

HS2 LTD RESPONSE TO CAMPAIGN TO PROTECT RURAL ENGLAND PETITION ISSUES LIST

13th JANUARY 2016

No.	Petition Paragraph No.	Petition Issue Title	Issue	HS2 Position or Response
1	13-16	Provision of Information	<p>Information generated by detailed design and construction stages risks being unwieldy, with the volume of information likely to increase even more, making effective with engagement by local communities and NGOs challenging. In particular:</p> <ul style="list-style-type: none"> • The information generated by the detailed design of phase 1 and associated planning applications will be difficult for local communities to keep up with and engage with. • Construction data, such as real-time HGV lorry location and monitoring, is not currently proposed to be published as live open data. <p><u>Requested solutions</u></p> <ul style="list-style-type: none"> • HS2 and successors to use best endeavours to engage with stakeholders and publish draft of new information and communications strategy by Committee Stage in Lords, publish finalised version by Royal Assent then review with further consultation every two years. • Strategy to cover: <ul style="list-style-type: none"> ○ How to maximise opportunities to publish information held by promoter, nominated undertaker, contractors and any monitoring bodies in consistent 	<p>The Promoter has consulted extensively with both the stakeholders and the public in advance of the submission of the Bill and supporting documents. Although there was a delay in the publication of some related GIS data, participation in the consultation of the Environmental Statement was not prevented by the unavailability of that information. In their petition, CPRE purport that the Promoter had not adhered to regulations regarding open data principles and disregarded the 15 day limit. However, the Government's open data principles do not state that data should be released within 15 days, but rather that it is something to which 'all bodies can aspire'. The GIS data referred to was made available as open data on 6 October 2014 following the deposit of AP1.</p> <p>HS2 will use reasonable endeavours to develop and publish a Data Publication strategy that meets the Government's Open Data strategy and the reasonable needs of the open data community. HS2 will engage stakeholders in the open data community to inform development of the strategy, and propose to publish a draft by mid-2016 and a final version by Royal Assent. The strategy will cover:</p> <ul style="list-style-type: none"> • How HS2 will maximise opportunities to publish data held by HS2 and its supply chain taking into account other commitments and considerations such as safety, security, regulatory or commercial matters;

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				<ul style="list-style-type: none"> • HS2 will be collecting monitoring data on 3rd party infrastructure assets, the release of which could have security implications. • Publishing real time monitoring information to the general public, would undermine the position of the statutory regulatory bodies to discharge their consenting and monitoring powers. • To develop, maintain and continually run a web based facility, with search and discovery tools, would be costly. HS2 is a publically funded body and it therefore has to determine appropriate use of public funds ensuring value for money to the taxpayer. HS2 would seek to support stakeholders and other bodies to access open data in more cost effective solutions.
2	17-22	Design	<p>Neither the Design Panel nor its recommendations are recognised in the Bill, nor do they have any formal weight in decision-making by planning authorities or appeals to ministers.</p> <p><u>Requested solutions</u></p> <ul style="list-style-type: none"> • Schedule 16 of the Bill to state that planning authorities and appropriate ministers are to 'have due regard to the advice and general recommendations of the Design Panel, and the particular observations of the Panel on specific 	<p>Once the detailed design of the Proposed Scheme is complete the nominated undertaker will need to apply for approval of the detailed design for various elements of the Proposed Scheme from local planning authorities along the route, this will ensure that although deemed planning permission, Local Authorities will be able to approve the detailed design, thereby ensuring that the design of permanent structures fits their local environment. In accordance with Schedule 16, if a local authority signs the Planning Memorandum it will become a qualifying authority when the Secretary of State makes the necessary order under the Bill as enacted. By becoming a qualifying authority, the planning authority will gain powers to</p>

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			<p>schemes.' A similar provision should apply to the Secretary of State when giving guidance pursuant to paragraph 22.</p> <ul style="list-style-type: none"> • Environmental Minimum Requirements to be amended to include a provision requiring the nominated undertaker to 'have due regard to the advice and general recommendations of the Design Panel, and the particular observations of the Panel on specific schemes.' 	<p>determine (amongst other things) the detailed design and appearance of landscape earthwork works.</p> <p>With regards to the Design Panel, The Secretary of State, through the commitment to develop an independent Design Panel, will ensure that designs of major stations and structures and other key design aspects of the new railway will complement local aspirations and contribute to the natural and built environment where possible and with an aim to deliver a high standard of design that is also cost-effective and sustainable. Design panels do not have a statutory role in the normal planning regime, and therefore have never had any formal weight in decision-making for previous schemes. As described above, Schedule 16 of the Bill provides the right controls, and this has been agreed with the Local Authorities across the route, including the London Borough of Camden who acted as the lead local authority on planning regime matters associated with Schedule 16 of the Bill. Furthermore, HS2 Information Paper D1: Design Policy already includes binding commitments on the Promoter in this regard.</p>
3	30-33	Climate	<p>UK legislation and policy requires radical reductions in Greenhouse Gas Emissions. There is already a shortfall for the 5th carbon budget covering 2022-2027 when HS2 is due to become operational and this shortfall is expected to increase in light of recent policy changes.</p>	<p>As stated in the Promoter's Response Document 'HS2 Ltd is clear that operating at lower speed would reduce carbon emissions from the operation of rolling stock by only a relatively small degree, and would increase journey times, making HS2 a less attractive option to customers on roads and using flights. This is likely to result in reduced modal shift and potentially less carbon benefit associated with the operation of HS2, which could lead to an overall increase in UK carbon</p>

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				<p>scheme to only allow operation of a specific type of rolling stock.</p> <p>HS2 Ltd is committed to minimising the carbon footprint of HS2 as far as practicable and to delivering low carbon long distance journeys that are supported by low carbon energy. To support this we will set carbon targets and work with our supply chain to manage and minimise carbon emissions associated with the construction and operation of HS2. As stated in HS2 Information Paper E10, we will develop and apply a carbon management strategy. This will require the application of a hierarchy of carbon minimisation actions and that the carbon footprint be calculated at appropriate intervals to determine progress in carbon reduction.</p>
4	44	Electricity transmission lines	<p>Clause 30(2) limits the opportunity for a public inquiry to be held for the installation of an electric line in consequence of the Bill.</p> <p><u>Suggested solution</u></p> <ul style="list-style-type: none"> Amend clause 30(2) so it does not apply in nationally designated landscapes or where tranquillity is medium or high on CPRE tranquillity mapping – in other words a public inquiry would be held where a planning authority objected in relation to installation of electric lines in such locations. 	<p>As stated in the Promoter's Response Document, the effect of clause 30 of the Bill is to disapply the requirement to obtain a consent under section 37 of the Electricity Act 1989 where the installation of an overhead electric line is authorised by the Bill, is within Bill limits and has deemed planning permission under the Bill. That applies to works which are either specifically described in Schedule 1 to the Bill, or if they are not described in that schedule, have been assessed in the Environmental Statement. Since such development has been approved by Parliament, it would be unnecessary and quite inappropriate for this to undergo a further consenting process and potential public inquiry.</p>

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			<i>Related issue: Chilterns</i>	Where installation of works does not have deemed planning permission, but is either authorised by the Bill or is required for the purposes of, in connection with, or in consequence of works which are authorised, consent under section 37 will be required. In relation to these section 37 applications, the Secretary of State will still have a discretion to hold a public inquiry where this is warranted in the circumstances, but the Bill removes the automatic requirement for a public inquiry where the local planning authority objects. This does not prevent the Local Planning Authority from raising objections to the proposal or the Secretary of State from considering them when making their decision. The Bill needs to strike a balance between the requirements of an infrastructure project and local considerations. It is considered that this approach strikes the right balance between not causing an unnecessary delay to the implementation of the project once approved by Parliament, while allowing a public inquiry to be held where there is a good reason for doing so.
5	48-49	Green Belt	<p>Phase 1 runs through two Green Belts and will impact on both their openness and recreational value.</p> <p>The Environmental Statement took an EU approach that failed to accord due weight to English planning policy, specifically the protection of the Green Belt and its purposes.</p>	<p>The ZTV modelling is only a tool in the Landscape and Visual Impact Assessment process. ZTVs were completed for construction, year 1 and year 15 to help determine the extent of the study area of the landscape visual assessment and also as a desktop guide to help locate viewpoints. They were not used for assessing visual impact.</p> <p>Also, no assessment was carried on impacts on Green Belt (which is a planning designation rather than a topic for landscape) – instead Green Belt designations were taken into</p>

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			<p><u>Suggested solutions</u></p> <ul style="list-style-type: none"> • Undertaking to seek to reduce Zone of Theoretical Visibility (ZTV, modelled for 15 years after opening) of phase 1 in Green Belt by at least 25% in the detailed design stage. • For each percentage point that such measures fail to reduce ZTV, then provide £250,000 of ring-fenced funding to improve accessibility & openness of Green Belt, e.g. if ZTV reduced by 21% then provide £1,000,000. <p><i>Related issue: Birmingham Interchange</i></p>	<p>account when assessing the sensitivity to change of a Landscape Character area, along with many other landscape designations and landscape attributes relating to condition and tranquillity.</p> <p>HS2 Ltd has prepared an Environmental Statement which complies with all legislative requirements. Green Belt is a national policy designation which serves to concentrate development to built-up areas. There is no provision within the regulations that govern the environmental impact assessment process (the EIA regulations), that would require that HS2 Ltd should have specifically assessed the impact of the HS2 proposed scheme on the Green Belt. This is because there can be no presumption that if a proposed development has an impact on a planning policy designation, it would automatically give rise to a significant environmental effect within the definitions set within the EIA regulations. To comply with the EIA regulations HS2 Ltd has identified and assessed the significant environmental effects of the railway along the whole of the route. For example, the Environmental Statement includes an assessment of the landscape and visual effects of the proposed railway within all countryside areas along the route. Where such significant effects are identified they have been noted in the Environmental Statement, regardless of whether or not the area has been designated as Green Belt.</p> <p>The Hybrid Bill does not alter Green Belt boundaries or any planning policy. Whether or not land is allocated as green belt,</p>

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			<ul style="list-style-type: none"> Suggestions for specific locations where concerns remain despite changes in APs1-4 to follow in light of GIS analysis of AP4. 	<p>noise sources, for different receptors, and at different times.</p> <p>Taking into account the route-wide control measures proposed in the ES, for example, HS2 trains would be specified to be quieter than the relevant current European Union requirement. 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, Volume 5, Sound, Noise and Vibration: Methodology, Assumptions and Assessment (route-wide), 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.</p>
7	54-63	Traffic & Transport	<p>Construction will lead to very significant HGV flows, impacting on tranquillity and intimidating vulnerable road users. In some instances, spoil will be transferred for very long distances.</p> <p>Opportunities to secure the fullest possible use of sustainable modes, particularly walking and cycling, around HS2 stations are not being taken.</p>	<p>As stated in the Promoter's Response Document, Government transport policy towards HS2 is set out in the Strategic Case for HS2 and the National Infrastructure Plan. The Proposed Scheme 'is designed to be a long term answer to the capacity problem we face and a radical way to improve the connections into and between our major cities'.</p> <p>As explained in the Summary of Chapter 3 of the Strategic case for HS2: 'The overarching objective is to support a robust, balanced economy that delivers growth. To do this, we must provide the capacity to meet rising demand and improve the</p>

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			<p>Sufficient space is not being provided where rural roads pass over or under HS2 to allow separate cycle facilities to be installed.</p> <p>Local Planning Authorities can only refuse planning permission on transport grounds if there are road safety or congestion issues – they cannot refuse HS2 development that fails to secure fullest possible use of sustainable modes, even though that is a core NPPF planning principle.</p> <p><u>Suggested solutions</u></p> <ul style="list-style-type: none"> • Set a target to decrease the proportion of construction traffic that went by rail or water for HS1, backed up with plans and enforcement mechanisms. • Provide detailed Station Travel Plans and sustainable travel networks for each station, as per for Birmingham Interchange below. • Provide or provide sufficient space for cycle paths to be fitted to rural roads that pass under or over HS2, in conformity with standards contained in the Highways England Interim Advice Note on cycling or successor documents. • Provide sufficient capacity for secure cycle parking up to 2070 or at least provide adaptable space that could be used for this. 	<p>connectivity between our cities. Any solution should minimise disruption on the existing network, use proven technology, be affordable and represent good value, and minimise the impacts on local communities and the environment.'</p> <p>Furthermore as explained in paragraphs 3.1.1 -3.1.3 of the Strategic Case for HS2: 'Government's role is to build a stronger, more balanced economy capable of delivering lasting growth and widely shared prosperity. Transport plays a key part in this. In that context, our objectives are to:</p> <ul style="list-style-type: none"> •provide sufficient capacity to meet long term demand, and to improve resilience and reliability across the network; and •improve connectivity by delivering better journey times and making travel easier. <p>Any solution must:</p> <ul style="list-style-type: none"> •minimise disruption to the existing network; •use proven technology that we know can deliver the desired results; •be affordable and represent good value to the taxpayer; and •minimise impacts on local communities and the environment.' <p>The Government's Strategy for investment in rail is set out in the National Infrastructure Plan 2014 (para.4.8). In relation to HS2 it states (second bullet): 'The government's approach to the rail sector involves:</p>

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				<p>seek to ensure that: 'the design contributes to the government's pursuit of sustainable development, as set out in the National Planning Policy Framework, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life'.</p> <p>Paragraph 4.1 of HS2 Information Paper D1, Design Policy, explains that, 'trains, stations and associated facilities to be fully accessible to all passengers and provide efficient access to other rail networks and other transport modes;' is a Promoter's requirement.</p> <p>As explained in the Promoter's response to paragraphs 11-12 of the Petition, the design of the Proposed Scheme is at 'concept' stage. The design for any proposed cycle routes in the vicinity of, or accessing, stations and any cycle parking or storage facilities in stations will be developed in the detailed design stage as the Proposed Scheme progresses. In addition, the HS2 cycle route feasibility study that has been commissioned will look into how existing footpaths or cycle tracks could be joined up or upgraded.</p> <p>Excavated and other materials and equipment 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 transporting anything to or from a site to a working or storage site, a site where it will be re-used or a waste disposal site</p>

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				<p>operation and coordination of activities during the operational stage.' (Paragraph 4.9.4)</p> <p>Also, as previously explained, the design of the Proposed Scheme is at 'concept' stage. The design of trains, including any appropriate provision for cycles or large luggage, would be developed in the detailed design stage as the Proposed Scheme progresses.</p>
8	79-84	Birmingham Interchange	<p>Station in Birmingham Green Belt with threat of associated development</p> <p>Excessive ceiling of car parking provision, in any event this only applies to 'short-term' parking, which is undefined. Short-term can mean up to 8 days (e.g. Luton Airport), effectively meaning that the proposed ceiling is unenforceable.</p> <p>Planning for high modal share of cars, contrary to NPPF core planning policy for 'fullest possible use' of sustainable modes. This will put pressure on surrounding road network, increasing air and noise pollution, not to mention pressure for road-building.</p> <p>Cycle infrastructure only being considered at detailed design stage, even though bill limits and constrains</p>	<p>The suggestion that HS2 should 'set out binding modal share and traffic impacts targets for the Interchange and specifically credible mechanisms to enforce compliance', is a matter for consideration in the individual Travel Plans. It is not appropriate to include a blanket proposal because each location will differ both in terms of appropriate targets and the credible options for encouraging sustainable travel. This is a matter for the process already set out for development of travel plans with local authorities and other key stakeholders. Nevertheless, we have been careful not to offer either "approval" or penalties as envisaged by CPRE. In terms of modal split, this would have been based on detailed assessments undertaken at the time of the ES and TA and there have been no changes to that since deposit of the Bill. HS2 are, however, working in close liaison with Solihull Metropolitan Borough Council and other stakeholders to consider how the new station could complement public transport interchange when considered holistically with both existing and proposed new facilities including Birmingham Interchange station, the People Mover and bus / coach</p>