

**July 2015**

**HIGH SPEED RAIL (LONDON - WEST  
MIDLANDS) BILL**

**HOUSE OF COMMONS  
SELECT COMMITTEE**

**Petition No. 1804:  
Calvert Green Parish Council**

**Promoter's Response Document**

## **INTRODUCTION**

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. 1804, from Calvert Green Parish Council.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on his behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g. reports, drawings and photographs) referred to in the response points are attached where applicable

Copies of the Information Papers referred to in the response points can be found at <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill>.

Department for Transport  
High Speed Two (HS2) Limited

## **BACKGROUND**

Calvert Green Parish Council represents the residents and parishioners of Calvert which falls within Aylesbury Vale District and Buckinghamshire County.

**PETITION NO. 1804**

**CALVERT GREEN PARISH COUNCIL**

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<b>Title</b>	
Map of Petitioner's Location	SC-02-2142

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 8.

**ISSUE RAISED:** Compensation

**PETITION PARAGRAPH:** 8. Compensation: Your Petitioner submits that the compensation provisions in relation to property that is not compulsorily acquired and other matters are not sufficient to compensate Your Petitioners Parishioners adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.

8.1. Your Petitioner requests that the Bill should be amended to ensure Your Petitioner and other Persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation. This should take into account the cumulative impact on residents of Your Petitioners parish.

**PROMOTER'S RESPONSE:**

1. The general purpose of the statutory framework is to provide fair compensation for a person whose land has been compulsorily taken. Payment of compensation for land compulsorily acquired will be in accordance with the general statutory framework incorporated within the Bill and the general Compensation Code as interpreted by the Courts and the Upper Tribunal (Lands Chamber).

*Construction*

2. Where no land is acquired from a claimant, compensation may be payable. This is in a case where the construction (rather than operation) of the public works interferes with the landowner's enjoyment of or diminishes the value of, their land, either permanently or temporarily, in a manner for which they could sue the promoters had they not the immunity conferred by their statutory authority to carry out the public works. Compensation is assessed by reference to any diminution of value of the claimant's interest in land caused by the interference with their private right.

*Subsequent use*

3. Compensation is also available in respect of properties which are depreciated in value due to physical factors resulting from the use of public works for example noise, vibration, smoke etc. These are known as claims under Part 1 of the Land Compensation Act 1973, and can only be made once the Proposed Scheme has been in operation for 12 months. Compensation is assessed by reference to the diminution in value of the property.

4. This is explained further in HS2 Information Paper C8, Compensation Code for Compulsory Purchase. Other sources recommended for reference include the Department for Communities and Local Government's Guides to Compulsory Purchase, a copy of which can be found at [www.gov.uk/government/collections/compulsory-purchase-system-guidance](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance).

5. The Promoter also appreciates that there may be a problem of generalised blight whereby it may become more difficult to sell properties on the market because of the possibility of the Proposed Scheme, before the scheme is certain or before the Compensation Code can be applied or in areas to which the Compensation Code would not apply.

6. In January 2015, the Promoter unveiled a new package of property help and compensation measures for residential owner-occupiers and introduces a "Need to Sell" Scheme. This Scheme would operate under no defined boundary whereby the Government will offer to accept applications to buy properties at their full un-blighted market value from those who have a compelling need to sell such as job relocation or ill health, but who are unable to do so other than at a substantially reduced price, as a direct result of the announcement of the Proposed Scheme.

7. Further details about the scheme are available at <https://www.gov.uk/government/publications/hs2-phase-one-need-to-sell-scheme-guidance-and-application-form>.

8. Also in January 2015 the Promoter launched the Voluntary Purchase Scheme. For those properties that fall within the Rural Support Zone the Promoter will offer to buy properties at full un-blighted market value for those outside of the safeguarded zone up to 120 metres from the centre line.

9. If the Government agrees to buy a property under the Voluntary Purchase scheme, two valuations will be undertaken by RICS valuers from a panel set up by the Promoter. The claimant selects one valuer, with the Promoter choosing the other. The 'offer' price for the property is the average of the two valuations. Both valuations are paid for by the Promoter.

10. Should the owner decide that they do not wish to sell their property to the Promoter they may like to consider option of the Alternative Cash Offer which allows those who live in the Rural Support Zone and don't want to move to apply to receive a one-off cash payment equivalent to 10% of the un-blighted open market value of their property, with a cap of £100,000 and a minimum payment of £30,000.

11. Further details about this scheme is available at <https://www.gov.uk/claim-compensation-if-affected-by-hs2/cash-offer-or-voluntary-purchase-scheme>.

12. The Promoter has released a new package for residential owner occupiers who fall outside of the current Rural Support Zone and are eligible to under Part 1 of the Land Compensation Act 1973. The new zone referred to as the Homeowner Payment Zone covers properties within rural areas that are between 120m – 300m from the centre line of the proposed route. The scheme will offer a flat rate payment for homeowners that fall within the designated zones. The scheme is split into three zones as illustrated below:

Zone 1: 120m - £180m - £22,000

Zone 2: 180m – 240m - £15,000

Zone 3: 240m – 300m - £7,500

13. Further details on the new Homeowner Payment zone can be found at <https://www.gov.uk/claim-compensation-if-affected-by-hs2/homeowner-payment-scheme>.

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 9

**ISSUE RAISED:** Cumulative impact

**PETITION PARAGRAPH:** 9. Cumulative impact on Your Petitioners parish: Your Petitioner outlines many impacts of the High Speed Rail project to Calvert Green parish in this petition. Whilst each impact has a significant detrimental effect to Your Petitioners parish, it is the overall cumulative effect of these impacts that places the intolerable burden on Your Petitioners quiet rural community.

9.1. Your Petitioner requests the cumulative effect of noise, vibration, light, visual impact, air quality and odour for the combined HS2, FCCL and IMD impact will be on Parishioners over a 24 hour period, working week and weekend as none of these issues can be taken in isolation but must be taken as a whole. HS2 Ltd. has not published cumulative impact data for Calvert at the time of this petition.

9.2. Your Petitioner submits that HS2 Ltd.'s position to only consider the high speed line as its area of responsibility is deeply flawed. The cumulative impact must be the measure for all mitigation in Your Petitioner's parish.

**PROMOTER'S RESPONSE:**

*Cumulative effects*

1. The Environmental Statement (ES) for the Proposed Scheme assesses cumulative impacts. Future projects coming forward which require environmental assessment will also include in their Environmental Statement, consideration of cumulative effects as required by paragraph 4 of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

2. Cumulative effects can be either temporary or permanent and can broadly arise from the following:

- A number of individual environmental impacts (e.g. noise, dust and traffic) on a receptor that, in combination, are likely to have a significant effect;

- The accumulation of individual effects on a type of receptor (e.g. an ecological species) which when summed in a regional context or across the Proposed Scheme, are likely to result in an effect of greater significance than the sum of the individual effects; and
  - The effects from other developments in the vicinity of the Proposed Scheme (during their construction and/or operation), which when combined with the effects of the Proposed Scheme are likely to have an incrementally significant effect on the receptors that experience both effects.
3. Where developments are expected to be completed before construction of the Proposed Scheme, effects arising from them have been considered through extrapolation of existing conditions as part of the future baseline within the ES.
4. The EIA process includes the assessment of community impacts, which considers in-combination effects. The method for the assessment of community impacts has followed the methodology set out in the Scope and Methodology Report (SMR) (Volume 5: Appendix CT-001-000/1) and the SMR Addendum (Volume 5: Appendix CT-001-000/2).
5. Community impact assessment includes the consideration of amenity. The amenity value that receptors give to resources may be affected by a combination of factors such as: noise and vibration; air pollution/odours; traffic/congestion; air and water quality; and visual impacts. As such, the amenity assessment has drawn on the conclusions from other assessment topics.
6. The ES identifies that approximately ten residential properties on School Hill in Calvert are predicted to experience in-combination effects during construction:
- Significant visual effects due to views of the construction of the School Hill green overbridge and additional light during the night from the School Hill green overbridge satellite compound; and
  - Significant noise increases due to HGV movements in the local area.
7. The combination of these effects will have a major adverse effect on residential amenity and is therefore considered to be significant.
8. The ES does not identify any significant amenity impacts within this area during the operation of the Proposed Scheme.
9. The draft Code of Construction Practice (CoCP) includes a range of provisions that will help mitigate community effects associated with construction, including the following:
- Appointment of community relations personnel (draft CoCP, Section 5).
  - Community helpline to handle enquires from the public (draft CoCP, Section 5).
  - Sensitive layout of construction sites to reduce nuisance (draft CoCP, Section 5); and
  - Requirement for Traffic Management Plans (draft CoCP, Section 14).
10. This is explained further in HS2 Information Paper D3, Code of Construction Practice (CoCP). The latest version of the draft CoCP can be found at

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/259617/Vol5\\_draft\\_code\\_of\\_construction\\_practice\\_CT-003-000.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf).

### *Adequacy of Environmental Statement*

11. The ES accompanying the Bill fully complies with all UK and EU legal requirements and has been developed in accordance with the accepted best practice methodologies recommended by a range of UK institutional bodies. The document has satisfied the requirements for Parliamentary deposit and the Bill has secured its Second Reading. The Promoter is satisfied there are no fundamental deficiencies in the ES.

12. The ES has been developed in an open and transparent way involving a level of engagement and consultation that went beyond what was legally required. It was subject to extensive formal public consultation and engagement including with local authorities and statutory environmental bodies:

- The approach taken for developing the ES (the Scope and Methodology Report for the Environmental Impact Assessment) was consulted on from April to May 2012;
- The draft ES was produced on behalf of HS2 Ltd by a team of independent technical experts with unrivalled experience of environmental assessment on similar projects such as HS1, Crossrail, the Olympics and Thames Tideway;
- The draft ES was itself consulted on from May to July 2013 and responses taken into account before the final ES was submitted to Parliament alongside the Bill in November 2013;
- A further public consultation was held on the ES laid before Parliament; and
- Responses to the above consultation were considered by the independent assessor and a report made to Parliament in April 2014. This is available at <http://www.parliament.uk/documents/commons-private-bill-office/2013-14/HS2-IndependentAssessor-report.pdf>.

13. The draft Environmental Minimum Requirements (EMRs) for the Proposed Scheme are based on those already demonstrated to have been highly effective in controlling and reducing the environmental effects of previous projects, such as the Olympics and Crossrail. As set out in HS2 Information Paper E1, Control of Environmental Impacts, the EMRs are a suite of documents that is being developed in consultation with local authorities and other relevant stakeholders in relation to the environmental impacts of the design and construction of the Proposed Scheme.

14. Any nominated undertaker will be contractually bound to comply with the controls set out in the draft EMRs. However, where it is considered necessary, these documents will be supplemented or varied in site specific undertakings in order to deal with specific issues around a particular site. The draft EMRs include the draft Environmental Memorandum, which will provide a framework for the nominated undertaker and representatives of the National Environment Forum to work together to ensure that the design and construction of the Proposed Scheme is carried out with due regard for environmental considerations.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

<b>PROMOTER'S RESPONSE TO PETITION OF:</b>	Calvert Green Parish Council
<b>PETITION NO:</b>	1804
<b>PARAGRAPH NO:</b>	10
<b>ISSUE RAISED:</b>	FCC Ltd siding relocation
<b>PETITION PARAGRAPH:</b>	<p>10. FCCL siding Relocation: Currently the FCCL siding is in a fixed position to the east of Calvert on the west side of the existing tracks, i.e., on the same side of the tracks as the landfill site. Waste trains are unloaded via gantry cranes and transferred to heavy plant vehicles. The trains are either moved by engine or by winch (depending on the time of day).</p> <p>FCCL is currently in the process of moving its whole operation eastwards, away from Calvert and Calvert Green and wishes the offloading siding to be relocated close to the new area of operation and to the Energy from Waste (EfW) incinerator that is currently under construction. Work has already begun on the construction of an access road from the A41 at Woodham to the south-east of the FCCL landfill site to facilitate the EfW incinerator.</p> <p>HS2 Ltd. proposes relocation of the existing operation westwards along the line, abutting the planned satellite compound at School Hill on the Calvert Railway Station (LWS), and directly opposite many Calvert and Calvert Green residential properties. The area by Calvert bridge, where the LWS is situated, is proposed to double the current three tracks to at least six rail tracks – two for HS2, two for East West Rail (EWR) and two for the FCCL landfill siding operation.</p> <p>The proposed site that HS2 has identified for relocating the FCCL siding and gantry is on the opposite side of all the tracks, HS2, East/West rail and then landfill site itself.</p> <p>Due to the limited space in the proposed new location, a high rolling gantry is proposed. In order for FCCL to service the operation it will be necessary to construct a road bridge from the landfill site over the HS2 and EWR tracks.</p> <p>FCCL management has also acknowledged that if the siding operation is sited at HS2 Ltd.'s proposed location it will cause major disruption for residents. FCCL management has also confirmed to Your</p>

Petitioner that they have land available to relocate the existing siding nearer to the new EfW facility.

At the time of Petitioning, HS2 Ltd has confirmed to FCCL that it is not its intention to re-site the siding closer to EfW. This is in line with its statement to Your Petitioner at the final CFA 13 meeting where HS2 Ltd. representatives told Your Petitioner that they had considered Your Petitioner's proposals for the re-siting of the siding, along with the potential to widen the tunnel to the IMD and improved mitigation measure for noise, traffic and light pollution, but were not going to adopt any of them.

Your Petitioner is aware that any relocation of the sidings will have a deleterious impact on the rare bat populations, and faces a dilemma balancing their protection over the health and well-being of residents.

Your Petitioner is also aware that North Bucks Bat Group and BBOWT (Beds, Bucks, Oxon Wildlife Trust) are proposing that HS2 Ltd. run the tracks from Quainton to Calvert in tunnel. HS2 Ltd. is, Your Petitioner is informed, only considering a tunnel from Quainton to Sheephouse Wood.

10.1. Your Petitioner supports the proposal to run the tunnel to Calvert, and in addition would Petition that any tunnel be extended to run as far as the Infrastructure Maintenance Depot (IMD) which would go some way to mitigating the cumulative effect on Calvert of the long term blight the hamlet would suffer as a consequence of HS2.

10.2. Your Petitioner wishes to Petition that all efforts are made by HS2 Ltd. to work with FCCL, and both Calvert Green and Charndon Parish Councils, to find alternative locations that afford protection to residents of the above Parishes, convenience and suitability to FCCL and a safer a habitat for the bats protection as possible.

## **PROMOTER'S RESPONSE:**

### *FCC Environment relocated waste transfer sidings access*

1. Options for the relocation of the FCC Environment waste transfer sidings to south of Sheephouse Wood were reported in paragraphs 2.6.32 to 2.6.35, Volume 2 of the Environmental Statement (ES) for CFA 13. It was recognised that these options may have some benefit for the local community as some of the activities associated with the siding will be further away from residents within Calvert. However, due to the presence of the Sheephouse Wood Site of Special Scientific Interest (SSSI), the Finemere Wood SSSI and the wider Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) Finemere Wood nature reserve, there would also be potential impacts with regard to ecology such as the impact on bats and invertebrate (such as black hairstreak) species. The siting of the overbridge to the south would also have landscape and visual impacts by introducing a structure

that would be out of context with the existing landscape. There would also be potential impacts to watercourse crossings such as the Muxwell Brook and the Megaditch.

2. The proposed location of the relocated sidings will be further away from the settlement at Calvert, however, based on the proposed layout of the sidings there will be a larger number of receptors potentially affected by noise from site vehicles transferring waste to the Calvert Landfill. However, through sensitive design and mitigation, potential noise impacts would be no worse than for the existing sidings and would present benefits compared to the existing situation in terms of proximity of the sidings from existing residential receptors at Calvert. There also exist opportunities to introduce visual and ecological mitigation in this area.

3. Furthermore, plans and specifications for a number of permanent construction works, including earthworks and sight, noise or dust screens are subject to the approval of the relevant qualifying planning authority, which in two tier areas would be the district authority, under the planning regime established under Schedule 16 to the Bill. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and HS2 Information Paper B1, The Main Provisions of the Planning Regime.

#### *Quinton to Calvert tunnel*

4. Options considered to mitigate the impact on bats between Finemere and Sheephouse Wood, including a green tunnel, were reported in paragraphs 2.6.55 to 2.6.66, Volume 2 of the ES for CFA 13. A tunnel option was discounted at an early stage due to the additional land take and maintenance requirements, including porous portals, increased track separation and fire and ventilation equipment. This would involve further incursion west into the nature reserve at Calvert Jubilee, as well as into areas to the south. The construction and maintenance costs would also be higher and there would have been increased construction impacts.

5. The current Proposed Scheme is described in Section 2.2 of the ES and includes the proposed provision of a covered structure for the length adjacent to Sheephouse Wood SSSI to protect bats from the Proposed Scheme in combination with other ecological mitigation measures as proposed in ES Volume 2, CFA 13 and illustrated on the ES map books, including green bridges and woodland planning to link with the existing woodland habitat in the vicinity.

#### *Liaison with FCC Environment*

6. The Promoter remains in discussion with FCC Environment about the layout and operational characteristics of the alternative sidings.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 11, 13

**ISSUE RAISED:** Satellite maintenance compound

**PETITION PARAGRAPH:** 11. Satellite Maintenance Compound at Calvert Railway Station (LWS): Your Petitioner questions the necessity for a separate satellite maintenance compound in Calvert; particularly being in such close proximity to the main IMD (less than one kilometre). According to the HS2 Environmental Statement (ES), the deployment of this satellite compound has increased from a duration of two years employing 60 workers, to one that is scheduled to last over seven years and support up to 190 workers.

Your Petitioner has been led to believe from HS2 Ltd. that they and Network Rail are in discussion concerning a potential tunnel from the IMD under the EWR line to enable access to the Eastbound HS2 line. It is Your Petitioner's understanding, following discussion with an HS2 engineer, that if such a tunnel were to be constructed and made slightly bigger, it could be used for moving construction materials from the IMD for eastbound HS2 construction, removing the necessity for such a large and intrusive satellite depot at Calvert. This tunnel construction could be carried out prior to EWR operation.

11.1. Your Petitioner wishes to Petition for a tunnel under EWR for access between the IMD and the eastbound HS2 line; thus removing the requirement for a satellite compound in Calvert.

13. Materials store at Calvert Railway Station (LWS): With reference to point 11, Your Petitioner understands that the need for a materials store will be obviated because materials can be accommodated on the large IMD site, and transported through the tunnel under EWR during construction.

13.1. Your Petitioner wishes to Petition that this solution be taken into consideration by HS2 Ltd.

## PROMOTER'S RESPONSE:

1. It is assumed that the Petitioner is referring to the School Hill Green Overbridge Satellite Compound. This compound has been included in the Bill as the Promoter considers it necessary for the construction of the Proposed Scheme. The location of construction compounds has been carefully considered and takes into account a range of relevant factors.
2. In the draft Environmental Statement (ES) it was stated that the compound would have an estimated duration of use of up to five years, with the average number of workers being 150, peaking at up to 300 workers. As reported in the ES the estimated average number of workers for this compound has been reduced to 90 and the peak number of workers to 190. The operational duration has increased to seven years and three months to take account of the use of the compound for railway systems installation work.
3. School Hill Green Overbridge Satellite Compound will be used for civil engineering and railway systems installation works, between approximately Sheephouse Wood and Calvert. The compound will mainly be used to manage construction of the Calvert Cutting, the Aylesbury Link railway line realignment, (including the relocated FCC Environment alternative sidings) School Hill Green Overbridge, Calvert Green Overbridge, Footpath SCL/13 Green Overbridge and Portway Farm autotransformer station.
4. The Petitioner has questioned the necessity to site a compound at this location given the proximity of the Infrastructure Maintenance Compound (IMD) at Calvert. The Calvert Railhead Main Compound will be used to support the rail systems installation works. Its use to support civil engineering works would have a number of implications, as follows:
  - Additional land would be required for a civil engineering satellite compound, similar in size to the School Hill Green Overbridge Satellite Compound.
  - To access the worksites identified above (i.e. Calvert Cutting and School Hill Green Overbridge) some of which would be over 3km away would result in an increase in construction traffic on local roads to deliver the plant, materials and workers to the worksites which would reduce the effectiveness and efficiency of the compound.

### *Tunnel under EWR*

5. Use of the IMD Southern Access Overbridge (not a tunnel) to access the worksites would require temporary crossings (under or over) both the Bicester to Bletchley Line and the Aylesbury Link railway line which would be operating East Rail train services. Based on the current programme the overbridge would not be completed until early 2020. Since the Calvert Cutting works are programmed to start at the beginning of 2017 there would be a period of 3 years during which access to the worksites via local roads, would be required. There would be additional cost associated with the temporary crossings and the construction access road to the point of entry to the trace at School Hill Green Overbridge.
6. The location of the sites has been influenced by the following practical considerations:
  - Proximity to a major road network
  - Proximity to a rail/bus routes for green travel

- Accessibility for the local workforce
- The sites strategic position in relation to the physical construction work
- The land available for the storage of materials
- The land available for maintenance workshops and stores
- The existing availability of utility connections such as for power, sewage and telecoms
- The security of the site
- The slope of the site, and whether levelling would be required
- Previous land use of the site; and
- The site's potential to service a significant section/length of the construction works whilst still providing the requisite facilities for the workforce

7. Constraints and existing environmental features were also considered, including the proximity to sensitive environmental features and the effects that noise, light, visibility and air quality effects arising from the work sites may have on them. Existing environmental features included the presence of Sites of Special Scientific Interest (SSSIs), aquifers, surface water courses, and flood plains.

8. This is explained further in HS2 Information Paper D2, Selection of the Location of Construction Compounds.

9. A number of general assurances in respect of construction compounds are provided in the draft Code of Construction Practice (CoCP). In particular sections 5.3 addresses construction site layout and good housekeeping; 5.4 addresses site lighting and section 5.6 addresses hoardings fencing and screening.

10. In addition to the above, a number of arrangements for matters that are relevant during construction, including artificial lighting, works screening and dust suppression, are subject to the approval of the relevant qualifying planning authority, or class approval by the Secretary of State, under the planning regime established under Schedule 16 to the Bill. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and HS2 Information Paper B1, The Main Provisions of the Planning Regime.

#### *Construction monitoring*

11. The draft CoCP has been produced in conjunction with the ES with the aim of ensuring that likely significant construction effects that are reported in the ES will either be avoided or mitigated. Site specific controls, which will be included within the Local Environmental Management Plans (LEMPs), will be developed during the Parliamentary process and the detailed design stage. The LEMPS will be produced with input from the relevant local authority and statutory bodies.

12. This is explained further in HS2 Information Paper D3, Code of Construction Practice. The latest version of the Draft Code of Construction Practice can be found at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/259617/Vol5\\_draft\\_code\\_of\\_construction\\_practice\\_CT-003-000.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf).

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 12

**ISSUE RAISED:** Infrastructure Maintenance Depot

**PETITION PARAGRAPH:** 12. Infrastructure Maintenance Depot (IMD): Your Petitioner has already identified that no mitigation is proposed on the Calvert side of the IMD. As the church bells at Steeple Claydon can currently be heard in Calvert and Calvert Green, it is quite clear parishioners will be subjected to significant and highly disruptive noise and light pollution levels from the IMD in any 24 hour period. Currently the only noise at night comes from local wildlife - which is entirely natural and one of the pleasures enjoyed by Your Petitioners parish.

Your Petitioner serves an area benefiting from a minimum of light pollution, and neither Your Petitioner, its parishioners, nor the areas flora and fauna should be subject to the dramatic alteration of that state that will occur during the construction and running of HS2.

12.1. Your Petitioner wishes to Petition that HS2 Ltd. provide the maximum mitigation to the entire IMD site, and does not exclude that part of its site backing on to the Jubilee Nature Reserve, Jubilee Lake and thence to Calvert hamlet.

**PROMOTER'S RESPONSE:**

*Infrastructure Maintenance Depot*

1. HS2 Information Paper F2, Infrastructure Maintenance Depot Strategy explains the rationale for siting the IMD at Calvert (paragraphs 5.3-4):

'One key functional requirement considered was that the new IMD had to be directly connected to both the Proposed Scheme and the classic railway network to allow maintenance materials and equipment to be delivered to the depot by rail rather than by road; and

Other functional requirements were a level and straight site, at least 1km in length, with road connections, away from built up areas and flood plain, and in a location where it would provide a low visual impact.'

2. HS2 Information Paper F2, Infrastructure Maintenance Depot Strategy addresses various concerns for the operation of the IMD.

'A planted landscape earthwork bund up to 5m high will be constructed on the north side of the IMD over the entire length to help integrate the site into the landscape and provide visual screening. The earthworks will be installed at an early stage of construction to allow vegetation to establish'. (paragraph 7.8)

'To reduce the impact on these properties it is proposed to lower the sidings below the level of the surrounding fields, and to construct bunds to the north of the depot to reduce the visible impact and to mitigate the noise'. (paragraph 8.6)

'Consideration has been given to reducing light pollution resulting from working at night by:

- Keeping the height of external lighting installations as low as possible;
- Using automatic lighting control systems with photocells and time clocks to control their operation;
- Using LED or low energy lamps; and
- Installing low profile lighting and support systems.

The above descriptions relate to the initial design of the site'. (paragraph 8.7)

### *Design policy*

3. The Promoter has already given a general assurance, in HS2 Information Paper D1, Design Policy, that the Promoter and nominated undertaker will seek to ensure that the design of all visible elements of the built and landscaped environment are sympathetic to their context, environment and social setting.

### *IMD operations*

4. The IMD will be a 24-hour, 7-days-a-week facility. It is understandable that there will be concern about the local impacts of its operation. However, the site has been designed with a significant level of mitigation to reduce such impacts as far as is reasonably practicable.

5. Engineering trains would normally be prepared and teams dispatched from the depot to work on the railway at around midnight each night and return approximately before the closure of the maintenance window, at 04.59 Monday to Saturday and at 07.59 on Sunday. However, this may vary when responding to incidents and emergencies. When in the depot, engineering trains would be maintained almost exclusively within the main workshop shed.

6. The main sources of noise are likely to be:

- Engineering trains entering and leaving the site;
- Trains moving between the stabling yards and the main workshop; and
- The delivery of heavy equipment and infrastructure by rail and lighter equipment by road.

7. The site is relatively remote: only a small number of properties have the potential to be affected by the depot's visual impacts or operational noise. To reduce the impact on these properties it is proposed to lower the sidings below the level of the surrounding fields, and to construct bunds to the north of the depot to reduce the visible impact and to mitigate the noise.

8. Consideration has been given to reducing light pollution resulting from working at night by:

- Keeping the height of external lighting installations as low as possible;
- Using automatic lighting control systems with photocells and time clocks to control their operation;
- Using LED or low energy lamps; and
- Installing low profile lighting and support systems.

9. The above descriptions relate to the initial design of the site. More detailed design will be carried out as the scheme progresses, taking into account any changes to the operational regime or maintenance practises between now and opening. This detailed design process would be guided by the same mitigation principles as the initial design. Further information can be found in HS2 Information Paper F2, Infrastructure Maintenance Depot Strategy

#### *Control of light and noise during construction*

10. As explained in section 5.4.1 and 5.4.2 of the draft Code of Construction Practice (CoCP), site lighting and signage will be provided to enable the safety and security of the construction sites. It will be at the minimum luminosity necessary and use low-energy consumption fittings. Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public. In particular, precautions will be taken to avoid shadows cast by the site hoarding on surrounding footpaths, roads and amenity areas. Where appropriate, lighting will be activated by motion sensors to prevent unnecessary usage. It will comply with the Institution of Lighting Engineers' guidance notes for the reduction of light pollution and the provisions of BS 5489, Code of Practice for the Design of Road Lighting, where applicable.

11. Lighting will also be designed, positioned and directed so as not to intrude unnecessarily on adjacent buildings, ecological receptors, structures used by protected species and other land uses, to prevent unnecessary disturbance, interference with local residents, railway operations, passing motorists, or the navigation lights for air or water traffic. This provision will apply particularly to sites where night working will be required. In addition, at construction sites where potentially significant impacts are identified, the lead contractor will develop and implement lighting controls as part of their Environmental Management System.

12. Section 5.3.1 of the draft CoCP also explains that controls on lighting/illumination to minimise visual intrusion or any adverse effect on sensitive ecology.

13. As detailed in the Local Environmental Management Plan (LEMPs) template (Annex 3 of the draft CoCP), the general requirement section includes a section for site lighting to identify any sensitive receptors and local control measures. Section 4.2.2 of the draft CoCP states that the nominated undertaker and/or its contractors will engage with the local communities, local authorities and other stakeholders in order to develop the LEMPs.

14. Furthermore, artificial lighting is one of the construction arrangements covered by the planning regime established under Schedule 16 to the Bill. This is explained further in HS2 Information Paper B1, The Main Provisions of the Planning Regime.

15. In addition, Paragraphs 11.3.16 and 11.3.17 Volume 2 of the Environmental Statement (ES) states the avoidance and mitigation measures proposed to reduce noise inside all dwellings from the construction activities such that it does not reach a level where it would significantly affect residents. The measures also reduce the adverse effects of outdoor construction noise on the acoustic character around the local residential communities such that the effects are not considered to be significant.

16. Guidance on site-specific variations to core hours and/or additional hours where lighting is likely to be required will be included within the LEMPs produced for each relevant local authority.

### *Permanent lighting*

17. The plans and specifications for permanent lighting equipment are subject to the approval of the relevant qualifying planning authority, which in two tier areas is the district authority, under the planning regime established under Schedule 16 to the Bill. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and HS2 Information Paper B1, The Main Provisions of the Planning Regime. The ground for refusal of approval includes 'that the design of the equipment, with respect to the emission of light, ought to, and could reasonably be, modified to preserve the local environment or local amenity. This provides the relevant qualifying planning authority with a level of control over lighting equipment

18. In general the Proposed Scheme's route would not normally be illuminated. Locations such as tunnel portals, line side compounds and other areas which are not normally occupied. However, where staff will need to access equipment, the site will be equipped with lighting, which would normally be switched off.

19. Where lighting is required it will be designed to take in to account best practice guidance provided by Commission International de L'Electrification (IEC) in particular:

- IEC 126:1997 – Guidelines for minimizing sky glow; and
- IEC 150:2003 – Guidance on the limitation of the effect of obtrusive light for outdoor lighting installations.

20. Lighting arrangements will also conform with the requirements of BS EN 12464-2:2014 Light and Lighting of Work Places Part 2: Outdoor Work Places.

21. As noted above with reference to Schedule 16, any permanent lighting associated with auto-transformer feeder stations will be subject to the approval of the relevant qualifying planning authority under the planning regime established under Schedule 16 to the Bill. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and HS2 Information Paper B1, The Main Provisions of the Planning Regime.

22. In relation to noise barriers, design of the Proposed Scheme to date provides the level of detail necessary for the purposes of the Bill and the requirements of the Environmental Impact

Assessment Regulations. The level of detailed design necessary to enable the structures referred to to be constructed has yet to be carried out, and is unlikely to be completed until after the Bill has secured Royal Assent. However, this will normally be preceded by a period of pre-submission discussions between the Promoter or nominated undertaker and the relevant planning authority, and will ensure that although deemed planning permission for the Proposed Scheme is granted by Parliament, the local planning authority will be able to have an appropriate level of input into and approve the detailed design under the planning regime established under Schedule 16 to the Bill. This is an established process and will ensure that the design and appearance of permanent structures fits into the local context and environment. This is explained further in HS2 Information Paper B1, The Main Provisions of the Planning Regime.

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 14

**ISSUE RAISED:** Service access road

**PETITION PARAGRAPH:** 14. HS2 service access road from Brackley Lane, Calvert: Your Petitioner finds it remarkable that HS2 Ltd now requires an access road to a pumping station on the west of the line, just off Brackley Lane. If constructed, this road will impact on a wooded area and supported wildlife and open up a visual and noise corridor to the HS2 line in a residential area already recognised as a problem for noise mitigation.

14.1. Your Petitioner wishes to Petition that the pumping station and associated access road is relocated to the east side of the HS2 line where there is already appropriate vehicular access (for the current mobile telecommunications mast).

**PROMOTER'S RESPONSE:**

1. The pumping station in question is required to convey a watercourse and surface water drainage under the Proposed Scheme to an outlet at an existing watercourse on the east side of the Proposed Scheme. Whilst technically feasible to locate the pumping station on the west side of the Proposed Scheme, it would be necessary to introduce a drop inlet culvert at the current pumping station location which would also require access for maintenance purposes.

2. The access road has been located in a clearing in the existing vegetation and therefore would not result in the impacts suggested by the Petitioner. Vegetation clearance would be required to allow construction of the pumping station (drop inlet culvert), drainage ditches and to provide construction access for the main civil engineering works, the impacts of which have been assessed in the Environmental Statement. Noise mitigation at this location is proposed by a noise barrier 5 metres above rail level which would be unaffected by the construction of the track.

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 15

**ISSUE RAISED:** Sustainable placement

**PETITION PARAGRAPH:** 15. Waste and the use of agricultural land at Shepherds Furze Farm for deposit of 1.2 million tons of excavated waste: Your Petitioner is concerned that the impact on local communities of the amount of waste to be excavated and removed from the construction of the high speed railway has been underestimated and the environmental impacts of removal and disposal of such waste has been needlessly worsened because of the primacy (in UK and EU law) of the requirement to seek to avoid disposal of waste and comply with the principles of the waste hierarchy has been ignored by HS2 Ltd.

Your Petitioner is concerned that the forecasts provided for each Community Forum Area for amounts of waste to be excavated and removed from that area appear to be contradictory and take insufficient account of local authority planning policies.

Your Petitioner is concerned that residents of Calvert Green will be blighted, visually and by noise from the offloading of trains and HGVs, by the proposed deposit of 1.2 million tonnes of excavated waste on a field slightly north east of the hamlet of Calvert. This seems an extraordinary proposal, given that the FCCL landfill site is such a short distance away, is served by rail and can easily accommodate the spoil.

15.1. Your Petitioner requests that HS2 Ltd. utilises excavated waste for bunding and mitigation or other earthworks. If no other solution is to be found then safe disposal within existing landfill facilities should be exercised.

15.2. Your Petitioner requests that: HS2 Ltd be required to comply with the requirements of the Waste Framework Directive and review its decisions on treatment of waste to ensure compliance with the waste hierarchy as detailed in that Directive. Such review should include publishing details of the "integrated design approach" to waste management and subject to consultation to enable effective public participation on this issue.

**PROMOTER'S RESPONSE:**

1. The Proposed Scheme will produce a significant quantity of excavated material and the Promoter will treat this as a valuable resource for use within the construction of the project. The Promoter

would only treat this material as waste if no beneficial use can be found within the project or off-site, in accordance with the waste hierarchy, which is explained in HS2 Information Paper E3, Excavated Material and Waste Management. The Promoter is required to comply with the Waste Framework Directive.

2. The management of all excavated material and waste generated within the Proposed Scheme will be in compliance with the waste hierarchy, with legislative requirements and with the Code of Construction Practice (CoCP). Where relevant, local authority planning policies have been taken into consideration and due care has been taken in the forecasting of quantities of excavated material, surplus excavated material and waste for each area and route wide. The Promoter does not agree therefore that the forecasts for each CFA are contradictory.

3. It should be noted however that this reflects current design assumptions will change over time with further design development. Where any uncertainty exists we have assessed the reasonable worst case scenario to ensure that any likely significant environmental effects have been identified. The Promoter has acted to reduce and mitigate the environmental impacts associated with the removal of surplus excavated material where it is reasonably practicable to do so.

4. An integrated approach to design is commonly accepted as being the most effective way of delivering a scheme which takes into consideration the needs of as many stakeholders as possible. The Promoter notes that section 5.1 of the draft CoCP requires that the nominated undertaker and its contractors produce and implement a stakeholder engagement framework to provide appropriate information and to be the first point of contact to resolve community issues.

5. In addition, the nominated undertaker and its contractors will produce a Site Waste Management Plan (SWMP) that will set out how the waste will be managed during the construction process.

6. For further information see HS2 Information Paper E3, Excavated Material and Waste Management and HS2 Information Paper D4, Code of Construction Practice.

#### *Sustainable placement*

7. Sustainable placement of surplus excavated material is recognised as a disposal activity and will be appropriately permitted by the Environment Agency and in line with the requirements of the EU Landfill Directive (1999/31/EC). Sustainable placement will only be used to dispose of inert surplus excavated material. The Promoter considers disposal, including on-site disposal, to be the option of last resort.

8. The likely environmental effects of sustainable placement have been described and assessed in the relevant chapters of the ES. Compliance with the draft CoCP will mitigate any environmental impacts that may arise during construction.

9. Where sustainable placement is necessary existing topsoil would be stripped and stored prior to placement of the excavated materials. Excavated material would be incorporated into the existing landform as far as possible. Upon completion, stripped and stored topsoil would be returned, hedgerows would be replanted on their existing alignments and the land restored as ecological planting or returned to agriculture.

10. For more information see HS2 Information Paper E19, Sustainable Placement of Surplus Excavated Material.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Calvert Green Parish Council

PETITION NO: 1804

PARAGRAPH NO: 16

ISSUE RAISED: Safeguarding

**PETITION PARAGRAPH:** 16. Safeguarding by HS2 Ltd. of FCCLs new access road from the A41 including other safeguarded local roads: Your Petitioner is greatly concerned that the new FCCL access road will be used by HS2 Ltd. for heavy construction traffic. The potential exit for this road is in Brackley Lane, Calvert and if used would cause further blight to Calvert and Calvert Green residents, through noise, vibration and intolerable additional traffic. HS2 Ltd. state that only minimal usage will be required to transport transformer equipment.

Your Petitioner is concerned by a safeguarded area behind Werner Terrace for reasons of property access and children's safety.

16.1. Your Petitioner requests that HS2 Ltd. confirm that it will not use the landfill access road for anything other than the transportation of the transformer equipment.

16.2. Your Petitioner seeks assurance that the safeguarding of the area behind Werner Terrace, Calvert will be removed.

**PROMOTER'S RESPONSE:**

*FCC Environment Access Road*

1. The land over which the Energy from Waste (EfW) access road from the A41 passes has been identified as being potentially required for access on a precautionary basis. Should circumstances arise in which it were necessary for the Promoter to use this land for access it is not anticipated that the volume of traffic would be significant. The Promoter does intend to use the land as a means of transporting the Quainton Sub-station transformer.

*Land behind Werner Terrace and along Brackley Lane*

2. The Promoter has safeguarded the area behind Werner Terrace and along Brackley Lane to enable utility works associated with the construction of the Proposed Scheme to be undertaken.

*Brackley Lane*

3. The Promoter does not intend to use Brackley Lane as a route for construction traffic to or from construction compounds, however it will be necessary to have limited access along Brackley Lane for the purposes of utility works associated with the construction of School Hill overbridge and to construct the maintenance access to the pumping station which would be served from Brackley Lane during operation of the Proposed Scheme.

## HOUSE OF COMMONS SELECT COMMITTEE

### HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 17

**ISSUE RAISED:** Ecology

**PETITION PARAGRAPH:** 17. Ecology: Calvert Railway Station (LWS) will be affected by the construction of the Calvert cutting and proposed satellite compound, FCCL offloading siding and materials store. The ES states this will result in the permanent loss of habitats at this site. Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed and associated development on flora and fauna. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology including, but not limited to avoiding ancient woodland, migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.

17.1. Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report date 2nd April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations and compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.

17.2. Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities wellbeing, adjusting metrics to encompass the precautionary principle, treatment of ancient woodlands should be separate from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.

17.3. Your Petitioner requests that if balancing ponds must be used, they should not be artificially lined, and they should be used to support imaginative ecological enhancements and maintained with some water and vegetation at all times

## **PROMOTER'S RESPONSE:**

### *Calvert Railway Station Local Wildlife Site (LWS)*

1. Paragraph 7.4.8 of the Volume 2 Environmental Statement (ES) for CFA13 acknowledges that Calvert Railway Station LWS will be affected by the construction of the Calvert cutting that will result in the permanent loss of habitats at this site. While field surveys have shown this site to have been subject to recent clearance, due to the range of species recorded, it is considered that the site may recover. As such, on a precautionary basis it is assumed that its removal will result in a permanent adverse effect on site integrity at up to the county/metropolitan level.
2. Mitigation and compensation will be in accordance with the Environmental Minimum Requirements and paragraph 7.4.47 of the Volume 2, ES for CFA13 the Environmental Statement states that mitigation for loss of species-rich grassland at Calvert Railway Station LWS will be provided by the proposed creation of similar grassland on part of the 12.5ha area for ecological mitigation adjacent to the Great Central Main Line, north of Twyford. Although the site cannot be replicated in its current location, the creation of a larger area of similar habitat means that the adverse effect on the conservation status of this grassland habitat type will be offset. Grassland compensation will be provided in accordance with the approach outlined in ecological principles of mitigation in Volume 5: Appendix CT-001-000/2.
3. Paragraph 7.4.65 of the Volume 2, ES for CFA13, states that the measures adopted will reduce the effects to a level that is not significant. This includes effects as a result of the loss of the Calvert Railway Station LWS habitat.

### *Impacts on flora and fauna*

4. The ES identifies significant effects on habitats both within and outside protected areas, and also identifies habitat creation proposals to mitigate and compensate for these losses. Mitigation would generally be like-for-like, for example woodland will be created where woodland would be lost. As HS2 Information Paper E2, Ecological Impacts sets out, the Proposed Scheme has the objective of seeking to ensure no net loss to biodiversity. The Bill identifies those areas of habitat creation that will be required to maintain the population of protected species. Replacement habitats would (where practicable) be provided in advance of habitat loss to allow replacement habitats to be colonised, thus reducing temporary adverse effects to a level where they are not likely to be significant.
5. As outlined in HS2 Information Paper E2, Ecological Impact, the nominated undertaker will ensure compliance with the relevant statutory provisions in respect of areas of nature conservation interest and of protected species. Relevant provisions include the Wildlife and Countryside Act 1981; The Conservation of Habitats and Species Regulations 2010; Countryside and Rights of Way Act 2000; and Protection of Badgers Act 1992. In all locations where significant effects on

protected species are identified, details will be discussed with Natural England and licences will be obtained in compliance with legal requirements.

6. The ES has assessed the effects of the Proposed Scheme on biodiversity. The baseline for the ecological chapter of the ES was sufficient for the assessment. It included desk based review of existing information and consultation with the Petitioner and local experts as well as survey where access was allowed. The assessment was undertaken on a precautionary basis using professional judgement to consider and report the likely presence of protected species where access was not obtained. The ES is therefore compliant with the requirements of the EIA Directive and Parliamentary Standing Order 27A and identifies the likely significant effects of the Proposed Scheme on ecological receptors.

7. As well as considering direct loss of habitats, indirect and secondary impacts have also been considered for both habitats and species. Where significant effects resulting from such impacts have been identified, these are reported in the ES. The scope and methodology of the ecological assessment are introduced in the Scope and Methodology Report (SMR) (Volume 5: Appendix CT-001-000/1) and the SMR Addendum (Volume 5: Appendix CT-001-000/2).

8. The approach to ecological mitigation and compensation provision is set out in the Section 5 of the Ecology Technical Note - Ecological Assessment Methodology, which is included as part of Annexe D to the SMR Addendum CT-001-000/2. The approach is based around professional judgement. Due to the inability to access some areas of the route to undertake survey a reasonable worst-case baseline has been assumed in the absence of data. Mitigation and compensation provision has then been proposed at a level sufficient to address the reasonable worst-case assumed within the baseline. As a consequence the Promoter is confident that sufficient land has been sought to provide appropriate mitigation and compensation for the likely significant effects of the Proposed Scheme.

9. As explained in HS2 Information Paper E2, Ecological Impact, while there is no legal requirement to do so, the Proposed Scheme has the objective of seeking to ensure no net loss to biodiversity. As the HS2 Information Paper points out, to compensate for the loss of any ancient woodland, the nominated undertaker would use best practice measures, such as re-using the ancient woodland soils and creating (route-wide) 280ha of new mixed deciduous woodland. As stated in Section 12 of the draft Code of Construction Practice (CoCP), existing vegetation will be protected during construction and any trees intended to be retained which may be accidentally felled or die as a consequence of construction works will be replaced.

10. The Promoter fully recognises the importance of woodland in this area and its contribution to the character of the landscape, ecology and the value to residents and users of footpaths and roads in the area. The design has sought to avoid or minimise the loss to woodland where possible. There are instances where woodland will be lost and/or severed during construction of the Proposed Scheme and these are reported in the ES. Where the ecological assessment has reported a significant effect new woodland areas have been proposed. This comprises substantial areas of woodland planted primarily for ecological purposes (habitat creation) as well as other landscape planting of native broadleaf woodland. These proposed new areas of woodland habitat will connect and help maintain the integrity of remaining areas of woodland. A temporary adverse effect is expected until these woodland areas have become established, after which there will be a beneficial effect.

11. The draft Environmental Memorandum includes a commitment to an appropriate monitoring and environmental management regime. This is a commitment made by the Secretary of State to Parliament and the nominated undertaker and contractors will be contractually bound by it. In regard to created habitats, section 4.8.5 contains commitment to monitor and manage new habitats for an appropriate period to ensure that the objectives of the habitat creation are met. Appropriate management periods are being discussed with Natural England and further details will be set out in the final Environmental Memorandum.

12. The Promoter has given an assurance to the RSPB that the nominated undertaker will be required to form an Ecology Review Group for the specific purpose of reviewing the outputs from the ecology monitoring programme. The Ecology Review Group will receive reports on an annual basis and will be asked to make recommendations for remedial measures to the nominated undertaker where progress against objectives is considered not to be sufficient. The composition of this group will include Natural England, local authority representation, appropriate nature conservation NGOs and relevant specialists as necessary.

13. The Promoter is satisfied that it has already given sufficient commitments and assurances within the draft CoCP and the draft Environmental Memorandum to ensure that biodiversity impacts are properly managed and monitored through the construction process, in line with best practice and consistent with BS4020: 2013.

14. In relation to amendments to the Defra biodiversity offsetting metric adopted to create the Proposed Scheme metric for the calculation of biodiversity units (particularly in relation to ancient woodland) - the amendments have been made in consultation with specialists from both Defra and Natural England, and are designed to improve the biodiversity valuation of habitats before and after the scheme has been constructed. For example, a measure of the connectivity of habitats is included in recognition of the importance of connectivity of habitats to many species.

15. The Defra biodiversity offsetting metric specifically excluded ancient woodland as it did not accept projects that would affect this habitat in its pilot projects. However, the route of the Proposed Scheme is unable to avoid all ancient woodland, and its inclusion in the metric was discussed with Defra and Natural England specialists, who raised no objection.

16. The Promoter does not believe it would be helpful to consider ancient woodland separately as it would then be impossible to show the extent to which 'no net loss' has been achieved overall. In the light of this, the Promoter does not believe the ES needs to be supplemented further.

### *Balancing ponds*

17. HS2 Information Paper E17, Balancing Ponds and Replacement Flood Storage Areas, provides more information on balancing ponds, explaining that balancing ponds will typically be unlined and have banks with a varying profile. Their size will depend on local drainage requirements taking climate change allowances into account. The majority will not be designed to hold water permanently, but will be dry most of the time, except following intense rainfall events. Although infiltration to ground is the preferred option for sustainable drainage systems, in certain locations ponds may be designed to be permanently wet where there are site specific environmental

requirements to retain water. Those required for land drainage purposes will often resemble depressions in the ground rather than actual ponds, and are often called detention basins.

18. If balancing ponds are designed to stay wet, then infiltration into the ground must be limited. If the infiltration is reduced then the size of the pond must increase, so as to not impact upon flood risk, which incurs additional cost to the Proposed Scheme and disruption to landowners. As outlined above, infiltrating water into the ground, in most circumstances, helps reduce potential adverse effects, including on water quality and water resources.

19. In conclusion, the function and design of balancing ponds (to avoid an increase in flood risk and help to maintain natural flow regimes) and ponds/wetland habitats (for ecological mitigation) are contrasting, and so are generally not combined, unless there are site specific environmental requirements.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PROMOTER'S RESPONSE TO PETITION OF: Calvert Green Parish Council

PETITION NO: 1804

PARAGRAPH NO: 18

ISSUE RAISED: Noise and vibration

**PETITION PARAGRAPH:** 18. Noise and Vibration: Your Petitioner has concerns with regard to matters of noise and vibration caused by the construction and operation of the high speed railway. Your Petitioner is concerned as there appears to be no mechanism in the Bill to deliver a properly noise mitigated railway.

Your Petitioner is concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.

Your Petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your Petitioner considers this issue is likely to become more pressing given the moves by the World Health Organisation to set new lower targets on the basis of the latest medical research on the impact of noise on human health.

Your Petitioner is concerned that the specific impacts of ground borne noise and vibration have not been properly considered or explained to impacted communities and the limit for ground borne noise does not reflect recent or practice or experience and the methodology used for predicting the impact of ground borne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

As the proposed HS2 line passes Your Petitioners parish, its height is intended to drop to approximately five metres below current ground level. No additional barriers or bunds are to be provided above five metres, even though Your Petitioner requested mitigation for residential properties facing (and in close proximity to) the line, some being of three-storey construction and afforded insufficient noise mitigation by existing proposals.

Your Petitioner therefore requests:

18.1. HS2 Ltd. be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure in rural and urban areas and during

the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).

18.2. HS2 Ltd. be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.

18.3. HS2 Ltd. be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.

18.4. A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd. to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.

18.5. HS2 Ltd. be required to commit to the same threshold for ground borne noise as the Northern Line Extension- meaning ground borne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

18.6. Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.

18.7. Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.

18.8. Your Petitioner requests that a vibration assessment for our parish be carried out as per commitment by HS2 Ltd. during a site visit on 28th April 2013.

18.9. Your Petitioner requires that high speed trains be reduced in operating speed between 11pm and 7am to minimise sleep disturbance.

18.10. Your Petitioner asks that baseline noise samples taken from assessments around Brackley Lane, Calvert only include Saturday and Sunday readings in calculations because weekday readings taken were not indicative of baseline noise to Your Petitioners parish for the construction and operation of HS2.

## PROMOTER'S RESPONSE:

1. Taking into account both the route-wide control measures proposed in the Environmental Statement (ES), for example in the draft Code of Construction Practice, trains that would be quieter than the relevant current European Union specification, and those for this section of the route, for example for cuttings and noise fence barriers of effective height 5 metres, and recognising that as the design progresses these proposals will be reviewed in order to ensure that the Promoter's noise and vibration policy aims are met, the ES identifies<sup>1</sup> that at the village of Calvert itself the Proposed Scheme is unlikely to cause adverse noise effects during operation and that during operation although adverse noise effects are predicted at a number of properties in the vicinity of Cotswolds Way, Brackley Lane, Sandy Road and Brickhill Way, none is likely to be significant.

2. The Promoter's policy on assessing and controlling the noise and vibration impacts likely to be caused by the construction and operation of the Proposed Scheme is set out within the relevant HS2 Information Papers<sup>2</sup>. The policy was developed through a detailed process and reviewed by professionals able to provide an independent and experienced perspective through the Promoter's review groups and represents the Promoter's interpretation of the Government's Noise Policy Statement for England (NPSE). The setting of Lowest Observable Adverse Effect Levels (LOAELs) and Significant Observable Adverse Effect Level (SOAELs) also underwent consultation with relevant Departments (such as the Department for the Environment, Food and Rural Affairs (DEFRA)) prior to the environmental Statement being published. Accordingly, the Promoter's setting of values for LOAELs and SOAELs had due regard to established practice, research results, guidance in national and international standards, guidance from national and international agencies and independent review by academic, industry and Government employees, along with the Promoter's representatives on the review groups.

3. The LOAELs set by the Promoter include 40 dB for the 2300-0700 LpAeq and 60 dB for the LpAFMax (façade) to assess the impact of airborne noise caused by the operation of the Proposed Scheme on permanent residential buildings. The second of these parameters is used to assess the impact of noise from individual train pass-bys. The use of these parameters, and the values assigned to them have been derived with consideration of the WHO guidelines for community and night noise. As required by Government noise policy all reasonable steps will be taken to design, construct, operate and maintain the Proposed Scheme so that these levels are not exceeded. Further details can be found in the HS2 Information Paper E20, Control of Airborne Noise from Altered Roads and the Operational Railway.

4. The LOAELs set by the Promoter include 65 dB for the 0800-1800 LpAeq and 45 dB for the 1 hour LpAeq during 2200-0700 to assess the impact of airborne noise caused by the construction of the Proposed Scheme on permanent residential buildings. The use of these parameters, and the values assigned to them have been derived with consideration of the British Standard BS5228: Code of

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<sup>1</sup> Environmental Statement operational noise and vibration assessment for ,Calvert, Steeple Claydon, Twyford and Chetwode, CFA 13, Volume 5 Appendix SV004-onn and construction noise and vibration assessment for Calvert, Steeple Claydon, Twyford and Chetwode, CFA 13, Volume 5, Appendix SV003-onn. Sound, noise and vibration map book country: south (Ref ES 3.5.1.9.2)

<sup>2</sup> HS2 Information Paper E20, Control of Airborne Noise from Altered Roads and the Operational Railway, HS2 Information Paper E21, Control of Ground-Borne Noise and Vibration from the Operation of Temporary and Permanent Railways, HS2 Information Paper E22, Control of Noise from the Operation of Stationary Systems, and HS2 Information Paper E23, Control of Construction Noise and Vibration.

practice for noise and vibration control on construction and open sites. As required by Government noise policy all reasonable steps will be taken so that these levels are not exceeded. Further details can be found in the HS2 Information Paper E23, Control of Construction Noise and Vibration.

5. The LOAELs and the SOAELs are derived from evidence base for the effects of noise on people. The health and quality of life effects caused by noise from the Proposed Scheme are not dependent on effects caused by the existing ambient sound environment. The Promoter has taken into account the Explanatory Note appended to NPSE by applying different LOAELs and SOAELs for different noise sources, for different receptors, and at different times.

6. All individual dwellings where a SOAEL is exceeded are identified as likely individual building significant adverse effects in the ES. This is an indication that noise insulation will be offered as a means of aiming to avoid any significant adverse effect on the health and quality of life of those living there caused by airborne operational or construction noise.

7. With respect to the effects of noise on outdoor recreational and leisure spaces and facilities including bridleways, footpaths, canal towpaths, sports grounds, racecourses, golf courses, show grounds, nature reserves, principally because of the transitory nature of their use, no likely significant adverse noise effects on people, wildlife, horses and livestock have been identified. There is further detail in the Environmental Statement: Sound, Noise and Vibration: Methodology, Assumptions and Assessment (route-wide) (see: volume 5 appendix SV-001-000, ES 3.5.0.10 Annexes F and G). Such facilities and spaces may benefit collaterally from measures provided to reduce impacts at dwellings and other noise sensitive receptors in the vicinity.

8. The design of the Proposed Scheme to date provides the level of detail necessary for the purposes of the Bill and the requirements of the Environmental Impact Assessment Regulations. The design of the Proposed Scheme will be developed during the detailed design process, for example noise barriers associated with Proposed Scheme structures, to achieve the noise and vibration objectives detailed in the HS2 Information Papers referenced above. This work will be completed after the Bill has secured Royal Assent and local planning authorities will be able to have an appropriate level of input into and approve the detailed design under the planning regime established under Schedule 16 to the Bill thereby ensuring that the design and appearance of permanent structures fits into the local context and environment. This is explained further in HS2 Information Paper B1, The Main Provisions of the Planning Regime and HS2 Information Paper G6, Design Development – Detailed Design and the Role of Planning Authorities.

9. In accordance with the draft Code of Construction Practice (CoCP), the contractors appointed by the Proposed Scheme to construct the Proposed Scheme will be required to employ 'Best Practicable Means' as defined by the Control of Pollution Act 1974 to control noise and vibration. The measures proposed will be detailed in the prior consent application to the relevant local authority under Section 61 of the Control of Pollution Act 1974. Monitoring will be undertaken as necessary to demonstrate compliance with the commitments made.

#### *Clause 35 and Schedule 25*

10. As explained in paragraph 15.1 of HS2 Information Paper B3, Disapplication of Legislation, paragraph 1 of Schedule 25 to the Bill modifies subsection (7) of sections 60 and 61 of the Control of Pollution Act 1974 ("the 1974 Act") so that the Secretary of State, rather than a magistrates' court,

determines the results of appeals against a construction noise notice under section 60, or a refusal or conditioning of a consent to construction arrangements under section 61.

11. The Proposed Scheme will be a significant linear work, passing through the areas of many courts. While magistrates' courts comprise an appropriate forum for the resolution of disputes in relation to schemes and activities with discrete local effects, the use of such courts and appellate bodies is not likely to secure the kind of coordinated and unified approach to construction activities that would be desirable for the effective management of a project the size of the Proposed Scheme.

12. The Environmental Protection Act 1990 ("the 1990 Act") provides that where construction activities take place in accordance with a notice issued by a local authority under section 60 (or a consent under section 61 or 65) of the 1974 Act, the notice or consent has effect as a defence in any proceedings for failure to comply with a noise abatement notice issued by a local authority under section 80(1)(a) of the Environmental Protection Act 1990. However, it does not constitute a defence against proceedings by individuals under section 82 of that Act.

13. Schedule 25 to the Bill follows the Crossrail Act by providing that such a notice or consent is also a defence against proceedings brought by an individual. This will enable the nominated undertaker to carry out its works, as approved by the local authority, with greater certainty.

14. In addition, the Bill provides a defence against proceedings under section 80 of the 1990 Act for failure to comply with a noise abatement notice, and against proceedings by an individual under section 82, where the nuisance is a consequence of the construction or maintenance of works authorised by the Bill or the operation of the Proposed Scheme and cannot reasonably be avoided.

### *Speed of trains*

15. The principle of the Bill, as established at Second Reading, specifies '...provision of a high speed railway...'. Though a 300kph railway would fall within the definition of 'high speed', the Promoter does not agree that a reduction in design speed is necessary or desirable.

16. Alternative speed specifications were considered over several years before the Government decided to promote a railway that would operate at up to 360kph on infrastructure designed to allow trains running up to 400kph in the future, should there be a commercial justification for doing so. The options considered and the reasons for the choices are described in Section 5 of ES, Volume 5, Alternatives Report.

17. The options for 300kph examined in 2011/12 included a 300kph route maximum design speed, and selective reductions in speed to 300kph on sections of the route where environmental concerns had been expressed and where there was potential to alter the route alignment.

18. Reducing maximum speed to 300kph is estimated to increase journey times between London and Birmingham by 4½ minutes and the Proposed Scheme benefit:cost ratio by 15 percent (Regional Spatial Strategy, paragraphs 4.3.4-5). For both phases of HS2, the time penalty would be even greater as journeys to Manchester and Leeds would take ten minutes longer.

19. On only approximately half the route between London and Birmingham, the section

between Amersham and Birmingham Interchange, could trains reach the maximum design speed. Six areas were identified for a reduction in maximum speed; three to 360kph and three to 300kph. The analysis concluded that any environmental benefits could most advantageously be achieved by realigning and mitigating without the need to reduce design speed, and in three areas they could be achieved through mitigation only. The analysis concluded:

'The only environmental improvements delivered by a lower maximum design speed would be a marginal reduction in noise impacts, which would be outweighed by a substantial reduction in economic benefits. We consider that mitigation of the consultation route, the approach we have taken, is a more appropriate way of reducing environmental impacts, particularly noise. This would also be the case for a line designed at a conventional speed. Adopting a lower business value of time would not alter our conclusions.' (Route Selection and Speed, Executive Summary, paragraph 8)

20. ES, Volume 3, Route-wide Effects, considers the effect of reducing design speed on the operational carbon footprint. A reduction in maximum speed to 300kph would reduce the total operational carbon footprint by 7 percent and would affect total carbon footprint by an even smaller proportion (page 55, paragraph 5.5.32 and Table 3).

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 19

**ISSUE RAISED:** Air quality

**PETITION PARAGRAPH:** 19. Air Quality: Your Petitioner is concerned about the potential cumulative adverse impacts on air quality as a result of the construction and operation of the high speed railway line, IMD, construction traffic, associated development and HS2 Ltd. proposed relocation of the FCCL siding operation.

19.1. Your Petitioner requests that before construction there should be an air quality base line monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be made public. Your Petitioner submits that thresholds for air quality and an air quality mitigation plan should be produced for each Community Forum Area, to apply both during construction and operation of HS2.

19.2. Your Petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your Petitioner submits that the Bill should be amended to enable the local authority to require the cessation of construction activities Until such point as air quality thresholds are complied with.

19.3. Your Petitioner wishes to highlight that HS2 Ltd. has acknowledged its responsibility for any associated impact caused by relocating the FCCL siding operation nearer to Calvert Green. Your Petitioner wishes to qualify that odour be included as an air quality impact and that HS2 Ltd. will provide adequate mitigation for this cumulative impact.

**PROMOTER'S RESPONSE:**

*Air quality impacts*

1. Air quality impacts are assessed in Section 4 of the Volume 2, Environmental Statement (ES) for CFA 13 and further detail is provided in Volume 5: Appendix AQ-001-013. As outlined in Section 4.4.3 of the Volume 2, ES, impacts from the construction of the Proposed Scheme could arise from dust generating activities and emissions from construction traffic; therefore the assessment was undertaken for receptors sensitive to dust, NO<sub>2</sub> and particulate matter (PM<sub>10</sub>).

2. Paragraph 4.4.12 of the Volume 2, ES states that the methods outlined within the draft CoCP to control and manage potential air quality effects are considered effective in CFA13 and no significant residual effects from dust emissions are considered likely. Similarly, there will be no significant residual effects resulting from construction traffic emissions

3. As outlined in Section 4.5.2 of the Volume 2, ES, impacts from the operation of the Proposed Scheme will relate to changes in the volume, composition and distribution of road traffic, and in particular traffic movements associated with the IMD. There are no direct atmospheric emissions from the operation of trains that will cause an impact on air quality.

4. Section 4.5.8 of the Volume 2, ES states that no significant residual effects will be anticipated for air quality in this area during operation of the Proposed Scheme.

#### *Cumulative air quality effects*

5. As outlined in Section 4.4.10 of the Volume 2 ES for CFA 13, the assessment has considered the potential cumulative construction air quality effects of the Proposed Scheme and other committed developments. In CFA13, there is no development that would be built at the same time as the Proposed Scheme and accordingly, construction emissions or activities that may result in air quality impacts from the Proposed Scheme is unlikely to result in any significant cumulative effects.

6. Section 4.5.6 of the Volume 2, ES for CFA13 states that there are no cumulative effects anticipated to arise during operation of the Proposed Scheme.

7. Section 7 of the draft Code of Construction Practice (CoCP) outlines that the nominated undertaker will require its contractors to manage dust, air pollution, odour and exhaust emission during the construction works in accordance with Best Practicable Means (BPM). This will include the following as appropriate:

- Reference to the general site management and good housekeeping procedures (relevant to limiting dust and air pollution);
- Controls and measures to control or mitigate the effect of potential nuisance caused by the construction works;
- Dust and air pollution monitoring measures to be employed during construction of the project; and
- Measures relevant to control risks associated with asbestos dust.

8. Section 6 of HS2 Information Paper D3, Code of Construction Practice, explains how the requirements of the draft CoCP will be passed onto contractors and enforced.

9. The construction traffic impacts on highway traffic have been considered in the traffic and transport assessment. Where there is sufficient change in traffic flows (using the parameters as set out in the SMR), the impact on air quality is assessed. In cases where there are complex traffic networks in which displacement is likely this has been taken into account. However, in general, this is considered unlikely to be common or of a level to result in significant adverse effects outside urban areas, once the impact of the mitigation measures proposed by the Promoter are taken into account, particularly those in the draft CoCP. To minimise the potential for displacement and rat-

running, construction traffic routes will be agreed with the relevant local highway authority. Local Traffic Management Plans will be developed to help manage construction traffic and its impacts.

10. There are various ways in which the air quality impact assessment can reasonably be considered to be a conservative assessment. Verification adjustment is used which is based on the baseline traffic year. Traffic changes occurring for as little as 3 weeks are assessed as if continuing for at least a year. For the construction impact, the future baseline background and emissions year is held at 2017.

*Air quality: highways*

11. No significant air quality impacts have been identified as a consequence of the Proposed Scheme within CFA13.

**HOUSE OF COMMONS SELECT COMMITTEE**

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 20

**ISSUE RAISED:** Hydrology

**PETITION PARAGRAPH:** 20. Hydrology: Your Petitioner is concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport links.

20.1. Your Petitioner requests that further work is required by HS2 Ltd. to ensure that leachate and other contaminants do not enter the water course or impact wildlife and health. The ES does not go far enough to ensure this; particularly with engineering works so close to an active (and historic) landfill site

20.2. Your Petitioner requests that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.

20.3. Your Petitioner is concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.

**PROMOTER'S RESPONSE:**

1. Section 16 of the draft Code of Construction Practice (CoCP) contains a number of assurances in relation to the protection of water resources. Specifically, which regards to monitoring, Section 16.4 states that:

'The nominated undertaker will require surface water and groundwater monitoring plans to be implemented as part of the lead contractors' EMS' (Environmental management system).

The nominated undertaker will require its contractors to consult the EA regarding water quality, flow and level monitoring to be undertaken for watercourses and groundwater that will be affected by construction works or discharge of surface water run-off, which will include the following, as appropriate:

- Pre-construction monitoring to establish baseline water quality conditions for watercourses and groundwater;
- Monitoring during construction works to enable the effectiveness of mitigation measures to limit pollution risk to be monitored and any pollution incidents to be identified; and
- Monitoring of watercourses or groundwater receiving surface water runoff during construction to enable the effectiveness of treatment and other sustainable drainage systems measures to be determined and to ensure that an unacceptable rise in groundwater levels does not occur'.

#### *Flood risk*

2. Design of the Proposed Scheme to date provides the level of detail necessary for the purposes of the Bill and the requirements of the Environmental Impact Assessment Regulations. Flood Risk Assessments were undertaken to support the Environmental Statement (ES) and are included in Volume 5 of the ES. The Scope and Methodology of the Environmental Impact Assessment is presented with the ES, Volume 5, Scope and Methodology Report and Addendum (CT-001-000/1 and 2).

3. Assessment of all sources of flood risk (including fluvial, surface water and groundwater) were undertaken using the latest available flood maps, historical flood records, hydrogeological conditions, river flows and river modelling. Where required, available hydraulic river models of watercourses crossed by the Proposed Scheme were made available by the Environment Agency for use in assessing the impact of flooding on the Proposed Scheme and the impact of the scheme alignment on flood risk elsewhere.

#### *Drinking water*

4. The protective provisions, under Part 5 of Schedule 31 to the Bill, require the approval for any works likely to affect groundwater or surface water flows, level or quality, by the appropriate body, prior to undertaking any works. The appropriate body in relation to groundwater is the Environment Agency and is further explained in relation to watercourses in HS2 Information Paper E25, Authorising Works Affecting Watercourses. Therefore, no works affecting the flow, level or quality of groundwater or surface water (and drinking water) can commence until the Environment Agency is satisfied that the impacts from construction are properly understood and any required mitigation and or monitoring is adequate.

#### *Clause 31 and Schedule 20*

5. Clause 31 incorporates Schedule 20 of the Bill, which provides for the dis-application of certain legislation relating to water and drainage and dis-applies a restriction or requirement to obtain further consent for works which are authorised by the Bill. Schedule 20 also makes provision for compensation measures for an affected party, where the nominated undertaker does cause loss or damage and sets out how such compensation should be determined. The principle of the Proposed

Scheme is authorised by Act of Parliament and therefore it is normal to dis-apply the requirement for an in-principle consent. However, protective provisions are provided for statutory undertakers such as the Environment Agency and the Lead Flood Authority under Part 5 of Schedule 31.

## HOUSE OF COMMONS SELECT COMMITTEE

### HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

<b>PROMOTER'S RESPONSE TO PETITION OF:</b>	Calvert Green Parish Council
<b>PETITION NO:</b>	1804
<b>PARAGRAPH NO:</b>	21
<b>ISSUE RAISED:</b>	Code of Construction Practice
<b>PETITION PARAGRAPH:</b>	<p>21. Code of Construction Practice (CoCP): Your Petitioner is concerned that the nominated undertaker's ongoing accountability is unspecified. The CoCP does not identify how any lead contractors will be made to comply, and the redress and appropriate action that might be taken in the event that the contractors do not comply with the CoCP. Assessment in the environmental statement is made on the assumption that the CoCP and the strategies will be fully effective; however, the CoCP has no legal status.</p> <p>21.1. Your Petitioner submits that the CoCP should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the CoCP should involve the relevant local authority as well as independent experts with effective oversight and redress arrangements in the event of non-compliance with the CoCP.</p> <p>21.2. The standards set out in the ES and the CoCP is of "reasonableness" and "reasonable endeavours". Your Petitioner submits that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the CoCP</p>

#### **PROMOTER'S RESPONSE:**

1. The Environmental Statement (ES) proposes mitigation measures where likely temporary or permanent effects arising as a result of the Proposed Scheme have been identified.
2. As HS2 Information Paper D3, Code of Construction Practice sets out, the draft Code of Construction Practice (CoCP) will be the means through which the Promoter will manage the effects of the construction of the Proposed Scheme on communities and the environment. It is part of the environmental and sustainability commitments that the Government will enter into through the Bill process. These commitments are known as the Environmental Minimum Requirements (EMRs) and consist of a series of framework documents which will:

- Define the ways in which the nominated undertaker will engage with people affected by the Proposed Scheme; and
- Explain how measures designed to protect communities and the environment will be put in place alongside detailed design development and construction.

3. It is right that the draft CoCP, as part of the draft EMRs, should evolve, and be subject to refinement, amendment and expansion. This is because elements of design, assessment and Parliamentary processes may develop during the passage of the Bill. Any changes made to the EMRs and CoCP during that process will not lessen the environmental controls in the draft EMRs published at the time of Bill deposit. A final version of the CoCP will be produced as and when the Bill achieves Royal Assent.

4. The draft CoCP sets out a series of measures and standards that the Promoter and contractors appointed to deliver the Proposed Scheme will be required to meet for the duration of the construction of the Proposed Scheme. It will also ensure that potential impacts on people and the natural environment are kept to a practicable minimum. The draft CoCP builds on direct experience from other major infrastructure schemes, such as HS1, Crossrail and the London 2012 Olympics, which all followed a similar approach.

5. The draft CoCP requires the nominated undertaker and its contractors to comply with all the measures set out in it as well as all applicable environmental legislation prevailing at the time of construction. The nominated undertaker and contractors will also be required to comply with relevant local standards and conditions that may be agreed with local authorities.

6. This is explained further in HS2 Information Paper D3, Code of Construction Practice. The latest version of the draft Code of Construction Practice can be found at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/259617/Vol5\\_draft\\_code\\_of\\_construction\\_practice\\_CT-003-000.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259617/Vol5_draft_code_of_construction_practice_CT-003-000.pdf).

#### *Construction plans and community engagement*

7. The Promoter's policy on community relations is set out in HS2 Information Paper G2, Community Relations. General information regarding construction activities and their planned duration will be made available through the ongoing community engagement programme. An HS2 24-hour helpline and small claims procedure will also be put in place. In addition, an independent Complaints Commissioner will be appointed. This is explained further in HS2 Information Paper G3, Complaints Commissioner, HS2 Information Paper C10, Small Claims Scheme and HS2 Information Paper D3, Code of Construction Practice.

8. The construction and commissioning of the Proposed Scheme is expected to take place between 2017 and the end of 2026. The duration, intensity and scale of works along the route will vary over this period. In some areas an earlier start is required for enabling works, such as utility diversions, to allow the main construction works to start in 2017.

9. With regard to matters requiring approval under Schedule 16 to the Bill, the nominated undertaker is required to deposit with the relevant planning authority a document setting out its proposed programme with respect to the making of requests for approval, which include construction arrangements. This is explained further in HS2 Information Paper B1, The Main Provisions of the

Planning Regime. In addition, the draft Planning Memorandum states that the nominated undertaker will, whenever reasonably practicable, engage in pre-application discussions with planning authorities about prospective requests. In order to assist authorities who chose to sign the Planning Memorandum the nominated undertaker will every six months provide a forward plan of requests for approval anticipated in the next six months.

*Reasonable endeavours*

10. With regard to the terms “reasonableness” and “reasonable endeavours”, the Promoter considers that, whilst it will be necessary to balance any obligation against the need to deliver the Proposed Scheme in an economic and timely manner, the commitments made by the Secretary of State through the EMRs, including the CoCP are significant and onerous. In accordance with the draft CoCP, the contractors appointed by the Promoter to construct the railway will be required to employ ‘Best Practicable Means’ to control noise and vibration and to manage dust, air pollution, odour and exhaust emission during the construction works. These EMRs have developed from EMRs that have been highly effective in controlling and reducing the environmental effects of previous national infrastructure projects.

11. In terms of the need for measures in the CoCP to be subject to independent assessment, verifiable and challengeable, the Petitioner may wish to note that the provisions of the CoCP will be written into the Proposed Scheme construction contracts. Measures will also be put in place to monitor the effectiveness of the CoCP and establish a process for handling complaints, with an independent Complaints Commissioner.

## HOUSE OF COMMONS SELECT COMMITTEE

### HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

**PROMOTER'S RESPONSE TO PETITION OF:** Calvert Green Parish Council

**PETITION NO:** 1804

**PARAGRAPH NO:** 22

**ISSUE RAISED:** Traffic

**PETITION PARAGRAPH:** 22. Traffic: It is estimated that there will be circa 3000 traffic movements per day during the high speed rail construction period through Your Petitioners Parish. None of the rural roads within Your Petitioners parish are appropriate for the weight and volume of traffic proposed. HS2 Ltd. has confirmed that blight from traffic; road closures and over-bridge demolition during the construction phase will be "severe" for residents of Calvert and Calvert Green, "experiencing in-combination significant visual and noise effects during the construction phase, resulting in a loss of amenity". HS2 Ltd propose no compensation to residents.

The Environmental Statement states there will be no additional traffic during construction in neighbouring areas and that there will be only minor adverse effects in our Parish. This is at odds with the statement that Calvert will be severely adversely affected.

22.1. Your Petitioner requests that the traffic congestion, vibration, noise, dirt and dust will be greatly alleviated if the option to remove the Calvert satellite compound is adopted.

#### **PROMOTER'S RESPONSE:**

1. Paragraphs 12.4.33 to 12.4.37 of the Environmental Statement CFA13, Volume 2 summarise the likely significant residual traffic and transport effects during the construction phase several of which are relevant to Calvert.

2. 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. If the number of large 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 16 to the Bill. This is explained in HS2 Information Paper E1, Control of Environmental Impacts and HS2 Information Paper B1, The Main Provisions of the Planning Regime.

3. The Environmental Minimum Requirements (EMRs), including the draft CoCP, together with the various controls prescribed in the Bill, are intended to ensure that the impacts of the Proposed

Scheme, including those relating to construction traffic, will not exceed those assessed in the ES. As part of these controls, the nominated undertaker will require contractors to ensure that disruption to local communities from construction traffic is minimised, and that public vehicle access is maintained, where reasonably practicable.

4. Paragraph 14.2.4 of the draft CoCP notes that prior to commencement of the works, the nominated undertaker will ensure that Traffic Management Plans (TMPs) will be produced in consultation with the highway and traffic authorities and the emergency services. The TMPs will include as appropriate:

- Site boundaries and the main access/egress points for worksites and compounds;
- Temporary and permanent closures and diversions of highways and other public rights of way; and
- The proposed traffic and construction vehicle management strategy.

5. In addition, section 14.2.5 of the draft CoCP states that site specific traffic management measures will include, as appropriate, a list of roads which may be used by construction traffic in the vicinity of the site including any restrictions to construction traffic on these routes.

6. This is explained further in HS2 Information Paper E13, Management of Traffic During Construction, HS2 Information Paper E14, Highways and Traffic During Construction – Legislative Provisions, and HS2 Information Paper D3, Code of Construction Practice (CoCP).

7. The draft CoCP will provide a consistent approach to the management of construction traffic. As set out above, the draft CoCP will require the nominated undertaker to prepare Construction Traffic Management Plans, in consultation with local highway and traffic authorities, as well as emergency services

8. The site-related traffic management measures will also include:

- Phasing of works;
- Timing of operations;
- Protocols for emergency access;
- Measures to ensure safe access to and from construction sites; and
- Co-ordination with utility companies and service diversions.

9. Construction Workforce Travel Plans will be required for construction sites to assist in the management of traffic (para 14.1.2 of the draft CoCP).

10. This is explained further in HS2 Information Paper E13, Management of Traffic During Construction, HS2 Information Paper E14, Highways and Traffic During Construction – Legislative Provisions, and HS2 Information Paper D3, Code of Construction Practice.