



Report to TECC Select Committee

Date: Thursday 28 March 2024

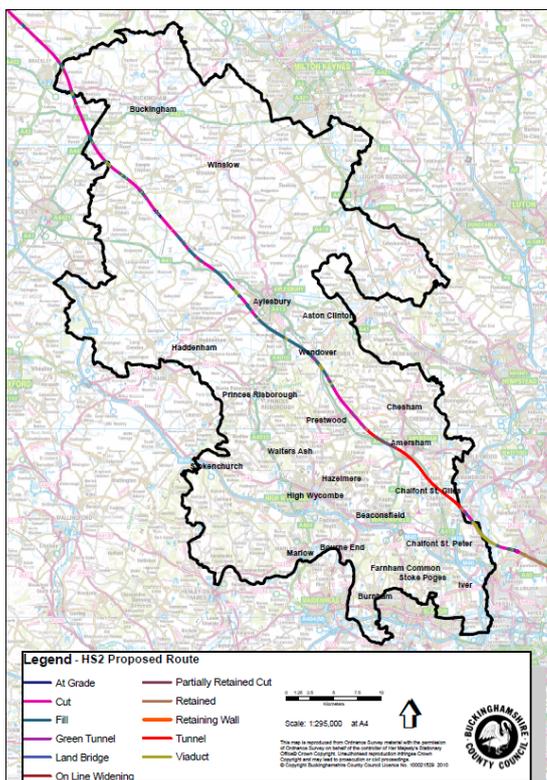
Title: **HS2 Progress Report**

Cabinet Member(s): *Cllr Steven Broadbent*
Cllr Peter Martin (Deputy)

Contact officer: Dr Laura Leech

1 Background

- 1.1 In February 2017 the HS2 hybrid (Phase 1) Act received Royal Assent. This provided HS2 Ltd with an Act of Parliament (equivalent to deemed planning permission) to construct a high speed railway between London and Birmingham.
- 1.2 One third (approx. 60km) of Phase One dissects Buckinghamshire (approx. 16km of which is in tunnel) as shown in the map below.



- 1.3 The High Speed Rail Act grants deemed planning permission for HS2 Phase One of the route, but some of the detailed design and construction are subject to further approval.
- 1.4 Buckinghamshire Council is a Qualifying Authority (QA), which means that some of HS2's proposals need to come to the Council for "approval" (as per the definition in the Act) which, in principle, gives the Council a limited degree of influence over the details of the proposals. As a QA, Buckinghamshire Council has signed up to the Planning Memorandum which commits the authority to having appropriate staffing levels and to use reasonable endeavours in its decision-making processes to meet the timescales for decisions (within 8 weeks for planning and 4 weeks for highways). It also commits the authority to not making unreasonable or onerous requests on HS2 Ltd which would lead to increases in cost or delays to the programme. The Planning Memorandum also places obligations and responsibilities onto HS2 Ltd.
- 1.5 The Council's HS2 Team has responsibility for processing all approvals for HS2 infrastructure and transportation arrangements both temporary and permanent as well as stakeholder engagement. The team is responsible for ensuring that HS2 Ltd and its contractors work within the HS2 Act and agreed consents and fulfil their obligations in terms of engagement with directly affected parties, the wider community and those with an interest in the scheme.
- 1.6 The last 12 months has seen the second of three years of peak HS2 civils (e.g. design & construction) related activities and associated temporary traffic arrangements.

2 Progress update

- 1.7 An update of the progress / construction of the project will be given by HS2 Ltd and their Main Works Civil Contractors (EKFB and Align) during their presentation to the TECC Select Committee on the 28 March 2024.

3 Current issues

- 1.8 Buckinghamshire Council has continued to take steps throughout 2023 to assist and support local communities with mitigating the impacts of disruption caused by the HS2 line being constructed through the county, by ensuring HS2 Ltd is being held to account.
 - 1.9 Key current issues include but is not limited to: road closures and associated traffic management, coordination with other activities on the network, damage caused by construction traffic and associated road repairs, mud on the road, surface water runoff to the highway from construction sites, HS2 interface with EWR, the environmental impact, community engagement and biodiversity.
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Transport

Traffic management & road repairs

- 1.10 *Impact on our communities* – HS2 road closures and temporary traffic lights impacting traffic flow and our communities' ability to go about their daily lives to get to/from work, the school run, doctors' appointments etc. These impacts on the community are magnified where HS2 and EWR are constructing works in the same area.
- 1.11 *HS2 Diversionary Routes* – diversion routes have been put in place by HS2 Ltd's contractors for construction works and closed bridges. This has led to a number of complaints from residents regarding increased traffic through villages, increased journey times for commuters, and increased costs to residents and businesses following lengthy diversions. Where the diversion routes are lengthy there is an increased tendency for motorists to use 'rat runs' on unsuitable routes. In such situations HS2 Ltd is encouraged to provide appropriate signing to discourage such use or introduce temporary traffic calming in sensitive locations.
- 1.12 *Multiple Diversionary Routes* – similar concerns have been expressed from residents affected by HS2 works which is further compounded where other major works (including EWR & Thames Water) works are being undertaken in the same area.
- 1.13 *S17 Lorry Routes* – there have been many instances where HS2 construction vehicles have been observed on routes that are not approved lorry routes. Under the Act HS2 Ltd only need seek approval for a route when there are more than 24 movements to and from an HS2 site each day. HS2 Ltd's contractors are required to install HS2 vehicle identifiers in the windscreens but in order to take action the registration numbers of individual vehicles are required before HS2 Ltd will take action.
- 1.14 *Damage to roads from construction traffic* – Damage to the county's roads resulting from their use by HS2 construction traffic is one of the main concerns of the Council and leads to regular complaints from the local communities most affected. Many of the county's roads are not built to accommodate HGVs and have evolved over time with the heaviest vehicles being farm traffic and occasional deliveries. As a result, even a small increase in HGVs can have a disproportionate impact on the structure of these roads and, frequently, with associated damage to verges. However, damage is not limited to minor roads and damage to many of our 'A' roads has resulted where HGV numbers are high such as on the A41 and A413.
- 1.15 *HS2 damage potholes* – Recognising that damage was being inflicted on our roads and that repairs could not be delayed until the end of construction, HS2 Ltd introduced a Pothole Fund for minor emergency repairs and a separate claims process where the damage is more substantial and requires a larger scheme to

rectify. The Pothole Fund is spread over 5 years with the total for Buckinghamshire being £466k. To date funding has been received for the first two tranches totalling £186k and the year 3 funding of £116,516.25 is currently being processed. Buckinghamshire Council considers this funding to be wholly inadequate as recompense for the damage caused to our roads, so the greater focus has been on processing individual claims.

- 1.16 *HS2 damage road repairs and reinstatement* - At Royal Assent £2.5m was allocated by HS2 Ltd for the road reinstatement in Buckinghamshire which again is woefully inadequate.
- 1.17 *HS2 methodology* – The original methodology proposed by HS2 Ltd to compensate for the damage incurred as required by the HS2 Act was considered by the Council to be flawed in a number of areas. In summary, it proposed to undertake condition surveys on all non ‘A’ roads that were to be used as construction routes and to repeat the surveys at the end of construction to provide a basis for calculating the damage and associated funding. The Council decided to prepare its own methodology which was presented to HS2 Ltd in 2022 but has never been entirely accepted. This matter will have to be addressed prior to completion of construction to avoid the Council being disadvantaged with inadequate compensation being offered.
- 1.18 *Current situation* – The focus to date has been on submitting claims to HS2 Ltd in accordance with the agreed interim process the first of which was submitted in 2022. Delays to the responses from HS2 Ltd to these early claims were excessive and in one case around 12 months elapsed before a formal offer was made. This was discussed at TECC in 2023. As a result of the delays, the matter was escalated to senior HS2 Ltd management and following several meetings the situation has improved with the technical teams from both parties working together to agree the repairs necessary before estimating the costs. At that point negotiations commence regarding the level of funding from HS2 Ltd. To seek greater efficiency rather than processing individual claims, agreement has been reached on batching the claims with HS2 Ltd offering a ‘lump sum’ for each batch. To date four of the claims on batch one are agreed to by fully funded by HS2 Ltd. A verbal agreement has been reached on seven other claims and funding is expected by the end of March. Batch two for a further 6 claims is currently being discussed and the estimates for repairs will be finalised later in March whereupon negotiations will commence on the level of funding. A third batch of extensive repairs to the lengthy route known as the ‘C3’ in Calvert comprising 20 different sections is also being discussed with HS2 Ltd and agreement on the technical solution(s) and estimated costs is again expected later in March. These repairs do not preclude HS2 Ltd from that requirement to reinstate the roads when they have concluded their works.

- 1.19 *Recommended action* – That agreement is sought from HS2 Ltd to a continued commitment to the revised process of ‘batching’ claims and to ensure that no unreasonable delays occur to the offer of funding in accordance with the latest proposed methodology for processing claims. Regarding reactive repairs, the Council continues to regularly inspect HS2’s construction routes and works closely with HS2 Ltd to deliver the necessary reactive repairs to ensure that Buckinghamshire’s highway remains safe.
- 1.20 *Sustainable travel* – While the challenges of promoting sustainable travel to/from construction sites in a largely rural setting are recognised, there are concerns at the delays in introducing robust Workplace Travel Plans along with the lack of robust travel data at the sites. As a result, there are fewer opportunities to monitor activity and introduce measures to improve sustainable travel. HS2 Ltd has been challenged on this point and further surveys are to be undertaken however given the introduction of additional pandemic measures such as additional car parking which has not been reversed following post-COVID arrangements.
- 1.21 *Deployment of three mobile CCTV cameras*; whilst the cost of the cameras was funded by HS2 Ltd, there is an ongoing financial overhead of approximately £50k pa being incurred by Buckinghamshire Council. This covers co-ordination of redeployments, site assessments, review of CCTV footage, query resolution with contractors, compliance with regulatory requirements and stakeholder communications. The cameras are primarily being used to monitor congestion and safety impacted by HS2 construction and to identify construction traffic using routes in contravention of agreed lorry routes. The deployment has proved to be a deterrent for repeated activity, e.g. Little Missenden on the A413 where ‘U’ turning lorries accessing the vent sat site were creating a safety hazard.

Environment

- 1.22 The Council has issued 31 Schedule 17 (of the HS2 Act 2017) Decision Notices in the last twelve months. These consents agree the detailed design, appearance and function for structures and elements of the railway infrastructure and associated work. Amendments to improve the design and reduce impacts were achieved on all applications.
- 1.23 The development consents are for work ranging in size and complexity from the installation of equipment to monitor vibration at a Listed Building and a small area of land to be restored and handed back to the owner in its original condition to the Infrastructure Maintenance Depot at Calvert.
- 1.24 The most significant Schedule 17 Plans and Specifications consents were for:

- ‘Package 3’: Small Dean, with the key elements being the viaduct crossing the A413 west of Wendover; and Wendover Green Tunnel;
- ‘Package 7’: The Princess Risborough / Aylesbury (PRA) Line, where final consents were issued for an underpass, culverts and earthworks that facilitated the continued operation of the PRA line;
- ‘Package 12’: Sheepphouse Wood, with the key elements being a ‘Bat Mitigation Structure’ (design to protect bats from colliding with trains and / or other rail apparatus), a green overbridge and an underpass; and
- ‘Package 13b’: the Infrastructure Maintenance Depot, with the key elements being the very large depot building, rail and highway, and earthworks.

- 1.25 For each of the above structures and associated works, Council Officers secured improvements to design over a period of more than two years of review to ensure the use of appropriate materials and that any harm to the environment and amenity is minimised. At the Infrastructure Maintenance Depot (IMD), for example, Officers engaged with HS2 Ltd specialist designers to ensure the proposals avoided and reduced visual impacts, flood risk and the impact of lighting on both residents and fauna, notably bats.
- 1.26 Other structures and elements that have received consent in the last twelve months include bridge parapets; green verges on bridges; temporary worker’s accommodation, points of access for operational compounds and farms; and noise barriers.
- 1.27 Four consents have been granted on appeal by the Planning Inspectorate. Two of these are for temporary compounds, where the Council had refused permission due to what was considered to be excessive space for parking cars. These appeals were allowed, with the Inspector concluding that the temporary nature of the use for parking cars and the location close to the construction compounds being considered appropriate.
- 1.28 The two other appeals were for ‘Bowood Lane’, where the Council refused consent for an overbridge, the design of which was not considered to be sufficiently sensitive to the setting within an ancient Holloway; and ‘Sheepphouse Wood’, where the Council made no decision because it considered that insufficient information had been provided with respect to additional harm to Ancient Woodland. In both cases, the Inspector concluded that the importance of delivering HS2, a National Infrastructure Project, outweighed the harm.

Remaining consents to be issued

- 1.29 The Buckinghamshire section of the route comprises 16 ‘packages’ (each about 2 to 3 miles long). Of these major packages only the section to the west of Aylesbury remains to be permitted (Package 6b). This section is level and in cutting with significant features including a landscape bund and noise barriers. Package 6b is immediately adjacent to an area of the Aylesbury Garden Town that has yet to be granted planning permission. Council Officers continue to work with HS2 Ltd and other interested parties to ensure the two developments (AGT and HS2) are compatible. HS2 Ltd has agreed to significant redesign of earthworks to ensure this important residential development is not compromised.
- 1.30 Over the next two years Officers will continue to engage with HS2 Ltd, their contractors and all other interested parties to review proposals and seek design changes that will avoid harm to the Buckinghamshire environment and the amenity of residents and businesses.
- 1.31 In addition to the final ‘Package’ (Package 6b), proposals HS2 Ltd will seek consent for detailed design including the deck and parapets for approximately 20 highway overbridges; for earthworks and landscape planting; for fencing; for points of access; footpaths and cycleways and for other structures that already have permission, but need to be redesigned.
- 1.32 Following the unprecedented volume of rainfall experienced over the Winter and resultant flooding, questions have been raised as to whether HS2 Ltd's construction activities have exacerbated the situation at a number of locations across the county. The Council continues to work with HS2 Ltd and its Main Work Civil Contractors (as well as other parties such as the Environment Agency and FCC in Calvert) to establish the facts and mitigation if required. For example, HS2 Ltd had not materially contributed to the recent flooding at Chalfont St. Peter. The Council has no powers to force HS2 Ltd to cease pumping because the associated consent was granted by the Environment Agency, however the Council is working constructively with HS2 Ltd to ensure they act responsibly. The situation at Rocky Lane has yet to be concluded and the Council will be shortly commencing a formal investigation to establish the sources of flooding at this location following a number of flooding incidents over the last year or so.
- 1.33 A related matter in this respect is ‘new burdens’ – assets that will become the responsibility of the Council. This may include substations and verge maintenance. The Council continues to seek confirmation from the DfT the scope and cost of such new burdens; and the extent of any related financial support that will be provided by the Government. DfT is currently holding a Phase One wide consultation on the New Burdens Assessment which the Council will be formally responding to shortly.

- 1.34 The physical construction phase will result in significant disruption to traffic flows at several key locations on the strategic route network. One such location is in the vicinity of the new Small Dean viaduct where numerous lane and overnight closures are necessary including the need to re-align the A413 on two separate occasions to facilitate construction of two of the piers.
- 1.35 The Council has placed a standard condition on more than 20 overbridges such that further design will need to be presented that demonstrates contextually appropriate treatment with respect to matters including carriageway width, the provision of green verges reflecting the immediate surroundings either end of the bridge; and parapet heights and their surface finish.
- 1.36 In scrutinising and influencing the design Council Officers work with HS2 Ltd's contractors to consider not only the inherent landscape impact, but also the experience of the road user, walker, horse rider and in the context of a 120 year life of the structure / element being considered.
- 1.37 The HS2 Act for the stretch of railway running through Buckinghamshire requires 'no net loss' to biodiversity. The Council actively encourages HS2 to report on and demonstrate species protection (in accordance with line wide licences for protecting bats and other species); and seeks to ensure that opportunities are taken to improve / re-establish connectivity and to engage on advanced planting. The Council seeks enhancement where possible and engages the principle of evidence-based decisions that optimise avoidance, mitigation and / or compensation. At Sheephouse Wood, for example, the Council has requested detailed information from HS2 with respect to the impact on the Ancient Woodland and Site of Special Scientific Interest of the proposed bat mitigation / protection structure.
- 1.38 In terms of amenity a key matter that has recently been discussed is flood risk South West of Aylesbury. The HS2 contractor has provided details of modelling water flows in the Stoke Brook post construction. The Council is satisfied that sufficient details have been provided to date, but the final design has yet to be presented to the Council, meaning that further scrutiny of modelling and proposals for water management will be undertaken. The Council's interest will primarily be to ensure all measures have been utilised to prevent any increase in flood risk to properties. The Council works collaboratively with the Environment Agency (EA) on our respect approvals under the hybrid Act, which scrutinises water modelling and proposals to manage water with respect to main rivers and water quality. The discharge permits issued by the EA provide further assurance that appropriate measures are in place; and the Council remains vigilant in ensuring the overlapping regimes for approving work are co-ordinated.

EWRA/HS2 interface

- 1.39 The Council was pleased that the handover of civils works in the Calvert area to EWRA from HS2 Ltd and their contractor EKFB was finally completed in November 2023 after many months of delay.
- 1.40 EWRA successfully mitigated the 6 plus months delay and as reported back at February's TECC EWRA "Infrastructure Ready" date remains on target for the end of 2024 and the East West Railway is planned to "Enter in Service" during 2025.
- 1.41 Both projects remain highly active in the "Calvert Box" area and will do so for some time to come.

Climate change

- 1.42 The impact of the construction phase will be significant with respect to climate change. Again, this is a complex scenario since a key premise of the project is to reduce carbon emissions overall with rail representing a better option than flying or driving.
- 1.43 For all proposals HS2 seeks to minimise carbon emissions whilst ensuring high quality design. At Wendover Dean viaduct, for example, instead of using solid pre-stressed concrete beams to form the bridge spans, the viaduct will use two steel girders sandwiched between two layers of reinforced concrete to create a lightweight and super strong hollow span. According to HS2 Ltd this approach is set to save an estimated 7,433 tonnes of embodied carbon within materials – the equivalent of someone taking 20,500 return flights from London to Edinburgh.
- 1.44 Other initiatives include the creation of a railhead near Quainton to facilitate the removal and delivery of construction materials by rail instead of HGVs, which accordingly to recent trade press has taken 101,000 HGVs movements off the highway network.
- 1.45 As referenced above, Council Officers scrutinise flooding and drainage proposals; and this includes a consideration of climate change rainfall scenarios.
- 1.46 The creation of substantial new woodland is a not only necessary for landscape mitigation, but also acts as a carbon sequestration measure. The Council encourages advanced tree planting wherever this is possible.

4 Actions taken by Buckinghamshire Council to support residents in the construction of the line

- 1.47 Over the course of the year Buckinghamshire Council has continued to assist residents, communities, and businesses with mitigating the impact of the construction of HS2 to support communities to address the issues set out above.
- 1.48 The Council is working with HS2 Ltd to secure the necessary remuneration from the statutory undertaker for both temporary and permanent road repairs to be completed to align with their on-going construction activities and their demobilisation programme.
- 1.49 The Council's HS2/EWR marshals continue to observe speeding HGVs however their frequent speed monitoring has proven to be a positive deterrent, with the number of HS2 HGVs identified as speeding dramatically reducing.
- 1.50 The Council continue to press HS2 Ltd and their contractors for the details on planting & landscaping, fencing & drainage to enable the impacted communities to have a clear understanding of the project's legacy as well as the associated longer-term maintenance plans. This approach is giving rise to concerns within HS2 Ltd with respect to their programme.
- 1.51 The Council is also working hard to require HS2 Ltd to provide more transparency in terms of the forward programme of construction activity, particularly in sensitive locations and strategic routes which are most affected by the works.
- 1.52 The Council continue to press HS2 Ltd and DfT for additional HS2 Road Safety Fund monies because the Council's original allocation of £3.95m is both oversubscribed and does not allow for inflation.
- 1.53 The Council has additionally had to advertise these road closures on social media because HS2 Ltd refuse to use such platforms to inform the public of their impact.

5 Your questions and views

- 1.54 If you have any questions about the matters contained in this report, please get in touch with the author of this report. This can be done by telephone: 07506011434 or email: laura.leech@buckinghamshire.gov.uk.