be reinstated to its original condition (or as otherwise agreed with the highway authority) unless the route is to be stopped-up permanently)).  It may be the case that the highway authority wishes the temporary work to be retained in situ, in accordance with conditions set out within related undertakings and assurances or the HS2 Phase 2a Route-wide Traffic Management Plan. In this situation, the highway authority

	would need to accept the temporary works as permanent improvements using its Highways Act 1980 powers as the nominated undertaker cannot use the temporary interference powers of the Phase 2a Act for this purpose.
Non-intrusive survey of land	No physical land disturbance and/or alteration of use of the land therefore no restoration is required.
Boreholes and intrusive ground investigations.	<p>The diameter of boreholes required for soil sampling or monitoring is minimal (typically &lt;math&gt;&lt;1\text{m}^2&lt;/math&gt;). Therefore, it would not be reasonable or necessary to reach separate agreement in relation to each one where the surface layer of boreholes is to be restored to its pre-existing condition.</p> <p>Only where the surface layer is not to be restored to its pre-existing condition will a scheme be submitted for agreement under paragraph 12(1).</p>
Sites used by follow-on contractors	<p>Some temporary worksites will be used by more than one contractor during the lifetime of the project. Where a site is vacated by one contractor pending its future occupation by another contractor but the site remains secured and in the possession of HS2, no site restoration scheme will be submitted.</p> <p>This is scenario is likely to apply to archaeological trial trenches which are generally at HS2 sites that will be subject to later works, the restoration of which would therefore be the responsibility of the follow-on contract. Where an archaeological trial trench is not on a site to be occupied by a follow-on HS2 contractor, an agreement under paragraph 12 will be sought if it is not intended to return the trench surface to its previous condition.</p> <p>If a site is vacated by one contractor pending its future occupation by another contractor but the site is to be temporarily handed back to the owner/ leaseholder for a temporary period of greater than 4 months, a site restoration scheme will be submitted. The proposed restoration scheme in this circumstance will be proportionate to the duration of the time gap between the demobilisation of the first contractor and the mobilisation of the follow-on contractor to the site in question.</p>

**APPENDIX A – MITIGATION OF SCHEDULED WORKS**

