

Mike Cooke  
Chief Executive  
London Borough of Camden  
Camden Town Hall  
Judd Street  
WC1H 9JE

By email only

Dear Mr Cooke

08 September 2016

High Speed Rail (London – West Midlands) Bill

**Petition No.HoL 563 London Borough of Camden – Assurances regarding Petition Issues**

I am the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (London – West Midlands) Bill ('the Bill') currently before Parliament. I am writing to you on behalf of the Secretary of State for Transport to set out the assurances that the Secretary of State is willing to give in order to address some of the concerns expressed by the London Borough of Camden (the Borough) regarding the impact of Phase One of HS2 (known as 'the Proposed Scheme').

With reference to the above petition the Promoter and the Borough have engaged extensively and sought to resolve the objections raised by the Borough. As a result of this engagement HS2 Ltd. is able to offer assurances in the following areas – the details of which are provided in the document entitled "London Borough of Camden: Assurances on High Speed Two Phase One 1 September 2016" enclosed with this letter:

1. Community engagement
2. Support for vulnerable people
3. Reducing the impacts of construction traffic
  - Material by Rail
  - EURO VI
4. Hampstead Road Bridge
5. Lorry holding facility
6. Ampthill estate utilities
7. Environmental health officer
8. Adelaide Road
9. Environmental data sharing and Revisions to the Code of Constructions Practice
10. Construction Commissioner
11. Camden Fund
12. Other commitments which affect LB Camden
13. Comprehensive Station Redevelopment
14. Interpretation

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High Speed Two (HS2) Limited, registered in England and Wales.  
Registered office: One Canada Square, London E14 5AB. Company registration number: 06791686. VAT registration number: 181 4312 30.

These assurances are in addition to the assurances that were offered previously to the London Borough of Camden in November 2015 on the below topics.

1. Delivering the Euston Vision and working collaboratively
2. Euston Station design
3. Vent shaft design
4. Community Engagement
5. Reducing amount of HS2 related construction traffic on the road
6. Further reducing impacts of construction traffic
7. Skills and employment
8. Business Mitigation
9. Open space
10. Residential mitigation
11. Effective management of construction sites
12. Schools
13. Motorcycle club
14. Escalation of concerns
15. Engagement with the London Borough of Camden
16. London Borough of Camden specific assurances regarding Heritage issues

Full details of these assurances are attached in the letter dated 23 February 2016.

These assurances are provided on the understanding that they reflect the entirety of the Borough's remaining concerns with the exception of HS2 discretionary property compensation schemes, Clause 48, Material By Rail and the development of the Network Rail Euston Station, on all of which the House of Lords HS2 Select Committee is considering the representations made by the Borough.

I have copied this letter to Alastair Lewis (Sharpe Pritchard), who I understand is acting as your appointed Parliamentary Agent.

Yours sincerely

**Roger Hargreaves**  
Director, Hybrid Bill Delivery  
High Speed Two (HS2) Limited

cc. Alastair Lewis (Sharpe Pritchard) [alewis@sharpepritchard.co.uk](mailto:alewis@sharpepritchard.co.uk)

## 1. Community Engagement

The Promoter further recognises the need to ensure that engagement is meaningful, effective and timely in order to inform decision making where practicable.

1.1 The Nominated Undertaker will include a statement in the *Camden* community engagement framework as follows:

*"HS2 Ltd. will engage early with stakeholders and community members in order to build relationships based on open communications. This engagement will be two way in nature with HS2 providing timely information, seeking views in a timely manner and taking views for consideration, answering questions, seeking suitable feedback and responding appropriately to the views of the community".*

1.2 *The Camden community engagement framework will be updated before Royal Assent.*

The Promoter has already provided an assurance that "The SoS will require the NU to engage with the LB Camden and schools to fully understand any impacts that may occur and identify reasonable measures to mitigate as identified within the CoCP". These further assurances confirm how the Promoter will ensure that the Nominated Undertaker develops its plan for engagement with Schools and also for the most vulnerable in the community.

1.3 *The Secretary of State will require the Nominated Undertaker to develop a LB Camden 'schools engagement sub-framework' (to sit within the overarching Camden community engagement framework). This will be aimed at ensuring schools are made aware of development in relation to the construction programme and local impacts in their area.*

1.4 *Work to develop the schools engagement sub-framework will commence prior to Royal Assent. Both will be reviewed in at least six monthly intervals.*

## 2. Support for vulnerable people

2.1 *The Secretary of State will require the Nominated Undertaker, working with the LB Camden, to develop a LB Camden 'Vulnerable People Strategy' and 'vulnerable people communications sub-framework' (to sit within the HS2 overarching Camden community engagement framework).*

2.2 *The Vulnerable People Strategy will be aimed at ensuring that the Nominated Undertaker is able to identify vulnerable people within the community and assess their needs. The vulnerable people communications sub-framework will be aimed at ensuring that the Nominated Undertaker puts in place communications and engagement plans appropriate to these needs. An initial draft of the Vulnerable People Strategy will be shared with the London Borough of Camden as soon as reasonably practicable following the issuing of these assurances (but in any event no later than Royal Assent), following which the strategy will be implemented and thereafter reviewed in at least six monthly intervals.*

In addition to Hs2 Ltd's core team that will work, where required, with vulnerable people within the Camden area to communicate or assist if impacted by the scheme, it is acknowledged that due to the

circumstances present within the Camden area additional provision is required for support workers. The role will be to assist in identifying people who require support and ensuring that adequate assistance is provided by the appropriate HS2 existing services.

To deliver on this intention, the Promoter is willing to offer the following assurances:

- 2.3.1 *Subject to the Secretary of State reaching agreement with the London Borough of Camden including, but not limited to, the terms set out in paragraphs 2.3.2 to 2.3.8 below the Secretary of State will make a contribution up to a maximum of £190,000 ("the Contribution") towards the appointment of the support worker(s) for vulnerable people within the London Borough of Camden area who are affected by the HS2 Works.*
- 2.3.2 *The Contribution shall be used solely for the purposes of employing support worker(s) to be engaged exclusively on work related to HS2 for a fixed period of two years commencing as soon as reasonably practicable following signing of the undertaking referred to in clause 2.3.8.*
- 2.3.3 *The Contribution shall be paid in accordance with the following terms:*
- i) on the date provided for in accordance with the terms of the legal Agreement as a single payment to the London Borough of Camden payable pursuant to clause 2.3.1;*
  - ii) any future funding requirements in addition to the Contribution will be subject to the Secretary of State for Transport's review at the expiry of the fixed two year period specified in clause 2.3.2*
  - iii) Criteria for the review to include but not be limited to review of demand for the service in the previous period and forecast demand based on on-going need during the construction of Stage A of Euston Station as a result of HS2.*
- 2.3.4 *In the event that the Contribution or any part thereof payable pursuant to clause 2.3.1 of this assurance is not applied towards the purposes specified in clause 2.3.2 within two years of the receipt of the Contribution or any part thereof the London Borough of Camden will refund to the Secretary of State such unexpended contribution or part thereof (as the case may be) together with interest thereon calculated at the base rate from time to time from the date of such payment until the date of repayment.*
- 2.3.5 *Prior to the appointment of the support worker(s) following payment of the Contribution, the London Borough of Camden will provide the Nominated Undertaker with a copy of the proposed job description and objectives of the support worker ("the Job Description") for review and will, prior to the finalisation of the Job Description, take into account any reasonably representations made by the Nominated Undertaker.*
- 2.3.6 *From the date of the appointment of the support worker(s), the London Borough of Camden will report to the Nominated Undertaker on a quarterly basis on the performance and delivery against objectives of the support workers by reference to the Job Description.*
- 2.3.7 *The Nominated Undertaker will through the reporting process referred to in clause 2.3.6, monitor the performance of the support worker(s), and the London Borough of Camden acknowledges that in the event that the Nominated Undertaker deems the support worker is not delivering against the agreed*

*objectives as defined in the job description, the Nominated Undertaker may request that the London Borough of Camden review the appointment.*

- 2.3.8 *These arrangements relating to these assurances will be set out in a legal Agreement between the Secretary of State or Nominated Undertaker as appropriate and the London Borough of Camden.*

### 3 **Reducing the impacts of construction traffic**

HS2 Ltd. recognises that the impact of construction traffic remains a key concern for the London Borough of Camden, its residents and businesses in the area.

One of the important elements of our Environmental Minimum Requirements is that they place the Nominated Undertaker under a general obligation to continue to seek to further reduce adverse impacts during the detailed design, construction and operation phases of the scheme:

*'The nominated undertaker will in any event, [...], use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by Phase One of High Speed 2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme.'*

This general commitments includes using reasonable endeavours to adopt mitigation measures that will reduce the impacts of construction traffic.

Mindful of the above obligation, we are offering further assurances which will have significant benefits in terms of reducing the impacts of construction traffic in the London Borough of Camden. The mitigations include very substantial commitments on the engine type of HS2 construction vehicles with the view to reducing vehicle emissions. It also provides commitments which outline the process by which we will work with contractors and members of ESSRB (that includes the London Borough of Camden) to continue to seek to maximise, as far as reasonably practicable, the amount of material that can be moved by rail and firmer commitments which are linked to the outcomes of the study conducted jointly with the London Borough of Camden following the House of Commons Select Committee process.

Maximising the amount of material that can be moved by rail remains a work in progress; as the design develops and contractors come on board, further options may arise which will continue to be considered on their merits, including the community and social benefits for Camden. It is currently predicted that compliance with Clause 3.4 will result in 28% of excavated material in the Euston area being removed by rail.

#### Material by Rail

- 3.1 *The Secretary of State will require the Nominated Undertaker to seek to further mitigate the construction traffic impacts of the Scheme in the Camden area by reducing the number of construction related Large Goods Vehicles in so far as reasonably practicable. To this effect, the Secretary of State will require the Nominated Undertake to:*

- (a) *(a) continue to explore, during detailed design, additional and/or alternative opportunities to those referred to in Clause 3.3 including but not limited to the Backing Out Road 2 siding, for removing material by rail and will consider their implementation in so far as they are reasonably practical, within Bill powers and are within the scope of the environmental assessment carried out in connection with the Bill;*

*(b) identify and place an obligation on its contractors to identify opportunities to reduce the number of vehicles on the road, including but not limited to bringing forward options to move material by rail;*

*(c) Give due consideration to proposals made by members of ESSRB related to further reducing traffic impacts in the London Borough of Camden*

- 3.2 *The Promoter will require the Nominated Undertaker to engage with the organisations represented at ESSRB regarding its work to meet its obligations under clause 3.1a and 3.1c. This will include, but not be limited to, appropriate collaborative technical meetings, updates to the Euston Integrated Programme Board and updates to Euston Station Strategic Redevelopment Board meetings.*
- 3.3 *The Promoter will require the Nominated Undertaker to require its contractors, in constructing the Proposed Scheme in the London Borough of Camden, to use ready-mix concrete lorries with a minimum capacity of 8 cubic metres, except in the case of an emergency or where it is necessary in order to ensure the safe construction of the works to use vehicles of a lesser capacity*
- 3.4 *Subject to the satisfaction of all of the conditions set out in paragraph 3.5 the Promoter will require the Nominated Undertaker to implement both the Platform 13 option and the Platform 18 option, or such other option or options which may better meet the Purpose, in order to maximise, in so far as reasonably practicable, the volume of excavated and construction material moved by rail in connection with the construction of the HS2 Euston station.*
- 3.5 *The conditions referred to in paragraph 3.4 which must be satisfied, taking into account the full cost of transporting all construction materials by road and the potential benefits delivered by the options, are:*
- 3.5.1 *The Promoter being satisfied by the results of the Assessment that any adverse impacts on passengers and train operating companies can be adequately mitigated within the scope of the powers and consents to be conferred under the Bill once enacted to the reasonable satisfaction of the Secretary of State and any potential costs associated with the implementation of the Platform 13 option and the Platform 18 option resulting from compensation payable to Train Operating Companies are considered reasonable by the Secretary of State bearing in mind the benefits of reducing the number of HGV movements and any associated cost savings stemming from that;*
- 3.5.2 *The Promoter being satisfied by the result of the Assessment that any adverse impacts on the HS2 construction programme for the HS2 Euston station can be adequately mitigated within the scope of the powers and consents to be conferred under the Bill once enacted and that the implementation of the Platform 13 option and the Platform 18 option will not materially lengthen the HS2 construction programme for HS2 works at Euston;*
- 3.5.3 *the Nominated Undertaker having developed within the constraints of the Bill a design for the HS2 Euston Station that incorporates an initial Platform 13 option and an initial Platform 18 option, that those options (or such other option(s) identified that better meet the Purpose) remain appropriate and broadly compatible with the design for the HS2 Euston Station as the relevant options develop and should the detailed design of the HS2 Euston station change; and*
- 3.5.4 *the Promoter gaining consent or approval that is required from Network Rail through standard industry processes and under any protective provisions and asset protection*

*agreements entered into with Network Rail for implementing the Platform 13 option and the Platform 18 option (or any other option(s) better meeting the Purpose).*

3.6 *The Promoter will engage with London Borough of Camden on the preparation of the Assessment and without prejudice to the generality of the above shall:*

3.6.1 *Upon completion, submit the Assessment to the Euston Integrated Programme Board (EIPB) and the Euston Station Strategic Redevelopment Board (ESSRB) for comment. The Promoter will require the Nominated Undertaker to use all reasonable endeavours to incorporate comments from the EIPB and ESSRB into the Assessment.*

3.6.2 *The Assessment will then be submitted to the Secretary of State for his consideration. The Secretary of State will then notify the ESSRB of his decision in regards to Platform 13 option and the Platform 18 option or any other option(s) better achieving the Purpose put through the Assessment, no later than two months from the date of the Assessment's submission.*

3.7 *The Secretary of State will require the Nominated Undertaker to update ESSRB members throughout the construction period in respect of the implementation of these assurances and specifically the amount of material being carried by rail.*

3.8 *The Secretary of State will require the Nominated Undertaker to keep the public updated in respect of work towards maximising, so far as reasonably practicable, material being carried by rail through regular presentations and discussion of progress at the Euston Community Representatives Group.*

#### EURO VI engines

The Promoter working with Transport for London (TfL), Greater London Authority (GLA) and the London Borough of Camden has produced a study on the use of low emission vehicles in London during construction of HS2. As a result the Promoter is willing to give the following assurances. These supersede and replace assurances on Euro VI vehicles previously provided to the London Borough of Camden on 30 November 2015 and 23 February 2016 (Undertaking & Assurance ref 1943) .

3.9 *The Promoter will require the Nominated Undertaker to include in their contracts with all relevant contractors the following requirements and to enforce those requirements and to require those relevant contractors to pass down and enforce these requirements in contracts with any relevant sub-contractors:*

#### Heavy vehicles (>3.5 tonnes)

3.9.1 *Require contractors to use HGVs (vehicles with a permissible maximum weight greater than 3.5 tonnes) within the London Low Emission Zone and relating to the construction of the HS2 works, to be powered by Euro VI (or lower emission) engines, unless it is an exempt vehicle.*

3.9.2 *Require contractors to determine which vehicles are exempt and to report to the Nominated Undertaker HGV numbers by Vehicle Registration Number and Euro standard (including their subcontractors) including any exemptions and non-compliances for all relevant HS2 related works within the London Low Emission Zone. The exemptions shall be determined in a way that seeks to maximise the use of Euro VI (or lower emission) vehicles. This information to be*

forwarded to the London Borough of Camden, within one month of receipt by the Nominated Undertaker.

3.9.3 Certain HGVs (vehicles with a permissible maximum weight greater than 3.5 tonnes) may be exempted on the grounds of:

- a) **Specialism:** being a specialist vehicle (not readily available as Euro VI compliant); and/or
- b) **Unforeseen circumstances:** for example breakdowns or mechanical failure requiring a replacement vehicle that is not readily available as Euro VI compliant; and/or
- c) **Triviality:** if it is expected that a particular vehicle is planned to and only makes no more than 12 visits in any 12-month rolling period to all HS2 works in the London Low Emission Zone, then the vehicle may be given a specific exemption.

All exemptions must be obtained from the contractor designated by the Nominated Undertaker for that purpose and the reasons for seeking the exemption shall be recorded. The totality of the exemptions listed in this clause shall account for no more than 8% of unique vehicles on an annual basis. There may be certain circumstances where an exemption cannot be granted in advance and in this case, a retrospective exemption can be granted provided that:

- (a) the relevant documentation is submitted for consideration within two working days of the vehicle arriving at site;
- (b) the vehicle falls within the grounds for an exemption; and
- (c) the reasons for the retrospective application are recorded.

3.9.4 All principal contractors, shall set out in their Logistics Environment Sustainability and Safety Management Plans (ESSMPs), their exemptions management process and report vehicle numbers, exemptions and non-compliances to the Nominated Undertaker on a monthly basis for two years from start of works to be undertaken by those principal contractors. Following the end of the initial two year period the reporting period will be reduced in frequency by agreement as performance is established. Non-compliances are those HGVs (vehicles with a permissible maximum weight greater than 3.5 tonnes) which are not Euro VI compliant and have not been exempted under the agreed grounds for exemption (i.e. exempted vehicles are not considered to be non-compliances with the commitment). There shall be a transition period of 12 months from the signing of the assurance, during which the compliance regime will be established. Where Enabling Works Contractors do not produce ESSMPs, they shall make equivalent provisions to those set out in this paragraph, and agree them with the Nominated Undertaker. Such plans or provisions shall be consistent with the principle of avoiding pollutant emissions to air as far as reasonably practicable, as set out in Information Paper E31: Air Quality.3.3. The LB Camden will be provided with this information in accordance with the third assurance given by the Promoter in the Route-Wide Air Quality assurance dated 23 February 2016.

3.9.5 For HGVs, contractors shall prepare and agree an Action Plan with the Nominated Undertaker:

- a) if there is less than 100% Euro VI compliance; or
- or
- b) if the number of exemptions increases on the previous three months.

Light vehicles (vehicles less than tonnes)

- 3.9.6 *Require all light vehicles used by contractors in relation to the construction of the HS2 works in the London Low Emission Zone (vehicles with a permissible maximum weight less than or equal to 3.5 tonnes) to be Euro 4 petrol and Euro 6 diesel compliant by 2020, (without an exemptions regime, with annual reporting).*
- 3.9.7 *Require contractors, as part of their Logistics Environment Sustainability and Safety Management Plans (ESSMPs), to produce a plan to work towards achieving target percentages of ULEVs to be used in the fleet of light vehicles relating to the construction of HS2 for the purposes of their contract, entering the London Low Emission Zone. An 'Ultra Low Emission Vehicle' (ULEV) is defined here based on advice from the Office for Low Emission Vehicles as: 'emissions lower than 75gCO<sub>2</sub>/km and zero-emission range greater than 10 miles'. The target percentage of ULEVs shall be proportionate to the size and duration of the contract, and take into account the vehicle activity included in it. This plan should be agreed with the Nominated Undertaker and progress against the plan shall be measured and reported.*
- 3.9.8 *The use of cars (for the purposes of construction activities) by contractors is expected to be minimal during HS2 construction in inner urban areas within London. Contractors shall aim to adopt ULEV cars from the start of works under the act (and report actual usage measured as annual vehicle mileage, not unique vehicles), working towards a target of 100% ULEV use (or other percentage agreed with the Nominated Undertaker who shall have regard to what is proportionate given the size and duration of the contract) over the course of their contract, taking into account the contract size, duration and vehicle activity. For vans, contractors shall aim towards meeting a target of 75% ULEV use (or other percentage agreed with the Nominated Undertaker), measured as annual vehicle mileage. Benchmarks (defined here as numbers against which performance will be evaluated) are set for contractor fleet average CO<sub>2</sub> emissions as follows (and will be subject to review):*
- a) *fleet average for cars of 75gCO<sub>2</sub>/km from start of works authorised under the Bill, decreasing by 5gCO<sub>2</sub>/km every 3 years; and*
  - b) *fleet average for vans of 160gCO<sub>2</sub>/km from start of works authorised under the Bill, decreasing by 20gCO<sub>2</sub>/km every 3 years).*

Additional Notes on Compliance monitoring and reporting

- 3.9.9 *For the metrics for all vehicles referred to above, contractors shall be required to establish a baseline of vehicle use, exemptions and compliance percentages within the first two months of starting their activities.*
- 3.9.10 *Data shall be reported to the Nominated Undertaker initially on a monthly basis; once continuous improvement is shown in each of three separate adjacent months, the frequency of reporting may be reduced (with the agreement of the Nominated Undertaker). Contractors shall also provide annual (calendar year) statistics to the Nominated Undertaker to enable aggregate reports to be compiled.*
- 3.9.11 *In keeping with HS2's principle of avoiding pollutant emissions to air as far as reasonably practicable, keep under review the potential for further updating this assurance to respond to potential future changes to vehicle emissions standards, technology and/or legislation.*

*This could include, but is not restricted to, updating requirements to reflect future vehicle emission standards, and the introduction of automatic monitoring of vehicles relating to the construction of HS2 works.*

#### **4. Hampstead Road Bridge**

Pursuant to the assurance given to TfL, the Nominated Undertaker working with TfL and the London Borough of Camden has completed the Hampstead Road Bridge study required as a result of assurances given to TfL on 7 December 2015. As a result, the Promoter is willing to offer the following assurances:

- 4.1 *The Nominated Undertaker will continue to keep the requirement for and design of the replacement Hampstead Road Bridge under review during the detailed design stage with a view to further mitigating the impacts on the community in so far as is reasonably practicable, within Bill powers and is within the scope of the environmental assessment carried out in connection with the Bill.*
- 4.2 *The Nominated Undertaker will consider for implementation reasonable alternatives for the design of the replacement Hampstead Road Bridge proposed by the London Borough of Camden which are outside Bill powers and the scope of the environmental assessment, so long as these do not unreasonably impact the timely, economic and safe delivery of the Authorised Works, and provide to the London Borough of Camden any reasons why such suggestions are not considered appropriate.*
- 4.3 *The Nominated Undertaker will continue to engage with the London Borough of Camden through detailed design including through meetings of ESSRB and other technical meetings as required, in relation to paragraphs 4.1 and 4.2 above.*
- 4.4 *The Nominated Undertaker will engage with the community in a timely and meaningful manner in relation to the ongoing review of the requirement for and design of the replacement Hampstead Road Bridge referred to in paragraphs 4.1 and 4.2 above.*
- 4.5 *If the Nominated Undertaker proceeds with the replacement of Hampstead Road Bridge detailed in the AP3 scheme (and associated ES), the Promoter will require the Nominated Undertaker to reduce the height of the road surface of the replacement Hampstead Road Bridge presented in the deposited plan for Greater London – London Borough of Camden Sheet no 1-01 by at least between 0.5m and 1m.*
- 4.65 *The Secretary of State will require the Nominated Undertaker to seek to engage with relevant statutory undertakers with a view to reducing, insofar as is reasonably practicable and in accordance with Parts 2 and 3 of Schedule 32 to the Bill, the impacts of such utility diversion as arise from the construction of Work No 1/11.*

#### **5. Lorry Holding Facility**

The Promoter, working with TfL, London Borough of Camden and the City of Westminster, has produced a study into the reasonable alternatives to the Park Crescent Lorry holding facility in the position used for the Crossrail project, required as a result of assurances given to TfL on 7 December 2015.

The Promoter is willing to offer the following assurances in relation to alternative lorry holding facilities:

5.1 *The Promoter will require the Nominated Undertaker:*

5.1.1 *To only pursue an alternative on-street lorry holding facility in the London Borough of Camden if the Nominated Undertaker can demonstrate to the Promoter's reasonable satisfaction, following engagement with the London Borough of Camden, that such a holding facility is necessary.*

5.1.2 *If such a facility is demonstrated to be necessary pursuant to paragraph 5.1.1, to continue during the detailed design of the works authorised by the Bill to keep under review, and work collaboratively with the London Borough of Camden in doing so, the requirements for on-street lorry holding in the Camden area as an alternative to the previously proposed holding facility area adjacent to the westbound carriageway of Park Crescent.*

5.1.3 *if the Nominated Undertaker determines that that such a holding area is required, to:*

- (a) *work collaboratively with the London Borough of Camden in the Nominated Undertaker's selection of a site, including giving consideration to sites proposed by the London Borough of Camden and taking into account all impacts on the borough, including on communities, businesses and road users, particularly vulnerable road users;*
- (b) *consult with the London Borough of Camden on the proposed use of any site in a street within Camden;*
- (c) *seek the consent of the London Borough of Camden with regard to the proposed use of any site in a street in Camden which is not listed in table 3 of Schedule 4 to the Bill, in accordance with the requirements of the Bill; and*
- (d) *to engage with the local Camden community during the process of site selection of any further lorry holding facility required and once detailed design and construction logistics planning has progressed if any lorry holding area is required on-street.*

## **6. Ampt Hill Estate Utilities**

The Borough has expressed concern regarding the HS2 works which will be taking place in the vicinity of utility apparatus owned by the Borough. HS2 Ltd understands that the London Borough of Camden owns several gas mains under Ampt Hill Estate and other land owned by the London Borough of Camden and also that the London Borough of Camden supplies gas to the estate. HS2 Ltd. understands that the London Borough of Camden is a licensed gas transporter and statutory undertaker for the purpose of the Gas Act. As a licenced gas transporter and statutory undertaker for the purpose of the Gas Act 1986, the London Borough of Camden will have the benefit of the protective provisions in the Bill.

HS2 Ltd. can confirm that in the case of any damage and disruption of gas supply caused by the HS2 construction while the Nominated Undertaker is in temporary possession of the property, the Borough could make a claim for compensation under the compensation code applied by the Bill, this could cover any temporary rehousing which the Borough reasonably needs to carry out. Compensation would also be payable in respect of damage caused by construction work on adjoining land.

In addition, the Promoter is able to offer the following assurances by way of protection for these assets which, we think, should address the Council's concerns:

- 6.1 *The Promoter will require the Nominated Undertaker or its contractors to engage with the London Borough of Camden in advance of utility works undertaken as part of HS2 construction works which are near to or may affect any apparatus identified as belonging to the London Borough of Camden on the Ampt Hill Estate, such engagement to include sharing plans of the work and any protective measures.*
- 6.2 *The Promoter will require the Nominated Undertaker or its contractors to mitigate as far as reasonably practicable the risk of unplanned interruption to supply from this apparatus caused by HS2 construction works.*
- 6.3 *The Promoter will require the Nominated Undertaker or its contractors to establish procedures for the management and mitigation of unforeseen events in the works on Ampt Hill Estate which will be shared with the London Borough of Camden.*
- 6.4 *In the event that HS2 construction works cause damage to utility apparatus owned by the London Borough of Camden, unless it is agreed otherwise with the London Borough of Camden, the Promoter will require the Nominated Undertaker or its contractors as soon as reasonably practicable to make good the damage, subject to obtaining such permissions for access and shut-down of services as may be reasonably required for repairs to be carried out. Except in case of emergencies, such permissions will be agreed with the London Borough of Camden where it is the landowner or service-provider.*

## **7. Environmental Health Officer**

Having regard to the unique impacts of the construction of the Proposed Scheme on residents in the London Borough of Camden, including the large number of Properties that are expected to qualify for noise mitigation in this borough, HS2 Ltd. will provide resources to the London Borough of Camden for an additional Environmental Health Officer, in a community-facing role, to provide the community with advice, including regarding applications for residential mitigation, which is independent of HS2 Ltd.

Whilst the proposed Service Level Agreement, once finalised, will require the Nominated Undertaker to provide an appropriate level of funding to ensure that local authorities have sufficient resources in place to deal with planning, highways and environmental health consents required for HS2, the Camden area is unique in the scale and duration of disruption that will be imposed upon it by the construction of the Proposed Scheme and the resultant proposed residential mitigation. For this reason it is considered that the impact of the works – particularly in the first two years of construction - and the resultant pressures on the council merit the funding of a specialist officer during that period.

The Secretary of State is prepared to offer the following assurance:

- 7.1 *Subject to the Promoter reaching agreement with the London Borough of Camden on the appointment of an Environmental Health Officer including, but not limited to, the terms set out in paragraphs 7.2 to 7.8 below, the Promoter will make a contribution of £65,000 per annum up to a maximum of two years and capped at £130,000 in total ("the Contribution") towards the costs of such appointment.*

- 7.2 *At the end of the two year fixed period, the Nominated Undertaker will review the position but any further contribution would be payable under the Service Level Agreement in accordance with that agreement. Criteria will include but not be limited to a review of demand for the service in the previous period and forecast demand over the next two years, based on the onward construction timetable.*
- 7.3 *The Contribution will be used solely for the purposes of employing a full time Environmental Health Officer (either directly or to commission such a service), to be engaged exclusively on HS2 related work, for a period of no longer than two years commencing as soon as reasonably practicable following signing of the legal Agreement referred to in paragraph 7.8. This is separate to any arrangements to fund LB Camden for handling of other Environmental Health-related work such as Section 61 applications.*
- 7.4 *In the event that the Contribution or any part thereof payable pursuant to paragraph 7.1 of this assurance is not applied towards the purposes specified in paragraph 7.2 within two years of the receipt of the Contribution, the London Borough of Camden shall refund to the Secretary of State such unexpended contribution or part thereof (as the case may be) together with interest thereon calculated at the base rate from time to time from the date of such payment until the date of repayment.*
- 7.5 *Prior to the appointment of the Environmental Health Officer, the London Borough of Camden and the Nominated Undertaker will jointly draft the Job Description for that appointment. The Job Description shall make it clear that the Environmental Health Officer's role is to provide a community facing officer who will liaise with members of the local community regarding the impacts of the Proposed Scheme and specifically the process of applying for mitigation packages.*
- 7.6 *From the date of the appointment of the Environmental Health Officer, the London Borough of Camden will report to the Nominated Undertaker, at agreed intervals, on the performance of the Environmental Health Officer by reference to the Job Description.*
- 7.7 *The Nominated Undertaker will through the reporting process referred to in clause 7.5, monitor the performance of the Environmental Health Officer against the criteria of the Job Description, and, in the event, following advice from the Nominated Undertaker, that the Promoter deems the Environmental Health Officer's performance below the standard required by the Job Description, the Promoter may require the London Borough of Camden to review the appointment.*
- 7.8 *These arrangements will be set out in a legal Agreement between the Secretary of State or Nominated Undertaker as appropriate and the London Borough of Camden.*

## **8. Adelaide Road**

As noted in the proceedings of the House of Commons HS2 Select Committee the Promoter has prepared an amended plan for construction of the vent shaft requiring only a single-lane closure and is willing to offer the following assurance:

- 8.1 *During the construction of the Adelaide Road ventilation shaft the Secretary of State will require the Nominated Undertaker to keep one lane of Adelaide Road open to traffic at all times with traffic light control to permit two directional flows, subject to any short term closures (typically expected to*

*be no more than one to two days) for initial construction works and except in the case of emergency, emergency works, where a closure is necessary due to unforeseen circumstances, or otherwise with the approval or at the direction of the Highway Authority.*

## **9. Environmental data sharing and Revisions to the Code of Construction Practice**

The latest draft of the Code of Construction Practice was shared with the Borough on 1 September 2016. The Promoter undertakes as follows:

*9.1.1 The latest revision of the CoCP (1 September 2016), will form the basis of the CoCP which is to be finalised by Royal Assent, subject to any changes to the data sharing elements, factual corrections, and any other changes as considered by the Local Authority Planning Forum.*

In relation to Local Environmental Management Plans (LEMPs), draft LEMPs have been prepared by the Promoter to date and engagement with Local Authorities on them is ongoing. The Promoter undertakes as follows:-

- 9.1.2 Further engagement on the content of the LEMPs will be undertaken prior to and after the enabling works contractor is appointed so that LEMPs will be in place for the start of works authorised by the Bill. The detailed design of the HS2 works will mostly be undertaken by the Main Civil Engineering and Station Contractors. In light of this, proportionate updates to the LEMPs will be engaged on during this stage of design.*
- 9.1.3 The Secretary of State will require the Nominated Undertaker to continue to engage on the detail of the route-wide Community Engagement Framework with the London Borough of Camden and other local authorities through the Planning Forum. The Promoter will use reasonable endeavours to incorporate comments received and where reasonable will provide explanation where comments have not been included.*

## **9.2 Environmental data sharing**

HS2 Ltd. is committed to sharing environmental information in a timely and transparent manner. The following assurances apply to the sharing of noise and air quality data in respect of construction sites used in the construction of the works authorised by the Bill. These assurances will be reflected in the Code of Construction Practice.

- 9.2.1 The Nominated Undertaker will, for noise, dust and air quality data, provide to the relevant Local Authority monthly reports which include a summary of the construction activities occurring, any complaints received, the data recorded over the monitoring period broken down into appropriate time periods, any periods in exceedance of the agreed trigger levels and the results of any investigations and identified source; and, where the works have been found to be the source, any action taken to immediately resolve the issue and to prevent a recurrence.*
- 9.2.2 The Nominated Undertaker will, for noise, dust and air quality data, seek to release data relating to complaints received by the relevant Local Authority within 48 hours of the request being made by the relevant Local Authority.*
- 9.2.3 Where the Nominated Undertaker's contractors are monitoring noise, dust and air quality, the full data set will be made available, following the publication of the monthly report referred to in 9.1.1, to other stakeholders, including members of the community, upon request.*

- 9.2.4 *The Nominated Undertaker will, for noise, dust and air quality data, following the exceedance of an agreed trigger level notify the relevant Local Authority as soon as reasonably practicable after it has been informed by its contractors.*
- 9.2.5 *The Nominated Undertaker will provide information on noise, dust and air quality monitoring to local communities via channels established under the Community Engagement Framework, including but not limited to online publication, presentations at events and printed materials at HS2 events or facilities. It will include information on any exceedance of the agreed trigger levels, the cause of these levels, and action taken by the Nominated Undertaker and its Contractors to remedy it and avoid a reoccurrence.*
- 9.2.6 *Where the Nominated Undertaker's contractors are monitoring noise, dust and air quality with equipment capable of streaming data in realtime, this will be made available to a named person at a relevant Local Authority, if a written request is received by the Nominated Undertaker. The arrangements for sharing of this data will in no way fetter the duties of the Local Authority under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000 in relation to this data.*
- 9.2.7 *The Nominated Undertaker will review its approach to data sharing as set out in the Code of Construction Practice every two years, including giving consideration to technological developments and best practice being deployed on other projects at the time.*

### **9.3 Revisions to the Code of Construction Practice (Section 7.3) on – Monitoring of air quality**

It remains the promoter's intention that the CoCP should be a robust document that is fit for purpose, hence the extensive engagement with local authorities through the HS2 Phase One Route Wide Planning Forum and its sub-groups. As a result the Promoter is able to provide the amendment to the Code of Construction Practice to be incorporated in the next iteration.

*The full text proposed for Section 7.3 of the CoCP.*

*Key to text changes*

Non-underlined text = as in the current CoCP

Underlined text = proposed amendment

#### "Construction site monitoring"

- 9.3.1 *The Nominated Undertaker will require its contractors to implement inspection and monitoring procedures to assess the effectiveness of measures to prevent dust and air pollutant emissions. Relevant local authorities will be consulted on the monitoring procedures to be implemented, which will include the following measures, as appropriate:*
- a) *site inspections covering the establishment and operation of the construction site;*
  - b) *inspection procedures for areas adjacent to the construction site to assess visually any dust and air pollution which may be generated;*

- c) plans for undertaking continuous automatic monitoring of airborne dust and setting a relevant site action level (defined as a measurement threshold above which investigation will be required);
- d) reference to inspection and maintenance schedules for construction vehicles, plant and machinery;
- e) inspection procedures relating to the level of traffic movements, use and condition of haul routes;
- f) and reports of the monitoring will be provided to Local Authorities. These will include, where appropriate, the interpretation of any continuous automatic monitoring data, any site action level alarms, investigations and remedial actions.

9.3.2 Where there are potentially dust-emitting activities on site, as a minimum, a daily visual inspection will be made, and a yes/no record kept of whether there is a risk of dust emissions that day.

9.3.3 For each work site, or close group of work sites, at the appropriate stage (e.g. detailed design stage), a dust risk assessment of construction activities will be undertaken following best practice methodology (currently IAQM 2014), to derive the risk of each site in order to inform the appropriate monitoring to be employed. The dust control measures detailed in Sections 7.1 and 7.2 apply to all construction sites, as appropriate, and this will be considered when conducting the risk assessment. Sites will be categorised either 'low', 'medium' or 'high' risk. It is anticipated that for 'low risk' sites, visual inspections will be adequate for managing the site. At 'medium' and 'high risk' sites monitoring of dust and particulate matter will be undertaken using continuous automatic monitoring instruments.

9.3.4 Monitoring of dust and particulate matter during construction of the project will be undertaken following the current best practice guidance (currently IAQM 2012).

9.3.5 Instruments will be used, as appropriate, for continuous automatic monitoring of dust as airborne PM10. These instruments will send an alarm (via the internet or mobile phone system), when a pre-determined site action level is reached. The site action level will be determined as appropriate from current best practise guidance.

9.3.6 The alarm will be sent to a person nominated by the contractor (or delegated representative).

9.3.7 If the alarm is triggered, the following on-site process will be followed:

- a) The nominated person (or a delegated representative) will investigate activities on site, as quickly as reasonably practicable, to ascertain if any visible dust is emanating from the site or if any activities are occurring on site that are not in line with the dust control measures.
- b) Any identified causes will be rectified where practicable and actions recorded in the site logbook, and reported to the Nominated Undertaker. The Nominated Undertaker will report this to the relevant authority as soon as reasonably practicable after it has been informed by its contractors.

c) If the source of the incident cannot be identified as originating from the site operations, operations of nearby construction sites and other activities will be investigated for potential causes of the alarm. Other sites particulate matter monitoring data may be available to assist this investigation.

d) If the source of the alarm is not related to the site operations, the outcome of any investigation and associated actions will be recorded in the site logbook.

9.3.8 Access to the data collected by these instruments will be provided to the Nominated Undertaker, and relevant Local Authority, as set out in the Data Sharing section of the Code of Construction Practice [see section 9.1 of this letter]

#### Monitoring adjacent to highways

9.3.9 As detailed in Section 7.2, monitoring of air quality effects shall be undertaken adjacent to highways, where these have been identified as significant in the hybrid Bill Environmental Statement (as amended) or subsequent assessments.

9.3.10 The monitoring shall be undertaken following current best practice guidance (currently Defra Local Air Quality Management Technical Guidance 2016). "

### **10. Construction Commissioner**

Information Paper G3 provides detail of the role of the independent Construction Commissioner. An independent body is to be established to appoint and monitor the work of the Construction Commissioner. LB Camden is seeking proportionate representation of Local Authority representatives on the independent body. The details of the independent body are being discussed with local authorities and we are currently considering having two Local Authority representatives from Phase One of the HS2 scheme, on the independent body; one representing the northern section of the route and one the southern. The Promoter provides the following assurance:

10.1 *The Secretary of State will require the Nominated Undertaker to establish and maintain proportionate involvement of Local Authority representatives, and representation of local residential communities, on the independent body that will be set up to appoint and monitor the work of the Construction Commissioner. Subject to any further views that are submitted by other panel members, proportionate representation is considered to be two Local Authority representatives one representative of local communities in the form of a revolving appointment for a specified period from communities along the line of the route.*

### **11. Camden Fund**

In addition to the mitigation secured through the EMRs, HS2 Ltd recognises that opportunities may exist in the London Borough of Camden area to bring forward additional measures which would serve to mitigate the general long term impacts of construction on the local community and which might also contribute to the strengthening of a sense of place. HS2 Ltd. also notes the House of Commons Select

Committee's final report which states "Camden is exceptional and needs special treatment. Many residents are going to have to put up with disturbance on a scale beyond the experience in most other locations". The Committee went on to recommend a specific financial allocation for the London Borough of Camden. Such opportunities fall outside the scope of the Bill and the EMRs, but may not be suitable for consideration under the Community and Environment Fund or the Business and Local Economy Fund (CEF/BLEF).

To this end, the Promoter provides the following assurances:

- 11.1 *The Secretary of State will require the Nominated Undertaker to initiate a HS2 London Borough of Camden Community Panel ("the panel"). The panel will have an independent chair and, as a minimum, members from the local community (no fewer than two), the London Borough of Camden, the Department for Transport and the Nominated Undertaker will be invited.*
- 11.2 *Through collaboration the panel will work to develop appropriate governance, allocation criteria and an allocation framework for the borough-wide Camden Fund.*
- 11.3 *The Secretary of State will require the Nominated Undertaker to make up to £3.5m available as a Camden Fund. This will be allocated by the Panel according to the agreed allocation framework to deliver additional mitigation measures beyond those proposed by the Nominated Undertaker and / or beyond the powers of the Bill. Any proposals funded must not impact the timely, economic and safe delivery or operation of the Phase One HS2 Works. HS2. Ltd will also provide the necessary administration support.*
- 11.4 *The Nominated Undertaker will seek to agree the appointment of the Independent Chair with panel members. The Terms of Reference for the Panel, appropriate governance and the allocation framework will be developed by the Nominated Undertaker in coordination with panel members. Within three months of this assurance being accepted, the Nominated Undertaker will prepare draft role specifications for the independent Chair and panel members and prepare a draft full terms of reference for the panel.*
- 11.5 *The Nominated Undertaker will review the adequacy and utilisation of the £3.5m financial allocation given to the panel after two years. This review will take into account proposed projects and the community benefits realised as a result of the panel.*

These assurances relating to mitigation will not, in any way, compromise the ability for bodies within the London Borough of Camden being able to benefit from the HS2 Business and Local Economy or Community and Environment Funds when they are launched as those funds are to provide additional benefits rather than mitigating measures.

## **12 Other commitments which affect LB Camden**

In addition to commitments given to the London Borough of Camden, the Promoter may also give commitments during the hybrid Bill process to other petitioners and stakeholders along the line, including community and business representatives in Camden. As a result, commitments that directly affect the London Borough of Camden may be entered into during the hybrid Bill process. The Promoter recognises that the Council needs to be notified of these additional commitments so as to be able to engage with them effectively. In the ordinary course of business, those commitments would be communicated through

the periodic publication of the Register of Undertakings and Assurances. But some commitments might take effect before that publication.

The Promoter provides the following assurance:

12.1 *The Promoter will notify the Council as soon as reasonably practical upon the giving of a commitment during the hybrid Bill process which in the Promoter's reasonable opinion will impact on the statutory functions or operations of the London Borough of Camden, where it would not be timely to wait until the next publication of the Register of Undertakings and Assurances. In circumstances where it is practical to notify the Council of these types of commitments before they are granted it will do so.*

### 13 Comprehensive Station Redevelopment

13.1 *The Secretary of State will require the Nominated Undertaker to design HS2 Euston Station, so far as is reasonably practicable and within the limits and powers set out in the HS2 Act, in such a way as ensure that it does not prejudice the future redevelopment of the Euston Mainline Station.*

### 14 Interpretation

**“the Action Plan”**

means a plan describing measures to be implemented by the contractor in order to reach compliance with paragraph 3 (Euro VI Engines) of this assurance letter as soon as is practicable. This Plan will be agreed with the Nominated Undertaker and reviewed alongside monthly reporting data set out in paragraphs 3.9.2 and 3.9.4.

**“the Assessment”**

means an assessment to be prepared by [the Nominated Undertaker] considering (i) the impact on the HS2 construction programme, passengers and train operating companies by the implementation of the Platform 13 option and the Platform 18 option (or any other option(s) better meeting the Purpose) (ii) the benefits in terms of reducing numbers of HGV movements, of implementing those options. The Assessment will also include a calculation of the revised HGV peak movements required following the implementation of the Platform 13 option and the Platform 18 option (or any other option(s) better meeting the Purpose;

**“the Authorised Works”**

means the works authorised to be carried out under the Bill;

**“the Bill”**

means the High Speed Rail (London – West Midlands) Bill as introduced in the House of Lords on 23 March 2016 and upon Royal Assent includes the resulting Act;

<b>“deposited plans”</b>	has the meaning given in clause 60 of the Bill;
<b>“ESSRB”</b>	The Euston Station Strategic Development Board
<b>“EURO VI”</b>	EURO VI (as defined in European Commission Regulation (EU) No 582/2011 dated 25 May 2011)
<b>“HGV”</b>	means a goods vehicle which, for the purposes of section 138 of the Road Traffic Regulation Act 1984, has an operating weight exceeding 7.5 tonnes;
<b>“the HS2 works”</b>	means the works authorised by the Bill in the London Borough of Camden;
<b>“the London Low Emissions Zone”</b>	means that zone as it exists on the date of this letter;
<b>“the Nominated Undertaker”</b>	means the relevant nominated undertaker appointed under the Bill as enacted, and in the period prior to the Secretary of State appointing a nominated undertaker and imposing the requirements on it, referred to in these assurances, HS2 Ltd;
<b>“the Platform 13 and Platform 18 Options”</b>	means the options for removal of material by rail at Station Stage A Platform 18 and Station Stage B1 Platform 13, the latest report on which is at paragraphs 6.2.1 to 6.2.3 and 6.2.25 to 6.2.29 of revision Po4 of the Material by rail – ESSRB report;
<b>“permissible maximum weight”</b>	In relation to a vehicle has the same meaning as in part III of the Road Traffic Act;
<b>“the Promoter”</b>	means the Secretary of State for Transport or any successor Secretary of State or the Minister holding the Transport portfolio;
<b>“the Proposed Scheme”</b>	means the construction of High Speed Two (Phase 1) as authorised by the Bill in the form enacted.
<b>“the Purpose”</b>	To seek to maximise, in so far as reasonably practicable and within existing Bill powers, the volume of excavated and construction material from the construction of Euston Station and approaches to be brought in and removed by rail whilst balancing the wider environmental impacts to the local community and on rail passenger services.

**“Stage A”**

means stage A of the Euston Station works forming part of the HS2 Project (namely the construction of six new high speed platforms and concourse to the west of the station to support the opening of HS2 Phase One high speed services between London and the West Midlands).