Select Committee Ask

AP2:72 – Angela Brown – appeared 23rd April 2019

James Duddridge MP (Chair) asked that the promoter write to the petitioner reiterating its commitments to traffic management, as set out in the Code of Construction Practice, and progress assurances regarding retention of mature trees.

Please find attached an assurance sent to Ms Brown in relation to this on 10th May 2019.
Angela Brown

Dear Ms Brown

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – ADDITIONAL PROVISION 2 - HOUSE OF COMMONS SELECT COMMITTEE: PETITION HS2-AP2-072 - ANGELA BROWN

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.

During your appearance before the House of Commons Select Committee on 23 April, the Select Committee asked us to provide you with information relating to the management of construction traffic.

Part 1 of Schedule 32 to the Bill includes a range of protective provisions relating to highways and traffic, including those in paragraphs 14, 15, 16 and 17 which require the nominated undertaker to make good and reinstate, to the reasonable satisfaction of the highway authority, any part of a highway that has been broken up or disturbed and requires the nominated undertaker to make good, or pay compensation for, any damage to a highway caused by or resulting from constructing the authorised works or any act or omission of the nominated undertaker, its contractors, agents or employees whilst engaged upon such work.


I would also like to draw your attention to the Promoter’s response to the Select Committee’s Second Special Report of Session 2017-19:

“In paragraph 57 of the report the Select Committee said:

“There are general commitments that HS2 has made under the draft Code of Construction Practice which will apply to the entire route. For example,

a) construction traffic will be clearly labelled with HS2 branding so that communities can identify construction traffic in their areas,

b) there will be a dedicated telephone line for residents to report construction traffic breaches and problems,
c) road signage; roads will be clearly labelled so that construction traffic will only use pre-agreed routes. We have been told that HS2 will engage at a local level, listening to local landowners and residents. We direct HS2 to fulfil these assurances.”

The Promoter remains committed to honouring the commitments on these issues set out in the draft Code of Construction Practice and the draft Phase 2A Route-wide Traffic Management Plan.

Further to the assurances offered to you in my letter of 1 April 2019 I am writing to you, on behalf of the Secretary of State for Transport, to offer the following further assurance in relation to mature trees on Glass Lane, as discussed during your appearance before the Select Committee on 23 April:

“In this assurance:-

“Additional Provision(s)” means amendments to the Bill introduced following deposit of the Bill into Parliament;

“Additional Provision 2” means the High Speed (West Midlands-Crewe) Bill Additional Provision as deposited in the House of Commons on 8 February 2019

“Bill” means the High Speed (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;

“nominated undertaker” refers to the body or bodies appointed by the Secretary of State to exercise the powers conferred by the Bill to construct and maintain the Proposed 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;

“Parkgate Overhead Line Grid Supply Point Connection” means works to construct an overhead line grid supply point connection to the National Grid Parkgate substation to be authorised by Additional Provision 2;

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

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

1. The Secretary of State will require the nominated undertaker when undertaking works in relation to the Parkgate Overhead Line Grid Supply Point Connection to ensure that so far as reasonably practicable those works are undertaken so as to avoid the removal of mature trees along Glass Lane in Abbots Bromley, Rugeley.

2. Where the removal of a mature tree is unavoidable in relation to the works mentioned at paragraph 1, the Secretary of State will require the nominated undertaker to ensure that no more mature trees are removed than is necessary for those works to take place. This is in line with the draft Code of Construction Practice, Section 12.2.3, which states:

“The following measures will be implemented... provision of contractor guidance for working close to retained aged and veteran trees and areas of retained ancient woodland, and watching briefs as appropriate...maintenance of trees on highways which are temporarily
stopped as a result of the Proposed Scheme works prior to re-opening (e.g. selective branch removal) following consultation and agreement with the relevant local authority...

monitoring of the effectiveness of the tree protection measures throughout the construction period by an appropriately qualified arboricultural consultant”;

and Section 12.3.7, which states:

"The following measures will be implemented: ... avoidance of unnecessary tree and vegetation removal and protection of existing trees in accordance with BS 5837: Trees in relation to design, demolition and construction.””

If accepted, this assurance 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 questions about the assurance and information provided in this letter please contact Rachna Shah, Petition Manager, on 020 7944 0159 or Rachna.Shah@HS2.org.uk.

Yours sincerely

Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited
## Annex A

### ASSURANCES: STEPS AND TIMING

<table>
<thead>
<tr>
<th>What?</th>
<th>When?</th>
</tr>
</thead>
<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&lt;sup&gt;2&lt;/sup&gt;</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&lt;sup&gt;3&lt;/sup&gt;</td>
<td>During detailed design, construction and operation (2020-onwards)</td>
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<sup>3</sup> 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)