

CASE FILE LIST

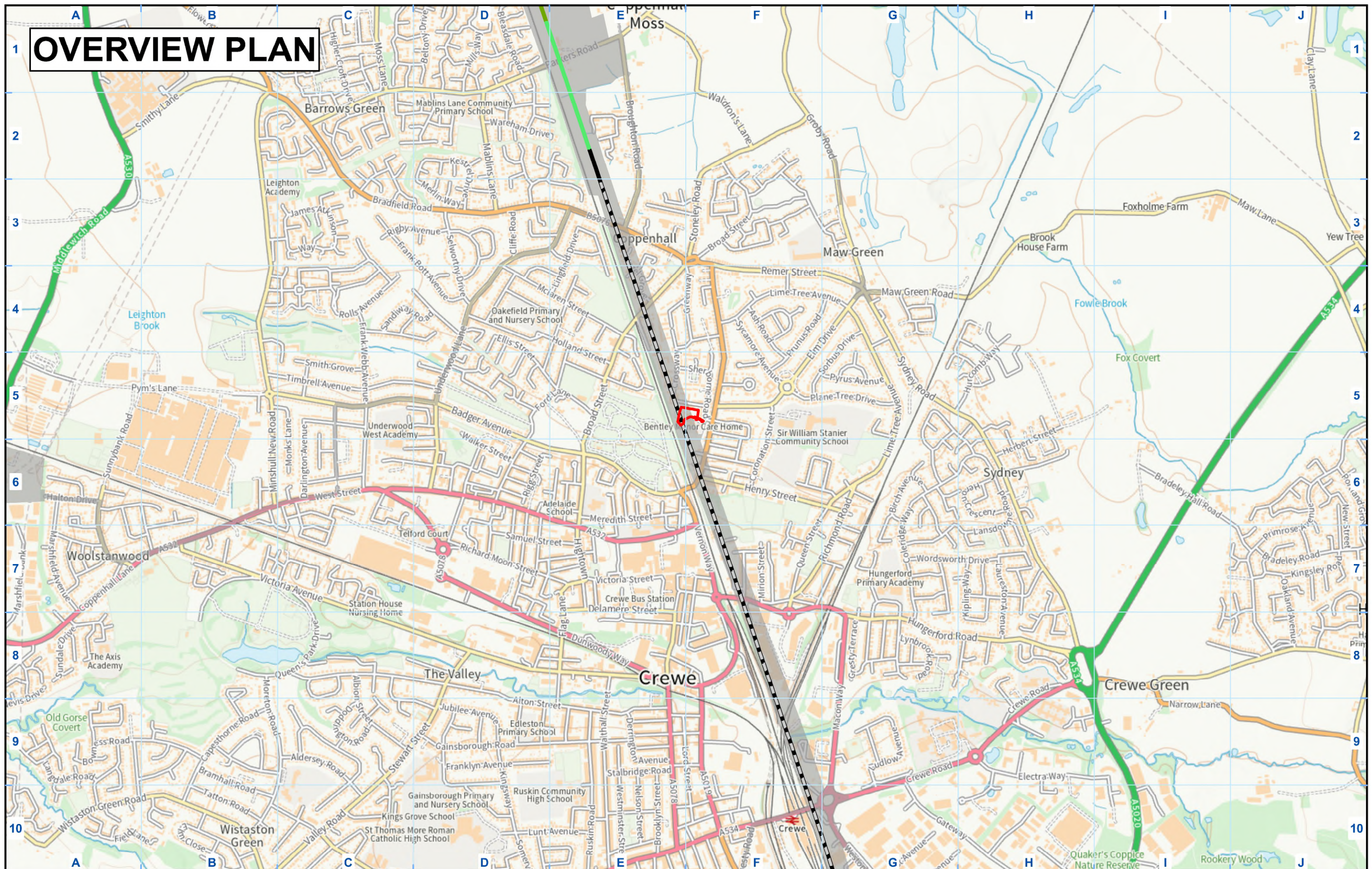
Case: HS2-015.

Title: HS2-015 Sherborne Court Neurological Centre Limited - Promoter.

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OVERVIEW PLAN



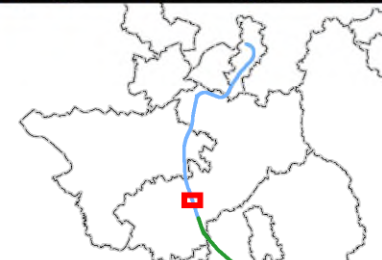
P515

Legend

Phase 2b Western Leg Bill alignment February 2022

— Bored Tunnel

Indicative extent of petitioner(s) land interests
hybrid Bill Limits



High Speed Two
Petitioner Location Plan
Reference Drawing

Petitioner
Sherborne Court Neurological Centre Limited

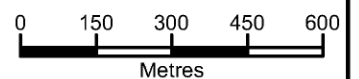
Petition number
P2B-HS2-015

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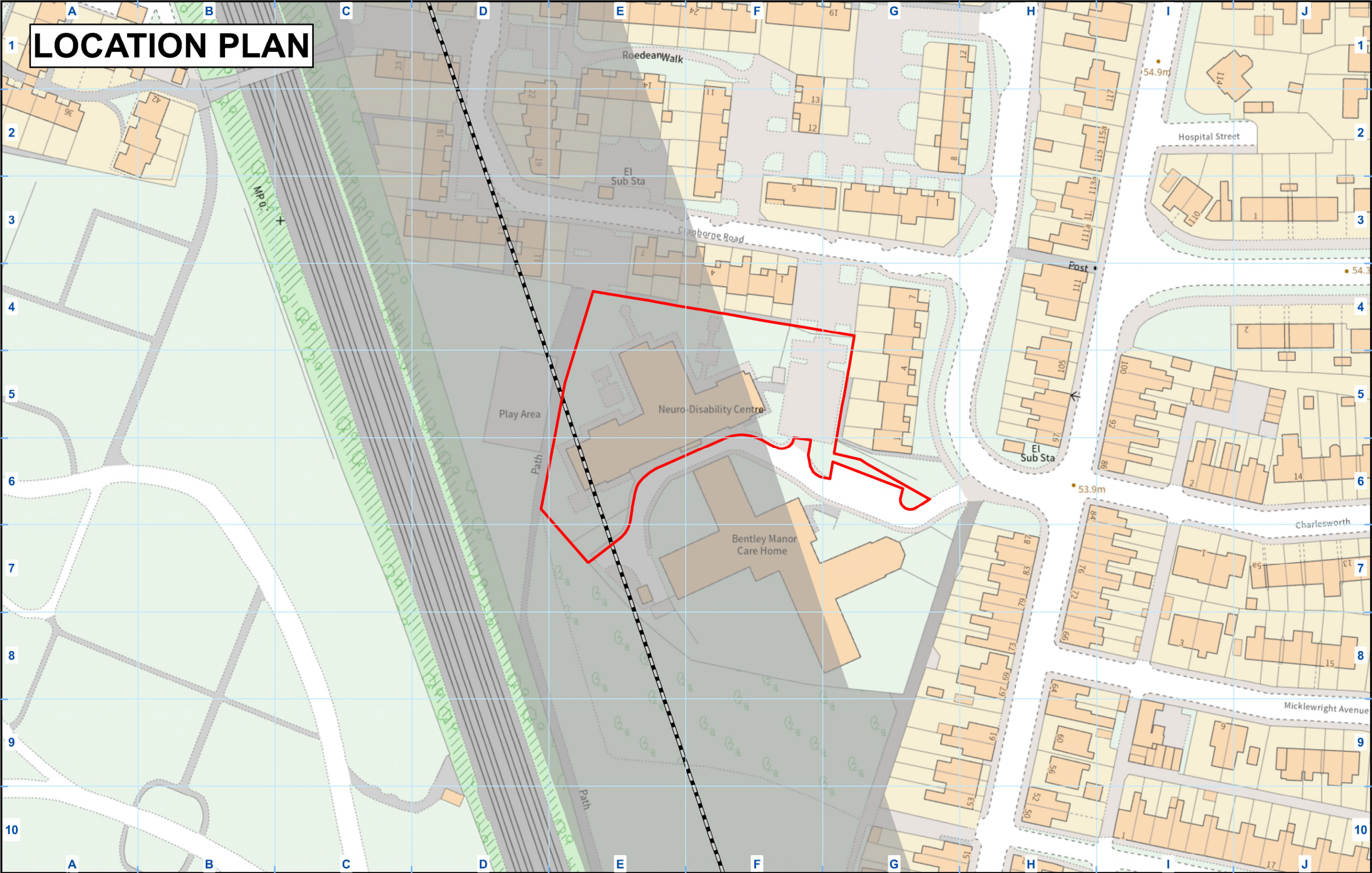
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Doc Number: P2B-HS2-HY-MAP-000-000012-P02

Date: 09/05/23



LOCATION PLAN

Legend

Phase 2b Western Leg Bill alignment February 2022

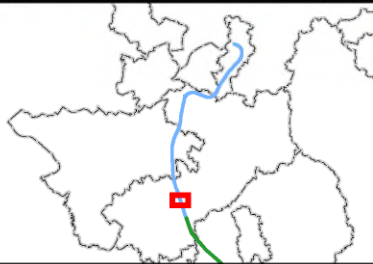
 Bored Tunnel



Indicative extent of petitioner(s) land interests



hybrid Bill Limits



High Speed Two
Petitioner Location Plan
Reference Drawing

Petitioner
Sherborne Court Neurological Centre Limited

Petition number
P2B-HS2-015

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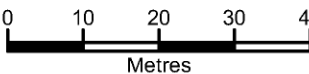
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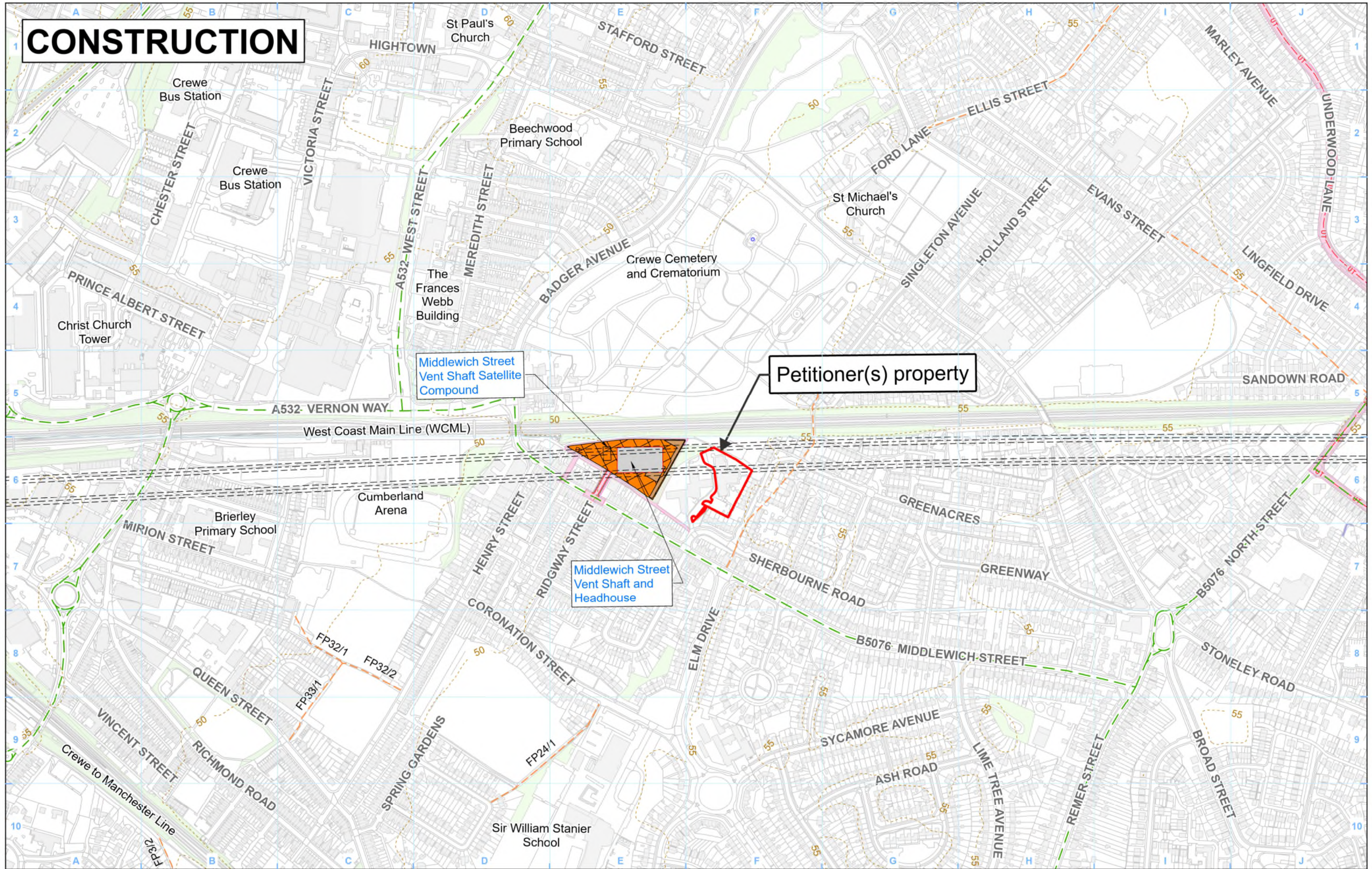
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Date: 09/05/23

CONSTRUCTION



Legend

Indicative extents of Petitioner(s) land interests	Land potentially required during construction	Existing woodland
Depot, station, headhouse or portal building	Construction traffic route	Existing buildings
Satellite construction compound	Existing public right of way	Existing watercourse
Temporary material stockpile	Major utility works	HS2 access
	Tunnels external extent	Rail alignment
		5m contours

Petitioner
Sherborne Court Neurological Centre

Petition number
HS2-015

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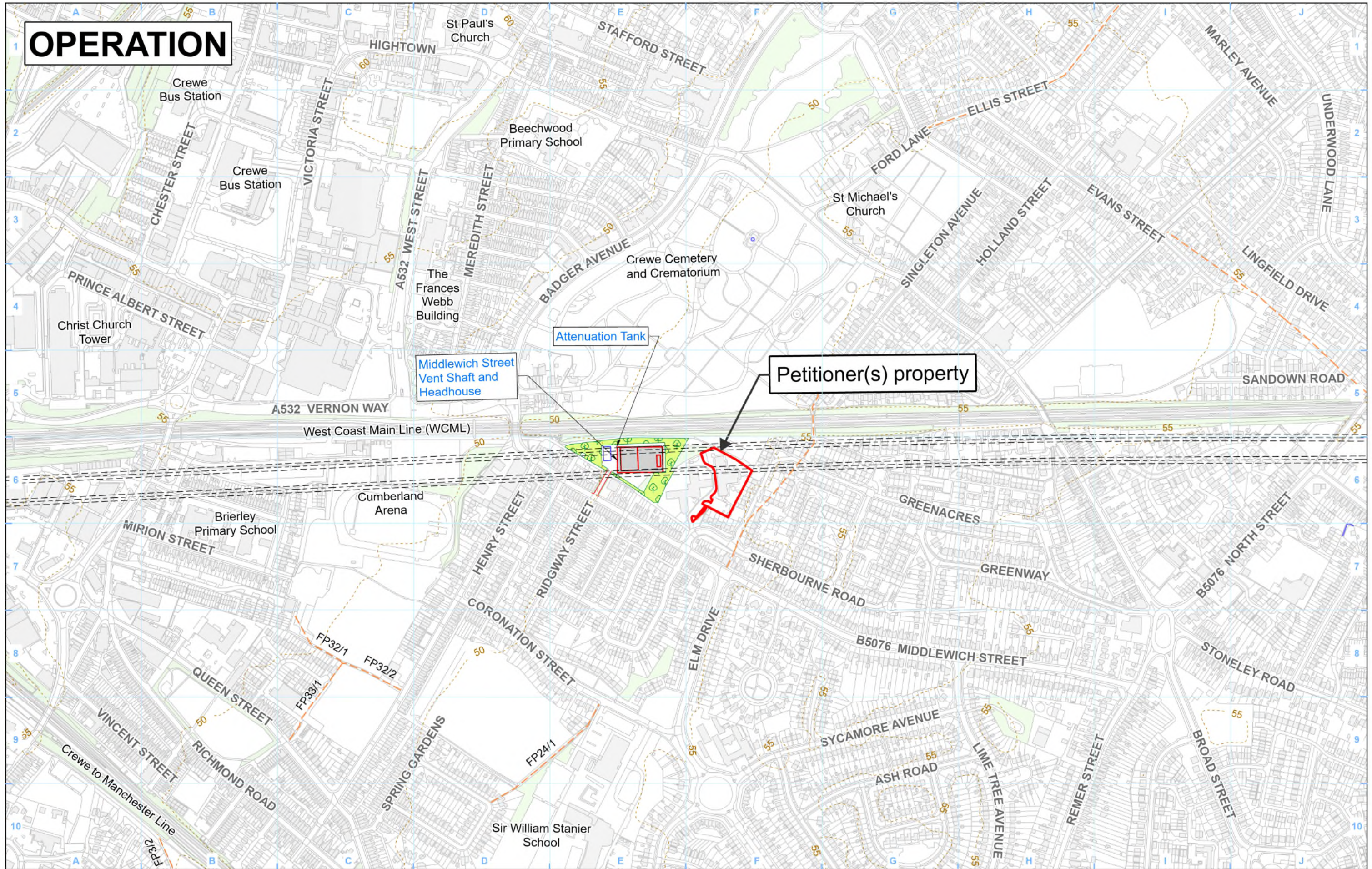
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Doc Number: 2PT24-MWJ-PT-MAP-M000-001551-HS2-015 Date: 01/02/2023

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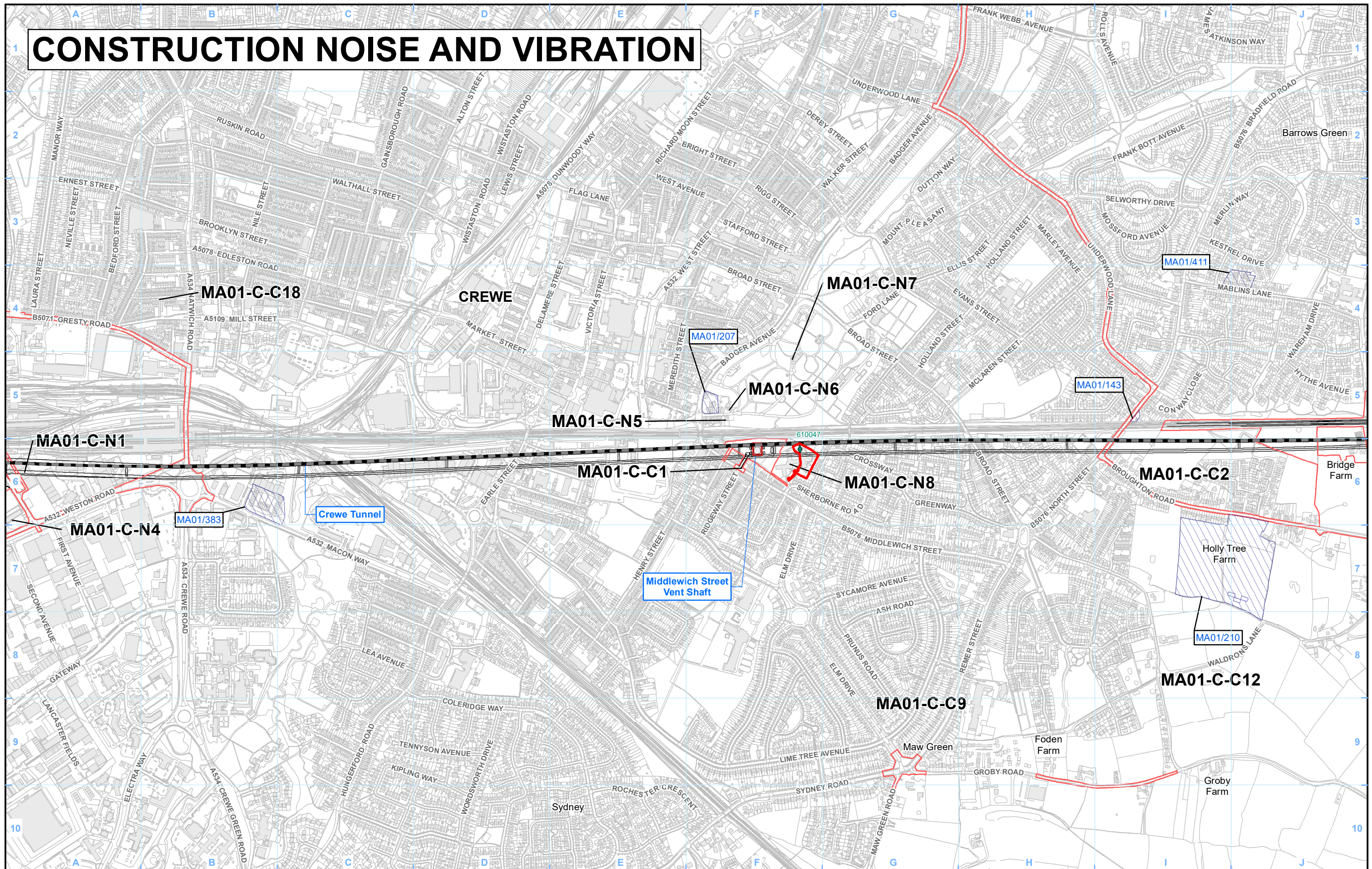
0 50 100 150 200 Metres

OPERATION



Legend - Indicative extents of Petitioner(s) land interests - Depot, station, headhouse or portal building - Pumping station - Landscape mitigation planting (scrub / woodland) - Tunnels external extent - Existing public right of way - Existing woodland - Existing buildings - Existing watercourse - HS2 access - Rail alignment 5m contours	Petitioner Sherborne Court Neurological Centre	HS2 Registered in England. Registration number 06791686. Registered office: Two Snowhill, Snow Hill Queensway, Birmingham B4 6GA. © Crown copyright and database rights 2021 OS 100049190 Doc Number: 2PT24-MWJ-PT-MAP-M000-001561-HS2-015 Date: 01/02/2023
P518	Petition number HS2-015	

CONSTRUCTION NOISE AND VIBRATION



Legend - General features

- Route in bored tunnel
- Route on surface
- Depot, station, headhouse or portal building
- Indicative extent of petitioner(s) property

Legend - Sound related features

- Committed developments - SV Only
- Construction airborne sound assessment location
- Construction vibration assessment location
- Construction airborne sound and vibration assessment location

Engineering earthworks:

- Embankment
- Cutting

Non engineering earthworks:

- Embankment
- Cutting

P519(1) essentially required from now to general features AP1 revised scheme shown

labelled with assessment location ID reference number (for details of the assessment results see Vol 5 Appendix SV-002-00000) (labelled with measurement location reference code).

Likely significant effects from construction noise and /or vibration on groups of dwellings and any shared community open areas, and non-residential receptors, are indicated by MA01-C-C# and MA01-C-N#, respectively.

Map Number SV-03

Map Name Construction Airborne Noise and Vibration Likely Significant Effects Petition HS2-015 Sherborne Court Neurological Centre

Community Area MA01: Hough to Walley's Green

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Doc Number: 2PT24-MWJ-PT-MAP-M000-001541-HS2-015

Scale at A3: 1:10,000

0 100 200 300 400 Metres

Date: 14/06/23

Noise Levels

Detailed Noise and Vibration Tables: Results from the Main ES

Table 1: Baseline sound levels

Assessment location		Baseline sound levels (dB)						
Ref	Area represented	For construction sound assessment (2025)			For operational sound assessment (2038)			
		Day L _{pAeq}	Evening / weekend L _{pAeq}	Night-time L _{pAeq}	Daytime L _{pAeq,16hr}	Night-time L _{pAeq,8hr}	Arithmetic average L _{pAFmax,5min}	Highest night-time L _{pAFmax,5min}
610047	Sherborne Court Neurological Centre (Care Home), Sherborne Road, Crewe	56	56	54	56	54	57	84

Table 2: Construction airborne sound, noise impacts and significant effects at residential receptors

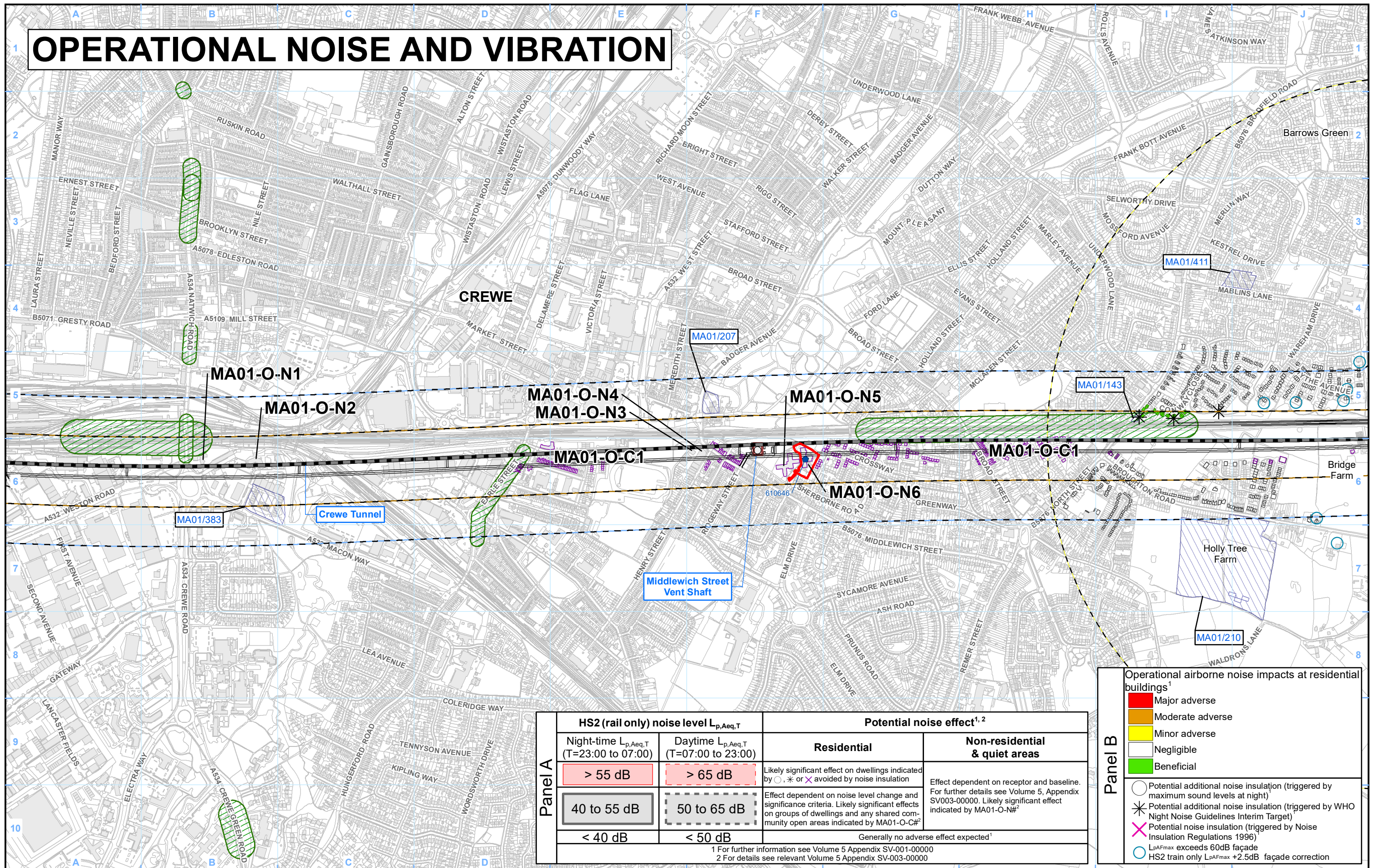
Assessment location		Impact criteria				Significance criteria ¹					Significant effect
Ref	Area represented	Typical/highest monthly outdoor L _{pAeq} dB at the facade [Assessment category A/B/C]			Construction activity resulting in highest forecast noise levels	Type of effect	Number of properties represented	Existing environment	Impact duration (months)	Mitigation effect	
		Day 07:00 – 19:00	Evening 19:00 – 23:00	Night 23:00 – 07:00							
610047	Sherborne Court Neurological Centre (Care Home), Sherborne Road, Crewe	56/59[A]	44/45[C]	44/45[C]	Day: General site works Evening: Vent shaft construction Night: Vent shaft construction	NA	1	H	-	-	

Table 3: Construction vibration impacts and significant effects at residential and non-residential receptors

Assessment location		Impact criteria				Significance criteria ²				Significant effect
Ref	Area represented	Peak particle velocity (PPV) mm/s on foundation	Typical/highest monthly indoor vibration dose value (VDV) m/s ^{1.75}		Construction activity resulting in highest forecast vibration	Type of effect	Number of properties represented	Type of receptor	Impact duration (months)	
			Day 07:00 – 23:00	Night 23:00 – 07:00						
610047	Sherborne Court Neurological Centre (Care Home), Sherborne Road, Crewe	0.3	0.08/0.12	-/-	Site set up (vibratory roller)	NA	1	R		

¹ NA – no adverse effect, H – high existing ambient noise levels

OPERATIONAL NOISE AND VIBRATION



Panel A	HS2 (rail only) noise level $L_{p,Aeq,T}$		Potential noise effect ^{1, 2}	
	Night-time $L_{p,Aeq,T}$ (T=23:00 to 07:00)	Daytime $L_{p,Aeq,T}$ (T=07:00 to 23:00)	Residential	Non-residential & quiet areas
	> 55 dB	> 65 dB	Likely significant effect on dwellings indicated by ○, * or ✕ avoided by noise insulation	Effect dependent on receptor and baseline. For further details see Volume 5, Appendix SV003-00000. Likely significant effect indicated by MA01-O-N# ²
	40 to 55 dB	50 to 65 dB	Effect dependent on noise level change and significance criteria. Likely significant effects on groups of dwellings and any shared community open areas indicated by MA01-O-C# ²	
	< 40 dB	< 50 dB	Generally no adverse effect expected ¹	
	1 For further information see Volume 5 Appendix SV-001-00000 2 For details see relevant Volume 5 Appendix SV-003-00000			

Operational airborne noise impacts at residential buildings¹

- Major adverse
- Moderate adverse
- Minor adverse
- Negligible
- Beneficial

Panel B

- Potential additional noise insulation (triggered by maximum sound levels at night)
- * Potential additional noise insulation (triggered by WHO Night Noise Guidelines Interim Target)
- ✕ Potential noise insulation (triggered by Noise Insulation Regulations 1996)
- L_{pAmax} exceeds 60dB façade
- HS2 train only $L_{pAmax} +2.5dB$ façade correction

Legend - General features

- Route in bored tunnel
- Route on surface
- Depot, station, headhouse or portal building
- Indicative extents of Petitioner(s) land interests

Legend - Noise related features

Envisaged mitigation to avoid / reduce significant noise effects:

- Landscaping and/or fence barriers (labelled with total noise barrier height above rail)
- Engineering e.g. cuttings (green tunnels separately marked)
- Envisaged features further reducing noise effects:
- Other environmental e.g. landscaping
- Engineering e.g. cuttings

Noise Important Areas defined in national noise action plans (Defra 2014)

- Committed developments - SV Only
- Airborne noise study area
- Ground-borne noise or vibration impact at residential buildings

Ground-borne noise & vibration study area (residential and non-residential)

- Ground-borne noise & vibration study area (highly sensitive non-residential)
- Ground-borne noise and/or vibration assessment location

Legend - Engineering earthworks:

Engineering earthworks:

- Embankment
- Cutting

Non engineering earthworks:

- Embankment
- Cutting

Map Number SV-02

Map Name Operational Airborne Noise and Vibration Impacts and Likely Significant Effects
Petition HS2-015
Sherborne Court Neurological Centre

Community Area MA01: Hough to Walley's Green

Scale at A3: 1:10,000

Doc Number: 2PT24-MWJ-PT-MAP-M000-001521-HS2-015 **Date:** 17/02/23

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Noise Levels

HS2

Appendix 7: Detailed Noise Table (results from main ES)

Table 1: Operational vibration impacts and significant effects at residential and non-residential receptors

Assessment location		Impact criteria				Significance criteria								Significant effect
Ref	Area represented	Ground-borne sound level dB L _{pASmax}	VDV m/s ^{1.75}	VDV m/s ^{1.75}	% Increase or decrease in VDV	Number of impacts represented	Type of effect	Type of receptor	Receptor design	Existing environment	Unique feature	Combined impact	Mitigation effect	
			Daytime (07:00 – 23:00)	Night-time (23:00 – 07:00)										
610646	Sherborne Court Neurological Centre, Sherborne Road, Crewe	43	0.24	0.12	-	1	A	R	T	-	-	-	-	MA01-O-N6

Anne-Marie Okotie and Brett Bernard
Select Healthcare Group
c/o Sherborne Court Neurological Centre Limited
Sherborne Rd
Crewe
CW1 4LB

Sent by email

16 May 2023

Dear Ms Okotie and Mr Bernard,

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL – HOUSE OF COMMONS SELECT COMMITTEE
PETITION HOC-015-SHERBORNE COURT NEUROLOGICAL CENTRE LIMITED

I am writing to you in my capacity as Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High-Speed Rail (Crewe - Manchester) Bill ('the Bill') currently before Parliament. I understand that you have a number of concerns about the impact of HS2 Phase 2b (Crewe - Manchester) (known as 'the Proposed Scheme') and have submitted a petition on that basis against the Bill in the House of Commons.

I am writing to set out our position in relation to the issues you have raised, and the measures identified to address your concerns. Through your petition, you have raised concerns over the impact of the Proposed Scheme on Sherborne Court Neurological Centre, Sherborne Rd, Crewe, CW1 4LB ('the Neurological Centre') and in particular:

- the impact of noise on the residents resulting from construction and operation of the proposed scheme; and
- access to the property throughout the construction phase.

The assurances proposed below are intended to provide you with certainty as to the mitigations proposed by the Promoter and to be enacted by the nominated undertaker.

Accordingly, I am writing to you on behalf of the Secretary of State to offer you the following assurances:

In these assurances:

“Bill” means the High Speed (Crewe-Manchester) Bill as introduced into Parliament on 24 January 2022 and the expression “the Bill” shall be taken for the purposes of these assurances to include (unless the context otherwise requires) the form of the Bill as enacted;

“Crewe Tunnel” means those works to construct a railway within tunnel which are currently authorised as Works No 1/1 and 1/1A in Schedule 1 to the Bill;

“HS2 Construction Commissioner” the Construction Commissioner to be appointed in accordance with the HS2 Phase 2b Western Leg Information Paper D4: Construction Commissioner;

“Neurological Centre” means Sherborne Court Neurological Centre Limited, Sherborne Road, Crewe, Cheshire, CW1 4LB;

“nominated undertaker” means High Speed Two (HS2) Limited or such other person as may be appointed nominated undertaker under clause 42 of the Bill;

“Petitioner” means Sherborne Court Neurological Centre Limited (Company No. 08129359) whose registered address is at Wellington House, 120 Wellington Road, Dudley, West Midlands, DY1 1UB;

“Petitioner’s specialist acoustic advisor” means an independent and relevantly qualified acoustician representing the interests of the Petitioner;

“Promoter” means the Secretary of State for Transport (or any successor Secretary of State or Minister holding the Transport portfolio) in his capacity as promoter of the Bill and includes, so far as relevant, any nominated undertaker exercising any powers or functions under the Bill once enacted;

“Proposed Scheme” means Phase 2b (Crewe - Manchester) of High Speed 2 as defined in the Bill;

“Trigger Action Levels” means construction airborne noise and construction ground-borne noise levels the exceedance of which will trigger actions within the Trigger Action Plan, set and assessed in light of the relevant uses and specialist needs and health conditions at the Neurological Centre and health impacts of the Proposed Scheme on residents of the Neurological Centre; and

“Trigger Action Plan” means a plan to cover those actions identified in clause 2.1 and addressing the minimum requirements in clause 2.3.

1. Access

- 1.1. The Promoter will require the nominated undertaker in exercising the powers of the Bill to maintain pedestrian access and, in so far as is reasonably practicable, vehicular access to the Neurological Centre at all times during the construction of the Proposed Scheme.

2. Trigger Action Plan

- 2.1. The Promoter will work with the Petitioner's specialist acoustic advisor to carry out any necessary assessments to develop a Trigger Action Plan setting out reasonably practicable measures to be adopted for management and, as necessary, mitigation of potential construction airborne noise and construction ground-borne noise impacts on the Neurological Centre arising from the works to construct the Proposed Scheme whether at source or at the Neurological Centre and whether required in advance of or during the construction of the Proposed Scheme.

2.2. The Promoter will:

- 2.2.1. consult the Petitioner's specialist acoustic advisor in developing the Trigger Action Plan;
- 2.2.2. submit a final draft of the Trigger Action Plan to the Petitioner's specialist acoustic advisor for their comment and have due regard to any comments received; and
- 2.2.3. produce a finalised version of the Trigger Action Plan to be implemented jointly by the Promoter and the Petitioner during the construction of the Proposed Scheme.

2.3. The Promoter will require the nominated undertaker to ensure that the Trigger Action Plan referred to in clause 2.1 above addresses the following minimum requirements:

- 2.3.1. the form and regularity of engagement between the nominated undertaker, the Petitioner and the Petitioner's specialist acoustic advisor;
- 2.3.2. the respective roles of the nominated undertaker and the Petitioner's specialist acoustic advisor in the implementation of the Trigger Action Plan;
- 2.3.3. definitions of Trigger Action Levels;
- 2.3.4. reasonable protocols to be applied to manage risks of an exceedance of the Trigger Action Levels during construction activities and any necessary interactions with the Promoter;
- 2.3.5. actions and procedures to be implemented in the event that the Trigger Action Levels are exceeded;
- 2.3.6. noise monitoring arrangements; and
- 2.3.7. the provision of mitigation measures, if any, required to be implemented in advance of construction of the Proposed Scheme in light of assessment carried out under the Trigger Action Plan.

- 2.4. In the event that within 28 days of the Petitioner being provided by the Promoter with the final draft of the Trigger Action Plan under paragraph 2.2.2, the Petitioner or the Petitioner's specialist acoustic advisor has raised comments with the Promoter which have not been addressed to their satisfaction, then the Petitioner or the Promoter may refer the matter to the HS2 Construction Commissioner, who will mediate between the Petitioner and the Promoter in order to attempt to resolve the dispute within 28 days of that referral.
- 2.5. If the HS2 Construction Commissioner is referred a matter under paragraph 2.4 and is unable to resolve the dispute within the 28 day period, the nominated undertaker may proceed with the works to construct the Proposed Scheme so long as the nominated undertaker complies with the Trigger Action Plan as provided to the Petitioner under paragraph 2.2.2 or such other measures as it considers reasonable to mitigate the likely construction noise impacts.
- 2.6. The implementation of any measures identified in pursuance of the Trigger Action Plan will be subject to the nominated undertaker obtaining any necessary consents from the appropriate statutory bodies which it will use reasonable endeavours to obtain as soon as reasonably practicable, provided that in the event that such consent has not been obtained, this does not preclude the nominated undertaker from proceeding with the works to construct the Proposed Scheme so long as the nominated undertaker complies with the other measures contained in the Trigger Action Plan, or, where relevant, pays reasonable costs to the Petitioner under paragraph 3.4, and such other measures as it considers reasonable to mitigate the likely construction noise impacts until such time as the consent is obtained.
- 2.7. This assurance will cease to have effect in the event that the Neurological Centre ceases to be used for the provision of services as a residential nursing home.

3. Costs

- 3.1. The Promoter will pay or require the nominated undertaker to pay, within 30 days of a request that complies with the requirements of paragraph 3.2, the reasonable and properly incurred costs and expenses of such specialist acoustic advisor as the Petitioner may reasonably require to advise it in relation to the implementation of the Promoter's obligations under this assurance.
- 3.2. Paragraph 3.1 is subject to:
- 3.2.1. the nominated undertaker's prior approval of such costs (such approval not to be unreasonably withheld or delayed);

- 3.2.2. the submission of receipts for costs so approved including such further detail and/or evidence as the Promoter may reasonably require; and
 - 3.2.3. the Petitioner and its specialist acoustic advisor seeking to mitigate any costs for which recovery is sought, as far as is reasonable and proportionate.
- 3.3. Any mitigation works provided under paragraph 2 of this assurance will be provided at the expense of the Promoter.
- 3.4. Any mitigation measures identified in the Trigger Action Plan may be carried out by the Petitioner and the Promoter will pay to the Petitioner the reasonable costs incurred in doing so.
- 4. Operational ground-borne noise
 - 4.1. The Promoter will require the nominated undertaker to, insofar as is reasonably practicable reduce ground-borne noise and vibration from the operation of the railway with a view to removing the likely significant adverse operational ground-borne noise effects as identified in the Environmental Statement deposited with the Bill on the Neurological Centre.
- 5. Engagement
 - 5.1. During the detailed design of the railway through the Crewe Tunnel, the Promoter will require the nominated undertaker to engage with the Petitioner in relation to the development of the design of the track form, including on measures intended to meet the objective in paragraph 4.1 of this assurance.

If accepted, these assurances 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. The assurance process is set out in Annex A.

I hope that the information set out above in relation to the issues raised in your petition to the House of Commons gives you the comfort required in order to withdraw your petition.

Petitions may be withdrawn by sending an email or letter to the Private Bill Office of the House of Commons informing the Clerk to the Select Committee that you wish to withdraw your petition: House of Commons Private Bill Office, House of Commons, London, SW1A 0AA email: prbohoc@parliament.uk

In the meantime, if you have further queries or concerns, please do not hesitate to contact Emily Young, Petition Manager on emily.young1@hs2.org.uk.

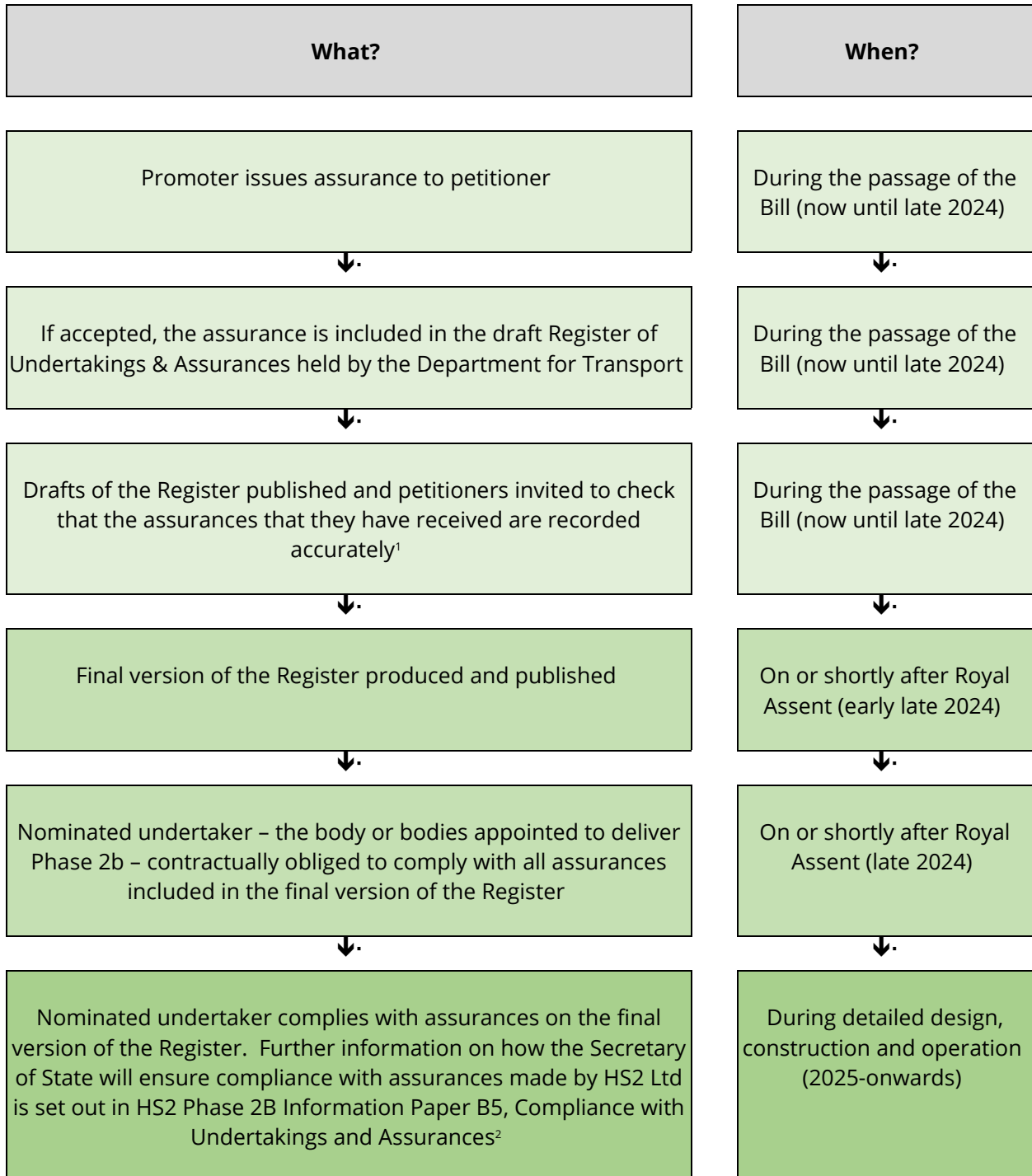
Yours sincerely,

A handwritten signature in black ink, appearing to be 'Lucy Lagerweij', written in a cursive style.

Lucy Lagerweij
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited

Annex A

ASSURANCES: STEPS AND TIMING



Anne-Marie Okotie and Brett Bernard
Select Healthcare Group
c/o Sherborne Court Neurological Centre Limited
Sherborne Rd
Crewe
CW1 4LB

Sent via email

18 May 2023

Dear Ms Okotie and Mr Bernard

HIGH SPEED RAIL (CREWE – MANCHESTER) BILL - Sherborne Court Neurological Centre

I am writing to follow up on our meeting of 6 December 2022. At this meeting we delivered a presentation on the proposed works near to Sherborne Court Neurological Centre and the environmental effects of construction and operation, including the operational ground-borne noise effects. In response to these discussions we have now developed a series of assurances, which have been issued to you on Tuesday 16 May. These are legal commitments, and the language is specific; as such, we would like to explain the contents within this letter. However, this letter does not form part of the assurance, and it is provided only to add clarity where we think it would be helpful.

We would also like to offer a meeting, should you have any further questions or require any clarifications on the assurances. Please let us know your availability and we can find a suitable time.

Please see below further explanations of the assurances:

Access

We understand that it is important for residents, visitors and staff to be able to access the Neurological Centre throughout the construction period. This assurance provides reassurance on this point.

Trigger Action Plan

Although no adverse effects for construction noise on the Neurological Centre are predicted, we understand the importance to you of ensuring that a robust noise monitoring regime is in

place during the construction of the Proposed Scheme. The assurance in paragraph 2 of the assurance letter sets out a process to produce a Trigger Action Plan for implementation during that construction. The Trigger Action Plan will contain limits on construction noise levels experienced at the Neurological Centre, and a plan to implement remedial actions in the event that those limits are exceeded. The Trigger Action Plan would be produced in consultation with the Neurological Centre.

Costs

In order for you to have access to specialist advice during the development of the Trigger Action Plan described above, the nominated undertaker will also provide funding for the reasonable costs of a specialist acoustic advisor to assist the Neurological Centre in this matter, subject to the details contained in paragraph 3.2 of the assurance letter.

Operational ground-borne noise

We have provided an assurance in line with the Promoter's Noise Policy which ensures that the nominated undertaker will continue to develop the detailed design of the scheme with the intent of reducing the predicted operational ground-borne noise levels at the Neurological Centre.

Engagement during design development

We understand the importance of keeping you informed during the development of the detailed design for the Proposed Scheme including how the nominated undertaker is meeting its commitment to mitigating the predicted ground-borne noise effects. This assurance will ensure that the nominated undertaker will continue to engage with the Neurological Centre in relation to mitigating the predicted ground-borne noise effects.

Engagement during construction

In addition to the package of assurances, we would also like to reassure you that engagement activity will continue during the construction of the Proposed Scheme. This includes listening to the concerns of affected stakeholders, including those of the residents and staff of the Neurological Centre and seeking to mitigate the local impact of construction.

Compensation

The promoter would like to clarify the statutory position concerning compensation. The Promoter or its nominated undertaker intends to work with the care home to understand and mitigate the effects of the Proposed Scheme. However, if despite the measures the Promoter has implemented it can be demonstrated a loss has been suffered there may be an entitlement to compensation.

Where no land is taken that loss would be assessed under Section 10 of the Compulsory Purchase Act 1965 and Part 1 of the Land Compensation Act 1973. Under Section 10, a valid claim would be assessed by reference to the diminution in value of the claimant's land or interest where the Bill authorises the Promoter to execute works that interfere (permanently

or temporarily) with a landowners' rights, use and enjoyment of their land/property. Part 1 claims would be assessed on the basis of the depreciation in the value of a claimant's land due to physical factors resulting from the operation of the Proposed Scheme.

Where it is determined that a part of the Petitioner's leasehold interest is acquired through the acquisition of sub-soil rights, a claim may be made and would be assessed on the basis of any adverse effect on the land you retain. The compensation would be for the depreciation in value of the retained land and is referred in Section 7 of the Compulsory Purchase Act 1965 as 'injurious affection'. Injurious affection is the depreciation in value of the retained land as a result of the proposed construction on, and use of, the land acquired by the acquiring authority for the scheme.

As you may know, Select Committee hearings started on 31 January 2023. You will shortly be contacted by the Programme Manager appointed by Select Committee with your hearing date. As discussed at the meeting last year, and as explained in the assurances here, we are eager to work with you to resolve your concerns with the HS2 Phase 2b Crewe to Manchester scheme. I hope that the information set out above in relation to the issues raised in your petition to the House of Commons and the assurances attached here gives you the comfort required to withdraw your petition.

Petitions may be withdrawn by sending an email or letter to the Private Bill Office of the House of Commons informing the Clerk to the Select Committee that you wish to withdraw your petition: House of Commons Private Bill Office, House of Commons, London, SW1A 0AA email: prbohoc@parliament.uk

Kind Regards,

Emily Young (she/her) | **Petition Manager – Commercial Organisations** | **HS2 Ltd**

Tel: 0121 295 2612 | Emily.Young1@hs2.org.uk

High Speed Two (HS2) Limited, Albany House, 96-98 Petty France, London, SW1H 9EA | www.gov.uk/hs2.

Brett Bernard
Select Healthcare Group
c/o Sherborne Court Neurological Centre Limited
Sherborne Road
Crewe
CW1 4LB

HS2

High Speed Two (HS2) Limited
Albany House
96-98 Petty France
London SW1H 9EA

Telephone: 08081 434 434
Minicom: 08081 456 472
Email: hs2enquiries@hs2.org.uk
[gov.uk/hs2](https://www.gov.uk/hs2)

Sent via email

22 June 2023

Dear Mr Bernard

HIGH SPEED RAIL (CREWE – MANCHESTER) BILL – HOUSE OF COMMONS SELECT COMMITTEE: SHERBORNE COURT NEUROLOGICAL CENTRE

I refer to our recent telephone discussion during which you asked for greater clarification on the compensation that would be payable following the acquisition of the subsoil.

As the freehold owner occupier of the property at the point the subsoil beneath the property is acquired, you would be entitled to statutory compensation. This would entitle you to make a claim for the value of the subsoil that is acquired together with a claim for the depreciation in the value of the surface interest. This is known as injurious affection.

Value of subsoil

Subsoil at a depth of greater than 9 meters below the surface has no market value. Following precedent set by previous infrastructure schemes, we will pay £50.00 per parcel of subsoil acquired to give effect to the transaction. You would also be entitled to fees of £250 whether or not you use a surveyor to advise you on this matter.

Injurious affection

If the value of your freehold interest in the property is reduced as a direct result of the subsoil acquisition, we would also compensate you for the loss in value suffered. This is under s.7 of the Compulsory Purchase Act 1965.

For that purpose, the usual approach is to compare two valuations of the property. First, the property is valued at the valuation date disregarding any effect from the scheme. This is known as the 'before' valuation. Second, the property is valued at the

same date taking account of any effect from the scheme. This is known as the 'after' valuation. To the extent that the after valuation is less than the before valuation, that is the measure of compensation that would be payable.

Care homes are often valued having regard to the trading performance of the business. On that basis, if revenue from the operation of your care home at the property was to decline as a result of ground borne noise and vibration perceptible in the property, the drop in revenue would be reflected in the value of the property.

The valuation date is the date that the subsoil is acquired, but the 'before' and 'after' valuation to which I have referred is carried out on the basis of the evidence which is available at the date of assessment.

On the current programme, trains would become operational in around 2038 and there would be a period of testing and commissioning of around 12 months before this. The facility will not experience any ground borne noise and vibration associated with the operation of the railway before this date.

HS2 Ltd would also reimburse your reasonable fees incurred in assessing any claim for injurious affection and discuss that with you.

I appreciate that this is a complex subject and would be able to arrange for you to meet with colleagues if you wish to discuss this in more detail. I would also urge you to seek your own professional advice on these matters.

Yours Sincerely,



Emily Young

Petition Manager
HS2 Ltd

House of Commons

High Speed Rail (Crewe - Manchester) Bill

1. Petitioner information

In the box below, give the name and address of each individual, business or organisation submitting the petition.

Sherborne Court Neurological Centre Limited.
Sherborne Road
Crewe
Cheshire
CW1 4LB

In the box below, give a description of the petitioners. For example, “We are the owners/tenants of the addresses above”; “My company has offices at the address above”; “Our organisation represents the interests of...”; “We are the parish council of...”.

We are the owners of Sherborne Court Neurological Centre Limited our registered service address is:

Wellington House
120 Wellington Road
Dudley
West Midlands
DY1 1UB

2. Objections to the Bill

In the box below, write your objections to the Bill and why your property or other interests are **directly and specially affected**. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the Committee. You will not be entitled to be heard by the Committee on new matters not included in your written petition.

We object to the bill further to a meeting on 12/07/2022 with Allison Blakeway and Johnathan Boot. The meeting was about the process of the HS2 Crewe to Manchester line. We want to petition for the following reasons:

1. Construction Phase

As a petitioner we are seeking appropriately secured comfort from HS2 that should there be an impact on occupation levels at the care home during the construction period of HS2 arising from the impacts of the construction activity that a claim for the losses can be made to HS2 to ensure that it remains viable to keep the care home open for the benefit of its residents. Of course, any such claim would be subject to the usual tests of mitigation and reasonableness and substantiated with financial data and evidence as per any other claim for compensation.

Within the construction phase there will be incremental increases in construction activity, storage and lay down of materials, further traffic and movements and increased noise/vibration in close proximity to the Care Home Accordingly this will extend the period of time that the Care Home residents have to live next to significant construction activity and the period of time that the business is at risk.

You state the potential operation disruption at the construction phase up until the line opening in 2035 cannot be ruled out, this is due to a noise report which was undertaken However, we believe this is unknown. The impact is uncertain and will not be known until work commences. Further tests will need to be undertaken once the project receives Royal Assent from Parliament. These issues may be resolved by various engineering adjustments, but operation disruption cannot be ruled out.

2. The Care Home

It is clear that the occupants of the care home are disabled as the home provides long term nursing care for 36 residents some of whom have occupied the Care Home as their home for many years. The residents of the Care Home have a range of complex medical needs, including Head and Spinal Injury, Huntington's Disease, Motor Neurone Disease, Multiple Sclerosis, Parkinson's Disease and Stroke. These are all protected characteristics under s149 (7) of the Equalities Act 2010 and one in respect of which HS2 have a duty under s149 3 (b) to take steps to meet the needs of these vulnerable adults who will be more affected than the average population by the construction impacts of vibration, noise and additional activity/disruption and construction traffic in close proximity to the nursing Home. The Care Home are therefore very concerned about the impact of the construction phase. The impacts of this additional activity on the sensitive residents of the Care Home have not been considered adequately.

3. Noise Impacts and Assessment/impact on Residents

The additional noise, vibration, access and other impacts specifically on the sensitive residents of the Care Home, over and above the general population, have not been considered.

The Care Home are very concerned about the impacts of additional noise, vibration, traffic and other activity that the construction work and construction compounds in close proximity to the Care Home generally will create and contend that this would amount to an actionable interference with their property. The resident's families are naturally protective of their loved ones and will be concerned by the impacts of the construction works. The Care Home are concerned that it may not be feasible for their residents to stay in occupation throughout the construction activity surrounding the Care Home, given potential impacts on their health and the concerns of the families of the residents. The Care Home need to be given adequate information on the impacts in noise terms of the construction phase in particular in order that they can relay this to residents' families with concerns both now and in the future.

4. 24 Hour Highways Access

The Care Home require 24-hour vehicular access to and from the Care Home and the wider highway network for staff, relatives and emergency medical care. Access for staff and relatives to access the Care Home from all directions on the highway network will also need to be maintained at all times.

5. Loss of Care Home Business/Loss of long term home for Residents

The Care Home is very concerned that the impacts of all construction and operational phases of HS2 generally, will impact the business of the Care Home. The Care Home provides full time employment for 80 staff. The stability of the Care Home adds to its sense of community and attraction. The Care Home is currently fully occupied and operates at full occupancy almost all of the time filling any vacancies within a matter of weeks. Vacancies occur when families choose to move relatives or on death. The Care Home has high staffing needs and the Care Home cannot continue to operate at a profit if rooms/beds remain unoccupied for extended periods due to construction activity putting families off from placing relatives at the Care Home during the construction period.

The Care Home provides long term nursing care for 36 residents. The residents themselves are very concerned about the loss of their home. The residents of the care home have protected characteristics under the Equalities Act in that HS2 are obliged to advance equality of opportunity between persons who share protected characteristics and those who don't. HS2 are under a statutory duty to remove or minimise disadvantages suffered by the residents of the Care Home and take steps to meet their needs. These needs include the ability to continue to reside in their secure and long-term home.

The concern is that the construction of HS2 will lead to an adverse impact on the business of the Care Home because new residents and their families will not choose to place residents at the care home. This would leave existing residents at risk of losing their

home, if it was not possible to keep the business going during the now even longer period of construction activity in the vicinity of the Care Home. The impact of HS2 on the Care Home may result in its closure which would have a devastating impact on some residents as it has been their long-term home and also result in the loss of over 80 permanent jobs for local staff.

It should be noted that, even if and when noise impacts can be fully mitigated by HS2, there is a perception impact about whether people would wish to live in this area during the construction period. This therefore indicates that once construction activity starts there may well be a perception that the Care Home is not a desirable place to place family members because of the surrounding construction activity even in the absence of any noise.

HS2 have the ability to ensure the continued operation of the Care Home through the Construction Period of HS2 by providing business support if the Construction Activity means that occupancy levels drop to an unviable level. HS2 say that their noise mitigation measures mean there will be no actual impact on the Care Home. If they are correct there will be no risk to HS2 in entering into a commitment to keep the business operating through the construction period, where occupation levels dip below a prescribed level. This has never occurred in normal operating conditions. Accordingly, we ask HS2 to provide this support to either in accordance with their "A Typical Properties or Special Circumstances Policy" or in light of their equality impact duties to the residents of the care home to ensure that the residents with protected characteristics are not put at a disadvantage compared to others. The Equalities Act duties alone justifies ensuring that the Care Home can continue to operate throughout the construction phase of HS2 but isn't being heard at the moment in negotiations with HS2.

3. What do you want to be done in response?

In the box below, tell us what you think should be done in response to your objections to the Bill. You do not have to complete this box if you do not want to.

You can include this information in your response to section 3 'Objections to the Bill' if you prefer. Please number each paragraph.

1. Confirm that the undertakings given in relation to 24- hour access to the Care Home remains unaffected.
2. It is essential to ensure that the Care Home can understand the potential noise impacts, any potential mitigation and explain this to existing and proposed residents to assist in seeking to mitigate both vulnerable residents and families concerns and potential impacts to the business viability.
3. For the committee to direct HS2 to make sure appropriate protection is put in place in the form of an agreement to provide compensation and/or business support to ensure the continued operation of the Care Home during the Construction Period, if impacts on occupation arise from the surrounding construction activity. This is required to ensure the existing jobs are protected and that the long-term home for the residents is retained. This is possible either under HS2's "Atypical or Special Circumstances policy" or as a result of HS2's equality impact duties to residents and their families. This situation can be distinguished from other business situations because the business here provides a home to severely disabled adults that HS2 are putting at risk. This is a unique set of circumstances. HS2 will deliver this support if this is recommended by the committee or they are directed to do so but they appear unwilling to discuss this further without such incentive/requirement.
4. It would be wrong and unfair for the business to be forced to close in 2035 as a direct result of HS2's construction activity or operational activity with consequent loss of jobs/homes. HS2 say that there will be no impact on the business in the construction phase, if they are correct there will be no financial cost to them. If HS2 are wrong then the protection was necessary and has correctly been put in place. We fail to see why taking any other step is acceptable conduct on the part of government backed acquiring authority.

4. Petitioner details

Organisation/group name (if relevant)

Sherborne Court Neurological Care Limited

First name(s)

Brett

Last name

Bernard

Address line 1

Sherborne Court

Address line 2

Sherborne Road

Post code

CW1 4LB

County

Cheshire

Email

brettbernard@select-group.co.uk

Phone (landline or mobile)

07793651431

Who should be contacted about this petition?

☒ Individual above

☐ Another contact (for example, Roll A Agent or other representative)

If another contact, complete the 'Main contact's details' section below.

May 2023

**HIGH SPEED RAIL (CREWE -
MANCHESTER) BILL**

**HOUSE OF COMMONS
SELECT COMMITTEE**

**Petition No. HS2-P2B-015:
Sherborne Court Neurological Centre
Limited**

Promoter's Response Document

INTRODUCTION

This Promoter's Response Document (PRD) forms the Promoter's response to Petition No. HS2-P2B-015, from Sherborne Court Neurological Centre Limited.

In this PRD, 'the Promoter' means the Secretary of State and HS2 Ltd acting on their behalf.

The purpose of the PRD is to advise you and the Select Committee of the Promoter's position in relation to the petitioning points raised. It is intended that the PRD will alleviate many of the concerns raised in the petition.

The Table of Contents overleaf lists the page number, petitioning points in the order they appear in the petition, and a summary statement of the issue(s) contained in the petition for quick reference. Other supporting material (e.g., reports, drawings, and photographs) referred to in the response are attached where applicable.

Copies of the HS2 Phase 2b Information Papers referred to in the response can be found at

[HS2 Phase 2b \(Crewe – Manchester\) Information Papers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614442/HS2_Phase_2b_Crewe_-_Manchester_Information_Papers.pdf).

Department for Transport
High Speed Two (HS2) Limited

BACKGROUND

Sherborne Court Care Home is a neurological care centre providing specialist support to patients with neurological conditions and brain injuries.

Located on Sherborne Road in Crewe, the centre offers residential and respite care for up to 39 patients. The care home is owned by Sherborne Court Neurological Centre Limited (T/A Select Healthcare).

PETITION NO. HS2-P2B-015

SHERBORNE COURT NEUROLOGICAL CENTRE LIMITED

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16	3 (4), 5 (1)	Access

ATTACHMENTS

Title	
Annex A	Letter containing assurances sent to the Petitioners on 16 May 2023

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL

PROMOTER'S RESPONSE TO PETITION OF:	Sherborne Court Neurological Centre Limited
PETITION NO:	HS2-P2B-015
PARAGRAPH NO:	2 (1.1-.3), 3 (5.1), 3 (5.3), 4 (5.4-.5), 5 (3-4)
ISSUE RAISED:	Construction & operation related business impacts
PETITION PARAGRAPH:	2. Construction Phase 1 (1.1) As a petitioner we are seeking appropriately secured comfort from HS2 that should there be an impact on occupation levels at the care home during the construction period of HS2 arising from the impacts of the construction activity that a claim for the losses can be made to HS2 to ensure that it remains viable to keep the care home open for the benefit of its residents. Of course, any such claim would be subject to the usual tests of mitigation and reasonableness and substantiated with financial data and evidence as per any other claim for compensation. 1 (1.2) Within the construction phase there will be incremental increases in construction activity, storage and lay down of materials, further traffic and movements and increased noise/vibration in close proximity to the Care Home Accordingly this will extend the period of time that the Care Home residents have to live next to significant construction activity and the period of time that the business is at risk. 1 (1.3) You state the potential operation disruption at the construction phase up until the line opening in 2035 cannot be ruled out, this is due to a noise report which was undertaken However, we believe this is unknown. The impact is uncertain and will not be known until work commences. Further tests will need to be undertaken once the project receives Royal Assent from Parliament. These issues may be resolved by various engineering adjustments, but operation disruption cannot be ruled out.

3 (5.1) Loss of Care Home Business/Loss of long term home for Residents The Care Home is very concerned that the impacts of all construction and operational phases of HS2 generally, will impact the business of the Care Home. The Care Home provides full time employment for 80 staff. The stability of the Care Home adds to its sense of community and attraction. The Care Home is currently fully occupied and operates at full occupancy almost all of the time filling any vacancies within a matter of weeks. Vacancies occur when families choose to move relatives or on death. The Care Home has high staffing needs and the Care Home cannot continue to operate at a profit if rooms/beds remain unoccupied for extended periods due to construction activity putting families off from placing relatives at the Care Home during the construction period.

3 (5.3) The concern is that the construction of HS2 will lead to an adverse impact on the business of the Care Home because new residents and their families will not choose to place residents at the care home. This would leave existing residents at risk of losing their home, if it was not possible to keep the business going during the now even longer period of construction activity in the vicinity of the Care Home. The impact of HS2 on the Care Home may result in its closure which would have a devastating impact on some residents as it has been their long-term home and also result in the loss of over 80 permanent jobs for local staff.

4 (5.4) It should be noted that, even if and when noise impacts can be fully mitigated by HS2, there is a perception impact about whether people would wish to live in this area during the construction period. This therefore indicates that once construction activity starts there may well be a perception that that the Care Home is not a desirable place to place family members because of the surrounding construction activity even in the absence of any noise.

4 (5.5) HS2 have the ability to ensure the continued operation of the Care Home through the Construction Period of HS2 by providing business support if the Construction Activity means that occupancy levels drop to an unviable level. HS2 say that their noise mitigation measures mean there will be no actual impact on the Care Home. If they are correct there will be no risk to HS2 in entering into a commitment to keep the business operating through the construction period, where occupation levels dip below a prescribed level. This has never occurred in

normal operating conditions. Accordingly, we ask HS2 to provide this support to either in accordance with their “A Typical Properties or Special Circumstances Policy” or in light of their equality impact duties to the residents of the care home to ensure that the residents with protected characteristics are not put at a disadvantage compared to others. The Equalities Act duties alone justifies ensuring that the Care Home can continue to operate throughout the construction phase of HS2 but isn’t being heard at the moment in negotiations with HS2.

5 (3). For the committee to direct HS2 to make sure appropriate protection is put in place in the form of an agreement to provide compensation and/or business support to ensure the continued operation of the Care Home during the Construction Period, if impacts on occupation arise from the surrounding construction activity. This is required to ensure the existing jobs are protected and that the long-term home for the residents is retained. This is possible either under HS2’s “Atypical or Special Circumstances policy” or as a result of HS2’s equality impact duties to residents and their families. This situation can be distinguished from other business situations because the business here provides a home to severely disabled adults that HS2 are putting at risk. This is a unique set of circumstances. HS2 will deliver this support if this is recommended by the committee or they are directed to do so but they appear unwilling to discuss this further without such incentive/requirement.

5 (4). It would be wrong and unfair for the business to be forced to close in 2035 as a direct result of HS2’s construction activity or operational activity with consequent loss of jobs/homes. HS2 say that there will be no impact on the business in the construction phase, if they are correct there will be no financial cost to them. If HS2 are wrong then the protection was necessary and has correctly been put in place. We fail to see why taking any other step is acceptable conduct on the part of government backed acquiring authority.

PROMOTER'S RESPONSE:

1. The route of the Proposed Scheme will be in tunnel underneath Sherborne Court Neurological Centre. The top of the bored tunnel will be up to 35m below existing ground level and track level will be up to 43m below ground level. Associated with the tunnel, the Middlewich Street vent shaft and headhouse would be situated approximately 75m to the south of the neurological centre with associated landscape mitigation planting in between.

2. Since the main Environmental Statement (ES), the vertical alignment and length of tunnel have been revised to reduce ground-borne noise effects. As set out in paragraph 5.1.5 of MA01 Area Report, Volume 2, of the Supplementary Environmental Statement 1 (SES1) and Additional Provision 1 Environmental Statement (AP1 ES), the maximum depth of the tunnel would remain up to 43m below ground level, with the vertical alignment of the section of tunnel from Middlewich Street vent shaft to the relocated Crewe tunnel north portal lowered. This change does not alter the vertical alignment of the tunnel under the neurological centre.

Sound, noise and vibration assessment

3. The construction noise and vibration assessment takes into account the implementation of the draft Code of Construction Practice (CoCP) and localised control measures proposed in the main ES updated by the SES1 and AP1 ES. As the design progresses these proposals will continue to be reviewed to ensure that the Promoter's noise and vibration policy commitments are met.

4. The operational sound, noise and vibration assessment of the Proposed Scheme takes into account both the route-wide and localised control measures proposed in the main ES as updated by the SES1 and AP1 ES. These are set out in:

- HS2 Phase 2b Western Leg Information Paper E9: Control of Airborne Noise from altered roads and the operational railway;
- HS2 Phase 2b Western Leg Information Paper E10: Control of Ground-borne Noise and Vibration from the Operation of Temporary and Permanent Railways;
- HS2 Phase 2b Western Leg Information Paper E12: Operational Noise and Vibration Monitoring Framework; and
- HS2 Phase 2b Western Leg Information Paper E13: Control of Construction Noise and Vibration.

Predicted construction noise effects

5. The main ES presented baseline and predicted construction noise levels for receptor ID 610047 which represents the locations of Sherborne Court Neurological Centre. The assessment within the main ES showed that the predicted construction noise levels were forecast to be below the impact criteria level for the daytime, evening and night-time, and therefore does not result in a significant effect.

6. In addition to noise, vibration levels due to construction activities were presented in the main ES. These were shown to be below the relevant impact criteria for daytime and night-time periods and therefore the impact is classified as negligible. The construction activity identified as resulting in the highest forecast vibration at Sherborne Court Neurological Centre was due to site set up (vibratory roller).

7. To excavate the tunnels Tunnel Boring Machines (TBM) will be used, which can generate ground-borne noise and vibration as the rotating head of the TBM 'cuts' through the ground. TBM can therefore give rise to ground-borne noise and vibration impacts, albeit only for short periods of time (generally a matter of days) at any individual receptor.

8. Using Industry guidance¹ it has been estimated that disturbance of occupants and users of buildings due to ground-borne noise and vibration will be perceptible for a few days either side of when the TBM passes closest to overlying properties.

Predicted operational airborne noise effects

9. At the property identified in the petition, represented by assessment location ID 610047, the Proposed Scheme is not predicted to cause an adverse effect during operation of the Proposed Scheme as a result of airborne noise. The railway will be operating in tunnel as it passes beneath the Petitioner's property. Operation of the Middlewich Street vent shaft is not predicted to cause an adverse effect on the Petitioner's property.

Predicted ground-borne noise effects

10. At the properties identified in the petition, represented by location ID 610047, the Proposed Scheme is predicted to cause a likely significant effect for ground-borne noise during operation, on the basis of a precautionary assessment. The effect of the Promoter's policies in relation to ground-borne noise is that where significant effects have been predicted at a property, the nominated undertaker would be required to take all reasonable steps to avoid them during detailed design.

11. For the operational railway, significant ground-borne noise and vibration effects would be reduced or avoided through, for example, the performance specification and design of the rolling stock and infrastructure, especially the track system.

12. Calculation procedures for the operational railway are based upon the verified calculation methods that were developed for HS2 Phase One, to allow for assessment of vibration sources at speeds over 300kph.

¹ Transport Research Laboratory (2007), Transport Research Laboratory Report 429 - Groundborne vibration caused by mechanized construction works.

Mitigation, Compensation & Business Support

13. The Promoter has developed a mitigation approach designed to reduce, as far as reasonably practicable, the predicted noise impacts on the Neurological Centre. These measures have been included as a package of assurances which were offered on 16 May 2023. This is included as annex A.

14. The Promoter or its nominated undertaker intends to work with the care home to understand and seek to provide effective mitigation for the predicted operational ground-borne noise effects of the Proposed Scheme on Sherborne Court Neurological Centre. If such mitigation is found not to be reasonably practicable, the Petitioner would remain entitled to make a claim for compensation under the compensation code.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL

PROMOTER'S RESPONSE TO PETITION OF:	Sherborne Court Neurological Centre Limited
PETITION NO:	HS2-P2B-015
PARAGRAPH NO:	2 (2), 3 (3.1-.2), 3 (5.2), 4 (5.5), 5 (2-3)
ISSUE RAISED:	Impact on vulnerable residents, request for more detail on impacts in advance
PETITION PARAGRAPH:	2 (2) It is clear that the occupants of the care home are disabled as the home provides long term nursing care for 36 residents some of whom have occupied the Care Home as their home for many years. The residents of the Care Home have a range of complex medical needs, including Head and Spinal Injury, Huntington's Disease, Motor Neurone Disease, Multiple Sclerosis, Parkinson's Disease and Stroke. These are all protected characteristics under s149 (7) of the Equalities Act 2010 and one in respect of which HS2 have a duty under s149 3 (b) to take steps to meet the needs of these vulnerable adults who will be more affected than the average population by the construction impacts of vibration, noise and additional activity/disruption and construction traffic in close proximity to the nursing Home. The Care Home are therefore very concerned about the impact of the construction phase. The impacts of this additional activity on the sensitive residents of the Care Home have not been considered adequately. 3. (3.1)Noise Impacts and Assessment/impact on Residents The additional noise, vibration, access and other impacts specifically on the sensitive residents of the Care Home, over and above the general population, have not been considered. 3 (3.2) The Care Home are very concerned about the impacts of additional noise, vibration, traffic and other activity that the construction work and construction compounds in close proximity to the Care Home generally will create and contend that this would amount to an actionable interference with their property. The resident's families are naturally protective of their loved ones and will be concerned by the impacts of the construction works. The Care Home are concerned that it may not be feasible for their residents to stay in occupation

throughout the construction activity surrounding the Care Home, given potential impacts on their health and the concerns of the families of the residents. The Care Home need to be given adequate information on the impacts in noise terms of the construction phase in particular in order that they can relay this to residents' families with concerns both now and in the future.

3 (5.2) The Care Home provides long term nursing care for 36 residents. The residents themselves are very concerned about the loss of their home. The residents of the care home have protected characteristics under the Equalities Act in that HS2 are obliged to advance equality of opportunity between persons who share protected characteristics and those who don't. HS2 are under a statutory duty to remove or minimise disadvantages suffered by the residents of the Care Home and take steps to meet their needs. These needs include the ability to continue to reside in their secure and long-term home.

4 (5.5) HS2 have the ability to ensure the continued operation of the Care Home through the Construction Period of HS2 by providing business support if the Construction Activity means that occupancy levels drop to an unviable level. HS2 say that their noise mitigation measures mean there will be no actual impact on the Care Home. If they are correct there will be no risk to HS2 in entering into a commitment to keep the business operating through the construction period, where occupation levels dip below a prescribed level. This has never occurred in normal operating conditions. Accordingly, we ask HS2 to provide this support to either in accordance with their "A Typical Properties or Special Circumstances Policy" or in light of their equality impact duties to the residents of the care home to ensure that the residents with protected characteristics are not put at a disadvantage compared to others. The Equalities Act duties alone justifies ensuring that the Care Home can continue to operate throughout the construction phase of HS2 but isn't being heard at the moment in negotiations with HS2.

5 (2). It is essential to ensure that the Care Home can understand the potential noise impacts, any potential mitigation and explain this to existing and proposed residents to assist in seeking to mitigate both vulnerable residents and families concerns and potential impacts to the business viability.

5 (3). For the committee to direct HS2 to make sure appropriate protection is put in place in the form of an agreement to provide compensation and/or business support to ensure the continued operation of the Care Home during the Construction Period, if impacts on occupation arise from the surrounding construction activity. This is required to ensure the existing jobs are protected and that the long-term home for the residents is retained. This is possible either under HS2's "Atypical or Special Circumstances policy" or as a result of HS2's equality impact duties to residents and their families. This situation can be distinguished from other business situations because the business here provides a home to severely disabled adults that HS2 are putting at risk. This is a unique set of circumstances. HS2 will deliver this support if this is recommended by the committee or they are directed to do so but they appear unwilling to discuss this further without such incentive/requirement.

PROMOTER'S RESPONSE:

Equalities impact assessment

1. The Promoter is required to act in accordance with the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. The Promoter is required to have due regard to the needs of those stakeholders with protected characteristics – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Promoter published an Equalities Impact Assessment (EqIA) alongside the Bill in January 2022.

2. As set out in paragraph 5.4.2 of the Equality impact assessment, the main Environmental Statement (ES) indicates that people living in some properties close to the route of the Proposed Scheme may potentially experience noise effects due to a change in the acoustic environment once the Proposed Scheme is operational, and that within the demographic potentially affected, there may be people who are more or less sensitive to noise.

3. In order to act in accordance with the PSED, the Promoter has proceeded on the basis that residents of Sherborne Court Neurological Centre may be more sensitive to ground-borne noise from the operation of the railway, due to ill-health and other protected characteristics, and so experience differential effects from the operation of the Proposed Scheme.

Community engagement

4. The Promoter will certainly continue to engage further with the Petitioner without the need for a direction from the Select Committee. As set out in HS2 Phase 2b Western Leg Information Paper G1: Consultation and engagement, the Promoter is committed to continue engaging with stakeholders on the Proposed Scheme as it progresses.

5. The draft Code of Construction Practice (CoCP) requires the nominated undertaker and its contractors to maintain a 24-hour helpline during construction to handle enquiries from the general public and local businesses regarding construction activities. In addition, HS2 Phase 2b Western Leg Information Paper G2: Small claims scheme sets out the proposals for establishing a small claims scheme by the nominated undertaker to be operated during the construction of the Proposed Scheme. An independent Construction Commissioner will be appointed to investigate construction related complaints against the nominated undertaker. Further information can be found in HS2 Phase 2b Western Leg Information Paper D4: Construction commissioner.

6. The Promoter met with representatives from Select Healthcare who own and operate the Care Home on 6 December 2022. At this meeting the Promoter delivered a presentation on ground-borne noise and discussed the mitigation approaches being investigated by the Promoter. The Promoter will continue to engage with the Care Home throughout the development of the Proposed Scheme.

7. The Promoter has offered an assurance to continue to engage with the Petitioner during the design development stage and during construction. This engagement is aimed at ensuring that the Petitioner is kept informed of how the nominated undertaker is meeting its commitment to mitigating the predicted operational ground-borne noise effects, and in listening to the concerns of affected stakeholders, including those of the residents and staff of the Neurological Centre and seeking to mitigate the local impact of construction.

Construction Traffic

8. The Promoter recognises the impacts of construction traffic are likely to be a particular concern for residents who live or work near the line of route. The draft CoCP has been prepared with the aim of ensuring that the significant adverse effects of impacts identified in the Environmental Statement are minimised, as far as reasonably practicable.

9. The impacts of construction traffic are outlined in section 14 of the MA01 Area Report, Volume 2, of the main ES, within the Traffic and Transport section. A detailed report on traffic and transport impacts within MA01 is contained in the Transport Assessment, Volume 5, within the main ES.

10. Any changes or amendments to the potential impacts of construction traffic are reported in the Phase 2b in the Supplementary Environmental Statement (SES 1) and Additional Provision 1 Environmental Statement (AP1 ES), are reported in the MA01 Area Report, Volume 2, and the MA01 Traffic Assessments, Volume 5, of the SES1 and AP ES1.

11. The Promoter aims to minimise the use of local roads for transport to and from construction sites, using the construction corridor and rail where reasonably practicable. HS2 Phase 2b Western Leg Information Paper E3: Management of Traffic During Construction explains the Promoter's approach.

12. Construction vehicles and their impact on road safety would be managed, monitored and controlled throughout the construction programme.

13. Further detail is provided in HS2 Phase 2b Western Leg Information Papers E3: Management of Traffic During Construction, E4: Highways and Traffic During Construction – Legislative Provisions, and D3: Code of Construction Practice.

14. The Promoter notes the Petitioner's comments in relation to B5076 Middlewich Street, which is a single carriageway urban road in Crewe.

15. This is designated as a HS2 construction route. Table 13-5 in the MA1 Transport Assessment Part 3, Volume 5, of the SES1 and AP1 ES summarises the peak daily construction traffic flows associated with the AP1 revised scheme. This indicates that:

- The B5076 Middlewich Street between Elm Drive and Henry Street will carry a peak daily two-way combined flow of 20 HGVs (Heavy Goods Vehicles) over an assumed 10-hour working day, which equates to one HGV every 30 minutes on average; and
- The B5076 Middlewich Street between Stamp Avenue and Elm Drive will carry a peak daily two-way combined flow of 88 HGVs over an assumed 10-hour working day, which equates to approximately one HGV every seven minutes on average. The busy period is expected to be of 9 months duration.

16. As set out in Table 53 in the MA1 Area Report, Volume 2, of the main ES, there is forecast to be a moderate adverse effect on traffic-related severance due to changes in HGV flows on B5076 Middlewich Street between Stamp Avenue and Elm Drive during construction of the Proposed Scheme.

17. The assessment of these roads has been updated for the AP1 revised scheme and is reported in Table 24 of the MA1 Area Report, Volume 2, of the SES1 and AP1. The moderate adverse effect on traffic-related severance on the B5076 Middlewich Street between Stamp Avenue and Elm Drive remains in the SES1 and AP1 ES.

18. The changes to traffic flows on these sections of road during the construction of the AP1 revised scheme are reported in the MA1 Transport Assessment Part, Volume 5, of the SES1 and AP1 ES, and can be summarised as follows:

- Tables 13-7 and Table 13-8 indicate that The B5076 Middlewich Street between Elm Drive and Stamp Avenue will carry 647 vehicles per hour in the AM peak hour and 823 vehicles per hour in the PM peak hour during the 2030 future baseline. During construction of the Proposed Scheme, traffic flows on this section of the B5076 Middlewich Street are forecast to increase to a maximum of 701 vehicles per hour in the AM peak hour, an increase of 54 vehicles (8%) compared with the

2030 future baseline. In the PM peak hour, traffic flows will increase to a maximum of 863 vehicles per hour, an increase of 40 vehicles (5%) compared with the 2030 future baseline; and

- There will be no material change to traffic flows on B5076 Middlewich Street between Elm Drive and Henry Street during construction of the AP1 revised scheme.

19. The Promoter considers that B5076 Middlewich Street is capable of accommodating the forecast traffic flows during construction of the AP1 revised scheme. As such, the Promoter does not consider that the additional construction traffic associated with the AP1 revised scheme will materially impact the traffic conditions on B5076 Middlewich Street.

20. The HS2 Phase 2b Western Leg Information Paper E8: Vehicle flow management and safety requirements, sets out how large goods vehicle flows associated with the Proposed Scheme will be managed during the construction phase and includes how vulnerable users will be protected from them.

21. HS2 construction vehicles and their impact on road safety will be managed, monitored and controlled by:

- a vehicle monitoring system, to enable contractors to provide forecast and actual movement data as well as information on safety compliance;
- vehicle flow monitoring, where there are specific restrictions on numbers of vehicles permitted to use a route;
- vehicle identification;
- driver training in vulnerable road user awareness, rural road driving and fuel efficiency;
- requirements for vehicle safety equipment and blind spot minimisation;
- the implementation of fleet operator quality schemes; and
- the implementation of route and flow monitoring, including monitoring that the driver and vehicle safety requirements are being met.

HOUSE OF COMMONS SELECT COMMITTEE

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL

PROMOTER'S RESPONSE TO PETITION OF: Sherborne Court Neurological Centre Limited

PETITION NO: HS2-P2B-015

PARAGRAPH NO: 3 (4), 5 (1)

ISSUE RAISED: Access

PETITION PARAGRAPH: 24 Hour Highways Access

3 (4). The Care Home require 24-hour vehicular access to and from the Care Home and the wider highway network for staff, relatives and emergency medical care Access for staff and relatives to access the Care Home from all directions on the highway network will also need to be maintained at all times.

5 (1). Confirm that the undertakings given in relation to 24-hour access to the Care Home remains unaffected.

PROMOTER'S RESPONSE:

Access commitment

1. The Promoter offered an assurance to the Neurological Centre on 16 May regarding pedestrian access. This is included as annex A.

Access for emergency services

2. The Promoter does not envisage that the HS2 construction activities will obstruct emergency vehicle access from Middlewich Street to the Petitioner's premises.

3. Prior to the commencement of the works, the nominated undertaker would ensure that a Route-wide Traffic Management Plan (RTMP) and Local Traffic Management Plans (LTMPs) would be produced in consultation with the highway and traffic authorities as well as emergency services.

4. The nominated undertaker would consider all aspects of safety during the construction of the railway and to ensure that through consultation with the emergency services, accessibility would be assured where reasonably practicable through the design process and implemented during the construction.

5. A range of traffic management measures would be utilised to mitigate the impact during construction of the Proposed Scheme. The LTMP would include, as appropriate:

- site boundaries and the main access/egress points for worksites and compounds;
- any temporary and permanent closures and diversions of highways; and
- the proposed traffic and construction vehicle management strategy.

6. Emergency vehicles are able to operate on a blue light system should the need arise and are able to circumvent other road traffic including queuing traffic and general traffic congestion, utilising manoeuvres they currently undertake. Measures set out in the draft Code of Construction Practice (CoCP) are designed to reduce the effects of highway works and construction traffic. Specific liaison with the emergency services at a local level, through the relevant local Traffic Liaison Group meetings, as well as specific meetings with the emergency services, would be set out within the RTMP, prepared in accordance with the draft CoCP and discussed with the highway authorities along the Proposed Scheme's route as well as representatives of the emergency services.

7. Paragraph 8(2) of Part 2 of Schedule 5 to the Bill requires the nominated undertaker to provide reasonable access for pedestrians going to or from premises abutting a highway affected by the exercise of the powers of the Bill to interfere with highways if there would otherwise be no such access.

8. Vehicular access to property and land would be maintained where reasonably practicable. However, there may be works which cannot be undertaken without hindering or preventing access to either off-street parking to particular land or premises or to off-street parking in certain areas. The Promoter will require the nominated undertaker to ensure that liaison takes place with the occupiers of premises whose access is liable to be particularly affected by the Proposed Scheme. Reasonable notice will be given of planned alterations to access.

9. This is explained further in HS2 Phase 2b Western Leg Information Paper D10: Maintaining access to residential and commercial property during construction and HS2 Phase 2b Western Leg Information Paper D3: Code of Construction Practice.

10. HS2 Phase 2b Western Leg Information Paper E3: Management of Traffic During Construction, describes the consultation which is proposed in relation to the Management of Traffic During Construction:

Anne-Marie Okotie and Brett Bernard
Select Healthcare Group
c/o Sherborne Court Neurological Centre Limited
Sherborne Rd
Crewe
CW1 4LB

Sent by email

16 May 2023

Dear Ms Okotie and Mr Bernard,

HIGH SPEED RAIL (CREWE - MANCHESTER) BILL – HOUSE OF COMMONS SELECT COMMITTEE
PETITION HOC-015-SHERBORNE COURT NEUROLOGICAL CENTRE LIMITED

I am writing to you in my capacity as Director of Hybrid Bill Delivery at HS2 Ltd, which is acting on behalf of the Promoter of the High-Speed Rail (Crewe - Manchester) Bill ('the Bill') currently before Parliament. I understand that you have a number of concerns about the impact of HS2 Phase 2b (Crewe - Manchester) (known as 'the Proposed Scheme') and have submitted a petition on that basis against the Bill in the House of Commons.

I am writing to set out our position in relation to the issues you have raised, and the measures identified to address your concerns. Through your petition, you have raised concerns over the impact of the Proposed Scheme on Sherborne Court Neurological Centre, Sherborne Rd, Crewe, CW1 4LB ('the Neurological Centre') and in particular:

- the impact of noise on the residents resulting from construction and operation of the proposed scheme; and
- access to the property throughout the construction phase.

The assurances proposed below are intended to provide you with certainty as to the mitigations proposed by the Promoter and to be enacted by the nominated undertaker.

Accordingly, I am writing to you on behalf of the Secretary of State to offer you the following assurances:

In these assurances:

“Bill” means the High Speed (Crewe-Manchester) Bill as introduced into Parliament on 24 January 2022 and the expression “the Bill” shall be taken for the purposes of these assurances to include (unless the context otherwise requires) the form of the Bill as enacted;

“Crewe Tunnel” means those works to construct a railway within tunnel which are currently authorised as Works No 1/1 and 1/1A in Schedule 1 to the Bill;

“HS2 Construction Commissioner” the Construction Commissioner to be appointed in accordance with the HS2 Phase 2b Western Leg Information Paper D4: Construction Commissioner;

“Neurological Centre” means Sherborne Court Neurological Centre Limited, Sherborne Road, Crewe, Cheshire, CW1 4LB;

“nominated undertaker” means High Speed Two (HS2) Limited or such other person as may be appointed nominated undertaker under clause 42 of the Bill;

“Petitioner” means Sherborne Court Neurological Centre Limited (Company No. 08129359) whose registered address is at Wellington House, 120 Wellington Road, Dudley, West Midlands, DY1 1UB;

“Petitioner’s specialist acoustic advisor” means an independent and relevantly qualified acoustician representing the interests of the Petitioner;

“Promoter” means the Secretary of State for Transport (or any successor Secretary of State or Minister holding the Transport portfolio) in his capacity as promoter of the Bill and includes, so far as relevant, any nominated undertaker exercising any powers or functions under the Bill once enacted;

“Proposed Scheme” means Phase 2b (Crewe - Manchester) of High Speed 2 as defined in the Bill;

“Trigger Action Levels” means construction airborne noise and construction ground-borne noise levels the exceedance of which will trigger actions within the Trigger Action Plan, set and assessed in light of the relevant uses and specialist needs and health conditions at the Neurological Centre and health impacts of the Proposed Scheme on residents of the Neurological Centre; and

“Trigger Action Plan” means a plan to cover those actions identified in clause 2.1 and addressing the minimum requirements in clause 2.3.

1. Access

- 1.1. The Promoter will require the nominated undertaker in exercising the powers of the Bill to maintain pedestrian access and, in so far as is reasonably practicable, vehicular access to the Neurological Centre at all times during the construction of the Proposed Scheme.

2. Trigger Action Plan

- 2.1. The Promoter will work with the Petitioner's specialist acoustic advisor to carry out any necessary assessments to develop a Trigger Action Plan setting out reasonably practicable measures to be adopted for management and, as necessary, mitigation of potential construction airborne noise and construction ground-borne noise impacts on the Neurological Centre arising from the works to construct the Proposed Scheme whether at source or at the Neurological Centre and whether required in advance of or during the construction of the Proposed Scheme.

2.2. The Promoter will:

- 2.2.1. consult the Petitioner's specialist acoustic advisor in developing the Trigger Action Plan;
- 2.2.2. submit a final draft of the Trigger Action Plan to the Petitioner's specialist acoustic advisor for their comment and have due regard to any comments received; and
- 2.2.3. produce a finalised version of the Trigger Action Plan to be implemented jointly by the Promoter and the Petitioner during the construction of the Proposed Scheme.

2.3. The Promoter will require the nominated undertaker to ensure that the Trigger Action Plan referred to in clause 2.1 above addresses the following minimum requirements:

- 2.3.1. the form and regularity of engagement between the nominated undertaker, the Petitioner and the Petitioner's specialist acoustic advisor;
- 2.3.2. the respective roles of the nominated undertaker and the Petitioner's specialist acoustic advisor in the implementation of the Trigger Action Plan;
- 2.3.3. definitions of Trigger Action Levels;
- 2.3.4. reasonable protocols to be applied to manage risks of an exceedance of the Trigger Action Levels during construction activities and any necessary interactions with the Promoter;
- 2.3.5. actions and procedures to be implemented in the event that the Trigger Action Levels are exceeded;
- 2.3.6. noise monitoring arrangements; and
- 2.3.7. the provision of mitigation measures, if any, required to be implemented in advance of construction of the Proposed Scheme in light of assessment carried out under the Trigger Action Plan.

- 2.4. In the event that within 28 days of the Petitioner being provided by the Promoter with the final draft of the Trigger Action Plan under paragraph 2.2.2, the Petitioner or the Petitioner's specialist acoustic advisor has raised comments with the Promoter which have not been addressed to their satisfaction, then the Petitioner or the Promoter may refer the matter to the HS2 Construction Commissioner, who will mediate between the Petitioner and the Promoter in order to attempt to resolve the dispute within 28 days of that referral.
- 2.5. If the HS2 Construction Commissioner is referred a matter under paragraph 2.4 and is unable to resolve the dispute within the 28 day period, the nominated undertaker may proceed with the works to construct the Proposed Scheme so long as the nominated undertaker complies with the Trigger Action Plan as provided to the Petitioner under paragraph 2.2.2 or such other measures as it considers reasonable to mitigate the likely construction noise impacts.
- 2.6. The implementation of any measures identified in pursuance of the Trigger Action Plan will be subject to the nominated undertaker obtaining any necessary consents from the appropriate statutory bodies which it will use reasonable endeavours to obtain as soon as reasonably practicable, provided that in the event that such consent has not been obtained, this does not preclude the nominated undertaker from proceeding with the works to construct the Proposed Scheme so long as the nominated undertaker complies with the other measures contained in the Trigger Action Plan, or, where relevant, pays reasonable costs to the Petitioner under paragraph 3.4, and such other measures as it considers reasonable to mitigate the likely construction noise impacts until such time as the consent is obtained.
- 2.7. This assurance will cease to have effect in the event that the Neurological Centre ceases to be used for the provision of services as a residential nursing home.

3. Costs

- 3.1. The Promoter will pay or require the nominated undertaker to pay, within 30 days of a request that complies with the requirements of paragraph 3.2, the reasonable and properly incurred costs and expenses of such specialist acoustic advisor as the Petitioner may reasonably require to advise it in relation to the implementation of the Promoter's obligations under this assurance.
- 3.2. Paragraph 3.1 is subject to:
- 3.2.1. the nominated undertaker's prior approval of such costs (such approval not to be unreasonably withheld or delayed);

- 3.2.2. the submission of receipts for costs so approved including such further detail and/or evidence as the Promoter may reasonably require; and
 - 3.2.3. the Petitioner and its specialist acoustic advisor seeking to mitigate any costs for which recovery is sought, as far as is reasonable and proportionate.
 - 3.3. Any mitigation works provided under paragraph 2 of this assurance will be provided at the expense of the Promoter.
 - 3.4. Any mitigation measures identified in the Trigger Action Plan may be carried out by the Petitioner and the Promoter will pay to the Petitioner the reasonable costs incurred in doing so.
4. Operational ground-borne noise
- 4.1. The Promoter will require the nominated undertaker to, insofar as is reasonably practicable reduce ground-borne noise and vibration from the operation of the railway with a view to removing the likely significant adverse operational ground-borne noise effects as identified in the Environmental Statement deposited with the Bill on the Neurological Centre.
5. Engagement
- 5.1. During the detailed design of the railway through the Crewe Tunnel, the Promoter will require the nominated undertaker to engage with the Petitioner in relation to the development of the design of the track form, including on measures intended to meet the objective in paragraph 4.1 of this assurance.

If accepted, these assurances 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. The assurance process is set out in Annex A.

I hope that the information set out above in relation to the issues raised in your petition to the House of Commons gives you the comfort required in order to withdraw your petition.

Petitions may be withdrawn by sending an email or letter to the Private Bill Office of the House of Commons informing the Clerk to the Select Committee that you wish to withdraw your petition: House of Commons Private Bill Office, House of Commons, London, SW1A 0AA email: prbohoc@parliament.uk

In the meantime, if you have further queries or concerns, please do not hesitate to contact Emily Young, Petition Manager on emily.young1@hs2.org.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Lucy Lagerweij', written in a cursive style.

Lucy Lagerweij
Director, Hybrid Bill Delivery
High Speed Two (HS2) Limited

Annex A

ASSURANCES: STEPS AND TIMING

