

Sent by Email

Mr Paul Dransfield
Birmingham City Council
c/o Bircham Dyson Bell LLP
50 Broadway
London
SW1P 0BL

High Speed Two (HS2) Ltd
5th Floor
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Sent by Email

Mr Geoff Inskip
Centro
c/o Pinsent Masons LLP
30 Crown Place
Earl Street
London
EC2A 4ES

16th July, 2014

Dear Paul and Geoff,

Assurances Relating to High Speed Rail (London – West Midlands) Bill

I am writing to you both 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 your concerns about HS2. The detail of each assurance is set out below in the following order:

- Curzon Street Station
- Saltley Viaduct
- City Council Waste Facility
- Washwood Heath
- Metro
- Business relocation
- Open spaces
- Skills and training

Please would you kindly confirm that the detailed wording is acceptable and that, on the basis of these assurances, you will not be appearing in Select Committee. These assurances will be included in the Register of Undertakings and Assurances maintained by the Secretary of State.

DETAILED ASSURANCES:

In these assurances, the Nominated Undertaker 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.

1. CURZON STREET STATION

1.1. Curzon Street Station – timing of construction

1.1.1. The Secretary of State will require a Nominated Undertaker to use its best endeavours to complete the construction of Curzon Street Station as quickly as is reasonably practicable.

1.2. Curzon Street Station – design principles

1.2.1. The Secretary of State will require a Nominated Undertaker to use its best endeavours to agree with Birmingham City Council (“BCC”) and Centro a design for Curzon Street Station.

1.2.2. The Secretary of State will, prior to seeking approval for the design of Curzon Street Station under Schedule 16 of the Bill, require a Nominated Undertaker:

- a) to jointly with BCC and Centro (as related to their statutory functions), and until the completion of the building, establish a station design panel or equivalent which is to be comprised of no less than 6 members, the chairperson and other members to be appointed jointly by a Nominated Undertaker, BCC and Centro;
- b) to (i) expedite production of the detailed station design so far as reasonably practicable, (ii) submit it for review by the station design panel or equivalent, and (iii) have regard to any recommendations made by the station design panel or equivalent insofar as they are within the allocated HS2 budget and any additional financial resources identified by BCC and Centro, together with the limits and powers set out in the Bill; and
- c) to publish a report setting out the recommendations of the station design panel or equivalent, including a Nominated Undertaker’s decision in relation to each such recommendation and the reasons for such decisions.

1.2.3. The Secretary of State will require a Nominated Undertaker to, so far as is reasonably practicable and within the allocated HS2 budget and any additional financial resources identified by BCC and Centro,

together with the limits and powers set out in the Bill, design Curzon Street Station having due regard to the following design principles:

- a) Simple and Clear – the station must be easy to find and use with simple and clear spaces and self evident routes to and from trains supported by lucid orientation and wayfinding.
- b) Safe and Secure – the design will create open and welcoming spaces without hidden corners and difficult areas to monitor, safe for both passengers and staff.
- c) Inclusive and Accessible – the station will be equally accessible to all and provide step-free access from street to platform level.
- d) Welcoming & User-friendly – provide facilities commensurate for a 21st century station that ensures passenger comfort and convenience.
- e) Functional and Operable – Simplify the surveillance and safe operation of the station facilities by creating simple and uncomplicated spaces that have easy to operate systems.
- f) Maintainable and Flexible – The building and materials specified must be of high quality, robust, durable and easy and maintain. The designs shall make provision for maintenance access and future flexibility.
- g) Sustainable – The highest sustainable targets will be set and the design will actively seek to reduce the environmental impacts arising from the construction and operation of the station.
- h) Value for money – Ensure that there is balance between the long-term costs of operating the station and its fitness for purpose is optimised.
- i) Permeable and integrated – The design needs to maximise site permeability and provide the best solutions for transport interchange.
- j) Buildable – the design will have integrated buildability and construction requirements.

- k) A quality of both design and materials that reflects the importance of the station as a mechanism for the regeneration of Birmingham and that creates a step change for station design and experience.
- l) Integration of the station with the local transport network having regard to the principles of efficient, convenience and accessible transport interchange described in the Birmingham Curzon HS2 Masterplan for Growth and the West Midlands Connectivity Package.
- m) An internal layout of the public concourses that optimises connectivity through the station and does not preclude international passenger services.
- n) Appropriate location of railway infrastructure to avoid conflict with regeneration opportunities and to maximise the potential of development land having regard to the Birmingham Curzon HS2 Masterplan for Growth.
- o) The provision of public realm surrounding the station, having due regard to the principles and proposals of the Birmingham Curzon HS2 Masterplan for Growth which seeks to create new squares and spaces that maximise connectivity to Digbeth, Eastside and the City Core.
- p) Optimising the number of station entrances and exits from public concourses.
- q) Seeking to optimise active frontages along key elevations.
- r) Enhancing the setting of the Grade I listed former Curzon Street Station building, the adjoining Woodman Public House and the Eastside City Park.
- s) Minimising construction impacts on Eastside City Park and the wider Eastside area including Millennium Point, the Science Garden and Birmingham City University City Centre Campus.

1.2.4. The Secretary of State will require a Nominated Undertaker to work jointly with BCC prior to the commencement of the HS2 Works on a package of skills and training measures to connect local people to jobs

in the construction of the high speed railway in the Birmingham City Council area.

1.2.5. The Secretary of State will require a Nominated Undertaker, from the date of these Assurances to keep BCC and Centro regularly informed and to consult them in relation to:

- a) the progress of the design of Curzon Street Station;
- b) proposed submissions for approval under Schedule 16 of the Bill relating to Curzon Street Station;
- c) the construction programme for the HS2 Works;
- d) the likely commencement and completion of the HS2 Works;
- e) the likely opening date of Curzon Street Station;
- f) actions during any defects liability period; and
- g) any proposed changes to any of the matters set out in (a) – (f) above.

1.2.6. The Secretary of State will require a Nominated Undertaker to participate in any future appropriate governance arrangements, established by BCC, to manage shared regeneration objectives for the local area in Birmingham including integration of the station into the wider area; the development of wider infrastructure/public realm, and maximising the local employment and training opportunities arising from the construction of the HS2 station.

2. SALTLEY VIADUCT

2.1. Saltley Viaduct Strategy

2.1.1. The Secretary of State will require a Nominated Undertaker to work with BCC and Centro to develop a strategy ("the Saltley Viaduct Strategy") to minimise as far as reasonably practicable, the impact of the closure of Saltley Viaduct for HS2 Works ("the Closure") on the road traffic network and mitigate its impact on all user groups taking into account the effects of any diverted traffic in the wider area; such strategy to include consideration of a temporary bridge suitable for

pedestrian and cycle traffic for the purpose of informing a requirement by BCC under paragraph 13 of Schedule 31 to the Bill.

2.2. Saltley Viaduct Mitigation

2.2.1. In order to mitigate impacts of the Closure on the road traffic network, the Secretary of State will require the Nominated Undertaker to:

- 2.2.1.1. ensure that Saltley Viaduct will only be closed for such minimum period of time as may reasonably be required to complete the relevant HS2 Works and that Saltley Viaduct will be reopened as soon as reasonably practicable after that period has elapsed;
- 2.2.1.2. use reasonable endeavours to procure the necessary agreements from Network Rail and other relevant parties to allow the time period of the Closure to be reduced to a minimum;
- 2.2.1.3. comply with BCC and Centro's reasonable requests to be provided with information, programmes and/or method statements for HS2 Works relating to the Closure as well as the anticipated date for permanently reopening Saltley Viaduct; and
- 2.2.1.4. take into account any reasonable proposals BCC or Centro make relating to information, programmes and/or method statements provided to them under paragraph 2.2.1.3.

2.3. Saltley Viaduct Costs

2.3.1. In relation to the repayment of costs incurred, the Secretary of State will require the Nominated Undertaker to apply Paragraph 11 of Schedule 31 of the Bill to Centro as if Centro were a highway authority.

3. CITY COUNCIL WASTE FACILITY

3.1. In this assurance, "the Operator" refers to Veolia and/or its successor under the Waste Management Contract.

3.2. The Secretary of State will require the Nominated Undertaker to:

- a) work jointly with BCC and the Operator to ensure that the Bottom Ash Plant forming part of the Waste Facility currently located at Tameside Drive is relocated to a suitable alternative site;
- b) if necessary or advantageous to do so in order to facilitate the relocation of the Bottom Ash Plant, promote the requisite amendments to the Bill to facilitate the acquisition, delivery and bringing in to operation of the alternative site for the relocated Bottom Ash Plant;
- c) take all reasonable steps to ensure that there is no interruption or disruption or reduction in the level or quality of waste services provided by the existing or relocated Bottom Ash Plant as a result of the HS2 Works;
- d) subject to BCC and/or the Operator procuring all necessary consents and licenses on behalf of the Nominated Undertaker (with all reasonable costs met by the Nominated Undertaker), take all reasonable steps to ensure that there is no interruption or disruption or reduction in the level or quality of waste services provided by the Household Recycling Centre currently co-located at the Waste Facility at Tameside Drive (including any temporary or permanent reconfiguration required) as a result of the HS2 Works;
- e) take all reasonable steps to ensure that the Household Recycling Centre currently co-located at the Waste Facility at Tameside Drive will remain in operation following the completion of the HS2 Works in a form no less effective or advantageous than the existing facility;
- f) provide compensation to BCC or the Operator in line with the Compensation Code for the equivalent reinstatement of the Bottom Ash Plant.

3.3. The above commitment is subject to:

BCC identifying a suitable alternative site for the Bottom Ash Plant; and

- a) BCC identifying to the Promoter that such alternative site can accommodate the Bottom Ash Plant; and

- b) BCC or its Operator obtaining all relevant licences and approvals for the operation of the Bottom Ash Plant at the alternative site with all reasonable costs met by the Nominated Undertaker.

4. WASHWOOD HEATH

4.1. The Secretary of State will require the Nominated Undertaker to work with BCC to:

- a) ensure that the residual land not required for the operation of the railway or Rolling Stock Maintenance Depot at Washwood Heath is made available to the market with highway access to the boundary, as soon as reasonably practicable after completion of the construction work;
- b) minimise the land required for the operation of the railway and Rolling Stock Maintenance Depot in so far as reasonably practicable;
- c) ensure that the construction of the Rolling Stock Maintenance Depot at Washwood Heath commences as soon as reasonably practicable following Royal Assent of the Bill and that the Nominated Undertaker completes construction of the Rolling Stock Maintenance Depot as quickly as is reasonably practicable; and
- d) implement a training and skills package to:
 - i. bring forward opportunities for employment arising from the construction of the Rolling Stock Maintenance Depot, its subsequent operation and the development of the residual land not required for the operation of the railway or Rolling Stock Maintenance Depot; and
 - ii. give opportunities for local people to engage in training and development opportunities during the construction phase of the Proposed Scheme.

4.2. The Secretary of State will require the Nominated Undertaker, in consultation with BCC, to undertake in good time prior to the commencement of works on the Rolling Stock Maintenance Depot, a review with supporting evidence of the water attenuation options at the Washwood Heath Site with a view to, where reasonably practicable, minimising the area of land occupied or sterilised by balancing ponds or other flood attenuation

measures and maximising the land available for development and to have due regard to the conclusions of that review, in consultation with BCC, before carrying out the works.

5. METRO

5.1. Metro development

5.1.1. The Secretary of State will require the Nominated Undertaker to:

5.1.1.1. include provision within the Curzon Street station design for subsurface works in New Canal Street to accommodate the proposed Midland Metro Birmingham Eastside Extension ('BEE'); and

5.1.1.2. participate in a joint working group to be established by Centro to:

- a) develop the design of a high-quality and high-capacity interchange between the HS2 Curzon Street station and the BEE (collectively referred to as 'the Projects');
- b) co-ordinate the designs of the Projects; and
- c) develop a co-ordinated construction strategy for the Projects.

5.1.2. In developing the design of the Projects, the working group will have regard to the Birmingham HS2 Curzon Masterplan for Growth published for consultation in February 2014.

5.1.3. The working group will use reasonable endeavours to agree all requirements for design changes to HS2 needed to accommodate the BEE with the aim of minimising overall costs to both parties.

5.1.4. If the working group cannot agree, the matter in dispute shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed by the President of the Institution of Civil Engineers.

5.2. Funding

- 5.2.1. The Nominated Undertaker will meet the costs of the Curzon Street station foundations necessary to accommodate the lowering of New Canal Street to allow for the BEE alignment.
- 5.2.2. Save for the costs mentioned in 5.2.1, Centro will bear the reasonable additional costs incurred by the Nominated Undertaker as a result of altering the Curzon Street station to accommodate the BEE.
- 5.2.3. The costs mentioned in 5.2.2 must be agreed between the Nominated Undertaker and Centro before being incurred.

5.3. Electromagnetic Interference

- 5.3.1. The Secretary of State will ensure that the Nominated Undertaker will implement specific design solutions, in compliance with British and European Standards, and use construction best practice to mitigate, so far as reasonably practicable, effects (including but not limited to induced voltages, earthing, electromagnetic interference and bonding issues) associated with the interface between all HS2 Works and the Midland Metro (including the BEE) and will consult Centro on such proposed solutions and best practice as part of the joint design development process at 5.1.1.2.
- 5.3.2. In mitigating the effects associated with the interface between HS2 and the Midland Metro, the Nominated Undertaker will in particular ensure as a minimum:
 - 5.3.2.1. that the design, construction and operation of all HS2 Works complies with the BSEN50121 series of electromagnetic compatibility standards entitled "*Railway applications – Electromagnetic compatibility*";
 - 5.3.2.2. that, where the traction systems of the HS2 Works and the Midland Metro are in close proximity, the design, construction and operation of all HS2 Works shall comply with the BSEN50122 series of standards entitled "*Railway applications - Fixed installations – Electrical safety, earthing and the return circuit*", such compliance to include but not be limited to:
 - a) the provision of an adequate overhead contact line zone and current collector zone for the Midland Metro tram

when it runs beneath the Curzon Street Station at New Canal Street; and

- b) provision of a suitable method of maintaining electrical separation between HS2 and the Midland Metro system.

6. BUSINESS RELOCATION

6.1. The Secretary of State will require a Nominated Undertaker to work with BCC to ensure that businesses in the Birmingham area subject to relocation as a result of the proposed scheme are provided the opportunity (subject to and within the terms of the Compensation Code) to relocate within the Birmingham area.

7. OPEN SPACES

7.1. Where there is a permanent and significant community effect resulting from the permanent loss of public open space or a community facility, as a result of the HS2 works, the Secretary of State will require the Nominated Undertaker to work with BCC to identify a suitable alternative which may include:

- i. replacement public open space;
- ii. improvements or alteration to the remaining portion of the public open space; or
- iii. community facilities or improvements to other public open spaces or community facilities in the area.

7.2. The Secretary of State will require the Nominated Undertaker to share with BCC detailed plans for the proposed replacement of open space as part of the detailed design phase.

7.3. Where replacement open space is outside of Bill limits the Nominated Undertaker will work with BCC to respond to reasonable requests in their consideration of the design and to secure the timely determination of any required planning application.

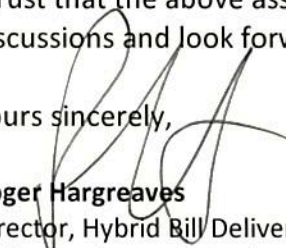
8. TRAINING AND SKILLS

8.1. The Secretary of State will require a Nominated Undertaker to work with BCC prior to the commencement of the HS2 works on a package of skills and

training measures (including apprenticeships for young people) to connect local people from the Birmingham area to jobs in the construction of the high speed railway in the Birmingham City Council area.

I trust that the above assurances accurately reflect the outcome of our recent discussions and look forward to hearing from you.

Yours sincerely,



Roger Hargreaves
Director, Hybrid Bill Delivery
High Speed Two Limited