

## Mitigation of significant community effects on public open space and community facilities

This factsheet sets out the approach that is expected to be taken to mitigate the loss of public open space and community facilities, and the circumstances in which the Secretary of State might acquire additional land for the purpose of mitigation, if or when required across 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 sets out the approach that is expected to be taken to mitigate the loss of public open space and community facilities, and the circumstances in which the Secretary of State might acquire additional land for the purpose of mitigation, if or when required across the Proposed Scheme.

## **3 Public open space and community facilities affected temporarily**

- 3.1.1 Where there will be a temporary but significant effect on a community resulting from the temporary loss of public open space or a community facility, mitigation is likely to take one of the following forms:
- improvements or alterations to the remaining portion of the public open space (in instances where the public open space is partially occupied) or community facilities, e.g. reconfiguring pitch layouts or relocating play areas;

- improvements to other public open spaces or community facilities in the area;
- improving accessibility to other existing public open space or community facilities; and/or
- identifying land owned by the relevant local authority that could be brought into use as public open space or used to accommodate community facilities with its agreement.

3.1.2 Where land used as open space or as a community facility is temporarily occupied by the Proposed Scheme, there would be a statutory requirement for the land to be restored in accordance with a scheme agreed with the owners of the land and the relevant local authority.

## **4 Public open space and community facilities affected permanently**

4.1.1 Where there is a permanent and significant community effect resulting from the permanent loss of public open space or a community facility, mitigation is likely to take one of the following forms:

- improvements or alterations to the remaining portion of the public open space (in instances where the public open space is partially occupied) or community facility, e.g. reconfiguring pitch layouts or relocating play areas;
- provision of compensatory open space or community facilities as part of the design of the permanent works;
- improvements to other public open spaces or community facilities in the area;
- improving accessibility to other existing public open space or community facilities; and/or
- identifying land owned by the relevant local authority that could be brought into use as public open space or used to accommodate community facilities with its agreement.

4.1.2 Where none of these other mitigation measures would provide suitable mitigation, as per the approach with Phase One and Phase 2a, the Secretary of State could potentially acquire land for the mitigation of permanent significant effects on community facilities.

4.1.3 Where a community facility is owned and operated as a commercial enterprise (i.e. is not in public or charitable ownership; or, does not provide publicly or charitably funded services) the above would not apply. In such

cases, the nominated undertaker would endeavour to work with the affected landowner to help them identify a solution which would enable them to continue to operate, on the basis that they could be eligible for compensation.

## **5 Significant in-combination and isolation effects on community resources**

- 5.1.1 Significant in-combination effects on open space and community facilities may arise from the combination of two or more residual significant air quality, sound noise and vibration, visual or heavy goods vehicles (HGVs) construction traffic effects.
- 5.1.2 Community isolation effects may arise where the Proposed Scheme will sever or disrupt routes which are used for access between residential properties and community facilities on a regular basis.
- 5.1.3 Where reasonably practicable, the mitigation of significant in-combination and isolation effects on community resources and public open space during construction would be identified on a case by case basis in relation to the specific individual effects which will be experienced by the affected community resource.
- 5.1.4 It is acknowledged that these effects may have particular implications for schools. The nominated undertaker would endeavour to work closely with local education authorities and individual schools to identify reasonably practicable measures to mitigate residual significant in-combination and isolation effects.
- 5.1.5 Consultation and engagement on the Proposed Scheme would be carried out at key stages in its development.

## **6 Allotments**

- 6.1.1 Where statutory allotment land is required for the construction of the Proposed Scheme, in accordance with government guidance<sup>1</sup>, unless a set of allotments are either not being used at all and there is no demand, or there is adequate spare capacity within the borough where the users could be reallocated a pitch, the nominated undertaker will provide a like for like replacement. This includes the requirement for the re-provision to be within

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<sup>1</sup> Allotment disposal guidance: safeguards and alternatives (2014)  
<https://www.gov.uk/government/publications/allotment-disposal-guidance-safeguards-and-alternatives>

'three-quarters of a mile of the existing allotment site and be easily accessible.'

- 6.1.2 Where privately owned, non-statutory allotment land is required for the construction of the Proposed Scheme, the owners will be compensated in accordance with the Provisions of the National Compensation Code.

## **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)



