

Alastair Lewis
Sharpe Pritchard LLP
Elm Yard
13-16 Elm Street
London
WC1X 0BJ

Telephone: 08081 434 434
Minicom: 08081 456 472
Email: hs2enquiries@hs2.org.uk
gov.uk/hs2

By email [to: ALewis@sharpepritchard.co.uk](mailto:ALewis@sharpepritchard.co.uk)

Dear Mr Lewis

26 April 2018

HIGH SPEED RAIL (WEST MIDLANDS – CREWE) BILL – HOUSE OF COMMONS SELECT COMMITTEE: PETITION P2A-000130 – STAFFORDSHIRE COUNTY COUNCIL

I am writing to you in my capacity as the Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High Speed Rail (West Midlands-Crewe) Bill ('the Bill') currently before Parliament.

I wrote to you on 16 and 18 April offering your client an assurance regarding the lowering of the proposed Kings Bromley viaduct. After further discussion between you, your client and HS2 Ltd, and the agreement reached on a final text on 23 April, I am writing to you again, on behalf of the Secretary of State for Transport, to offer your client the following assurances, which will replace the earlier assurances contained in my letters of 16 and 18 April:

"In this assurance:

"the Bill" means the High Speed Rail (West Midlands – Crewe) Bill as deposited in the House of Commons on 17 July 2017;

"the Bourne Embankment" means that part of Work No. 1 on embankment between the Kings Bromley Viaduct and the River Trent Viaduct;

"HS2 Ltd" means High Speed Two (HS2) Limited;

"Kings Bromley Viaduct" means that part of Work No. 1 on viaduct over Work No. 7 and Work No. 9 at a height as shown on Sheet Nos. 2-01 and 2-02 of the sections deposited with the Bill;

"the nominated undertaker" refers to the body or bodies appointed by the Secretary of State to carry out the powers conferred under the Bill to construct and maintain the scheme. The nominated undertaker may be HS2 Ltd, or it may be another body or bodies appointed to oversee the construction and operation of the Proposed Scheme;

"Proposed Scheme" means Phase 2a of HS2 as defined further in the Bill;

"the River Trent Viaduct" means that part of Work No. 1 on viaduct over Work No. 11 and the River Trent;

“Work No. 1” means the scheduled work identified with that number in Schedule 1 to the Bill together with all necessary works and conveniences;

“Work No. 7” means the scheduled work identified with that number in Schedule 1 to the Bill together with all necessary works and conveniences; and

“Work No. 9” means the scheduled work identified with that number in Schedule 1 to the Bill together with all necessary works and conveniences.

“Work No. 11” means the scheduled work identified with that number in Schedule 1 to the Bill together with all necessary works and conveniences.

1 (a) Subject to the satisfaction of the conditions set out in paragraph (c) below, the Secretary of State will require the nominated undertaker to reduce the height of the Kings Bromley Viaduct by up to 3m at the highest horizontal level shown on Sheet Nos. 2-01 and 2-02 of the sections deposited with the Bill for that part of Work No. 1 on the Kings Bromley Viaduct together with any consequential and associated reduction in height of both the Bourne Embankment and the River Trent Viaduct (“the Lowered Viaduct”). The Secretary of State will require the nominated undertaker to act in good faith in seeking to achieve as great a decrease in height as far as reasonably practicable (up to 3m) under this paragraph (without prejudice to the need for all parties to act in good faith generally in respect of these assurances) and to engage with Staffordshire County Council during the detailed design stage in respect of the implementation of this paragraph; and

(b) Subject to the satisfaction of paragraph (a) and the conditions set out in paragraph (c) below, the Secretary of State will require the nominated undertaker to use reasonable endeavours to seek to further reduce the height of the Lowered Viaduct so far as is reasonably practicable and to act in good faith and to engage with Staffordshire County Council during the detailed design stage in respect of this (without prejudice to the need for all parties to act in good faith generally in respect of these assurances).

(c) The conditions referred to in paragraph (a) and (b) above are:

(i) the successful promotion of an amendment to the Bill through the introduction of an Additional Provision which confers on the Secretary of State the powers for the Lowered Viaduct (if required to authorise any further necessary lands or works powers necessary for the construction or maintenance of the Lowered Viaduct) (“the Additional Provision”) and the inclusion in a Supplementary Environmental Statement of an assessment of the significant environmental effects of the Lowered Viaduct;

(ii) the Promoter being satisfied that the Lowered Viaduct, or any further reduction in height of the Lowered Viaduct, can be delivered as part of the works authorised by the Bill (as amended by the Additional Provision if required as set out in sub-paragraph (i) above) and without giving rise to any new or different significant environmental effects from those assessed in the Environmental Statement or any Supplementary Environmental Statement accompanying the Bill;

(iii) the Promoter securing any and all necessary consents for delivering the Lowered Viaduct, or any further reduction in height of the Lowered Viaduct, and any associated works and conveniences, including the approval (if necessary) of the relevant highway authority, Environment Agency and lead local flood authority; and

(iv) the Promoter being of the view that the Lowered Viaduct, or any further reduction in height of the Lowered Viaduct, can be delivered without prejudicing the safe, timely and economic construction and operation of the Proposed Scheme."

If accepted, the assurances set out above will be included in the Register of Undertakings and Assurances, which is held by the Department for Transport. Drafts of the Register will be published regularly during the passage of the Bill and it will be finalised after Royal Assent. A nominated undertaker will be contractually obliged to comply with all relevant undertakings and assurances set out in the Register. Further information on how the Secretary of State will ensure compliance with assurances made by HS2 Ltd is set out in HS2 Phase 2A Information Paper B5, Compliance with Undertakings and Assurances¹.

If you have any queries please don't hesitate to contact Marianne Bowtell, Petition Manager, on 020 7944 6758 and Marianne.Bowtell@hs2.org.uk.

Yours sincerely



Oliver Bayne
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited

¹ A copy can be found at <https://www.gov.uk/government/publications/understanding-the-hybrid-bill-hs2-phase-2a-information-papers>
