

HS2 DRAFT ENVIRONMENTAL STATEMENT

Buckinghamshire Councils response

Draft Code of Construction Practice

General Comments

The Buckinghamshire Councils are pleased that the current draft has incorporated many of the comments submitted to earlier drafts. However, many concerns remain, and these are repeated here together with any further comments. We continue to have concern that there is no clear statement of client-contractor responsibilities.

The words “reasonably practicable” are used forty-two times in the document. This allows considerable latitude to both Client and Contractor, and could be compromised by project cost and programme. We would prefer to see phrases such as this replaced with a clear commitment to industry best practice at the time of construction. ‘Best’ should mean the most effective in achieving a high general level of protection of the environment as a whole.

The main thrust of the responsibility for delivering the requirements of the Code has been placed on the contractors. There is little or no reference to enforcement or the role of HS2 Ltd / Nominated Undertaker in this. Neither is there any reference to the County and District Councils and the exercise of their statutory duties and obligations. This means that enforcement of the Code’s provisions is weak and it appears that there will be no one who has responsibility for ensuring that contractors adhere to it.

Consideration should also be given to having annexes to the CoCP tailored to areas of particular sensitivity or complexity, e.g. the Chilterns AONB and the IMD area at Steeple Claydon. This principle can be found in BS 5228 Part 1 1997 when defining noise sensitive premises.

1.0.2: The document will contain “control measures and standards”. It is however not clear where these are set out subsequently. There should be a strong link between this aspiration and the following detail.

1.0.2: The LEMPs will follow Community Forum Area (CFA) boundaries. Some CFAs cross Local Authority boundaries, which will increase the complexity of agreeing local standards and measures

1.0.4: It will be helpful to understand more about the programme against which the CoCP will evolve – what are the key dates and milestones? At present there is a lack of specifics in the HS2 CoCP as compared with, say, that of the Olympic Delivery Authority (ODA), and comfort is needed that where a general or vague commitment is made to developing a strategy, plan or framework, further detail will be forthcoming. The ODA CoCP identifies roles, responsibilities and reporting lines – when will these be set out for HS2 and where?

1.0.4: HS2 should specify the process which will establish the LEMPs and how communities will be able to influence their content. It should also describe a method for dispute resolution including potential involvement by the Court both criminal and civil.

2.1.1: It is implied that accountability between HS2 Ltd and its contractors is shared. It would be preferable that HS2 Ltd was ultimately responsible for the actions of its contractors.

2.1.2: Will further guidance on ecology be considered from industry best practice at the time of construction (i.e. once BS42020 has been approved)? Or will this only be considered from controls imposed in the hybrid bill?

2.1.2: The ODA CoCP comprehensively listed best practice and standards guidance in a series of Appendices and we think this CoCP will be improved by including them.

2.1.3: This requires clarification. What does the word 'significant' mean in this context? The paragraph also implies that specific site controls will be part of the LEMPs and only specified once the bill submission has been made. It will therefore not be possible to assess specific mitigation ahead of this point in time. The Councils therefore expect these to be discussed and resolved in advance of the formal ES wherever possible.

2.1.3: '*ensuring that likely significant construction effects that are reported in the formal ES will either be avoided or mitigated*' or compensated?

Figure 1: The table of documents and timescales is a helpful innovation; however it does not provide requested information on the relationship or hierarchy between documents.

Policy and environmental management principles (chapter 3)

HS2's Environmental Policy should be rooted in the Government's evidence base and policy as set out in (inter-alia) the Natural Environment White Paper, UK National Ecosystem Assessment and England Biodiversity Strategy. In particular we commend an ecosystem services approach

3.2.1: "*The EMRs will set out the high-level environmental and sustainability commitments that the Government will enter into through the hybrid bill process*" Will these commitments extend beyond the construction period to ensure appropriate delivery of ecological mitigation and compensation measures in perpetuity?

3.3: Whilst it is reasonable only for principal contractors to be required to hold ISO 14001 accreditation it should be made clear that all sub-contractors will be required to make themselves and their employees aware of the contents of the main contractors system and ensure that environmental objectives in that system are met. We do not believe this point has been adequately addressed in the re-drafted CoCP.

Implementation (chapter 4)

4.1: Again the ODA CoCP is specific about roles, responsibilities and enforcement. When and where will this be set out for HS2? The enforcement mechanism does not give confidence as there appears to be no independent regulation or enforcement procedure. Instead the document relies on self regulation by the Nominated Undertaker. The Environmental Management System should include independent scrutiny, and arbitration in the event of dispute.

4.1.3 A programme of audit and monitoring must be implemented to ensure compliance. Audit of the environmental mitigation set out in the CoCP must be undertaken by **independent auditors** on a regular basis which is discussed and agreed with stakeholders. Results must be fed back into the CoCP to provide continuous feedback to the CoCP and LEMPs over the duration of the project. The CoCP and LEMPs should be continuously informed by appropriate ecological survey over the duration of the project to take account of the temporal and spatial variations in ecological receptors. A schedule of when updated ecological survey information is required should be provided (e.g. review every six months?)

4.2: The Buckinghamshire Councils expect that the local planning, environment and highway authorities should have the opportunity to shape and agree Local Environmental Management Plans prior to works commencing. Resource implications from this engagement should be met by HS2 Ltd.

The geographical scope of LEMPs should be extended where relevant, e.g. where transport issues are likely to have implications beyond the CFA. If this is not possible, a section on cumulative impacts is required for each LEMP to cover wider impacts.

There should also be opportunities to review and adjust layout and working methods if necessary, i.e. when problems arise during works

Working hours should reflect the localities and be adjusted if and when necessary (in liaison with LPAs and highway authorities)

4.4.2: Method statements should also set out construction site security standards and measures.

4.5.1: HS2 Ltd should control the appointment of supervisors. We propose that their reports should be made publicly available.

General requirements (chapter 5)

5.1.1: The stakeholder engagement framework should be consulted on and agreed with local authorities. This is an important aspect and further details of the stakeholder liaison strategy would be welcomed. We are however concerned that 'reasonable steps' is vague and gives no confidence that there will be satisfactory community engagement. Engagement should also include 'communities of interest' such as ramblers, heritage societies and wildlife groups.

5.1.1: The appointment of community relations personnel is welcomed. More detail is required in terms of what level of personnel this would be, what their responsibilities will be, and the duration of their employment. A financial endowment should be created to provide for this in the long term. The Councils play an important role in sustaining community relations and would welcome a discussion with HS2 Ltd about this. Although this need is identified here for the construction phase, the Councils consider that positive engagement may be necessary beyond this point, to assist communities that have been adversely impacted by line.

5.1.1: The stakeholder engagement framework will need to include PRow access user groups and the Buckinghamshire Local Access Forum. Further details on key partners are outlined in the Buckinghamshire Rights of Way Improvement Plan 2008-18, chapter 8

5.1.2 It is important that information on construction is submitted to the relevant LPAs and highway authorities well in advance to ensure that construction does not clash with any other planned works. A minimum notice period should be stated. This could be divided according to the proposed activity to allow for greater notice on more intrusive works. There will be a need for appropriate local consultation and access to properties will need to be maintained.

5.1.3: “Appropriate locations along the route” requires further explanation.

5.1.3, 5.1.4: The NU’s means of communication should be capable of interfacing with local authority systems as the local authorities are often the first point of contact for the public

5.1.5: How regular? What format? How will data protection be managed? This area requires more detail and clarity. Minimum standards should be agreed with the local authorities.

5.1.6: We welcome the use of an independent complaints commissioner. However the threshold for when they are brought into the process is not stated. What resolutions / actions would be available to them?

5.2: The Councils would expect that working hours are amended where agreed with the local planning and highway authorities to avoid construction traffic during the weekday morning and evening peak traffic hours where key trafficked junctions will be affected.

5.2.1 The words “as far as reasonably practicable” and “unless otherwise permitted” make this commitment meaningless. Working hours should be strictly enforced and have agreed prescribed criteria for specific events which trigger a documented process which controls working outside of the specified hours.

5.2.4: Where reasonably practicable, activities carried out in the start up and close down periods should not be such that they cause unreasonable disturbance to local residents. I.e. deliveries should not be routinely programmed to arrive in these periods; maintenance work should be limited to routine maintenance and not include the use of noisy equipment unless carried out in an enclosed area.

5.2.5: This further undermines the commitment at 5.2.1. This must have consideration of the local circumstances and a need to minimise disturbance. This is perhaps one of the most significant parts of the document and suggests that the principle of twenty four hour tunnelling is not negotiable.

5.2.9: Repairs and maintenance carried out outside of normal working hours should only be conducted in enclosed workshops if any noisy equipment is required to carry out such operations.

5.2.11: “Abnormal” and “special loads” require a tight specification and examples of what may or may not qualify should be provided to Authorities as this may be abused.

5.3.1, bullet 14: here, or in the LEMP, mention should be made of specifics of what maintenance will be carried out on temporarily diverted PRow, such as a summer mowing programme, signposting and surfacing where necessary. Assurance is needed regarding the safety of pedestrians, equestrians and cyclists diverted around the perimeter of each

construction site and crossing entry and exit points. Public access would be desirable on occasion e.g. to view or participate in archaeological work

5.3.1, bullet 18: More detail is required here on frequency of inspection, record keeping and responsibilities. Minimum requirements should be agreed with the local authorities.

5.5.2, bullet 4: Local authority access by trained local authority officers to CCTV should be arranged.

5.8: More detail is required here on the plans for servicing the workforce, e.g. health and provisioning. It has been suggested that community businesses might be able to sell into the primary construction sites, rather than workers swamping local community shops and roads.

5.8.1: Dialogue at the earliest opportunity should be made with the LA to seek to avoid sensitive locations.

5.9: Principles of reinstatement should provide for completion to the satisfaction of the local planning authority.

5.9.1: Details of which worksites will not be restored should be made available as early as possible. Reinstatement of temporary sites will also need to respect environmental issues (e.g. restoration of ecological value, protection of archaeological remains etc).

5.10: If a pollution incident occurs the site must be cleared and restored back to its original state or better pre-pollution incident

5.10.1: Reported to whom?

5.10.3: An assessment of the general location, sensitive receptors and potential pathways should be developed in advance of choosing a worksite, for example to minimise the risks to water (above and below ground).

Traffic Management Plans are not yet available but should be included in formal ES.

Chapter 6. Agriculture, Forestry and Soils

6.2: Under the management of soils, it is unclear what the approach is to pastoral landscapes, i.e. method approaches to re-seeding etc. Equally other forms of agriculture, such as silviculture? (This might be handled under section 12).

6.2: Consideration must be given to the reinstatement of soils so as to reverse the negative effects of soil compaction, for example.

6.2.2: Survey should record hedgerow species/age, with a view to their reinstatement. Also the type of agricultural land use should be recorded.

6.2.3: Scope for betterment or ecological enhancement should be explored.

Chapter 7. Air Quality

General comments:

In terms of implementing “good practice” reference should be made to the following guidance documents, or their contemporaneous equivalents, as a minimum:

1. Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance: Institute of Air Quality Management (IAQM), January 2012.
2. Air Quality Monitoring in the Vicinity of Demolition and Construction Sites: IAQM November 2012.
3. Up-dated Guidance on Construction Site Evaluation Guidelines and Mitigation Measures: GLA Supplementary Planning Guidance Document.
4. Best Practice Guidance: The Control of Dust and Emissions from Construction and Demolition: Mayor of London 2006.

The CoCP makes no mention of site-specific dust assessment and the Councils require this to be a key element of the LEMPs. This is essential given the proximity of the route locally to hospitals, schools, residential homes and farm land. The National Planning Policy Framework makes it clear that a dust assessment study should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work. The scope of a dust assessment study should be agreed with the contractor and local planning authority. Such studies should be used to:

- establish baseline conditions of the existing dust climate around the site of the proposed operations;
- identify site activities that could lead to dust emission without mitigation;
- identify site parameters which may increase potential impacts from dust;
- recommend mitigation measures, including modification of site design; and
- make proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

Further concerns:

- *‘Erection of hoardings or other barriers along the site boundary’* will not mitigate to any significant degree, dust arising from earthworks and transportation of spoil
- Dump trucks operating within the site boundary will not be sheeted
- Stockpiles are located near the site boundary in the Draft Environmental Statement
- Spoil material stockpiles are too large to be adequately watered or sheeted
- Even haul roads surfaced with granular material will generate dust under heavy trafficking
- Excavation and depositing of spoil in live working areas will not be on hard standing.

In reality, significant emissions of dust are a natural consequence of major earthworks and the extent of emissions may be reduced by watering but never eliminated.

No trigger levels for dust emissions have been included in the COCP. In addition, though the '*relevant local authorities will be consulted regarding the monitoring procedures to be implemented,*' there is no allowance for the rigour of independent monitoring and enforcement required to safeguard the local community

Local Soil Characteristics: Much of the underlying geology of the Vale and Chilterns is chalk and/or clay, both of which have the potential to generate significant air borne dust emissions during certain prevailing meteorological conditions.

During the construction phase, sensitive receptors are likely to be adversely effected by dust without appropriate, proportionate and effective dust management regimes.

7.7.1: At an early stage, an inventory and timetable of dust generating activities, identifying appropriate control measures, and arrangements for dust monitoring with particular regard to the location of sensitive receptors, including monitoring equipment to be developed for each District area.

Measures

7.2.1: Remove the “where reasonably practicable” or at least provide a robust definition.

7.2.2: Low sulphur diesel should be used all the time not just “where reasonably practicable”. Minimum specifications for vehicles should be specified to prevent older higher emitting vehicles from being used e.g. Euro standards.

7.2.3: Obtain all consents required including any abstraction licence from the EA and water companies for the use of water as a dust suppressant. Consideration of if a drought / flooding takes place should also be considered in plans.

7.2.8: Will there be any concrete batching plants, if so where? Who will be responsible for environmental permitting? Mobile machinery such as Concrete Crushing and Screening plant shall be Permitted and Operated in accordance with the Environmental Permitting Regulations 2010.

Monitoring

7.3.1: In order to quantify the potential impact of dust emissions, a dust emission baseline should be established at relevant (sensitive receptor) locations along the route. These should include locations where human, ecological, and agricultural/horticultural receptors exist. This should include placing dust monitors at the perimeter of the site;

Accordingly, an appropriate dust monitoring program shall be funded and implemented by the developer prior to any ground construction/engineering works commencing. The methodology and sampling locations shall be agreed by the relevant Local Authority. The results of dust monitoring should be reported to local planning authorities.

In addition the following should be included as part of the inspection checks: Perimeter hoardings will be regularly inspected and repaired as necessary, other hoardings will be regularly inspected and repaired.

See general comments above.

Chapter 8 Cultural Heritage

8.1.2: As written this is a very general statement which does not actually say who will require what or how. We recommend that it is re-written as an obligation by HS2 Ltd to ensure that its contractors manage all works in accordance with appropriate specified standards and guidelines – Institute for Archaeologists, English Heritage etc.

8.1.4: The second bullet point is supported, but with the addition of provision for public involvement in appropriate cases.

8.1.7: The WSIs will be expected to address explicit research agendas with provision for post-excavation analysis, publication (public and academic) and museum storage.

8.2.1 Reference to ‘the relevant local authority officer’ is welcomed here but it is essential that the LA archaeologist is fully involved in the scheme in order for this engagement to be meaningful and practicable. Half the archaeological sites excavated during the construction of HS1 were unknown before work started. HS2 Ltd should pay for local authorities to employ dedicated archaeologists to maintain an effective watching brief.

8.3.2 The only monitoring appears to be ‘self- regulation’. This is not sufficient. To meet best practice and professional standards for other development projects there should be a procedure for external monitoring (as appropriate) by LA archaeologists, buildings conservation officers and English Heritage. The significant costs of this work should be met by HS2 Ltd.

Chapter 9 Ecology

General comments:

General comment: Methods to reduce the impacts of construction on ecology will depend on what is found during the ecological surveys. The surveys have not been received yet. HS2 will need to take account of these survey results and use them to inform their proposals and the details of their construction process. What scope is there for amendment to ecological mitigation/compensation once the route is operational? E.g. if post-construction/operational monitoring highlights residual impacts beyond those anticipated (e.g. higher than predicted bat/bird collisions)

9.1: Where **not** ‘*reasonably practicable*’, how will environmental mitigation be provided? This must be clarified to demonstrate commitment to environmental mitigation measures.

9.1.1: states: *“Appropriate measures will be adopted to protect the ecology of the area through which the route is constructed, with special attention to specified areas of ecological value, as identified within the ES”*. This should be amended to state that “appropriate measures” will be informed by up-to-date ecological survey information and not just limited to that reported in the ES.

9.1.4: The following should be inserted: *“reinstatement procedures to be implemented for any areas of temporary habitat loss and temporary arrangements for displaced species”*, should be amended to include **permanent** arrangements for displaced species to ensure their long-term survival

9.1.4: There should be a commitment to induction/training on ecological receptors to the entire construction workforce with specialist inductions to be provided in works areas of particular sensitivity

9.1.4: *“plans showing the locations of all known areas of nature conservation interest that may be affected due to construction including access routes”* to include ‘no-go’ areas which are not to be entered during construction or at particular times of year (e.g. sensitive bird nesting habitat, fragile ecosystems)

9.1.4: Plans of measures to facilitate animal movement during construction to reduce the impacts of fragmentation and severance should be provided.

Consultation should include local authority ecologists.

Measures

9.2.3: European Protected Species Licensing. Will there be ‘overarching’ route window or site-wide licences granted by Natural England to minimise cost, disturbance to protected species etc, or will they be on a site by site basis? Will additional surveys be undertaken prior to works commencement to inform such licence applications? If so will there be the capacity to provide amended/additional ecological mitigation/compensation in the event of changes to baseline data?

9.2.5: Where trees intended to be retained are felled or die as a consequence of construction works, they should be replaced in an appropriate ratio. e.g. the accidental felling of one mature oak tree should not be replaced with one oak sapling, as this will not provide any kind of ‘like-for-like’ replacement from an ecological perspective. Any accidental habitat damage or loss should be compensated for according to a biodiversity offsetting metric to ensure net ecological enhancement.

Monitoring

9.3: The CoCP should provide details of the measures that will be incorporated into an Environmental Management Plan (EMP) to include the following (Note: these may include some duplication with statements in the CoCP, but the EMP should have specific objectives and deliverables as outlined below):

- the identification of all known areas and features of nature conservation interest potentially affected, in particular, those areas to be retained. This should include site

plans at an appropriate scale indicating protection zones, work area and access routes etc.;

- protection measures to prevent incursion into or damage of retained habitat areas, and steps to ensure that all site personnel are aware of the need to avoid damage;
- protection measures, both temporary and permanent, to prevent disturbance or encroachment into adjoining areas of nature conservation interest whether by air, land or water;
- procedures for the establishment, maintenance and auditing of ecological records;
- procedures for the safeguarding and, where agreed, relocation of protected and notable species identified from appropriate ecological survey, under formal licences where necessary, including details of the receptor sites and monitoring of relocations;
- procedures to be adopted in the event of unanticipated discovery or disturbance of protected species or important habitats of high ecological value;
- procedures to be adopted in the event of a pollution control emergency on or near a designated nature conservation site;
- procedures for the control of plants listed in Schedule 9 (and other invasive plants) of the Wildlife and Countryside Act 1981 or other relevant statutory provisions, to the satisfaction of Natural England and the Environment Agency;
- methods for ecological watching briefs; and
- measures to re-use local ecological resources, including the collection of seeds (e.g. from wildflower meadows) and cutting from trees and shrubs to enable replacement/reinstatement with appropriate native stock of local provenance.

9.3: Will the nominated undertaker be responsible for implementing remedial actions where monitoring identifies the effectiveness of the management measures designed to control ecological effects have been insufficient for purpose?

9.3.3 Monitoring must be applied wider, not only to statutory and non-statutory sites, but must include individual species where appropriate.

Monitoring should continue for some years into the post-construction period until new habitats are firmly established. External consultees should be involved in validating this process.

All construction work to be carried out in line with the forthcoming British Standard 420202 Biodiversity – Code of Practice for Planning and Development.

Chapter 10 Ground Settlement

The process by which ground settlement is monitored should also link to the free telephone number for residents. It should also state what action would be taken if settlement did occur.

10.4.1 What are the designated limits? These should be specified.

Chapter 11 Land Quality

Measures

11.2.4: The methodology for such an assessment requires early consideration, including maximum contaminant standards and sampling frequency per volume of material.

11.2.4: The results of any testing of soils for re-use, or test results of imported soils should be submitted to the local authority responsible for enforcing the contaminated land regime.

11.2.7: the following wording should be added; and approved by the relevant Local Authority and/or the environment agency.

11.2.13: Early identification of private water supplies / boreholes should be obtained from Local Authorities.

Chapter 12 Landscape and Visual

HS2 crosses different areas of landscape character; each area is sufficiently different to require a more tailored approach to landscape design. There should be some design strategy to address the specific requirements of the each landscape, e.g. at its broadest scale the Chilterns and the Vale of Aylesbury. Landscaping should reflect the diversity of landscape and not be a mechanistic process of replanting trees, and vegetation or the reinstatement of agricultural land. Besides consideration for amenity and agriculture, thought should also be given to enhancement and restoration of other land forms along the route.

The major earthworks and construction of large structures cannot in reality be disguised by anything other than the natural topography of the land – except where unsightly spoil heaps are located between the worksites and public areas.

- The *'use of well maintained hoardings or fencing'* will not hide the excavators, dump trucks, bulldozers, cranes and other miscellaneous items of major construction plant
- Appropriate measures to reduce landscape, visual and other environmental impacts associated with temporary site offices and compounds' is so vague as to be meaningless. The only way to remove compounds from the public view is to locate them in an area screened by topography or woodland

'Relevant local authorities.....will be consulted, as appropriate' does not provide for agreement with local authorities to locate compounds away from public view and therefore does not safeguard the local community

12.1.1, bullet 5: How far in advance of vegetation removal will planting schemes be initiated/completed where compensatory habitat is to be created? The further in advance this can be undertaken, the more potential impacts of the overall scheme will be reduced.

12.1.1, bullet 8: For how long will inspection, maintenance and management of existing and new planting be the responsibility of HS2 and/or the nominated undertaker? What mechanisms will be put in place for maintenance and management of new habitat?

12.2.3: Under other bodies, HS2 should include the Landscape Institute in its list of consultees.

12.2.6: Where trees are replaced, what will be the ratio for replacement? E.g. if one mature Oak tree is accidentally felled, is the intention it will be replaced with one sapling? This would not constitute any kind of like-for-like replacement in terms of biomass or wildlife habitat (given the diversity and abundance of life a single mature Oak tree may support).

12.2.6: There should be some statement regarding the position with respect to Ash Dieback disease and the potential for planting of this species. It is not expected that a commitment be made to the planting of this species, but if within the lifetime of the project some disease resistant Ash trees are identified that may be suitable for use, then this should be considered as an option. A commitment to monitoring the situation as it develops and taking appropriate action in liaison with appropriate statutory and non-statutory agencies

12.4.1: Who will undertake the responsibility to monitor, manage and replace following construction to ensure landscaping is delivered appropriately as it matures?

Chapter 13 Noise and Vibration

General

The Councils expect that the noise and vibration monitoring and mitigation take the impacts of construction traffic along construction routes into account.

13.1.1 We would look for a commitment beyond BPM which implies that best available techniques not limited by cost will be employed, not necessarily the most effective techniques which HS2 may argue are not economic

Measures

13.2 Noise insulation and temporary re-housing. This does not seem to consider business or farm premises.

13.2.2 BPM can be a low standard; it is ultimately something that is decided by the Court.

13.2.3 Which takes precedence BS 5228 1:2009 or the CoCP? What happens if standards such as BS 5228 1:2009 are reviewed during the project?

13.2.5 Section 61 deadlines are a legal requirement the twenty eight days is mandatory. BS 5228-1 Figure A.1 describes this in detail. If applications are not received on time LAs may use Section 60 to control noisy works.

What areas will section 61s cover? If the zones cover two LA administrative areas two S61 applications may be needed.

There is also not provision in the CoCP for failure to reach agreement with the local authority. Nor does the CoCP define actions to be taken if the agreed s.61 levels are breached and does not include for independent monitoring, control and enforcement, to safeguard the local community.

13.2.6 It is of great concern that detailed construction programmes may not be available in good time, as this will make it harder for local authorities to plan for monitoring air quality, noise and traffic effects.

13.2.15: Where there is a dispute between the nominated undertaker and an applicant for noise insulation/temporary housing an independent arbitration panel should be set up to resolve the dispute.

13.2.15: It needs to be made explicit what will happen in circumstances where a dwelling exceeds the trigger level for noise insulation but not that for temporary re-housing and it is not physically possible to provide insulation (e.g. property structure, or protected listed building) or not economically viable to provide such insulation.

13.2.15: Where unplanned, emergency night time work is required, which will result in noise levels likely to cause sleep disturbance to local residents (level to be agreed) they should be offered overnight accommodation, e.g. in a local hotel.

13.2.15: It has been noted that the ODA CoCP has used the “low probability of adverse comment” test within in 6472-1 when setting levels in table 13.2 whilst HS2 has used the lower limit of “low probability of adverse comment” test. We would ask HS2 to follow the precedent set by the ODA. We would also like clarification of “routinely”.

13.2.23: Scoping vibration assessments should be provided to the relevant local authority for review.

In reality, noise emissions will be significant and unavoidable and the only way to reduce the impact on the community is to rigidly apply limits to working hours for all activities near receptors which is at odds with Section 5 of the CoCP.

Chapter 14 Traffic and Transport

General

The linkage between air quality and significantly increased levels of traffic is not clearly made in this chapter.

Measures

14.1.1: Vehicle sharing by the workforce has historically not been achieved to any significant scale. How will this be incentivised?

14.2: The COCP traffic management states 'procedures' and 'measures' will be put in place to mitigate traffic impact. When and where will these procedures and measures be set out in more detail?

14.2.1: Under 'Traffic Management General Provisions', Paragraph 14.2.1 states, 'public access will be maintained where practicable'. This seems rather simplistic and makes no guarantees that access can be achieved across the HS2 corridor by sustainable transport uses. Clarity is required here on what constitutes a practicable judgment and the role of the Local Highway Authority in this.

14.2.2: More information is needed in local Traffic Management Plans on monitoring requirements. For PRoW, further details are required on:

- generic details such as path width, surface type, structures needed for stock control (such as gates) and accessibility provisions for the less able (see BS 5709: 2006; Disability Discrimination Act, 1995; and Buckinghamshire Rights of Way Improvement Plan 2008-18, chapter 6);
- the reinstatement and possible improvement of those public rights of way affected during construction, with a condition survey prior to and post-construction;
- what maintenance will be carried out on temporarily diverted PRoW, such as a summer mowing programme, signposting and surfacing where necessary.

14.2.3 It is welcomed that routes of construction traffic will be subject to approval of the relevant planning authority. However, the stage/point in the design and construction traffic at which these routes will be agreed is not made clear in this document or in any of the other parts of the draft Environmental Statement. The Councils expect that timeframes for such agreement should be set out more clearly.

The Councils expect that there should be some indication in the CoCP or within a more localised Traffic Management Plan, of the specifics of what highway maintenance will be carried out.

14.2.4: Traffic Management Plans must be consulted on *and agreed* with relevant authorities and services.

14.2.5, bullet 1: 'Phasing of the works' should be discussed at the earliest opportunity with the Councils and in particular the Highway Authority.

14.2.5, bullet 5: The site specific traffic management measures include, '*A list of roads which may be used by construction traffic in the vicinity of the site*'. The scope of this needs to be extended to include all roads leading to the nearest major highway (A road or higher) Beyond this point vehicles should be limited to using major highways up to the closest access point to the place of final delivery.

14.2.5, bullet 13, 14, 20: Section 50 of the Highways Act requires pre-start surveys on all vulnerable roads.

14.2.5, bullet 15: HS2 contractors will need to ensure that their negotiations with landowners include provision for lorry holding areas.

Add additional bullet point pursuant to the Traffic Management Act 2004 and the New Roads and Street Works Act – “Co-ordination of utility companies/diversions”

14.2.5, bullet 20: add ‘*including towpaths*’

14.2.5, bullet 21: Buckinghamshire welcomes the use of GPS tracking to manage traffic movement. However, the Councils expect that where possible GPS or at the very least a clear map of appropriate construction routes be provided to *all* construction vehicles. The Councils expect that a lorry driver training programme be implemented along with a Communications Plan that sets out how information on the routes and appropriate behaviour will be disseminated to construction traffic.

14.2.5: Other site-specific measures should be included (if not covered elsewhere):

- recording the highway condition at access points;
- recording the condition of relevant parts of the highway prior to the commencement and after the completion of HS2’s works, in consultation with the highway authorities. The highway authorities will be notified of surveys and may send a representative if they wish. Any remedial works required as a result of HS2’s works will be undertaken to the reasonable satisfaction of the relevant highway authority.
- Large vehicle controls, including penalty measures.

Monitoring

The Buckinghamshire Councils expect that the monitoring plans by the Nominated Undertaker should include a survey of the condition of roads used as construction routes prior to their being trafficked by construction vehicles. These routes are to be monitored by the nominated undertaker (?) throughout the construction period, and following completion to be restored to a state agreed with the local planning and highway authorities. Use of ANPR to monitor unregulated access by any construction-related vehicles (including workers’ cars) to sensitive locations should be considered.

The Councils expect that the local planning and highway authorities will have input into the monitoring plans and that they will not proceed without the approval of these authorities.

Chapter 15 Waste and Materials

General

HS2 need to complete a detailed “mass haul model”. Without this, mitigations cannot be accurately specified. It is also a key input to areas of increasing concern to the Councils, such as the Transport Assessment.

The document needs to acknowledge that relevant planning permissions will need to be in place for the disposal of waste material off-site at suitably proximate locations. It cannot be assumed that these will be forthcoming nor that the hours of opening will facilitate night-time or weekend disposal.

There should be a commitment to transporting waste by sustainable means where possible, e.g. through the use of existing rail routes.

15.1.1: There does not appear to be any mention of minerals availability or sources of supply. The document does not appear to give consideration to minimising the amount of primary aggregates required. It does refer to working towards a "cut and fill balance in relation to excavation and tunnelling arisings" in paragraph 15.1.1 in order to reduce waste arising, but does not give detail on how the use of natural resources would be reduced i.e. the sourcing and use of secondary aggregates, where possible, to reduce the need for primary aggregate in line with the principles of sustainable resource management.

The document does not provide details with regards to where additional primary aggregate would be sourced - i.e. local sources.

No mention is made of the potential sterilisation of mineral resources, and what measures would be taken to ensure that mineral resources are not sterilised through the construction of the line.

Chapter 16 Water Resources and Flood risk

General comments:

There is an assumption flood risk should be managed as practicable as possible. However we will expect such a large national scheme to be providing betterment where appropriate for any temporary works and ultimately the permanent designs.

Prior written consent will be required from the LLFA for any works affecting flow within an Ordinary Watercourse under Section 23 of the Land Drainage Act 1991. This includes any culverting. There is an assumption within the CoCP that the principle of culverting is acceptable. We will only accept the use of culverting for any necessary access, both temporary and permanent. We would expect a hierarchy approach to be undertaken first opting for an open span bridge, then a box culvert if this is not possible to ensure the capacity of the channel is maintained and to allow mammals to pass through. Culverts have adverse impacts on watercourses by increasing flood risk, removing natural banks and bed and the interaction with ground water.

Surface water should be managed sustainably for both the temporary works and permanent design, discharging to ground where possible, if not to the nearest watercourse in line with best practice taking all necessary measures to ensure run-off rates and volumes are not increased for all rainfall events up to and including the 1 in 100 year event including climate change in line with the NPPF.

A range of sustainable drainage measures should be provided using a hierarchy approach by first using above ground storage measures and above ground conveyance measures. We will not accept the use of existing water bodies for the management of surface water due to the requirement that these features need to be engineered correctly and should be offline from any existing water body, to avoid pollution of existing water bodies and changes in morphology.

The LLFA (Bucks CC) is expected to become the SUDS approval body from October 2013. It is therefore important that any proposals are discussed early and include any planning proposals to ensure both the Planning Applications and SUDS Approval are assessed in tandem to avoid any delays.

The CoCP should cover each section of the railway line and the LEPs for each of these areas should ensure they are site specific, taking into account the local hydrology, geology, ground water levels, existing watercourses, overland flow routes and floodplain. We would expect this to include the same information that would be expected within a FRA to support a planning application. Within this it should identify where consents will be required and the relevant authority and a schedule of works including a timescale.

As these works will be undertaken over a long period of time, the CoCP should be reviewed on, at least, an annual basis to ensure any updates in flood data, legislation and policies are taken into account.

All relevant evidence bases should be part of the baseline investigations for each of the areas of construction including the Districts SFRA's, the LLFA's Local Flood Risk Management Strategy, County Strategic Flood Risk Assessment, Preliminary Flood Risk Assessment and Surface Water Management Plans. Evidence should also be used from the River Basin Management Plans associated with the EU Water Framework Directive and Catchment Management plans for both the Thames Region and Anglian Region.

It is important each area is assessed in detail before identifying in principle to any temporary and permanent design measures. The baseline data should inform how these are designed and what the appropriate measures are for that area. Flood Risk has many interactions with risk to life and property, where floodplains are cut off this can have an impact on the local biodiversity such as wetlands. Where surface water is not managed sustainably this could affect the quality of the local drainage which has a negative impact on ecology, biodiversity and amenity of watercourses. These interactions should be considered when assessing options to manage flood risk.

16.1.2 Not all ordinary watercourses are shown on OS maps, they may be an unmarked ditch line but they are critical for local drainage.

Measures

16.2.1 The LLFA should give approval for any works likely to affect any surface water and/or groundwater.

16.2.4 The LLFA should be consulted for any works near or affecting ordinary watercourses.

16.2.5 Any outfall should discharge at a limited rate set by the EA/LLFA or at greenfield runoff rate.

16.3.4 If materials are stocked in the floodplain (flood zone 3) compensation must be provided elsewhere nearby.

Monitoring

16.4.1: More detail is required here on the means of monitoring, enforcement and compliance.

16.4.2 Details of the baseline data would be required such as geographical location so the RMAs can compare to their expected results.

16.4.3 Monitoring should be required on any outfalls to ensure that they are discharging at the agreed rate and no more to make sure flood risk is not increased downstream.

16.4.3: It is not sufficient that contractors are self-monitoring alone. An independent means of audit should be established.

16.4.4 Action should be taken if outfalls are found to be discharging at higher than agreed rates

16.4.4: What sanctions or penalties will apply to breaches of the CoCP?

Appendix 2: LEMP template

The template appears very basic. We would expect to see reference to plans within the template which clearly illustrate ecological receptors, ecological fencing, mitigation and compensation areas etc as well as making reference to legal requirements (e.g. details of EPS licence method statements that must be adhered to), generic guidance on ecological best practice working methods, supervision etc. A section on cumulative impacts is also required to take account of the combined effects from adjoining LEMP areas.

Appendix 3: Sustainability Policy

'HS2 is determined to ensure sustainability is embedded in the DNA of this project and that it is integrated into all of our work' How will ecological sustainability be maintained in perpetuity, rather than just over the duration of the construction period?