



**A Charter for doing
High Speed Rail well**

High Speed Rail

Next steps for the new Secretary of State

Introduction

High Speed 2 (HS2) would be the largest rail project since the Victorian era. It would also be the biggest shift in transport policy since the end of the 'biggest road building programme since the Romans' in the 1990s.

Serious mistakes have been made in the past with the planning and design of major transport infrastructure. Some, such as the scars left by the M3 and M40 through Twyford Down and the Chilterns respectively, are plain to see and easy to remember. Others are less so, whether the bitterness felt by communities that were imposed upon rather than involved in decisions, alleged economic benefits that never materialised, or opportunities to leave lasting benefits for our country's wildlife, landscape or heritage that were missed.

The same applies for the overall direction of our transport system: the Beeching axe is widely acknowledged to have fallen too hard over our railway network, leaving us increasingly reliant on imported oil for our transport needs.

The Right Lines Charter was published in April 2011 and its signatories include over a dozen environmental, community, heritage and transport groups. It outlined four principles that need to be met for 'doing High Speed Rail well' and found that the process of and proposals for HS2 were falling far short of them and in the case of phase 1 were unsound. The groups behind the Charter have over 600 years of combined

expertise in the issues being posed by the planning of HS2 and over two million members on the ground.

On the launch of the Charter the then Secretary of State for Transport, Rt Hon Philip Hammond MP, stated that he was 'pleased that so many respected organisations are voicing their support for high speed rail and they should be assured that the Government is already acting on their points of concern.' Charter groups have since met with him and senior Department for Transport (DfT) and HS2 Ltd officials in order to positively engage with them to ensure HS2 meets the Charter's principles.

Why we need this report

- To review progress by HS2 Ltd and DfT in meeting the Charter principles since its launch.
- To set out key actions that need to be taken now, if a decision is taken to approve phase 1 of HS2, in order to increase the likelihood of the Charter principles being met.
- To take a long-term perspective – both because HS2 is a project that would take over 20 years to implement and to draw on lessons learned from previous infrastructure projects to improve future schemes.



Sibley's Cope, which could suffer loss or damage if HS2 in its current form were to go ahead

Principle 1

National strategy

High Speed Rail proposals need to be set in the context of a long-term transport strategy stating clear objectives.



Where we are

The previous Government proposed a strategic transport White Paper for 2012 as the final part of its work on *Delivering a Sustainable Transport System* work. This commitment has now been abandoned by the Coalition Government. A spotlight was thrown on this policy vacuum when Network Rail published its Initial Industry Plan (IIP) this Autumn, setting out its vision for the railways: it had to resort to a quote from a speech of the now former Secretary of State as a proxy for national policy.

In its recent report on the strategic case for High Speed Rail (HSR), the House of Commons Transport Committee agreed with the arguments put forward by Charter signatories and others that '[t]he absence of a transport strategy makes it hard to assess how HS2 relates to other...schemes...and wider objectives'. It expressed its disappointment that the Government has failed to develop a strategy for transport, despite the Committee's earlier recommendation to publish one. Indeed, the Department for Transport's business plan, which covers the period up to 2015, does not include any proposals to develop such a strategy.

A Rail Command Paper, setting out the Government's view of the future structure of the rail industry and a response to the IIP, has been delayed to the beginning of next year. In December the much delayed draft National Networks National Policy Statement (NPS), setting out policy on strategic

surface transport (trunk roads and rail), is due to be published for consultation. The recent Ports NPS was light-touch because of a belief that the state should not engage in detailed long term planning, something thought to be best left to the market. There may be a similar temptation for the surface transport NPS in order to speed its adoption, but a failure to map out plans for transport networks would make it futile.

If HS2 is to fulfil its environmental potential, it will be crucial that its delivery is set within a credible set of policies and investment plans that rapidly deliver modal shift and reduced carbon emissions. Of particular importance – and strikingly absent – is a long-term strategy for transport after 2027, beyond the fourth carbon budget set under the Climate Change Act 2008. The initial carbon budgets rely on quick fixes such as increased usage of biofuels to reduce emissions from transport. However the latest science shows that emissions reduction assumptions for current biofuels are not credible, and their wider sustainability cannot be assured.

The Transport Committee has said that 'HS2 should not be promoted as a carbon-reduction scheme' as 'at best [it] has the potential to make a small contribution to the Government's carbon-reduction targets'. This view is symptomatic of a wider failure to consider the significant policy changes we need to reduce greenhouse gas emissions from transport. HS2 by

itself is unlikely to reduce emissions significantly. The demand management measures for road and air traffic needed to meet targets are, however, likely to greatly increase demand for rail and therefore for the capacity provided by HS2. To understand some of these issues better, some Charter groups are working with Greengauge 21 to produce new research on carbon emissions, the wider links between HS2 and other transport policies. A final report is due in early 2012.

What is needed

- A surface transport NPS that sets out how HS2 could fit into wider strategic transport planning, in particular local public transport networks and delivering modal shift. This may require significant changes between the consultation draft and adopted NPS, including a second round of consultation.
- A commitment in DfT's Business Plan for consultation on a national transport strategy by early 2014, setting out strategic aims and the context for HS2, ensuring transport makes a substantial contribution to the Government's vision for the natural environment and targets for cutting carbon. This should be published before formal consultation on phase 2.
- Greater clarity from DfT on policy options for reducing emissions from transport after 2027, in particular a response to forthcoming research on HS2 and carbon.

Principle 2

Testing the options

Major infrastructure proposals, such as High Speed Rail, need to be 'future-proofed' by comprehensive testing against different scenarios. This will help identify the best solutions for genuinely furthering sustainable development.

Where we are

New guidance on transport appraisal, *The Transport Business Case*, was published by DfT at the end of April 2011. It acknowledges that use of a Benefit Cost Ratio 'obscures the detailed trade-offs', ignores impacts that are not amenable to monetisation and is 'not a substitute for a more detailed consideration of the impacts'. Unfortunately, this approach is still being used as the primary way to assess the HS2 proposals, both by DfT and in the wider public debate.

During questioning by the Transport Committee, the former Secretary of State suggested that his Department's approach was to consider the 'environmental case' as one of five separate cases made for HS2. There is in fact no such case in the appraisal process and this confusion shows how environmental issues have effectively fallen between the strategic and the economic cases.

While DfT officials seem open to the idea of a scenario-based analysis of the HS2 proposals, no work has yet started on this. Sensitivity testing is used, which still pretends it is credible to make a central prediction up to 70 years in the future and then try to see if outcomes would vary if this prediction was changed a little one way or the other. Recognising that these predictions are no more than a 'best guess' would help move away from an approach that simply 'listens to the numbers'. By reducing the weight given in decision-making to monetisable factors, qualitative factors, such as impacts on landscape, wildlife or social benefits, could exert a greater influence.



What is needed

- Any decision to proceed with HS2 should demonstrate how it would perform against different future scenarios. A good starting point is the work done by Network Rail in the development of its Route Utilisation Strategies, which include four different scenarios of the future.
- Similarly any decision to proceed should set out clearly how incommensurable factors have been taken into account and how non-monetisable factors have been given due weight.
- The surface transport NPS should not be driven by forecasts from the National Transport Model. Instead it should set out objectives and future scenarios against which transport schemes would need to perform well if they are to secure planning permission.
- Fundamental changes to DfT's Transport Appraisal Guidelines (WebTAG) are needed to incorporate a scenario approach. The first step would be for DfT to commission new research and then consult on its recommendations. This should be incorporated into its business plan.

Principle 3

Public participation

Early public involvement in the development of major infrastructure proposals, including High Speed Rail, is essential. People need to be involved when all options are open for discussion and effective participation can take place.

Where we are

The Government's flagship Localism Act 2011 is now law, heralding the end of the era when 'local people were held back and ignored because Whitehall thought it knew best'. Early engagement of local communities in the planning of nationally significant infrastructure projects is a procedural requirement of the Planning Act 2008 as well as of international law. The UK is a signatory to the Aarhus Convention on environmental justice (1998), which gives the public a right of participation in decisions that have a major impact on the environment, at a time 'when all options are open'.

The length of the HS2 consultation should not disguise its lack of depth: by the time the public were allowed to have their say, only one route option out of hundreds considered for phase 1 was being consulted on. The lack of information about phase 2 in the consultation was highlighted by the Transport Committee, which called for 'an urgent strategic appraisal of phase 2 before a final decision on phase 1 is taken'. There may be scope for some 'rethreading' (i.e. minor realignment) of the final route within the corridor identified by HS2 Ltd. The tight timetable adopted for bringing forward a hybrid bill by 2013 severely limits the potential for more significant changes, however, as these could require a fresh round of consultation.

If there is a decision to proceed with phase 1, the complexities of the Environmental Impact Assessment (EIA) and, in particular, the hybrid bill process would make it difficult for many communities to engage effectively. In order to ensure the public can be involved 'in an adequate, timely and effective manner', as required by the Aarhus Convention, DfT and HS2 Ltd



need to consider providing funding to help with community engagement. There is a precedent for this: London & Continental Railways funded a project officer for CPRE and the Kent Wildlife Trust during the planning of what is now HS1 (then known as the Channel Tunnel Rail Link), in order to help affected communities understand the processes and use their local knowledge to improve detailed design.

Despite the timetable for phase 2 being much more flexible than phase 1, the same process is now being used by HS2 Ltd. It is preparing a report with a single route option for the Secretary of State to consider consulting the public on. A national transport strategy should be the starting point, followed by a much broader process of engaging with interest groups and communities on the wider rail strategy for the north of England and associated land use issues. After that the locations for stations and broad corridors for routes could be considered. The French 'National Plan for Infrastructure' and 'National Commission for Public Debate' process are good examples to learn from.

What is needed

- If a decision to proceed with phase 1 of HS2 is taken, DfT needs to provide funding to support the communities directly affected and those with wider environmental interests to participate in the EIA and hybrid bill processes.
- DfT and HS2 Ltd need to be open to suggestions made by the public during the EIA and hybrid bill processes, even where these may mean significant changes to the scheme.
- A fundamentally different approach for phase 2 is needed, if HS2 goes ahead. This should include much earlier public involvement in the specifications, options, corridors and stations being considered. Communities and those with wider environmental interests should again be funded to contribute effectively.
- Reform of major infrastructure planning is required to ensure that UK procedures are Aarhus-compliant. Besides being opaque, the hybrid bill process is costly and inflexible: put simply, it is not fit for the 21st century. Alternatives are needed for any projects of this scale in future.

Principle 4

Minimising adverse impacts

High Speed Rail proposals need to be designed from the start to avoid significant adverse impacts on the natural environment, cultural heritage and local communities (including biodiversity, landscape, tranquility and access) during construction and operation.

Where we are

The Transport Committee said it was 'concerned that the decision to build a 250 mph line has prematurely ruled out other route options' and that 'a high speed line operating at less than 250 mph may offer greater opportunities for noise and environmental impact mitigation, such as building HS2 alongside an existing motorway corridor'. This mirrors the fourth principle in the Charter, which stresses the need for specifications not to be fixed rigidly in advance.

The consultation materials included an Appraisal of Sustainability (AoS) that set out the main impacts of HS2. While the AoS highlighted impacts on nationally designated heritage, wildlife, landscape and rights of way, potential impacts on locally important assets were not identified. As the Transport Committee noted '[because] detailed assessments have not been undertaken, it is difficult to be clear about the precise scale of the impacts or the effectiveness of mitigation measures'. The EIA is supposed to go into more detail but concerns are that it will be too late by that stage to make major changes to tackle newly identified impacts.

Although extensive mitigation was carried out for HS1, during the planning of the route, CPRE and the Kent Wildlife Trust expressed concerns that despite the railway being designed for 100 years, the Endowment Fund for mitigation measures only lasted for 12 years. Indeed it has now run out and there is no detailed information setting out how well these measures are working.

A major challenge is presented by the Government's vision in the *Natural Environment White Paper*, published in June 2011 and the associated National



Ecosystem Assessment. These create a radical shift by incorporating the natural environment into economic planning. This should mean that irreplaceable habitats, such as ancient woodland, are no longer undervalued in decision-making.

It is of course as yet unknown to what extent significant impacts highlighted in the consultation comments will be addressed through changes to the routing of phase 1, if there is a decision to proceed with HS2.

What is needed

- Any decision on HS2 should set out clearly how both the designated and undesignated but locally-valued natural and historic environment has influenced the route. It should also show how these have informed appropriate mitigation and compensation, where impacts have not been able to be avoided. As the first major project since the White Paper, HS2 should aim high in this respect.
- DfT should commission a report analysing the success of mitigation

and compensation measures for HS1 and other comparable recent infrastructure. This needs to be available well before consultation on the EIA to allow its conclusions and recommendations to be fed in early enough so that they can be taken account of.

- A greater willingness to change specifications during the detailed design of phase 1 is needed, in addition to action to significantly reduce impacts and improve environmental and social benefits. An Environment Forum needs to be set up in early 2012 to bring together NGOs and statutory bodies to establish key principles and provide oversight.
- For phase 2, a fundamentally different, design-led approach is needed, involving flexible specifications to enable impacts to be avoided at an early stage.
- Funding for an Endowment Fund to last the lifetime of HS2 along its entire route, effectively in perpetuity, should be identified, so as to ensure mitigation and compensation measures can be maintained.

The Charter is supported by:



These organisations are individually bound by their specific charitable and constitutional objectives and will want separately to emphasise their own particular priorities through the High Speed 2 consultation processes. There is, however, sufficient common ground between them to create a powerful joint approach through the Right Lines Charter on a range of fundamental issues.

www.rightlines.org.uk

Photo credits:
Cover © Howard Vaughan RSPB, HS1 traveling through the RSPB's Rainham Marshes nature reserve
page 2 © CByrne WTPPL
All other photos © www.shutterstock.com: page 3 © tr3gin © CAN BALCIOGLU © RAGMA IMAGES,
page 4 © Zheltov Anton, page 5 © Tipliyashin Anatoly, page 6 © CoolR
Design: www.michael-stafford.co.uk