

Birmingham Development Plan 2031
Matter J: Employment and Waste Provision
(Policies TP15, TP17-19 & TP25)

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

13 October 2014



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Contents

1. Introduction.....	1
1.1 Scope and Purpose.....	1
2. Response To Questions	2
2.1 Is it appropriate, and consistent with national policy for policy TP17 to limit development on Regional Investment Sites to the uses listed in the last paragraph of the policy?2	
2.2 Should the policy exclude B1(a) office use?	3
2.3 Should the policy limit the sub-division of regional investment sites?	3
2.4 Is it appropriate, and consistent with national policy, for policy TP18 to limit development in Core Employment Areas to the uses listed in the second paragraph of the policy?3	
2.5 Should other ancillary or sui-generis uses be permitted in them?	3
2.6 Are policies TP18 and TP19 justified in their protection of employment land?.....	4
2.7 Should they be made more flexible?.....	4
2.8 Does the reference to a Supplementary Planning Document in the second bullet point of policy TP19 comply with the Town and Country Planning (Local Planning) (England) Regulations 2012?	4
2.9 Is the requirement in the last paragraph of policy TP19 for a financial contribution justified and consistent with national policy, including in respect of its impact on viability?..	5
2.10 What is the significance of the “HS2 Safeguarding Zone” designation on the Policies Map for the Core Employment Area(s) which it covers?.....	5
2.11 Are these policies effectively drafted to achieve their intended purpose and so they provide a clear indication of how a decision maker should react to a development proposal?	7

Appendices

1	HS2 Assurances Letter 16 July 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 it appropriate, and consistent with national policy for policy TP17 to limit development on Regional Investment Sites to the uses listed in the last paragraph of the policy?

- 2.1.1 TP17 states that RIS are intended to support the diversification and modernisation of the City's economy. At the time of writing this statement, the report of the West Midlands LEPs on the need for large employment sites across the West Midlands has not been published, its relevance and status once published, remains to be determined. The RIS are therefore proposed to meet a Birmingham need as identified by the Employment Land of Office Targets Study: WECD October 2013 (ELOTS), which identifies a need for 45ha of RIS land to meet Birmingham's need. The role, function and quantum of RIS in the Birmingham Plan should therefore be appropriate to meet the identified need. The ELOTS does not define a specific role or purpose for the RIS and does not exclude particular uses. It is notable that in considering the most likely demand for different use classes, the ELOTS states at para 5.29 that there is a large gap of circa 50% between the most likely and maximum expected demand for B8 floorspace. As this range is wide it is more important for there to be flexibility in the uses that are permitted on all categories of site. If uses are constrained, the BDP may be unable to accommodate the total B8 demand if it exceeds the most likely scenario.
- 2.1.2 It is not clear which sites the RIS policy TP17 is proposed to be applicable to. Whilst it identifies two RIS which are currently being developed, it is not stated whether it applies to just those two sites, or any others. Without clarity through the BDP on how much land is available at each RIS it is not possible to comment on whether those sites perform the intended function of RIS.
- 2.1.3 If it were proposed to apply the policy to other sites which meet the size criteria, e.g. the AXA land at Washwood Heath, then AXA would object. The restriction on use would be inappropriate and inconsistent with the NPPF para 21 bullet 3: policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances; and NPPF para 22: policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

2.2 Should the policy exclude B1(a) office use?

2.2.1 B1(a) office use as a stand alone function should first be directed towards the City Centre, however, office uses as part of a mixed B class / sui-generis building, and sole use office buildings that are associated with a B1b, B1c, B2, B8 or sui-generis use also located on the site should be permitted on RIS. As part of an up to date plan, and in accordance with NPPF paras 24 and 26, this would avoid the need for a sequential assessment.

2.3 Should the policy limit the sub-division of regional investment sites?

2.3.1 This depends on the intended role and function of RIS. It is unlikely that a single occupier will take 25ha – 50ha in a single transaction. A developer or landowner therefore needs to be able to accommodate requirements for less than the complete site, otherwise sites could remain vacant and not contribute to meeting supply.. An occupier may be attracted because of the potential for expansion, but may be unwilling to commit to a larger interest at the outset. If the partial take-up of a site means that the balance of the site no longer performs the function of RIS then that may need to be considered through monitoring and possible replacement provision.

2.4 Is it appropriate, and consistent with national policy, for policy TP18 to limit development in Core Employment Areas to the uses listed in the second paragraph of the policy?

2.4.1 The above comments in relation to 2.1 and 2.2 apply. NPPF para 21 bullet 3: policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.. In particular B1a should be regarded as an appropriate use as part of a mixed B class / sui-generis building, and sole use office buildings that are associated with a B1b, B1c, B2, B8 or sui-generis use also located on the site or in close proximity should be also permitted in Core employment areas.

2.5 Should other ancillary or sui-generis uses be permitted in them?

2.5.1 As the principal role of the Core Employment areas is to provide employment and to provide the focus of economic regeneration activities, it is appropriate that employment generating uses which contribute to economic regeneration should be considered on their merits. Words to this effect should be incorporated in the policy.

B1a use should be explicitly included in accordance with the response to the previous question.

2.6 Are policies TP18 and TP19 justified in their protection of employment land?

2.6.1 Policy TP19 defines the protection of Core Employment Areas with reference to “employment development”. Policy TP18 dealing with Core Employment Areas however defines appropriate uses under the term “economic development”. It is not clear whether the two terms are intended to be interchangeable. If not TP19 should define “employment development”. The restriction on use should not be more restrictive than the expanded uses noted above at 2.4 and 2.5.

2.6.2 Even within Core Employment Areas it is possible for land to become obsolete for employment purposes. The policy should therefore be worded to comply with NPPF para 22: policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The BDP should embody greater flexibility in order to comply with the NPPF.

2.7 Should they be made more flexible?

2.7.1 Yes see above.

2.8 Does the reference to a Supplementary Planning Document in the second bullet point of policy TP19 comply with the Town and Country Planning (Local Planning) (England) Regulations 2012?

2.8.1 No. On adoption of the BDP there will no longer be an adopted policy to which the SPD on the loss of employment land to other uses is supplementary. It is therefore necessary for the SPD to be considered and brought forward in accordance with the 2012 Regulations.

2.8.2 The Loss of Employment Land SPD predates the NPPF and does not accord with the requirements for SPD set out at NPPF para 153, as the use of SPD is not clearly justified or necessary. The policy of the SPD also conflicts with the more permissive tone of the NPPF and its encouragement for alternative uses at para 22.

2.9 Is the requirement in the last paragraph of policy TP19 for a financial contribution justified and consistent with national policy, including in respect of its impact on viability?

2.9.1 No. A financial contribution can only be required where it is necessary to make development acceptable in planning terms, and directly related to the development, and fairly and reasonably related in scale and kind as set out in the CIL Regulations 2010 and the NPPF. It is far from certain that the upgrading of other employment land would meet these requirements in every instance of a proposal for the loss of existing employment land.

2.9.2 An undefined level of financial contribution that would be sought in every situation of loss of employment land could have a very significant impact on the viability of development. If such development would be acceptable in planning terms, then a policy burden of this nature that would threaten viability is contrary to the NPPF para 173.

2.10 What is the significance of the “HS2 Safeguarding Zone” designation on the Policies Map for the Core Employment Area(s) which it covers?

2.10.1 As noted in AXA’s representations dated 3 March 2014, there is no policy relating to the proposals map designation of HS2 Safeguarding Zone. It is therefore a pointless designation at present. As part of a more detailed policy identifying the land proposed by the BDP to meet the identified employment needs over the whole plan period, which is currently lacking from the BDP, the designation of HS2 Safeguarding Zone could be used positively to inform the BDP and its monitoring and review. The land identified within the Core Employment Area and subject to the HS2 Safeguarding Zone, could form part of the employment land supply if HS2 determine that it is not required for HS2. Conversely if HS2 determines that it does require the safeguarded land, the designation together with relevant policy and schedule of sites, would show the additional land that needs to be identified through a review of the plan and / or monitoring to replace that land in order to meet the objectively assessed need. This would be helpful for all, in understanding precisely what land BCC is proposing to rely on to meet the objectively assessed need for the whole plan period (as required by the NPPF) and provide a mechanism to respond to the demands of HS2 which is outside of the planning system.

- 2.10.2 The safeguarding should correlate to the plans of “land to be acquired” in the HS2 Hybrid Bill. Once the HS2 Bill gains Royal Assent, HS2 Ltd or the nominated undertaker, will have powers to compulsorily acquire all of the “land to be acquired” (safeguarded land). There remains uncertainty at this stage precisely what land within the Bill limits of land to be acquired, will actually be acquired by HS2. Some of the land identified as safeguarded is required to construct the HS2 line between the delta junction and Curzon Street Station, however the majority of the safeguarded land shown on the proposals map is only required for the Rolling Stock Maintenance Depot (RSMD). HS2 proposes to construct the RSMD at Washwood Heath on land owned by AXA and others. The RSMD proposal also accounts for most of the land shown within the “HS2 Safeguarding Zone” at Saltley Business Park, as that site is required for access track solely for use in connection with the RSMD. AXA has petitioned the hybrid Bill seeking the relocation of the RSMD. Select Committee has still to reach a determination in this regard.
- 2.10.3 If the RSMD is located at Washwood Heath it will take up 55ha of best quality employment land at Washwood Heath which is otherwise readily available development land. Location of the RSMD at Washwood Heath will also take up the majority of Saltley Business Park together with the adjoining unit occupied by TNT. All of these occupiers will have to be relocated.
- 2.10.4 The impacts of the HS2 safeguarding behind the designation shown on the proposals map are therefore two fold:
- The loss of 55ha of best quality employment land in a single site that would otherwise form a highly important part of the supply contributing to meeting the objectively assessed employment need; and
 - The displacement of in excess of 450,000sqft of existing employment accommodation on approximately 19ha (+ TNT site) at Saltley Business Park required for the RSMD and displacement of an uncalculated quantum of floorspace and land area (estimated to be in excess of 50 occupiers) which will be displaced by the HS2 line. All of these businesses need to be relocated within Birmingham in accordance with HS2 Assurances (see Appendix 1).
- 2.10.5 The evidence base objectively assessed need for employment land does not take account of the need for relocation of existing employment accommodation displaced by HS2 and therefore the need for land is substantially greater than that identified.

- 2.10.6 The existing shortage of employment land is evidenced by the relocation of UK Mail from the Washwood Heath site. This operation occupying a site of 5ha has had to relocate to Ryton near Coventry (within Rugby Borough) because there was no site available within Birmingham that could accommodate its needs. This is despite UK Mail wishing to remain in Birmingham and the Secretary of State instructing HS2 to work to accommodate UK Mail within Birmingham.
- 2.10.7 The assurance that HS2 has entered into with BCC to relocate displaced businesses within Birmingham will therefore further exacerbate the shortage of employment land supply.

2.11 Are these policies effectively drafted to achieve their intended purpose and so they provide a clear indication of how a decision maker should react to a development proposal?

- 2.11.1 No. There is ambiguity and confusion of purpose in the definition of employment uses that will be permitted on RIS and Core Employment and other employment sites.
- 2.11.2 The lack of any identification of which sites and what areas of land are proposed to meet the objectively assessed employment need makes it impossible to determine the relative importance of sites to the employment land supply.
- 2.11.3 The lack of policy connected with the HS2 Safeguarding Zone designation, makes it impossible to determine the significance of the potential loss of the affected sites to HS2 and what needs to be done to replace those sites in the employment land supply, and to adjust the identified need to ensure there is land available to relocate displaced business to.

Paul Rouse
Director
Savills





Appendix 1

HS2 Assurances Letter 16 July 2014

Sent by Email

Mr Paul Dransfield
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London
SW1P 0BL

High Speed Two (HS2) Ltd
5th Floor
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SW1P 3BT

Sent by Email

Mr Geoff Inskip
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16th 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.

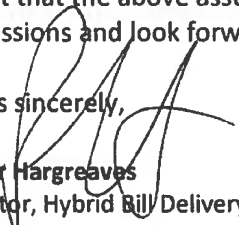
8. TRAINING AND SKILLS

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,


Roger Hargreaves
Director, Hybrid Bill Delivery
High Speed Two Limited