1.0 Purpose Of Report

1.1 To advise members of public consultation on the Working Draft Environmental Statement for HS2 phase 2b, including emerging design details and proposed mitigation measures, and to confirm the County Council’s response.

2.0 Background

2.1 In November 2016 the Government confirmed its preferred route for phase 2b of the proposed High Speed rail network, HS2. This includes the eastern leg that runs from the West Midlands to Leeds, and the connection to the conventional rail network at Church Fenton linking with York. High speed trains will run at speeds of up to 360 kilometres per hour (225 miles per hour) on the new network. They will also run on to the existing conventional rail network to serve destinations including Newcastle, York and Edinburgh.

2.2 Over the last two years HS2 Ltd has been developing detailed designs for the network and assessing the likely impacts and effects. As part of this process HS2 has engaged with NYCC officers to obtain relevant local information about the section of the proposed route within North Yorkshire – approximately 7km from the Leeds city boundary to Church Fenton, within Selby District. They have also been consulting with other agencies and local stakeholders including Parish Councils.

2.3 HS2 consulted on the draft scope and methodology for the Environmental and Equality Impact Assessments in autumn 2017. The County Council responded to these highlighting a range of issues that were considered relevant to this area.

2.4 Public consultation is now taking place on HS2 Ltd’s Working Draft Environmental Statement (WDES) and its Equality Impact Assessment Report. This is a non-statutory stage, but provides a formal opportunity to respond to the design and proposed mitigation measures. The consultations is being supported by a programme of community events, including at Church Fenton on 24 November. Consultation closes on 21 December 2018.

2.5 Following the close of the consultation period HS2 will assess the responses and finalise the design and the supporting Environmental and Equality Impact Assessments. The Environmental Statement and Equality Impact Assessment are needed to support the development of the hybrid Bill that will be taken to Parliament in 2020.
2.6 It is understood that there will be a further round of public consultation on the final Environmental Statement once the hybrid Bill has been submitted to Parliament. This will take place prior to the Select Committee stage.

3.0 Working Draft Environmental Statement (WDES)

3.1 The consultation material is extensive and includes:
1. Non-technical summary
2. Volume 1: Introduction and methodology
3. Volume 2: Community area reports and maps
4. Volume 3: Route-wide effects
5. Volume 4: Off-route effects
6. Supporting information and planning
7. Consultations

Description of route and design treatment

3.2 Within North Yorkshire the proposed route extends for approximately 7 km from the county boundary with Leeds near Mickletonfield to Church Fenton where it joins the conventional rail line to the south of Ulleskelf. See Annex 1 for the index map that shows the local context. The North Yorkshire section of the proposed route passes through a predominantly rural area, and is largely raised on embankment. From Coldhill Lane it closely follows the alignment of the existing railway past Barkston Ash. As the route crosses Common Lane at Church Fenton there is a proposed viaduct that extends to where the HS2 track joins the conventional railway. The route crosses a number of local roads and passes close by a number of settlements including, Barkston Ash, Church Fenton and Ulleskelf. A small number of property demolitions are required, including three dwellings at Church Fenton. Volume 2: LA16 Garforth and Church Fenton, includes a description of the proposed scheme.

3.3 Probably one of the most significant features in this section is the proposed Church Fenton viaduct. This extends for up to 2.3km in length and up to 18m in height. The design is intended to provide grade separation enabling the railway to cross over Common Lane and achieve effective connection with the conventional rail track. The viaduct is also intended to reduce the track’s footprint in an area where there is a risk of flooding, and provide a suitable alignment that will enable improved design speed for HS2 trains.

3.4 Whilst considerable material has been made available on the proposed scheme, it is important to note that the design and environmental impact analysis are still works in progress, and at this stage full and final details are not available. NYCC officers will continue to engage with HS2 as work progresses on the scheme’s development and design, and will provide technical advice in respect of the County Council’s interests outside the formal consultation stages.

Potential impacts and proposed mitigation

3.5 The Community Area report and maps that cover LA16: Garforth and Church Fenton are the most relevant to North Yorkshire. This material covers a range of topics including:
- Overview of area and proposed scheme
- Stakeholder engagement
- Agriculture, forestry & soils
- Air quality
- Community
- Ecology & biodiversity
• Health
• Historic Environment
• Land quality
• Landscape & visual
• Socio economic
• Sound noise & vibration
• Traffic & transport
• Water resources & flood risk

Each of these sections addresses the scope, environmental baseline, effects arising during construction, and effects arising from operation. Examples of the mapping data are provided in Annex 2.

3.6 A draft general Code of Construction Practice (CoCP) has been prepared and there will be Local Environmental Management Plans (LEMPs) for each local authority area. These will provide the means of controlling the construction works associated with the proposed scheme, and set out monitoring requirements. This includes the management of construction traffic. In addition, HS2 Ltd has produced a Community Engagement Framework which sets out how it and its contractors will undertake community engagement during the construction phase.

3.7 There are a range of potential effects that are of interest to the County Council.

Service area comments

3.8 Relevant service area across the County Council have been engaged on the WDES. A summary of their position is set out below:

3.9 Strategic Policy & Economic Growth:
North Yorkshire County Council has prepared a number of key Strategies, Plans and Policies that are relevant to the design, construction and operation of HS2. The Plan to Deliver Economic Growth and the Strategic Transport Prospectus for North Yorkshire are of particular relevance. Priorities include creating the right conditions for business growth and investment, creating high quality places, enhancing the environment, delivering a modern integrated transport network, improving east-west connectivity (including Trans Pennine links) and improving access to High Speed and conventional rail. It is expected that HS2 should be complementary to, and assist the delivery of, the stated objectives.

3.9.1 The Environmental Impact Assessment needs to consider the implications for dual use of HS2 infrastructure by Northern Powerhouse Rail services, which is encouraged in order to maximise integration with the conventional rail network and the ambitions for Transport for the North. This can lessen environmental impacts and costs, and enhance service delivery. The HS2 Environmental Statement needs to assess and provide for off route consequential effects including addressing additional demand around existing stations such as on the East Coast Main Line and other local lines including those serving Harrogate, Selby and Scarborough.

3.9.2 During the construction phase there will be a range of impacts on NYCC infrastructure. Dilapidation surveys, for both buildings and infrastructure will be required to enable monitoring, identification of necessary mitigation, assessment of effects and identification of any deterioration caused by HS2. Any consequential impacts on NYCC infrastructure and services including the need for monitoring mitigation and maintenance extending beyond the HS2 construction phase, and associated administrative implications need to be fully recognised and provided for,
including where necessary provision of funding to NYCC. It will be important for HS2 to cover all related costs, and that there should be no additional burden during or after construction placed on NYCC infrastructure, services or resources as a result of HS2 Phase 2b.

3.9.3 The alignment of the proposed HS2 route past Church Fenton could leave part of the village landlocked between rail tracks. Appropriate design treatment and mitigation will be required to ensure that the scheme avoids community severance and isolation.

3.9.4 Concerns have been identified about mental health issues, such as anxiety, that the proposed scheme is causing, even in advance of construction commencing. A range of methods will be required to address this. Environmental impact assessments need to form part of a holistic approach to mitigating adverse effects.

3.9.5 The use of a Code of Construction Practice that employs industry best practice guidance is supported as is the development of Local Environmental Management Plans. However, it will be important to ensure that NYCC as the upper tier authority for North Yorkshire is appropriately engaged in this process, particularly in its role as the Local Highway Authority.

3.10 Highways & Transport:
The route crosses a number of local roads and includes proposals for realignment and other alterations. These include the A162 London Road, Coldhill Lane, Common Lane and Sandwath Lane. There are concerns regarding the lowering of Common Lane, drainage issues at Coldhill Lane and headroom under the proposed Saw Wells Lane Bridge.

3.10.1 At each interface between the HS2 haul route and the County road network, measures will be required to ensure the appropriate construction for the type of traffic, traffic management and control to ensure the safety of road users and construction operatives, routing of deliveries and measures to control the spread of mud and other debris onto the public highway. In certain weather conditions measures to suppress dust may be needed. Proposals for the reinstatement of the public highway following construction will also need to be approved and implemented.

3.10.2 Any additional trains going through Northallerton to Newcastle are likely to have an effect on vehicle movements in Northallerton, so an understanding of the intentions for the existing lines would be useful to our planning.

3.11 Public Rights of Way:
The direct impact on the public rights of way network is minimal. The main area of concern is the proposed severance of Sandwath Lane at Church Fenton. This would expose bridleway users to vehicular traffic on a long detour on the much busier Common Lane, making the route much less convenient and pleasant to use. We would recommend that an underbridge be provided on Sandwath lane with a minimum height clearance of 3.7m to accommodate horse riders, cyclists and pedestrians. The British Horse Society guide for underpass dimensions should be referred to.
3.12 Heritage Services – Ecology:
Overall along the length of LA16 within North Yorkshire there currently appears to be a net loss for biodiversity, as such there is a need to increase the areas of land for mitigation and compensation and to include sufficient enhancement measures to demonstrate that the scheme can achieve a net gain for biodiversity as required currently within national policy. This is likely to require off site provision of habitats that are suitable to the local area that can be managed in the long term of biodiversity. It is important that HS2 identifies these areas and assesses the current value of them before designing suitable enhancement measures.

3.13 Heritage Services – Landscape:
The WDES methodology for undertaking landscape and visual assessment is generally consistent with standard methodology (GLVIA third edition). However, the assessment does not aim to present a complete assessment but only significant effects. This is the applicant’s judgement and presents an incomplete picture of how ‘significant effects’ have been determined and what is not included. There are some significant viaducts, embankments and cuttings within Phase 2b. The design of these structures is not detailed to a stage where it can be sufficiently taken into account within the assessment, particularly relating to scale, height and appearance.

3.13.1 Landscape mitigation should follow a clear strategy in response to local landscape character and setting. The Authority would also welcome a wider green infrastructure approach to conserve and enhance local landscape character, provide opportunities for enhancing health and wellbeing in publically accessible areas, and positive integration of structures.

3.13.2 The success of the landscape design can only be achieved through long term maintenance and management. HS2 should consider the organisational agencies needed to manage offsite landscape mitigation and how public access might be secured and managed.

3.13.3 Advanced landscape mitigation, planting and community offsetting projects are recommended because they are likely to provide significant benefit in reducing adverse effects, both during the construction and operational phases.

3.14 Heritage Services – Archaeology
The route does not have a direct impact on any designated heritage assets of archaeological interest within the Selby portion of LA16. However the proposal is passing through an area with a rich archaeological heritage. For example, the magnesium limestone ridge in the west, with its rich, well-drained soils provided a focus for later prehistoric and Roman settlement.

3.14.1 The WDES sets out a methodology for further assessment of this resource using non-invasive techniques such as desk based assessment, geophysical survey and surface artefact collection, where land access is permitted. Further assessment in the form of archaeological trial trenching would be desirable to fully assess the significance of archaeological deposits where this cannot be properly assessed using the stated non-invasive techniques. HS2 are encouraged to carry out as much advance survey work as possible to fully inform of the impact of the proposal on heritage assets of archaeological significance and to allow the design of appropriate mitigation.
3.15 Planning Services – Minerals & Waste:
The reference to the Minerals and Waste Joint Plan needs to be corrected as it has not yet been adopted. It was submitted for examination in November 2017 and is currently still in the examination in public stage. The current adopted minerals and waste policy within the County comprises the ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) and the ‘saved’ policies of the North Yorkshire Waste Local Plan (2006). The proposed route of the line lies within the Tadcaster/Knottingley Area of Search for Magnesian Limestone shown on Inset No.13 of the Minerals Local Plan. The references in regarding seeking opportunities for the beneficial reuse of excavated material that cannot be reused in the earthworks of the Proposed Scheme (that might include restoration of mineral or landfill sites) is noted and an early notification of whether there are any potential sites within North Yorkshire would be appreciated in order that any early examination of the individual planning circumstances of such sites can be made.

3.16 Flood Risk Management:
NYCC has not seen any evidence of the models used and therefore the suitability of the drainage/attenuation suggested. For flood risk management the key issue is that we have only approved in principle, on the basis that the attenuation features proposed are appropriately modelled.

3.17 Strengthening Communities:
The relevant Parish Councils are active in representing their communities and alerting them to consultation events and opportunities to engage with the HS2 team.

3.18 More detailed technical comments expanding on the points identified above have been provided by the service area teams. These are set out in Annex 3, and can form part of the overall response to HS2.

4.0 Equalities

4.1 Alongside the WDES, HS2 is consulting on the Working Draft Equality Impact Assessment (WDEQIA). This considers the potential effects of building and operating the railway on people protected by the Equalities Act 2010.

4.2 The working draft EQIA considers whether HS2 will have a bigger, or different, effect on groups of people because of their age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation, and describes HS2’s current understanding of the potential equality effects that may arise. It also explains how HS2 propose to avoid or reduce any adverse equality effects that may occur over the life of the HS2 project.

4.3 The draft assessment does not identify any disproportionate concentrations of groups with protected characteristics within the baseline study area within North Yorkshire. Officers have not identified any specific local issues.

5.0 Finance

5.1 There are no direct financial implication for the County Council associated with this current consultation exercise.

5.2 Where appropriate mitigation measures in relation to effects on NYCC infrastructure have been identified. It is anticipated that HS2 Ltd will bear the costs of all necessary mitigation.
6.0 Legal

6.1 The current consultation is a non-statutory process that will contribute to the preparation of a hybrid Bill that will be presented to Parliament in 2020. The use of primary legislation allows the Government to seek the full range of statutory powers and authorisations that a project of this size and complexity requires.

6.2 It is understood that the hybrid Bill will include *undertakings and assurances* regarding the delivery of the mitigation identified in the Environmental Statement. This consultation on the WDES will assist in identifying those matters that NYCC considers are necessary. NYCC would expect to have the opportunity to review and provide input to the formal documentation related to our interests as it prepared. This could help to avoid the need for Petitions at a later stage.

6.3 The hybrid Bill approach enables persons whose property or interests are directly and specially affected by the hybrid Bill to petition Parliament and to present their case to a Select Committee. Local authorities situated along the route of the Proposed Scheme will be able to petition on behalf of their local communities. The hybrid Bill process is outlined in Annex 4.

7.0 Recommendation

7.1 The Corporate Director of Business and Environmental Services shall make a submission to HS2 Ltd on behalf of North Yorkshire County Council, setting out the issues identified section 3.9 – 3.18, 4.3 & 6.2 of the report on HS2 Working Draft Environmental Statement and Equality Impact Assessment consultation dated 7 December 2018.

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Assistant Director
Growth Planning & Trading Standards

Author of Report: Mark Rushworth

Background Documents:
Working Draft Environmental Statement
Working Draft Equality Impact Assessment Report
Annex 1 – LA16: Garforth and Church Fenton Maps

General alignment
Annex 2 – Church Fenton insets
Construction phase

[Map of Church Fenton area with annotations and labels]

Proposed scheme
Strategic Policy & Economic Growth:

North Yorkshire County Council has prepared a number of key Strategies, Plans and Policies that are relevant to the design, construction and operation of HS2. The Plan to Deliver Economic Growth and the Strategic Transport Prospectus for North Yorkshire are of particular relevance.

The NYCC Plan to Deliver Economic Growth establishes a Vision that North Yorkshire will be ‘a place with a strong economy and a commitment to sustainable growth that enables everyone to fulfil their ambitions and aspirations’.

To help achieve this the plan identifies a number of enablers:
- creating high quality places and increased housing provision and green infrastructure;
- delivering a modern integrated transport network;
- increasing skills levels and ensuring that the workforce meets the needs of the county;
- keeping the workforce healthy and happy;
- creating the right conditions for business growth and investment;
- enhancing the environment and developing tourism and the green economy;
- delivering a modern communication network.

The Strategic Transport Prospectus sets out the long term vision (to 2045) for how improved transport in North Yorkshire can contribute towards a thriving northern economy. The priorities set out within this document are:
- Improving east-west connectivity (including Trans Pennine links)
- Improving access to High Speed and conventional rail
- Improving long distance connectivity to north and south

The strategic importance of both North – South and East – West connectivity to support growth is further emphasised within North Yorkshire County Council’s Local Transport Plan 4.

It is expected that HS2 will be complementary to, and assist the delivery of, the Council’s stated objectives.

During the construction phase there will be a range of impacts on NYCC infrastructure. Dilapidation surveys, for both buildings and infrastructure will be required to enable monitoring, identification of necessary mitigation, assessment of effects and identification of any deterioration caused by HS2. Any consequential impacts on NYCC infrastructure and services including the need for monitoring mitigation and maintenance extending beyond the HS2 construction phase, and associated administrative implications need to be fully recognised and provided for, including where necessary provision of funding to NYCC. It will be important for HS2 to cover all related costs, and that there should be no additional burden during or after construction placed on NYCC infrastructure, services or resources as a result of HS2 Phase 2b.

The use of a Code of Construction Practice that employs industry best practice guidance is supported as is the development of Local Environmental Management Plans. It will be important to ensure that NYCC as the upper tier authority within North Yorkshire is appropriately engaged in this process, in particular as the Local Highway Authority. The WDES infers that there will be consequential impacts on NYCC services and infrastructure, such as monitoring, maintenance and administrative implications. There needs to be provision for appropriate mitigation, including revenue funding for operational
expenditure including staff time. It will be important for HS2 to cover all related costs, and that there should be no additional burden placed on NYCC infrastructure, services or resources as a result of HS2 Phase 2b.

Connection with the classic network at Ulleskelf needs to recognise and allow for the proposed Trans-Pennine upgrade. This could include significant investment at Church Fenton to enable electrification, including Common Lane overbridge decklift by c 1m. The Environmental Impact Assessment needs to consider the implications for dual use of HS2 infrastructure by Northern Powerhouse Rail services, which is encouraged in order to maximise integration with the conventional rail network and the ambitions for Transport for the North. This can lessen environmental impacts and costs, and enhance service delivery. This needs to assess and provide for off route consequential effects including addressing additional demand around existing stations such as on the East Coast Main Line and other local lines including those serving Harrogate, Selby and Scarborough.

The alignment of the proposed HS2 route past Church Fenton could leave part of the village landlocked between rail tracks. Impacts on rights of way e.g. Sandwath Lane, will restrict access. This has the potential to create community severance and isolation. This needs to be appropriately mitigated.

The proposed Church Fenton viaduct will have a smaller footprint than an embankment and is generally preferable from an environmental perspective, including mitigating the effect of flood waters and enabling access and connectivity.

HS2 will create disturbance and intrusion from noise and overlooking both during the construction and operational phases, this may be exacerbated at height. There is a risk of things falling from track, potentially due to wake turbulence. For example in winter snow ‘plugs’ may be dragged behind trains. Trackside screening and noise attenuation will be required in sensitive areas, particularly on eastern/village side of the Church Fenton viaduct in order to mitigate disturbance, intrusion and the risk of falling objects.

Resilience and long term protection of viaducts should be designed in. However, it is unclear what provision is being made for emergency features such as hydrants, and access along the Church Fenton viaduct, for example how will people / rolling stock be removed in an emergency? Emergency planning and facilities will be required. There is scope to integrate health and safety features and emergency planning with local infrastructure by providing betterment to local facilities, and links with Community Resilience Plans.

The Church Fenton viaduct would be a significant gateway feature that denotes the start of the HS2 network. There is opportunity for the design to celebrate this and create a high quality distinctive landmark feature that employs the sensitive use of local materials and incorporates local heritage and cultural motifs within the design in order to achieve effective integration with the areas character and identity.

Concerns have been identified about mental health issues, such as anxiety, that the proposed scheme is causing, even in advance of construction commencing. A range of methods will be required to address this. Environmental impact assessments need to form part of a holistic approach to mitigating adverse effects.
Highways & Transport:
The main points of concern with respect to the public highway are as follows:
- The lowering of Common Road, Church Fenton, associated long term drainage requirement and reduced pedestrian amenity
- The long term drainage issue at the existing railway bridge on Coldhill Lane, Sherburn in Elmet should be addressed in conjunction with the highway drainage required by the highway diversion needed to maintain HS2 track levels
- Existing bridge headroom on Saw Wells Lane, Barkston Ash should not be reduced at the proposed new bridge carrying the HS2 track
- At each interface of the HS2 haul route with the County road network, traffic control should be implemented which is commensurate with traffic volumes and agreed by NYCC officers in advance
- At each such interface, road sweeping equipment should be in place when the haul route is in use
- Advance notification should be given to NYCC of any large scale movement of materials, plant and equipment between the haul route and the County road network

At each interface between the HS2 haul route and the County road network, measures will be required to ensure the appropriate construction for the type of traffic, traffic management and control to ensure the safety of road users and construction operatives, routing of deliveries and measures to control the spread of mud and other debris onto the public highway. In certain weather conditions measures to suppress dust may be needed. Should be implemented which is commensurate with traffic volumes, and road sweeping equipment should be in place when the haul route is in use. Proposals for the reinstatement of the public highway following construction will also need to be approved and implemented. Any works impacting on the existing public highway should be designed in accordance with the Design Manual for Roads and Bridges (DMRB). It should be assumed that departures from standard will not be permitted except in exceptional circumstances where the prior express approval of the local highway authority has been secured. Standards should be used, unless the Local Highway Authority agrees that there are compelling reasons to depart from this.

With regard to Volume 4:
The identification of York Station as to where physical work is required is welcomed. York is a very important HS2 gateway station for North Yorkshire’s and it’s local railway services from Harrogate, Scarborough, Malton, Selby, Thirsk and Northallerton, and improvements to capacity not just for HS2 infrastructure but for passenger facilities and interchange need to be considered as part of this work. Darlington is also seen as a North Yorkshire HS2 Gateway from the North of the County and especially for Catterick and its Garrison.

HS2 recognise the need for new rail infrastructure at York and NYCC particularly welcome the identification of the “potential reinstatement of a former section of track between York Station and Skelton Junction” this reinstatement would not only benefit HS2 and give access to stabling points but also the ECML and services between York and Harrogate, where NYCC investment of £12.5m will enable 2 trains an hour as part of our readiness for HS2 and current work has already highlighted the potential capacity constraints between York Station and Skelton Jct.

Though Northallerton and Thirsk stations are not mentioned specifically they are on the core HS2 route between York and Newcastle. Opportunities could be taken by HS2 to work with the rail industry and North Yorkshire County Council on looking at options to resolve these issues for communities, air quality, and road congestion especially with 5 level crossings in Northallerton and accessibility all of which will also benefit HS2.
More work needs to be done to understand the impact on demand at those stations not on the HS2 network but which will feed into the HS2 gateways as growth will not only be seen on the core network (see points 1 and 2 above).

There are significant issues with capacity, connectivity and reliability between York and Newcastle and HS2 should be seen as the catalyst to review and provide the widest opportunities for the benefit of HS2 and the current and future communities along this section of the East Coast Main Line.

In response to the consultation on High Speed Rail: Investing in Britain’s Future in January 2014, the County Council position was and still remains:

“There should be no detrimental impact on frequency, journey times or connectivity to any of the rail services that serve North Yorkshire in the lead up or as a result of the introduction of HS2. For North Yorkshire the links across the North whether city links or local services are as important as our links to London and these must be maintained and improved. The major rail investment planned in the years up to HS2 need to ensure that connectivity with HS2 is optimised.

There must be continued investment in the East Coast Main Line to ensure that it continues to develop and grow and be seen as part of the overall option for rail journeys in the future. The East Coast Main Line must also still serve those communities that are not served directly by HS2 maintaining high quality service and connectivity they expect. The importance of direct trains to London for communities cannot be underestimated and we would encourage HS2 to stop some trains at Northallerton.”

It is surprising that there is no reference to power supply issues up the East Coast Main Line.

Hambleton District Council is currently preparing its local plan. Any additional trains going through Northallerton to Newcastle are likely to have an effect on vehicle movements in Northallerton, so a prompt understanding of the intentions for the existing lines would be useful to our planning. It is recommended that contact is made with Hambleton District Council – and indeed any other authorities on the existing line, because whilst the proposal does not include significant new infrastructure it nevertheless may impact upon any planning or other intentions.

**Public Rights of Way:**

The direct impact on the public rights of way network is minimal. The main area of concern is the proposed severance of Sandwath Lane at Church Fenton. This would expose bridleway users to vehicular traffic on a long detour on the much busier Common Lane, making the route much less convenient and pleasant to use. We would recommend that an overbridge be provided on Sandwath lane with a minimum height clearance of 3.7m to accommodate horse riders, cyclists and pedestrians. The British Horse Society guide for underpass dimensions should be referred to.

Proposals for diverting public rights of way must be agreed with North Yorkshire County Council’s Countryside Access Service well in advance of public consultation on the draft hybrid bill. Sufficient geographical information must be provided to clearly identify the location of the existing and proposed routes. To assist with this mapping data on public rights of way in North Yorkshire is available at: [http://hub.datanorthyorkshire.org/dataset/north-yorkshire-county-council-public-rights-of-way](http://hub.datanorthyorkshire.org/dataset/north-yorkshire-county-council-public-rights-of-way).
Detail must also be provided on the width, surface type and any limitations to use such as gates or steps on the diverted path so that the Definitive Map and Statement can be correctly modified should the bill be passed. Any diverted routes should be as accessible as possible to all lawful users (including those in wheelchairs) and gates only installed where there is a genuine requirement to control livestock. New structures on public rights of way must conform to British Standard 5709 -2018.

CT-06-503
Public footpath 35.4/5/2 is to be diverted to run along the north-west side of the HS2 embankment. The diverted footpath must be at least 3 metres wide if it runs alongside a boundary or is fully enclosed or 2 metres wide if it crosses open land. Saw Wells Lane underbridge should provide a minimum height clearance of 3.7m to accommodate bridleway traffic in order to safeguard the option to upgrade public footpath 35.4/8/1 to a bridleway in the future.

CT-06-504
The proposed severance of Sandwath Lane at Church Fenton would expose users accessing public bridleway 35.55/16/1 to vehicular traffic on a long detour on the much busier Common Lane, making the route much less convenient and pleasant to use. We recommend that an underbridge be provided on Sandwath lane with a minimum height clearance of 3.7m to accommodate horse riders, cyclists and pedestrians.

Heritage Services – Ecology:
The WDES has been prepared without habitat and species survey work having been carried out, this means that a full detailed impact assessment has not been carried out and any mitigation or compensation proposed cannot be measured in terms of achieving net gain for biodiversity.

It is therefore recommended that full up to date baseline data is provided along with the results of habitat and species surveys undertaken to industry standards – these must cover all areas of the proposed scheme including temporary and permanent areas and any sites of compensation.

A detailed Ecological Impact Assessment (EcIA) will need to be undertaken within the Environmental Statement backed by the above habitat and species data – this should be undertaken in accordance with the most recent CIEEM guidelines for EcIA ensuring that all direct, indirect, temporary and permanent effects are assessed. Once impacts have been identified then the mitigation hierarchy should be applied – with impacts avoided where ever possible. This is particularly important for ecological features lost as a result of temporary works – an example of this relates to Haigh’s Grassland SINC which falls within an area identified as a temporary material stockpile and for construction. Such a loss is unnecessary and could be avoided by re-siting of the stockpile. HS2 should make it a priority to avoid impacts wherever possible.

Where mitigation or compensation areas are proposed to offset unavoidable impacts these should include habitats and ecological features relevant to the impacts and the surrounding area. These areas should be of sufficient size to ensure they can be managed sustainably in the long term and there should be a focus on connectivity with existing areas of semi natural habitat. Opportunities should be sought to use flood compensation areas to provide habitat mitigation or compensation – particularly where they are in close proximity to existing ecological features such as SSSIs, SINCs and ancient woodlands.
Monitoring proposals must be included to demonstrate the success of mitigation and compensation areas. Also where there may be any uncertainty around impacts upon ecological receptors monitoring should be used before, during and after construction works to provide evidence of effects, where negative effects are recorded compensation measures must be implemented.

Habitat creation and establishment must be undertaken by specialists to ensure that the habitats and ecological features proposed within the plans are able to be achieved. Monitoring will be important at these early stages to determine if the target habitat is being achieved and to introduce additional measures where necessary.

In order to provide the necessary mitigation, compensation or enhancement function any sites provided will need to be managed in the long term. Ideally this should be an organisation with the relevant skills and experience in managing nature conservation site. HS2 will need to be mindful of the requirements of these long term managers in designing the compensation sites in terms of habitat composition, size, access and funding. Organisations such as Wildlife Trusts or local conservation organisations will not be in a position to manage lots of small, isolated sites.

In order to assist with the long term sustainability of ecological mitigation and compensation sites it would be useful for HS2 to consider some of the sites in conjunction with community resources and green infrastructure. These resources could include community orchards, allotments and accessible woodlands. Provided that ecological management plans are secured for these sites they can provide both community and biodiversity benefits.

Having reviewed the maps of the LA16 area within North Yorkshire, specific comments on the route are provided below:

CT-05-500 – the plan shows the railway on embankment traveling west-east between two ancient woodlands Ringhay Wood to the north and Daniel Hartly’s Wood to the south – whilst the woodlands themselves remain unaffected species connectivity between the woodlands and hedgerow network will be severed by the scheme. The issue of collision by bats and birds will need to be considered in this location. Plan CT-06-500 shows no mitigation or compensation for these impacts with minimal planting provided on the railway embankments. This area would be an ideal location to provide broadleaved woodland compensation connecting the woodlands and providing continuation of habitat for species using the woodland network.

CT-05-501 – the route in this area will result in the loss of part of a woodland known as Middle Fox Covert which from CT-06-501 does not appear to have been compensated for. CT-05-502 & CT-06-502 – the infrastructure in this area will lead to an isolated parcel of land between Coldhill Land and the two railway lines. In considering options for this area the restoration of Copley Lane Quarry should be taken into account as the area overall has the potential to provide semi natural habitat of value to biodiversity.

CT-05-503 & CT-06-503 – the area of development in this location crosses a number of watercourses and there are records of water vole from these. Mitigating impacts upon water vole and maintaining connectivity will be important considerations in this location. Apart from planting on the embankment there is no mitigation or compensation areas provided in this location. Given the proximity of the railway to the community of Barkston Ash this is a location where ecological mitigation/compensation could be linked with green infrastructure requirements and public rights of way to benefit people and wildlife.
CT-05-504 & CT-06-504 – there are large areas of land associated with works in this location where the railway on embankment becomes the Church Fenton viaduct. Opportunities to minimise impacts upon semi natural habitat should be taken, particularly where temporary impacts are involved. Some woodland habitat creation is mapped in the area of Sandwath Farm and there is an area of landscape woodland/scrub planting but no information is provided to indicate what the ecological value of these areas will be and how they will be managed in the long term. There is also a floodplain compensation area in this location and its value in providing ecological compensation and enhancement should be explored. Given the close proximity of residential area there is again an opportunity to consider the provision of accessible green space.

CT-05-504-L1 & CT-06-504-L1 – this area has a parcel of material stockpile and a large area of floodplain compensation – as such it will be subject to high levels of disturbance. Both of these areas are located direct adjacent to Patefield Wood which is a SINC and ancient woodland. There are also a number of veteran trees recorded in the location. The impacts of these temporary and permanent changes to these areas of land need to be assessed in detail and given that this area of land is not required for the main railway works, should negative impacts be recorded then HS2 should aim to avoid these impacts by locating these works elsewhere. No ecological mitigation or compensation is provided within this location and given the impacts expected this is not considered acceptable.

CT-05-505 & CT-06-505 – this area as previously will leave areas of land isolated between the two railway lines. On the restoration plan there are large areas of woodland planting and whilst this may be appropriate in some locations without having first identified the local impacts it is possible that there may be other more appropriate habitats such as grassland or shallow wetlands. This area historically supported extensive wetland habitats prior to being drained for agriculture and HS2 should look to identify remnant wetland habitats that can be used as a reference for more appropriate reinstatement.

CT-05-505-R1 & CT-06-505-R1 – this area includes a parcel of land for temporary material stockpile and a large area of floodplain compensation. This is an ideal location to look for opportunities to create shallow wetlands which would have been extensive in this area in the past.

CT-05-506 & CT-06-506 – in this location there is a SINC known as Haigh’s Grass (SE53-11) which appears to be almost entirely lost to a temporary material stockpile and construction land – this is considered unacceptable given the temporary nature of the land use and HS2 should make every effort to locate the stockpile elsewhere and ensure necessary measures are put in place to protect the interest features of the SINC. In addition indirect impacts resulting from changes in hydrology from excavation of balancing ponds and flood compensation areas will need to be assessed in relation to Kirby Wharfe SSSI and Haighs Grass SINC as both of these sites are water dependent and sensitive to changes in the local hydrology. The area identified for flood compensation has the potential to provide an area of ecological compensation/enhancement due to its location in close proximity to the SINC and SSSI. Objectives for this area should include expansion of the habitats currently identified as interest features for designation, providing a buffering and connectivity function. Large areas of woodland planting within this location are unlikely to be appropriate to the locally important habitats.

CT-05-507, CT-06-507, CT-05-507-R1 & CT-06-507-R1 – whilst works in this area appear to be closely associated with the existing railway there is the need to take account of a SINC known as Station Yard (SE54-01) which has not been identified within the WDES. The site appears to be lost to construction works and as noted previously where possible impacts should be avoided. Where avoidance is not possible mitigation and or compensation
measures will be required. Currently no mitigation or compensation is proposed for the works at this location.

Heritage Services – Archaeology:
Guiding principles –
The WDES works on the assumption that any heritage assets within the land required for the construction of the scheme will be removed or demolished (Vol. 1, 8.8.13 & Vol. 3, 8.2.1). This goes against the standard practice of assessing route options and attempting to design out the most sensitive and significant areas. The basis for this type of pre-assessment is enshrined in the National Planning Policy Framework (para. 189).

Methodology for assessment of heritage assets –
The WDES sets out a strategy for the assessment of the impact of the proposal on heritage assets including archaeological and palaeo-environmental remains (Vol. 1, para. 8.81). The first part of this assessment is the collation of a range of existing documentary sources including the Historic Environment Record held by NYCC, historic maps and aerial photographs (Vol. 1, para. 8.86). This will be supplemented by use of newly commissioned LiDAR surveys, site visits, surface artefact collection and geophysical surveys (Vol. 1, para. 8.87 & Vol. 2, LA16, para. 9.2.7).

As an aside, it is advised that commercial aerial photography from summer 2018 is included in this assessment as the very dry weather provided excellent conditions for the detection of archaeological cropmarks. Many of these commercial flights are only just becoming available e.g. on Google Earth and it is recommended that the aerial photographic analysis is updated to include such sources.

Vol. 1, para. 8.88 states that archaeological survey work is being discussed with local authority archaeologists on a case-by case basis. This has not yet been the situation in North Yorkshire although we are currently working with HS2 to set up a meeting in this regard.

We have no objection to the survey techniques outlined above as an initial approach, however these types of non-invasive surveys are not normally sufficient to properly assess the significance of heritage assets of archaeological interest. Targeted trial trenching is advised to fully inform of this significance.

The WDES states that no intrusive site investigations have been undertaken as part of the baseline data collection (Vol. 1, para. 8.8.14) and that these would be undertaken at the pre-construction state or later. Without supporting data from intrusive surveys, e.g. trial trenching, it will not be possible to provide a reasonable assessment of significance.

Vol. 1, para 8.8.16 states that any field surveys are subject to land access and site conditions. This may mean that field survey of any form is not possible for parts of the route. This will form a constraint on the assessment of the impact of the scheme on heritage assets. Where survey has not been possible for logistical reasons this should be clearly set out in the ES.

Mitigation –
The WDES states that a route-wide general written scheme of investigation: historic environment research and delivery strategy (GWSI:HERDS) has been prepared setting out the principles for research, investigation etc. (Vol. 1, para. 9.8.3). We have yet to be consulted on this document and cannot comment on its suitability at this time.
Vol. 1, paras 9.8.3 & 9.8.4 correctly indicate that the resultants finds and other materials from archaeological mitigation will be properly archived. We are aware that many of the museums in the area are no longer able to accept new archives due to lack of capacity. As HS2 may generate a significant amount of archaeological material early engagement with the museum sector is recommended. Additional resources may be required by the museum sector, particularly in the form of additional storage. This issue was recently raised at a national level by John Howell MP and Lord Redesdale in a recent report:- (http://www.appag.org.uk/future_arch_services_report_2014.pdf - para’ 5.35-5.37).

The mitigation section of the WDES focuses very much on preservation by record. Opportunities for redesign or re-location, particularly of off-line facilities, such as site compounds and balancing ponds, should be considered where this can lessen the impact on the heritage assets.

Community Area report LA16: Garforth and Church Fenton –
This provides a further overview of the proposed assessment methodology and mitigation as set out in Vol. 1. Our comments on Vol. 1 apply to the concording paragraphs in Vol. 2. Vol. 2, para’s 9.3.6 and 9.3.7 ascribe values to the known heritage assets of archaeological interest. At this moment in time these value judgements are very subjective as the sites have not been subject to any form of field evaluation. This would preferably include both non-invasive and invasive techniques.

The Community Area report does not contain any discussion on the archaeological potential of the area over and above the known heritage assets. The narrative presented in the Historic Environment Overview (para. 9.3.9 - 9.3.23) is useful but could go further in attempting to predict the likely archaeological resource based on the underlying geology and known heritage assets.

Vol. 2, paras. 9.3.5 & 9.4.18 identify a former Friends’ Burial Ground (MNY10809). This was not noted during the installation of the Asselby to Pannal gas pipeline which bisected the site as depicted on Ordnance Survey mapping. There is therefore some doubt as to the exact location and therefore the level of impact.

Vol. 2, 9.4.21 describes the site of the former Church Fenton Brick and Tile Works. This is assessed as being of low value. The route of the line passes partly over the clay extraction area and also bisects the former factory buildings which would include kilns and other industrial features. These are of a higher value than stated.

Other issues –
The WDES indicates that the proposed route will cause electromagnetic interference. This will in effect neutralise a corridor on either side of the line from future archaeological research in the form of geomagnetic survey. It is recommended that the zone of interference is subject to geomagnetic survey prior to construction either as part of the assessment process or final mitigation.

Heritage Services – Landscape:
General Principles and Methodology –
The WDES methodology for undertaking landscape and visual assessment is generally consistent with standard methodology (GLVIA third edition). However, the assessment does not aim present a complete assessment but only significant effects. This is the applicant’s judgement and prevents an incomplete picture of how ‘significant effects’ have been determined and what is not included.
The WDES landscape and visual assessment is inconsistent in the way that it is presented and is particularly challenging to review and interpret because the map books needed to refer to are presented at different scales, formats and orientation (CT series, LV-02 series and LV Viewpoints series). This increases the likelihood of errors and inconsistency in the design and reporting of effects and mitigation.

The landscape and visual effects within the WDES have been assessed without field survey being undertaken and the assessment is based on assumptions made about landscape and visual effects both for sensitivity and magnitude. It is therefore recommended that a full field survey is undertaken to inform the assessment and mitigation in the Final ES. The significance of effects reported in the WDES can therefore only be considered uninformed and provisional.

Construction and operational phase Zones of Theoretical Visibility (ZTV) are not provided or explained within the assessment. It is recommended that detailed ZTVs are produced to inform the assessment and mitigation in the Final ES. These should be refined through field survey to take account of notable surface features such as woodland, buildings and hedgerows.

There are some significant viaducts, embankments and cuttings within Phase 2b. It is recommended that the design of these structures is sufficiently detailed to a stage where they can be taken into account within the Final ES, particularly relating to scale, height and appearance.

A series of ‘significant affected viewpoints’ are indicated on the LV series plans but there is no explanation of how these have been determined in the absence of detailed assessment and field work. The geographic or spatial extent of the landscape and visual effects should be explained and shown on the supporting plans within the Final ES, as HS2 methodology.

The proposals for mitigation are unexplained and cannot be measured or linked to the likely significant effects identified within the assessment. There is notable inconsistency of proposals and mitigation shown between the CT and LV series plans.

There are likely to be significant adverse landscape and visual effects during the construction phases. Mitigation is recommended given the duration of the construction period and the high landscape and visual sensitivity.

Mitigation is illustrated, but seems to follow a linear and non-descript format rather than achieving the wider design. The landscape design principles and benefits set out in the supporting HS2 document ‘Landscape Design Approach’ should be encouraged and provided within the Final ES.

It is recommended that landscape proposals and mitigation should follow a clear strategy in response to local landscape character and setting. A wider green infrastructure approach would be welcome; to conserve and enhance local landscape character; to provide opportunities for enhancing health and wellbeing in publically accessible areas; and to positively integrate earthworks and structures.

The success of the landscape design can only be achieved through long term maintenance and management. HS2 should consider the organisational agencies needed to manage offsite landscape mitigation and how public access might be secured and managed.

Advanced landscape mitigation, planting and community offsetting projects are recommended because they are likely to provide significant benefit in reducing adverse effects, both during the construction and operational phases.
Below is a list of specific issues which should be considered and addressed:

**CT-06-500 to CT-06-501** – this section is designated as Locally Important Landscape Area (LILA) within Selby DC Local Plan (ENV15), valued as an attractive landscape associated with the limestone ridge, with its distinctive undulating topography and richer tree cover. This value and sensitivity is not recognised within the assessment. The reason why this section is placed on 11m high embankment at the highest point of the ridgeline is unclear and will inevitably cause significant adverse landscape and visual effects. The use of linear tree planting along the north side of the line is unclear. Proposed mitigation should reflect local landscape setting. The use of woodland planting is inconsistent between CT and LV plans. The significance and setting of Huddleston Hall is not recognised and mitigation is absent (additional viewpoints and photomontage locations should be considered).

**CT-06-502 to CT-06-503** – this section is also designated as Locally Important Landscape Area (LILA) within Selby DC Local Plan (ENV15), comments as above. Linear planting along embankments should be reduced and supported by the wider use of mitigation to support and integrate with local landscape character. Consideration should be given to reduce construction and operational effects at the settlements of Barkston Ash and Sherburn in Elmet due to proximity and high sensitivity.

**CT-06-504 +L1 to CT-06-505 +R1** – The height, length and scale of Barkston Ash Embankment and Church Fenton Viaduct is notable and there are likely to be significant adverse landscape and visual effects on the settlement of Church Fenton given the proximity. Great consideration should be given to the quality of aesthetic design of structures and wider community benefits and offsetting. Landscape mitigation should reflect and integrate with the wider low lying wetland landscape character and setting while reducing settlement impacts. There is no proposed mitigation to reduce operational impacts, which have potential to be significant adverse.

**CT-06-506 to CT-06-507** – There is potential for significant landscape and visual effects on the settlement of Ulleskelf due to sensitivity and proximity. Landscape mitigation should reflect and integrate with the wider landscape character and setting while reducing settlement impacts. There is no proposed mitigation to reduce operational impacts.

**CT-06-507-R1** – There is potential for significant landscape and visual effects on the settlement of Bolton Percy due to sensitivity and proximity. Landscape mitigation should reflect and integrate with the wider landscape character and setting while reducing settlement impacts. There is no proposed mitigation to reduce operational impacts.

**Planning Services – Minerals & Waste:**
Draft ES Volume 2: Community Area report LA16: Garforth and Church Fenton

- Paragraph 2.1.29 – the examination in public regarding the Minerals and Waste Joint Plan commenced in February 2018 and will be subject to a consultation on Main Modifications, but the date for that consultation is not yet known as it is pending the outcome of the Inspector’s consideration of views expressed by participants of the hearing sessions regarding the 5 July 2018 Select Committee report (Planning guidance on Fracking) and the 17 May 2018 Written Ministerial Statement relating to shale gas. We can provide and update when this is available.

- Paragraph 10.3.57 – the second sentence is incorrect as the Minerals and Waste Joint Plan (prepared by North Yorkshire Council, the City of York Council and the North York Moors National Park Authority) has not been adopted, it was submitted for examination in November 2017 and is currently still in the examination in public stage. The current adopted minerals and waste policy within the County comprises the ‘saved’ policies of the North Yorkshire Minerals Local Plan (1997) and the ‘saved’ policies of the North Yorkshire Waste Local Plan (2006). The proposed route of the line lies within the Tadcaster/Knottingley Area of Search for Magnesian Limestone.
shown on Inset No.13 of the Minerals Local Plan and we can confirm that Policy 3/3 Areas of Search is a ‘saved’ policy so technically paragraphs such as paragraph 10.4.26 need an update.

Paragraph 10.3.58 – as mentioned above the Minerals and Waste Joint Plan is at examination and includes safeguarding areas for various mineral resources. Details regarding this can be viewed on the relevant County Council’s webpage via this [Minerals and Waste Joint Plan Examination](#) webpage link. The online Policies map is Core document CD22, the Publication Draft, but these areas will not be finalised until adoption of the Plan. However, information about the proposed safeguarding policies and how it is proposed to use the safeguarding areas, including the consideration of applications in mineral consultation areas, can be found in Chapter 8 of the Minerals and Waste Joint Plan Publication document (Core Document CD18). That webpage also contains information about the proposed changes to the publication draft that was the subject of a period of consultation that closed on 6 September 2017 (the Addendum of Proposed Changes – which is Core document CD09), and the draft main modifications which were discussed at the hearing session on 13 April 2018 (which is in the Examination Documents section as LPA/90).

Draft ES Volume 3 route-wide effects

- Chapter 9 Land Quality – paragraph 9.2.5, 9.3.3, 9.5.4: The statement that the assessment is considering route-wide effects in relation to mining, mineral and geological resources is noted and supported in respect of there being a need to consider the impacts on mineral resources, safeguarding areas and mineral sites.

- Chapter 15 Waste & Material Resources – paragraphs 15.1.15-15.1.16: The comments regarding the integrated design approach, the Materials Management Plans being drafted, the proposal to used suitable excavated material as a resource within the construction of the Proposed Scheme with the potential additional benefit of reducing the quantity of imported minerals required, plus the seeking to minimise the quantity of surplus excavated material generated are noted and the general approach is supported. The references in paragraph 15.1.17 and 15.4.34 regarding to seeking opportunities for the beneficial reuse of excavated material that cannot be reused in the earthworks of the Proposed Scheme (that might include restoration of mineral or landfill sites) is noted and an early notification of whether there are any potential sites within North Yorkshire would be appreciated in order that any early examination of the individual planning circumstances of such sites can be made.

Draft ES Non-Technical Summary

- Scope, assumptions and limitations – paragraph 14.2.2 refers to ‘… and the other corridor towards the North East (and Leeds, via the East Midlands and South Yorkshire) and connecting on to the ECML, together will parallel rail and highway routes’ and paragraph 14.3.1 makes a similar reference with regard to the ‘eastern leg’. It should be acknowledged that the northern end of the eastern leg connects to the ECML within North Yorkshire, not in South Yorkshire. Other parts of this document and the draft ES documents also make similar statements.

Flood Risk Management:
NYCC has not seen any evidence of the models used and therefore the suitability of the drainage/attenuation suggested. For flood risk management the key issue is that we have only approved in principle, on the basis that the attenuation features proposed are appropriately modelled.
Annex 4 – The hybrid Bill process

- **Bill deposit**
  - Plus all supporting documentation

- **First Reading**
  - Authorises printing of Bill
  - Procedural step
  - No debate at this point

- **Environmental Statement consultation**
  - Public consultation on the Environmental Statement

- **Second Reading**
  - Principles of Bill established
  - Debate on the floor of the House
  - Premise of the Bill assured

- **Petitioning period**
  - Duration set by Standing Orders

- **Select Committee**
  - Petitions heard in front of Select Committee
  - Right to appear challenges
  - Members must be unconnected to project

- **Public Bill Committee**
  - Further consideration and possible amendments made by MPs

- **Third Reading/Report**
  - House considers Bill
  - Further consideration and possible amendments made by MPs

- **House of Lords**
  - The Bill now normally follows a similar process through the House of Lords as it has through the House of Commons

- **House of Commons**
  - Any amendments to the Bill made by the House of Lords are now debated and approved by the House of Commons
  (Commons Consideration of Lords Amendments)

- **Royal Assent**