

6 December 2018**Agenda Item:11****REPORT OF THE CORPORATE DIRECTOR, PLACE****NOTTINGHAMSHIRE COUNTY COUNCIL RESPONSE TO THE HS2 PHASE 2B-
BIRMINGHAM TO LEEDS DRAFT ENVIRONMENTAL STATEMENT AND DRAFT
EQUALITY IMPACT ASSESSMENT.****Purpose of the Report**

1. To seek Committee approval of detailed technical comments on the HS2 phase 2b Birmingham to Leeds draft Environmental Statement and draft Equality Impact Assessment that specifically relates to Nottinghamshire to be submitted to HS2 Ltd by the 21st December.

Information

2. High Speed Two (HS2) is a new high speed railway being developed by the Government to connect, and reduce journey times between eight of Britain's ten largest cities. The project is also seen as a catalyst for significant economic growth and to bridge the 'north – south' divide.
3. The route is being designed, built and operated by HS2 Ltd, an executive non-departmental public body sponsored by the Department for Transport.
4. HS2 is split into a number of phases and construction on Phase One between London and Birmingham is scheduled to start in early 2019. Rail services along this phase of the route are expected to commence in 2026.
5. Phase Two of HS2 is being taken forward in two stages, referred to as Phase 2a and Phase 2b.
6. Phase 2a runs between Birmingham and Crewe and Phase 2b, is split between the route from Crewe to Manchester (referred to as the 'western leg'), and from Birmingham to Leeds via the East Midlands and South Yorkshire (referred to as 'the eastern leg'). Construction of the Phase 2 routes are expected to start in 2023, with rail services planned to start in 2033.
7. The 'eastern leg' of the proposed HS2 route between Birmingham and Leeds will run along the western side of Nottinghamshire for approximately 20 miles. The line will enter the county close to East Midlands Parkway Station near Ratcliffe on Soar in the south (Rushcliffe Borough Council), before crossing the River Trent into Long Eaton. The line will then stop at the new Toton railway station before closely following the line of the M1, past Trowell Services and onto Junction 26. (Broxtowe District Council) The line continues along the route of the M1, past Junction 27 and to the east of the East Midlands Designer Outlet close to Junction 28 (Ashfield District Council) before crossing into Derbyshire near Huthwaite.

8. A number of public consultation exercises have been undertaken by HS2 Ltd previously including consultation on 'the phase two route, stations and depots' in 2013 and consultation on 'the route refinement' document in 2016. Reports on these two consultations were taken to Committee in January 2014 and March 2017 respectively, although the latter included no actual alterations within Nottinghamshire.
9. The purpose of this consultation is to seek technical comments on the design of the scheme prepared by HS2 Ltd rather than the principle of the HS2 scheme or the alignment of the route. Specific sections included in the documents include ecology and biodiversity, health, historic environment, landscape and visual, sound, noise and vibration, traffic and transport and water resources and flood risk.

Planning Process Involved in Developing Phase 2b

10. A Hybrid Bill to seek powers for the construction and operation of phase 2b is expected to be introduced to Parliament in 2020.
11. The Hybrid Bill is legislation promoted by Government in Parliament to secure powers to construct and operate major infrastructure projects of national importance. Use of primary legislation rather than promoting a development consent order under the Planning Act 2008 allows the Government to seek the full range of statutory powers and authorisations that a project of this size and complexity requires.
12. Hybrid Bills have been most recently used for Phase One of HS2 as well as other railway schemes, such as the Channel Tunnel Rail Link Act 1996 (known as HS1) and the Crossrail Act 2008.
13. A hybrid Bill is draft legislation that affects public and private interests, and the procedures followed in Parliament in considering such a Bill incorporate aspects of both public and private Bill procedures before it can be enacted.
14. The Hybrid Bill grants what is termed as 'deemed' planning permission, similar to an outline planning consent, for development authorised by the Bill. For development that is not part of the scheduled works, planning permission is deemed to be granted only where it is:
 - a. Not likely to have significant effects on the environment;
 - b. Exempt development under the Environmental Impact Assessment Regulations;
 - c. or covered by the HS2 Environmental Statement.
15. Following the introduction of a hybrid Bill to Parliament the actual timetable for the hybrid Bill to secure Royal Assent is controlled by Parliament.
16. As part of the detailed work on the Phase 2b Bill, an Environmental Statement will be prepared and submitted.

Consultation on the draft Environmental Statement and the draft Environmental Impact Assessment

17. As part of the detailed planning and design work being undertaken by HS2 Ltd, a working draft Environmental Statement and working draft Equality Impact Assessment has been prepared and is being consulted on between 11 October and 21 December 2018.
18. The working draft Environmental Statement (ES) sets out the likely significant environmental effects of building and operating the railway; and the measures proposed to avoid, reduce, mitigate and monitor these effects.
19. The working draft Equality Impact Assessment (EIA) Report considers the potential effects of constructing and operating the route on groups with protected characteristics. These groups are defined by the Equality Act 2010 as: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.
20. Feedback from the consultation will be taken into consideration by HS2 Ltd as they further develop the proposals and finalise the ES and EIA.

Summary of the Proposed Key County Council Comments

21. A summary of the key issues is set out below and is split between specific comments on the Toton Hub station and route wide comments.
22. Appendix A sets out the County Councils detailed consultation response to the Environmental Statement and Appendix B sets out the County Council response to the Equality Impact Assessment.

23. Toton Hub Comments:

- a. Lack of detail relating to the design of suitable highway access points to and from the hub, particularly from the A52. Detailed design work is also required for the internal road layouts to allow buses and taxis to easily serve the site, along with efficient access to car parks.
- b. Lack of detail regarding the links between the station development and other forms of transport modes, including public transport links (bus, NET), cycling and walking, taxi and other vehicular modes. These details are critical to providing accessibility, both across the station complex and connectivity to surrounding communities to maximise the opportunities presented by the station development
- c. Concern that the proposed extent of surface car parking presents an inefficient use of land which could be better arranged as part of the wider development of the area.
- d. Limited detail currently provided relating to the potential impacts of displaced traffic from the hub development on the wider area. I.e. parking on street.

24. Route Wide Issues:

Community:

- a. Community engagement should be undertaken in areas impacted by demolition to help build community cohesion and to ensure neighbourhood quality and character is not impacted.

Ecology and biodiversity:

- a. Survey and assessment work is still ongoing, as a result baseline information is limited and incomplete at this stage.
- b. The scheme is being designed to seek to achieve no net loss in biodiversity at a route wide level, however the amount of habitat creation is not quantified. Further detail will be

required to fulfil the objective. Reference should be made to the Nottinghamshire Biodiversity Opportunity Mapping.

- c. Wherever possible, built infrastructure, particularly the Toton hub should be designed to incorporate green (or brown) roof to help mitigate habitat loss.

Health:

- a. Construction should not impact on access to health and social care, particularly for elderly who may receive social care at home.
- b. Access to existing outdoor space during construction should be maintained for walking, cycling, sport and riding.

Historic environment:

- a. The environmental baseline is missing reference to some historic designations along the route of HS2.
- b. Designated assets within the noise and visual influence of HS2 should be mitigated. Noise barriers can be visually intrusive and so alternative schemes to enhance the heritage assets affected should be considered on a case by case basis.
- c. Route of HS2 crosses areas of nationally important archaeology. In such cases a full archaeological excavation should be undertaken.
- d. Detailed archaeological field evaluations will be required along the route for construction and compounds and associated infrastructure.
- e. Intrusive archaeological investigations are not planned at this stage (contrary to the requirements of the National Planning Policy Framework [NPPF]). As a result mitigation proposals could be inadequate for the importance and or complexity of archaeology present.

Landscape and visual assessment:

- a. The definitions of level of visual significance require revision
- b. The viewpoint schedules for the construction and operational phases do not tie together.
- c. The landscape and visual impact on the townscapes adjacent to the proposed scheme has not been sufficiently considered
- d. Sufficient offsite mitigation should be included to mitigate the significant landscape impacts identified in the Landscape and Visual Assessment.
- e. The Northern Forest and National Forest are the only landscape scale initiatives mentioned, however there are other landscape scale initiatives such as RSPB Futurescapes projects, and the Wildlife Trusts' Living Landscapes Initiative.

Sound, Noise & vibration:

- a. Potential significant airborne noise and vibration impacts during both the construction phase and the operational phase.
- b. Monitor impacts from additional construction traffic on road network and nearest residential and non- residential sensitive receptors.

Traffic and transport

- a. Lack of modelled data on predicted traffic impacts limits the ability to review local impacts.
- b. Further detailed design work is required to ensure that proposed new highway infrastructure related to HS2 meets the design standards of the Highway Authority and does not impact on the wider existing highway network.
- c. A coordinated approach between HS2 Ltd and relevant Highway Authorities will be required where affected highways cross county boundaries.
- d. Monitoring regime to assess impacts of the development arising from the operation of HS2 on the highway network not adequately covered.

- e. An outline travel plan has yet to be developed. The development would ensure all appropriate potential measures to address impacts on the highway are included.
- f. No operational monitoring in relation to air quality is currently proposed, however air quality impacts may arise as a result of additional trips on the existing highway network.
- g. A full quantitative assessment has yet to be undertaken to justify the stated gains from a modal switch from conventional rail and car to HS2

Water resources and flood risk:

- a. Historic flooding records should be considered to ensure there will be no increases to the flood risk in the area.
- b. Utilise Sustainable Urban Drainage as a primary means of surface water management and ensure designs are in accordance with best practice.
- c. Where crossing ordinary watercourses, details of current channel capacity and post construction channel capacity should be provided.
- d. The mapping used to identify the location of ordinary watercourses is not a complete record of all watercourses. Additional survey work may be needed.
- e. The flood map only includes watercourses with catchments greater than 3 Km². There may be a need to undertake further hydraulic modelling where there are known risks at crossing points.

Countryside access:

- a. Alternative routes must be open and available before the temporary or permanent closure of a public right of way or other form of access. Diversions should also be kept to a minimum.
- b. There is a general lack of detail on the plans regarding affected paths. Further discussion and detail is required for those paths affected by changes to the road network around the construction works.
- c. The plans provided as part of the consultation do not show all definitive public rights of way, permissive paths and other land used for public access. The alignment of some Public Rights of Ways (PROWs) shown on the plans are incorrect.
- d. The County Council will be looking for PROW network improvements as part of the HS2 scheme. For example, physical path improvements such as surfacing or the creation of new routes improving the connectivity of the PROW network.

Equality Impact Assessment:

- 25. The route of HS2 will run through Nottinghamshire and so will impact on all the communities along the route and not only those with protected characteristics.

Next Steps

- 26. If approved the detailed technical comments will be submitted as part of the consultation process. The County Council will, where appropriate continue to be involved as HS2 Ltd further develop the route of HS2 through Nottinghamshire.

Other Options Considered

- 27. Not to respond to the consultation. This option has been considered, however it is considered important that the County Council responds so it has an active role in shaping how HS2 is delivered in Nottinghamshire. As stated earlier in the report the findings of this consultation are intended to impact on the design HS2 use and propose in the Hybrid Bill.

Reason/s for Recommendation/s

28. To agree the Council's response to the HS2 working draft ES and EIA

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

30. There are no direct financial implications arising from the contents of this report.

RECOMMENDATION/S

It is recommended that the Committee approves:

- a) The detailed comments prepared by officers in response to the working draft Environmental Statement and working draft Equality Impact Assessment;
- b) Authority to be given to the Corporate Director in consultation with the Chairman to make any final changes required prior to submission.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Steven Osborne-James, Principal Planning Policy Officer, Tel: 0115 9772109

Constitutional Comments [SJG 08/11/2018]

31. The recommendation falls within the remit of Communities and Place Committee

Financial Comments [RWK 06/11/2018]

32. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

- The consultation documents can be found on the Government website at: <https://www.gov.uk/government/consultations/hs2-phase-2b-working-draft-environmental-statement>

Electoral Division(s) and Member(s) Affected

- Leake & Ruddington - Cllr Reg Adair, Cllr Andrew Brown

- Toton, Chilwell & Attenborough – Cllr Richard Jackson, Cllr Eric Kerry
- Stapleford & Broxtowe Central - Cllr John Doddy, Cllr John Longton
- Nuthall & Kimberly - Cllr Philip Owen
- Greasley & Brinsley - Cllr John Handley
- Hucknall West - Cllr Kevin Rostance
- Selston – Cllr David Martin
- Kirkby in Ashfield South - Cllr Rachel Madden
- Ashfields - Cllr Jason Zadrozny
- Sutton West - Cllr Tom Hollis
- Sutton North – Cllr Helen-Ann Smith

