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## **Birmingham Development Plan 2031**

### **Matter B: Employment Land (Policies PG1 and TP16)**

#### **Hearing Statement of AXA Real Estate Investment Management**

15 September 2014



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# **1. Introduction**

## **1.1 Scope and Purpose**

- 1.1.1 This statement should be read in conjunction with the representations dated 3 March 2014 submitted by AXA REIM to the Pre-submission BDP.
- 1.1.2 Responses are made to the Inspector's questions, as issued by the Programme Officer on 20 August 2014. Responses are provided only to those questions relevant to AXA's representations. Responses are set out in the order questions are raised.

## **2. Response To Questions**

### **2.1 Is the Plan based on a clear economic vision and strategy to encourage sustainable economic growth?**

- 2.1.1 No. The strategy set out at PG1 is to provide for only a 5 year supply of employment land. This is insufficient to meet the objectively assessed needs.
- 2.1.2 The 5 year reservoir of 96ha quoted does not reflect 5 years supply of the assessed need over the plan period.
- 2.1.3 The uncertainty over the supply of land comprising the 5 year's supply and uncertainty over the identity, location and available capacity of any employment site expected to contribute to that supply during the 5 year period or the 20 year period of the BDP does not provide sufficient clarity or definition of the employment development opportunities to ensure that the BDP is able to respond to and meet the economic growth requirements which have been identified.

### **2.2 Are the overall requirements of Policy PG1 for employment land soundly based on evidence, and appropriate to meet the needs that are likely to arise over the Plan period?**

- 2.2.1 The Employment Land and Office Targets Study: October 2013 (ELOTS) appears to take account of the effects of HS2, although the precise details are unclear. In the period since consultation on the Pre-submission plan the context with HS2 has moved on.
- 2.2.2 Despite strong objection from AXA and others, HS2 remains intent on taking the whole of the former LDV and Alstom sites at Washwood Heath for the HS2 Rolling Stock Maintenance Depot (RSMD). This has the effect of displacing UK Mail and Cemex and existing occupiers from the Alstom site. In evidence to Parliamentary Select Committee HS2 Ltd identifies these businesses as currently employing 1,250 people at Washwood Heath. As the ELOTS identifies significant further businesses at Saltley Business Park will also be displaced by HS2, at least 9 of those businesses occupying approximately 42,000sqm are required specifically because of the RSMD proposal at Washwood Heath.

- 2.2.3 The proposed RSMD at Washwood Heath will remove 9ha which would otherwise have been occupied by UK Mail and Cemex, and a further 55ha that would otherwise be readily available best quality employment land. The businesses displaced by the RSMD at Saltley Business Park occupy approximately an additional 9ha, not taking account of the properties lost at Saltley due to the HS2 line. The HS2 proposal therefore removes 18ha of existing business accommodation and 55ha of best quality employment land at just one location.
- 2.2.4 The other existing business areas lost to the HS2 line will add to this total considerably. We have not calculated the total quantity of existing employment land which will be lost to HS2, but the Employment Land Review 2012 suggests 136ha (para 2.18).
- 2.2.5 HS2 Ltd has by letter dated 16 July 2014 provided assurance to Birmingham City Council (Appendix 1) that the Secretary of State will require a Nominated Undertaker to work with BCC to ensure that businesses in the Birmingham area subject to relocation due to HS2 are provided the opportunity to relocate within the Birmingham Area.
- 2.2.6 This raises four issues relevant to the Inspector's question:
- The displaced businesses need to be reflected in the employment land need assessment, as the requirement for their relocation adds to the; and
  - The supply of employment sites required to meet the need should be increased accordingly;
  - The supply of existing employment land that could come forward for recycling, what BCC would otherwise regard as windfall development, is reduced; and
  - The supply of best quality land that could otherwise contribute to meeting the assessed needs is reduced by the loss of a significant potential site at Washwood Heath.
- 2.2.7 The ELOTS notes the HS2 Ltd proposal to make a residual part of the Washwood Heath site available for employment development post construction of HS2, (currently estimated to be 2026 at the earliest) and due to the uncertainty does not consider that potential contribution further.
- 2.2.8 The approach of the ELOTS in relation to the potential residual land at Washwood Heath is supported. HS2 Ltd's evidence to Select Committee stated that it expects 16ha of the site to be made available for development post construction, but there is

no certainty to either the area of land, its configuration, accessibility or timing of its availability. The Royal Assent programme, and construction programme for HS2 could both yet change and HS2 appears to have no programme for clearance of the construction spoil that will occupy the residual land during and post construction.

- 2.2.9 It is correct therefore to place no reliance on any contribution to the employment land supply from the Washwood Heath site in the event that HS2 does not change its proposal to take 55ha of best quality land for the RSMD.
- 2.2.10 The West Midlands Authorities study of need for large employment sites has still not been published. Until such time as the evidence from that study is available it is not possible to be certain that the BDP is planning for all the needs that it should be. AXA may therefore wish to comment further on this when the study is published.

### **2.3 If housing provision is made outside the Plan area to meet Birmingham's needs, is there a need for employment land also to be allocated outside the Plan area to complement that housing provision?**

- 2.3.1 The employment need has been reportedly assessed by considering Birmingham's economy and its development patterns. The BDP objectives for growth reflect expectations of population growth within the City. Birmingham is the principal centre for the West Midlands, and the hub of the regions public transport network, and existing business network. Birmingham should therefore be the focus for sustainable growth.
- 2.3.2 The above factors indicate that employment land provision should be within Birmingham where possible. If needs cannot be accommodated within the BCC administrative area then appropriate provision should be made in suitable neighbouring areas where the employment created would be accessible to Birmingham residents.



## **2.4 Does the categorisation of employment land into RIS, and three other quality categories appropriately reflect future business needs?**

2.4.1 Occupiers will consider sites according to their own locational requirements, which will be a combination of:

- Accessibility defined by the quality of infrastructure (roads, rail freight facilities, public transport, utilities – particularly power, and broadband);
- Access to labour - defined by simple availability and skill levels;
- Access to markets – suppliers and customers;
- Quality of environment – on-site and off-site;
- Scale – sites need to be sufficiently large to deliver plots of sufficient size to accommodate the largest requirements, and provide expansion space.

2.4.2 It is not possible to distinguish between demand for RIS and demand for Best Urban sites through simple badging of sites in planning terms. Occupiers will seek a high quality site which meets their requirements and both RIS and Best Urban sites would be considered, provided that planning policy allows the uses that would be required. The more restrictive use of RIS proposed by the BDP could prevent occupation by some users and deter investment and job creation as a result.

2.4.3 Birmingham has to compete to retain and attract investment and it needs to have sufficient quantum and quality of land available. What the City requires is an appropriate supply of large employment sites capable of retaining existing occupiers and attracting footloose investment, and able to compete on a regional, national and international stage to do so.

**2.5 Does the '5 year reservoir' approach set out in TP16 provide adequate certainty that sufficient appropriate employment land will come forward to meet business needs throughout the Plan period?**

- 2.5.1 No. There is considerably uncertainty and ambiguity in what is the available supply of employment land at present which BCC is seeking to rely upon. It is difficult to distinguish between supply which is regarded as readily available and potential supply which is regarded as not readily available and what reliance is placed on each. For example, the Washwood Heath sites appear to have previously been considered part of the Not Readily Available supply, but have according to the text of the Employment Land Review 2012, been deleted from the total supply (see Exec Summary, 2.10 and 5.4). The Appendix 2 Portfolio of available sites in that same document however continues to include 55ha at Washwood Heath (Alstom, LDV and PXP). Subtracting the 55ha provides the 77ha of total Best Urban supply that the ELR refers to, but it is not clear.
- 2.5.2 The AMR 2013 sets out at Table 3.3 a version of employment land supply, based upon sites under construction and sites with planning permission and 'other'. A simple collation of sites with planning permission will however capture sites such as 29ha at Washwood Heath (Former Alstom 21ha and PXP 8ha) which has planning permission, but which BCC previously classified as Not Available, and now classifies as not contributing to the supply at all.
- 2.5.3 In its response to Inspector's Initial Questions (1 August 2014), BCC directs to the AMR 2013 as providing the most up to date assessment of employment land supply at Table 3.5. The figures therein differ from those in the ELOTS (October 2013) which post dates the AMR (1 April 2013). As both documents form the evidence base and purpose of the ELOTS is specifically to identify need and supply of employment land, it is entirely unclear what supply BCC believes it has. The ELOTS does not identify the development area of the sites which it considers form the supply, making it impossible to determine which document is correct.
- 2.5.4 BCC has confirmed by email to Savills that the 55ha Washwood Heath site is currently counted towards the 557ha of existing 'other' areas as an existing employment site, but is not included within the 23ha of 'other' sites (Potential Redevelopment) forming part of the supply at ELOTS Fig 7.2. The list of sites at ELOTS Appendix 3 however suggest that part at least is included.

- 2.5.5 The ELOTS supply identified at Fig 7.2 and the AMR Table 3.5 both include an allowance in the supply for 'other' / 'potential redevelopment'. This is the same thing and is an additional allowance for windfall redevelopment of existing employment land.
- 2.5.6 This represents double counting, as most of the identified supply (if not all with the exception of Peddimore) is existing employment land. BCC admits as much in its response to question 13 of the Inspectors Initial Questions. The expectations of windfall from recycling existing employment sites are therefore already accounted for in the supply of Best, Good and Industrial Areas.
- 2.5.7 It is especially unrealistic to anticipate further windfall provision beyond that already specifically identified (shortcomings to the completeness of that identity as noted above) as there is increased pressure on redundant employment land to be recycled for housing rather than employment uses. The AMR 2013 para 3.12 supports this point: 5.6ha of employment land lost on average each year to housing, that increased to 8.5ha in 2011-2012 and BCC predict that this rising trend is likely to continue.
- 2.5.8 BCC is satisfied that it cannot even meet a 5 year reservoir requirement of 96ha without releasing 80ha of green belt at Peddimore, as confirmed by the Pre-submission Plan, the response to Initial Questions and the Statement in Relation to Comments on the Langley and Peddimore sites (June 2014). The actual supply of employment land is therefore likely to be very low indeed.
- 2.5.9 The significant shortfall in supply is more acute when the relative quality categories of employment land are examined. The identified supply includes an oversupply of poor quality land that does not meet assessed needs. The actual shortfall is therefore greater overall and particularly acute in the Best and Good categories.

2.5.10 Table 1: Birmingham Industrial Land Most Likely Need and Supply 2012-2031

<b>Industrial Site Type</b>	<b>Most Likely Requirement</b>	<b>Identified Supply</b>	<b>Shortfall</b>	<b>% Need Satisfied</b>
<b>RIS</b>	45ha	42ha	3ha	93%
<b>Best Urban</b>	224ha	77ha	147ha	34%
<b>Good Urban</b>	118ha	31ha	87ha	26%
<b>Other Urban (Inc redevelopment)</b>	20ha	58ha	-38ha	290%
<b>Total</b>	<b>407ha</b>	<b>208ha</b>	<b>199ha</b>	<b>51%</b>

Source: WED ELOTS Report for BCC October 2013

2.5.11 In effect the shortfall is not 199ha as the table shows, but 237ha as there are 38ha of poor quality land in the supply that will not contribute to meeting need.

2.5.12 With BCC unable to point to any evidence of supply for over half of its objectively assessed need, and no details of the sites forming the 173ha of supply it claims, the proposed 80ha release at Peddimore does not fill the gap. There is therefore considerable doubt and lack of confidence that the sites needed to meet the assessed need can be found. BCC appears to be hoping that by the next AMR more sites have appeared and that they will continue to do so throughout the Plan period. This is not a positively prepared, justified or effective plan and is not consistent with national policy.

## 2.6 If not, what alternative approach should be followed?

2.6.1 The BDP should specifically identify those sites together with the area of land available for development within the Plan period that are required in order to provide sufficient land to meet the objectively assessed needs for employment development.

2.6.2 The Washwood Heath site should be identified as part of the supply of Best Quality employment land. The BDP should acknowledge that in the event that HS2 takes all or any of the Washwood Heath site (the 55ha development site as opposed to the additional 9ha PXP and Cemex sites) which would otherwise form part of the



employment land supply, then equivalent quality and quantum of provision will need to be made elsewhere to meet Birmingham's needs.

Paul Rouse  
Director  
Savills

## Appendix 1

HS2 Assurances Letter 16 July 2014

**Sent by Email**

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20 Great Smith Street  
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**Sent by Email**

Mr Geoff Inskip  
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16<sup>th</sup> July, 2014

Dear Paul and Geoff,

**Assurances Relating to High Speed Rail (London – West Midlands) Bill**

I am writing to you both on behalf of the Secretary of State for Transport to set out the assurances that the Secretary of State is willing to give in order to address your concerns about HS2. The detail of each assurance is set out below in the following order:

- Curzon Street Station
- Saltley Viaduct
- City Council Waste Facility
- Washwood Heath
- Metro
- Business relocation
- Open spaces
- Skills and training

Please would you kindly confirm that the detailed wording is acceptable and that, on the basis of these assurances, you will not be appearing in Select Committee. These assurances will be included in the Register of Undertakings and Assurances maintained by the Secretary of State.

**DETAILED ASSURANCES:**

In these assurances, the Nominated Undertaker means the relevant nominated undertaker appointed under the Bill as enacted and, in the period prior to the Secretary of State appointing a nominated undertaker and imposing the requirements on it referred to in these assurances, HS2 Ltd.

## **1. CURZON STREET STATION**

### **1.1. Curzon Street Station – timing of construction**

- 1.1.1. The Secretary of State will require a Nominated Undertaker to use its best endeavours to complete the construction of Curzon Street Station as quickly as is reasonably practicable.

### **1.2. Curzon Street Station – design principles**

- 1.2.1. The Secretary of State will require a Nominated Undertaker to use its best endeavours to agree with Birmingham City Council (“BCC”) and Centro a design for Curzon Street Station.
- 1.2.2. The Secretary of State will, prior to seeking approval for the design of Curzon Street Station under Schedule 16 of the Bill, require a Nominated Undertaker:
  - a) to jointly with BCC and Centro (as related to their statutory functions), and until the completion of the building, establish a station design panel or equivalent which is to be comprised of no less than 6 members, the chairperson and other members to be appointed jointly by a Nominated Undertaker, BCC and Centro;
  - b) to (i) expedite production of the detailed station design so far as reasonably practicable, (ii) submit it for review by the station design panel or equivalent, and (iii) have regard to any recommendations made by the station design panel or equivalent insofar as they are within the allocated HS2 budget and any additional financial resources identified by BCC and Centro, together with the limits and powers set out in the Bill; and
  - c) to publish a report setting out the recommendations of the station design panel or equivalent, including a Nominated Undertaker’s decision in relation to each such recommendation and the reasons for such decisions.
- 1.2.3. The Secretary of State will require a Nominated Undertaker to, so far as is reasonably practicable and within the allocated HS2 budget and any additional financial resources identified by BCC and Centro,



together with the limits and powers set out in the Bill, design Curzon Street Station having due regard to the following design principles:

- a) Simple and Clear – the station must be easy to find and use with simple and clear spaces and self evident routes to and from trains supported by lucid orientation and wayfinding.
- b) Safe and Secure – the design will create open and welcoming spaces without hidden corners and difficult areas to monitor, safe for both passengers and staff.
- c) Inclusive and Accessible – the station will be equally accessible to all and provide step-free access from street to platform level.
- d) Welcoming & User-friendly – provide facilities commensurate for a 21st century station that ensures passenger comfort and convenience.
- e) Functional and Operable – Simplify the surveillance and safe operation of the station facilities by creating simple and uncomplicated spaces that have easy to operate systems.
- f) Maintainable and Flexible – The building and materials specified must be of high quality, robust, durable and easy and maintain. The designs shall make provision for maintenance access and future flexibility.
- g) Sustainable – The highest sustainable targets will be set and the design will actively seek to reduce the environmental impacts arising from the construction and operation of the station.
- h) Value for money – Ensure that there is balance between the long-term costs of operating the station and its fitness for purpose is optimised.
- i) Permeable and integrated – The design needs to maximise site permeability and provide the best solutions for transport interchange.
- j) Buildable – the design will have integrated buildability and construction requirements.

- k) A quality of both design and materials that reflects the importance of the station as a mechanism for the regeneration of Birmingham and that creates a step change for station design and experience.
- l) Integration of the station with the local transport network having regard to the principles of efficient, convenience and accessible transport interchange described in the Birmingham Curzon HS2 Masterplan for Growth and the West Midlands Connectivity Package.
- m) An internal layout of the public concourses that optimises connectivity through the station and does not preclude international passenger services.
- n) Appropriate location of railway infrastructure to avoid conflict with regeneration opportunities and to maximise the potential of development land having regard to the Birmingham Curzon HS2 Masterplan for Growth.
- o) The provision of public realm surrounding the station, having due regard to the principles and proposals of the Birmingham Curzon HS2 Masterplan for Growth which seeks to create new squares and spaces that maximise connectivity to Digbeth, Eastside and the City Core.
- p) Optimising the number of station entrances and exits from public concourses.
- q) Seeking to optimise active frontages along key elevations.
- r) Enhancing the setting of the Grade I listed former Curzon Street Station building, the adjoining Woodman Public House and the Eastside City Park.
- s) Minimising construction impacts on Eastside City Park and the wider Eastside area including Millennium Point, the Science Garden and Birmingham City University City Centre Campus.

1.2.4. The Secretary of State will require a Nominated Undertaker to work jointly with BCC prior to the commencement of the HS2 Works on a package of skills and training measures to connect local people to jobs

in the construction of the high speed railway in the Birmingham City Council area.

1.2.5. The Secretary of State will require a Nominated Undertaker, from the date of these Assurances to keep BCC and Centro regularly informed and to consult them in relation to:

- a) the progress of the design of Curzon Street Station;
- b) proposed submissions for approval under Schedule 16 of the Bill relating to Curzon Street Station;
- c) the construction programme for the HS2 Works;
- d) the likely commencement and completion of the HS2 Works;
- e) the likely opening date of Curzon Street Station;
- f) actions during any defects liability period; and
- g) any proposed changes to any of the matters set out in (a) – (f) above.

1.2.6. The Secretary of State will require a Nominated Undertaker to participate in any future appropriate governance arrangements, established by BCC, to manage shared regeneration objectives for the local area in Birmingham including integration of the station into the wider area; the development of wider infrastructure/public realm, and maximising the local employment and training opportunities arising from the construction of the HS2 station.

## **2. SALTLEY VIADUCT**

### **2.1. Saltley Viaduct Strategy**

2.1.1. The Secretary of State will require a Nominated Undertaker to work with BCC and Centro to develop a strategy ("the Saltley Viaduct Strategy") to minimise as far as reasonably practicable, the impact of the closure of Saltley Viaduct for HS2 Works ("the Closure") on the road traffic network and mitigate its impact on all user groups taking into account the effects of any diverted traffic in the wider area; such strategy to include consideration of a temporary bridge suitable for

pedestrian and cycle traffic for the purpose of informing a requirement by BCC under paragraph 13 of Schedule 31 to the Bill.

## **2.2. Saltley Viaduct Mitigation**

2.2.1. In order to mitigate impacts of the Closure on the road traffic network, the Secretary of State will require the Nominated Undertaker to:

- 2.2.1.1. ensure that Saltley Viaduct will only be closed for such minimum period of time as may reasonably be required to complete the relevant HS2 Works and that Saltley Viaduct will be reopened as soon as reasonably practicable after that period has elapsed;
- 2.2.1.2. use reasonable endeavours to procure the necessary agreements from Network Rail and other relevant parties to allow the time period of the Closure to be reduced to a minimum;
- 2.2.1.3. comply with BCC and Centro's reasonable requests to be provided with information, programmes and/or method statements for HS2 Works relating to the Closure as well as the anticipated date for permanently reopening Saltley Viaduct; and
- 2.2.1.4. take into account any reasonable proposals BCC or Centro make relating to information, programmes and/or method statements provided to them under paragraph 2.2.1.3.

## **2.3. Saltley Viaduct Costs**

2.3.1. In relation to the repayment of costs incurred, the Secretary of State will require the Nominated Undertaker to apply Paragraph 11 of Schedule 31 of the Bill to Centro as if Centro were a highway authority.

## **3. CITY COUNCIL WASTE FACILITY**

3.1. In this assurance, "the Operator" refers to Veolia and/or its successor under the Waste Management Contract.

3.2. The Secretary of State will require the Nominated Undertaker to:



- a) work jointly with BCC and the Operator to ensure that the Bottom Ash Plant forming part of the Waste Facility currently located at Tameside Drive is relocated to a suitable alternative site;
- b) if necessary or advantageous to do so in order to facilitate the relocation of the Bottom Ash Plant, promote the requisite amendments to the Bill to facilitate the acquisition, delivery and bringing in to operation of the alternative site for the relocated Bottom Ash Plant;
- c) take all reasonable steps to ensure that there is no interruption or disruption or reduction in the level or quality of waste services provided by the existing or relocated Bottom Ash Plant as a result of the HS2 Works;
- d) subject to BCC and/or the Operator procuring all necessary consents and licenses on behalf of the Nominated Undertaker (with all reasonable costs met by the Nominated Undertaker), take all reasonable steps to ensure that there is no interruption or disruption or reduction in the level or quality of waste services provided by the Household Recycling Centre currently co-located at the Waste Facility at Tameside Drive (including any temporary or permanent reconfiguration required) as a result of the HS2 Works;
- e) take all reasonable steps to ensure that the Household Recycling Centre currently co-located at the Waste Facility at Tameside Drive will remain in operation following the completion of the HS2 Works in a form no less effective or advantageous than the existing facility;
- f) provide compensation to BCC or the Operator in line with the Compensation Code for the equivalent reinstatement of the Bottom Ash Plant.

3.3. The above commitment is subject to:

BCC identifying a suitable alternative site for the Bottom Ash Plant; and

- a) BCC identifying to the Promoter that such alternative site can accommodate the Bottom Ash Plant; and

- b) BCC or its Operator obtaining all relevant licences and approvals for the operation of the Bottom Ash Plant at the alternative site with all reasonable costs met by the Nominated Undertaker.

#### **4. WASHWOOD HEATH**

4.1. The Secretary of State will require the Nominated Undertaker to work with BCC to:

- a) ensure that the residual land not required for the operation of the railway or Rolling Stock Maintenance Depot at Washwood Heath is made available to the market with highway access to the boundary, as soon as reasonably practicable after completion of the construction work;
- b) minimise the land required for the operation of the railway and Rolling Stock Maintenance Depot in so far as reasonably practicable;
- c) ensure that the construction of the Rolling Stock Maintenance Depot at Washwood Heath commences as soon as reasonably practicable following Royal Assent of the Bill and that the Nominated Undertaker completes construction of the Rolling Stock Maintenance Depot as quickly as is reasonably practicable; and
- d) implement a training and skills package to:
  - i. bring forward opportunities for employment arising from the construction of the Rolling Stock Maintenance Depot, its subsequent operation and the development of the residual land not required for the operation of the railway or Rolling Stock Maintenance Depot; and
  - ii. give opportunities for local people to engage in training and development opportunities during the construction phase of the Proposed Scheme.

4.2. The Secretary of State will require the Nominated Undertaker, in consultation with BCC, to undertake in good time prior to the commencement of works on the Rolling Stock Maintenance Depot, a review with supporting evidence of the water attenuation options at the Washwood Heath Site with a view to, where reasonably practicable, minimising the area of land occupied or sterilised by balancing ponds or other flood attenuation

measures and maximising the land available for development and to have due regard to the conclusions of that review, in consultation with BCC, before carrying out the works.

## **5. METRO**

### **5.1. Metro development**

5.1.1. The Secretary of State will require the Nominated Undertaker to:

5.1.1.1. include provision within the Curzon Street station design for subsurface works in New Canal Street to accommodate the proposed Midland Metro Birmingham Eastside Extension ('BEE'); and

5.1.1.2. participate in a joint working group to be established by Centro to:

- a) develop the design of a high-quality and high-capacity interchange between the HS2 Curzon Street station and the BEE (collectively referred to as 'the Projects');
- b) co-ordinate the designs of the Projects; and
- c) develop a co-ordinated construction strategy for the Projects.

5.1.2. In developing the design of the Projects, the working group will have regard to the Birmingham HS2 Curzon Masterplan for Growth published for consultation in February 2014.

5.1.3. The working group will use reasonable endeavours to agree all requirements for design changes to HS2 needed to accommodate the BEE with the aim of minimising overall costs to both parties.

5.1.4. If the working group cannot agree, the matter in dispute shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed by the President of the Institution of Civil Engineers.

### **5.2. Funding**



- 5.2.1. The Nominated Undertaker will meet the costs of the Curzon Street station foundations necessary to accommodate the lowering of New Canal Street to allow for the BEE alignment.
- 5.2.2. Save for the costs mentioned in 5.2.1, Centro will bear the reasonable additional costs incurred by the Nominated Undertaker as a result of altering the Curzon Street station to accommodate the BEE.
- 5.2.3. The costs mentioned in 5.2.2 must be agreed between the Nominated Undertaker and Centro before being incurred.

### 5.3. Electromagnetic Interference

- 5.3.1. The Secretary of State will ensure that the Nominated Undertaker will implement specific design solutions, in compliance with British and European Standards, and use construction best practice to mitigate, so far as reasonably practicable, effects (including but not limited to induced voltages, earthing, electromagnetic interference and bonding issues) associated with the interface between all HS2 Works and the Midland Metro (including the BEE) and will consult Centro on such proposed solutions and best practice as part of the joint design development process at 5.1.1.2.
- 5.3.2. In mitigating the effects associated with the interface between HS2 and the Midland Metro, the Nominated Undertaker will in particular ensure as a minimum:
  - 5.3.2.1. that the design, construction and operation of all HS2 Works complies with the BSEN50121 series of electromagnetic compatibility standards entitled "*Railway applications — Electromagnetic compatibility*";
  - 5.3.2.2. that, where the traction systems of the HS2 Works and the Midland Metro are in close proximity, the design, construction and operation of all HS2 Works shall comply with the BSEN50122 series of standards entitled "*Railway applications - Fixed installations — Electrical safety, earthing and the return circuit*", such compliance to include but not be limited to:
    - a) the provision of an adequate overhead contact line zone and current collector zone for the Midland Metro tram



when it runs beneath the Curzon Street Station at New Canal Street; and

- b) provision of a suitable method of maintaining electrical separation between HS2 and the Midland Metro system.

## **6. BUSINESS RELOCATION**

- 6.1. The Secretary of State will require a Nominated Undertaker to work with BCC to ensure that businesses in the Birmingham area subject to relocation as a result of the proposed scheme are provided the opportunity (subject to and within the terms of the Compensation Code) to relocate within the Birmingham area.

## **7. OPEN SPACES**

- 7.1. Where there is a permanent and significant community effect resulting from the permanent loss of public open space or a community facility, as a result of the HS2 works, the Secretary of State will require the Nominated Undertaker to work with BCC to identify a suitable alternative which may include:
  - i. replacement public open space;
  - ii. improvements or alteration to the remaining portion of the public open space; or
  - iii. community facilities or improvements to other public open spaces or community facilities in the area.
- 7.2. The Secretary of State will require the Nominated Undertaker to share with BCC detailed plans for the proposed replacement of open space as part of the detailed design phase.
- 7.3. Where replacement open space is outside of Bill limits the Nominated Undertaker will work with BCC to respond to reasonable requests in their consideration of the design and to secure the timely determination of any required planning application.

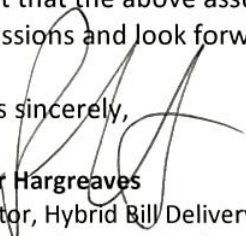
## **8. TRAINING AND SKILLS**

- 8.1. The Secretary of State will require a Nominated Undertaker to work with BCC prior to the commencement of the HS2 works on a package of skills and

training measures (including apprenticeships for young people) to connect local people from the Birmingham area to jobs in the construction of the high speed railway in the Birmingham City Council area.

I trust that the above assurances accurately reflect the outcome of our recent discussions and look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'RH', is written over the typed name and title.

**Roger Hargreaves**  
Director, Hybrid Bill Delivery  
High Speed Two Limited