

## Land quality (contamination)

This factsheet outlines the expected approach to the assessment and treatment of contaminated land affected by the Proposed Scheme.

# 1 Introduction

- 1.1.1 High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. The Western Leg of Phase 2b comprises an extension of the network to Manchester and a connection to the West Coast Main Line at Golborne, and is referred to as the Western Leg hybrid Bill. The Eastern Leg of Phase 2b currently comprises an extension of the network from the West Midlands through the East Midlands to Leeds.
- 1.1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act (2017). In July 2017, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2a.
- 1.1.1 In February 2020, the Government announced its intention to draw up an Integrated Rail Plan. This will recommend a way forward on scoping, phasing and sequencing the delivery of HS2 Phase 2b, Northern Powerhouse Rail, Midlands Rail Hub and other proposed rail investments across the north. At the same time, the Government asked HS2 Ltd to prepare the Western Leg hybrid Bill, provided it does not prejudice any recommendations or decisions that will be taken in this plan, which will be published by the end of the year.
- 1.1.2 It is intended to deposit a Western Leg hybrid Bill seeking powers to construct and operate this phase in Parliament in early 2022 or sooner if possible (the Proposed Scheme). The work to produce the Bill will include an Environmental Impact Assessment (EIA), the results of which will then be reported in an Environmental Statement (ES). The ES would be submitted alongside the Bill when it is introduced to Parliament. As was the case with Phase One and Phase 2a, when the Bill is introduced to Parliament the Secretary of State will also publish draft Environmental Minimum Requirements (EMRs). The EMRs will set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.1.3 A series of information papers were produced for the Phase One and Phase 2a hybrid Bills, explaining the commitments made in those Bills and EMRs. It is the Secretary of State's intention to follow a similar process for the Western Leg Bill. These information papers will be used to provide information about the Proposed Scheme itself, the powers contained in the Bill and how decisions on

the Proposed Scheme have been reached. It is currently proposed that these information papers for the Western Leg of Phase 2b will be published at the time the Bill is introduced in Parliament.

- 1.1.4 The Secretary of State for Transport will be ‘the Promoter’ of the Western Leg Bill. The Promoter will also eventually appoint a body responsible for delivering the Proposed Scheme under the powers to be granted by the Bill. This body will be known as the ‘nominated undertaker’. There may well be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the Western Leg EMRs and any commitments provided in the Western Leg information papers.
- 1.1.5 These Western Leg factsheets have been produced to provide information on the emerging proposals for measures to manage the design process for the Proposed Scheme and to control impacts which may arise from the construction and operation of the Proposed Scheme. These measures may then be applied to the Western Leg as commitments made through the eventual Bill, EMRs or information papers.

## **2 Overview**

- 2.1.1 This factsheet outlines the expected approach to the assessment and treatment of contaminated land affected by the Proposed Scheme.

## **3 Contaminated land**

- 3.1.1 Constructing the Proposed Scheme will require the use of land with a range of existing ground conditions. In some cases this may involve construction on contaminated land. Contaminated land is defined in Part 2A of the Environmental Protection Act 1990 as land that contains substances in or under it, which have the potential to pollute local watercourses or groundwater, or otherwise cause significant harm. This could include land with a previous industrial use, former mining related sites or old landfill sites.
- 3.1.2 An assessment of the potential presence of contaminated land in or around the route of the Proposed Scheme will be carried out as part of the EIA. The results of which will be reported in the ES.
- 3.1.3 As part of the EIA, sites will be assessed for land contamination based on their previous land use. Sites will be taken forward for further assessment if they are located either on or near areas where construction will take place, and, either singly or in combination, are considered to potentially contain substances harmful to:

- human health (i.e. affecting construction workers or site visitors during the construction period, as well as eventual users of the railway);
- groundwater;
- surface water resources;
- ecosystems; or
- building fabric.

## 4 Management during design

- 4.1.1 As part of the progression of the design of the Proposed Scheme, the sites that may require further assessment for contamination, where construction would take place, are likely to be subject to site investigations. After these have taken place, detailed assessments, including quantitative risk assessments, would be completed to assess the precise nature of any contamination present that could impact (or be impacted by) the construction of the Proposed Scheme.
- 4.1.2 The nominated undertaker would assess individual sites in accordance with relevant legislation and guidance and would develop a remediation strategy, which details the most practical solutions to remediate the site from a range of options, taking account of all factors of the Proposed Scheme. The design of the Proposed Scheme and its construction works would incorporate the remediation strategy in order to reduce the risks associated with contamination.
- 4.1.3 In addition, the Code of Construction Practice (CoCP) would set out a series of objectives and measures in relation to contamination to be applied by the nominated undertaker and its contractors throughout the construction period:
- to provide effective management and control through construction to mitigate potential impacts upon people and the natural environment;
  - to provide the mechanisms to engage with the local community and their representatives throughout the construction period; and
  - to ensure that reasonably practicable measures are applied to the construction to ensure it is undertaken economically and meets the requirements of the Bill and its associated commitments.

## 5 Management during construction

- 5.1.1 Prior to or during construction of the Proposed Scheme, treatment of contamination would be undertaken in accordance with the developed remediation strategy. This includes treatment of any unexpected contamination encountered in other parts of the construction works in accordance with the CoCP.

- 5.1.2 The nominated undertaker would be responsible for carrying out individual mitigation proposals in line with the EMRs, the CoCP and the Environment Agency guidance: Model Procedures for the Management of Land Contamination (CLR11). Works to remediate contamination will be undertaken using relevant environmental permits<sup>1</sup>. On completion of any remedial works, a verification report will be prepared and retained by whoever has ongoing responsibility for the remediated land.
- 5.1.3 The Environment Agency or the Scottish Environment Protection Agency may, amongst other matters, require the nominated undertaker, under the protective provisions of the Phase 2b Bill, to construct, at its own expense, protective works to safeguard Controlled Waters<sup>2</sup> from the potential effects of any contamination during the construction of the works.

## **6 Materials and resource management**

- 6.1.1 In order to promote waste minimisation the nominated undertaker would develop a Site Waste Management Plan that would be used to identify materials and resources that can be recycled, recovered or re-used ahead of disposal to landfill. In addition, the plan would identify the specific types and quantities of waste likely to arise during the construction process. Where generated, waste will be classified in accordance with the statutory controls governing the management of inert, non-hazardous and hazardous wastes.
- 6.1.2 Where it is necessary to remove materials to landfill they will be subject to the Landfill (England and Wales) Regulations 2002 and Landfill (Scotland) Regulations 2003.

## **7 More information**

- 7.1.1 Further factsheets and details on the Proposed Scheme can be found at: [www.hs2.org.uk/phase2b](http://www.hs2.org.uk/phase2b)

---

<sup>1</sup> Depending on the activity involved, permits can be issued by the Local Authority or the Environment Agency

<sup>2</sup> 'Controlled waters' are defined in the Water Resources Act, 1991 and are also referred to in part 2A of the Environmental Protection Act 1990.





