Select Committee Ask

Petitioner No.AP2:70- Staffordshire County Council – appeared 29th April 2019

James Strachan QC offered to progress assurances that HS2 would provide a replacement to the proposed Common Lane diversion; looking at options in and out of Bill powers.

Please find attached an assurance sent to Staffordshire County Council in relation to this on 7th May 2019.
Dear Mr Lewis

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – ADDITIONAL PROVISION 2 - HOUSE OF COMMONS SELECT COMMITTEE: PETITION HS2-AP2-070 - STAFFORDSHIRE COUNTY COUNCIL

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill (the Bill) currently before Parliament. I understand that your client has a number of concerns about the impact of the proposals in Additional Provision 2 (AP2) to the Bill in the House of Commons and has submitted a petition on that basis.

I am writing to you, on behalf of the Secretary of State for Transport, to offer your client the following assurances, which replace the assurance on Option 7 that was offered to your client on 29 April 2019:

"In these assurances:-

“Additional Provisions” means amendments to the Bill introduced following deposit of the Bill into Parliament;

“Additional Provision 2” means the High Speed Rail (West Midlands – Crewe) Bill Additional Provision which was deposited in Parliament on 8 February 2019;

“the Bill” means the High Speed Rail (West Midlands – Crewe) Bill as deposited in the House of Commons on 17 July 2017 incorporating the Additional Provisions and references to the ‘Bill’ includes any Act of Parliament enacting that Bill;

“the nominated undertaker” refers to the body or bodies appointed by the Secretary of State to carry out the powers conferred under the Bill to construct and maintain the scheme. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of the Proposed Scheme;

“Option 7” means the proposal being considered by the nominated undertaker for an alternative solution to seek to address issues at Common Lane as a result of the Proposed Scheme involving the construction of a new permanent road linking the A515 Lichfield Road to Crawley Lane on the alignment shown indicatively on Plan 1;
“Option 7a” means the proposal being considered by the nominated undertaker for an alternative solution to seek to address issues at Common Lane as a result of the Proposed Scheme involving the construction of a new permanent road linking the A515 Lichfield Road to Crawley Lane on the alignment shown indicatively on Plan 2;

“the Property” means the land required for the construction, operation and maintenance of Option 7 as indicatively shown outlined in purple on Plan 1 or Option 7a as indicatively shown outlined in purple on Plan 2;

“Plan 1” and Plan 2” means the plans attached to this agreement;

“the Proposed Scheme” means Phase 2a of HS2 as defined further in the Bill;

“the Secretary of State” means the Secretary of State for Transport;

“Work No. 7D” means a diversion of Common Lane commencing at a point 480 metres east of the bridge carrying the A515 Lichfield Road over Bourne Brook and terminating by a junction with Work No. 7 at a point 370 metres south-west of the junction of the A513 Rugeley Road with the A515 Lichfield Road. Work No. 7D includes a bridge over Bourne Brook as described at Schedule 1 to the Bill and proposed in Additional Provision 2; and

“Work No. 7B” means an access road commencing at a point 380 metres northeast of the junction of Shaw Lane with the A515 Lichfield Road and terminating at a point 85 metres north-east of its commencement as described at Schedule 1 to the Bill.

1. Option 7 and Option 7a Development

1.1 The Secretary of State acknowledges that Option 7 and Option 7a each have potential to reduce the impacts of the Proposed Scheme during construction while delivering similar benefits during operation. The Secretary of State will therefore require the nominated undertaker to seek to implement either Option 7 or Option 7a substantially in accordance with the alignments as shown indicatively on Plan 1 and Plan 2 respectively. The Secretary of State will require the nominated undertaker to begin the process of so implementing either Option 7 or Option 7a as soon as practicable after the date on which the House of Commons Select Committee reports the Bill.

1.2 The Secretary of State will require the nominated undertaker to seek to:

1.2.1 open any new Option 7 or Option 7a permanent alignment to the public before stopping up the existing Common Lane; and

1.2.2 implement either Option 7 or Option 7a instead of implementing Work No. 7D.

1.3 The assurances given in this paragraph 1 are subject to:

1.3.1 the nominated undertaker obtaining all the necessary consents, including any consent or agreement required under the Highways Act 1980 and planning permission, required to implement either Option 7 or Option 7a, with any conditions placed on the nominated undertaker able to be reasonably capable of implementation;
1.3.2 in the case of Option 7, the nominated undertaker identifying a suitable alternative site, which can be used for relocation of the mitigation planting in the vicinity of the proposed new roundabout at the junction of the A515 Lichfield Road/A513 Rugeley Road;

1.3.3 the nominated undertaker being able to secure the necessary rights to the Property on reasonable terms;

1.3.4 the nominated undertaker concluding that either Option 7 or Option 7a can be delivered without prejudicing the safe, timely and economic construction and operation of the Proposed Scheme; and

1.3.5 the nominated undertaker, during detailed design, not being prevented from constructing an alternative bridleway link between Common Lane and Work No. 7B, which would otherwise connect with Work No. 7D;

and do not require the Secretary of State to promote an Additional Provision, or to seek any other powers of compulsory acquisition, in relation to Option 7 or Option 7a.

1.4 For the avoidance of doubt, should the conditions in paragraph 1.3 not be met, the nominated undertaker will construct the proposals as authorised by the Bill (namely Work No. 7D).

1.5 The Secretary of State will require the nominated undertaker to engage regularly with the Council in developing the implementation of either Option 7 or Option 7a.

2. If the Promoter is unable to secure the necessary land by agreement that is required for either Option 7 or Option 7a, the Secretary of State for Transport will require the nominated undertaker to offer Staffordshire County Council funding of up to £250,000 for the reasonable costs of making and securing the confirmation of and implementation of a Compulsory Purchase Order, to secure the land required to enable the nominated undertaker to construct a new road as an alternative to Common Lane as shown in the attached Plan 1 or Plan 2."

If accepted, these assurances will be included in the Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published regularly during the passage of the Bill and it will be finalised after Royal Assent. A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. The assurance process is set out in Annex A.

If you have any further queries please don’t hesitate to contact Marianne Bowtell, Petition Manager on 020 7944 6758 or Marianne.Bowtell@hs2.org.uk.

Yours sincerely

Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited
<table>
<thead>
<tr>
<th>What?</th>
<th>When?</th>
</tr>
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<tbody>
<tr>
<td>Promoter issues assurance to petitioner</td>
<td>During the passage of the Bill (now until late 2019)</td>
</tr>
<tr>
<td>If accepted, the assurance is included in the draft Register of Undertakings &amp; Assurances held by the Department for Transport</td>
<td>During the passage of the Bill (now until late 2019)</td>
</tr>
<tr>
<td>Drafts of the Register published and petitioners invited to check that the assurances that they have received are recorded accurately(^1)</td>
<td>During the passage of the Bill (now until late 2019)</td>
</tr>
<tr>
<td>Final version of the Register produced and published</td>
<td>On or shortly after Royal Assent (late 2019)</td>
</tr>
<tr>
<td>Nominated undertaker – the body or bodies appointed to deliver Phase 2A – contractually obliged to comply with all assurances included in the final version of the Register</td>
<td>On or shortly after Royal Assent (late 2019)</td>
</tr>
<tr>
<td>Nominated undertaker complies with assurances on the final version of the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances(^2)</td>
<td>During detailed design, construction and operation (2020-onwards)</td>
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\(^2\) A copy can be found at [https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers](https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers)