

ENVIRONMENTAL HEALTH SUBGROUP of the HS2 PLANNING FORUM

Title:	HS2 Phase One Planning Forum Environmental Health Subgroup (North and South) Meeting #5	
Date & Time	North and South Meeting Thursday 26th March 2015 2 - 4 pm Arup, 8 Fitzroy Street, London	
Chair	Ted Allett	Independent Chair
Promoter Attendees:	Adam Ruane Paul Gilfedder Pam Lowery Leila du Toit Gordon Allison Richard Greer	HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd Arup
EHP Attendees:	Peter Simons Helen Masterson Barbara Terres Adam Webber Richard Hiscock Rizwan Yunus Steve Braund Julian Smith David Gilmour Richard Peers Neil Wait Dean Walters Stephen Whiles Dominic Towey	Three Rivers District Council London Borough Camden Westminster City Council London Borough Camden Aylesbury Vale District Council London Borough Ealing Chiltern District Council Wycombe District Council South Bucks District Council Staffordshire County Council Lichfield District Council North Warwickshire Borough Council North Warwickshire Borough Council Solihull MBC
Planning Forum Environmental Health Subgroup distribution list appended to minutes.		

Item		Action Owner
1.	Welcome and introductions made.	
2.	Review of notes and actions from last meeting Authorities confirmed they were happy with the draft minutes from previous meeting. Minutes were agreed with no changes.	

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	<p>The Chair went through the outstanding actions table and the following additional points were raised:</p> <p>Jan, 15 Item 2a: Action: It was agreed by EHPs that the Chair should contact John Wade to formally invite him to attend a future Subgroup meeting.</p> <p>Jan 15, Item 15 2a (noise insulation): It was agreed by EHPs that this action is complete and will not be taken forward by the Subgroup.</p> <p>Jan 15, Item 3 (shadow S61's): It was agreed that this would be discussed under Agenda item 4.</p> <p>Jan 15, Item 2b (CoCP): Action: It was agreed by EHPs that the detailed design process should be a future agenda item.</p> <p>Jan 15, Item 2b: Chair advised that the Crossrail lessons learnt document had not been discussed at the pre-meet and that EHPs wished to discuss at the next pre-meet. Action: HS2 Ltd to include matter on the next meeting agenda.</p>	<p>Chair</p> <p>Chair/HS2 Ltd</p> <p>EHPs Chair/HS2 Ltd</p>
3.	<p>LEMP and CoCP Update</p> <p>HS2 Ltd provided an update on LEMP development. It was explained that HS2 Ltd is continuing to issue draft LEMPs to local authorities in advance of their petition hearings at Select Committee.</p> <p>Chiltern DC expressed that the process of LEMP production should be formalised and that draft versions of the LEMPs need input from stakeholders. It was asked that the mechanism for achieving this should be clarified.</p> <p>HS2 Ltd explained that the current revision stage is for local authorities to make comments, and that some statutory bodies are also involved, such as The Environment Agency. After the Stakeholder Engagement Framework has been defined then engagement with communities can take place. It was noted that in the absence of detailed design it would be premature to consult with communities.</p> <p>London Borough of Camden considered their draft LEMP document not to be public and as such it is not possible for them to consult with communities. HS2 Ltd clarified that the draft LEMPs are classed as public documents and local authorities can consult on them if they wish, but HS2 Ltd has not issued the drafts for this purpose and is not consulting with communities at this stage.</p> <p>Action: HS2 Ltd to circulate a post meeting note to clarify the above.</p>	<p>HS2 Ltd</p>

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	<p>Lichfield DC and North Warwickshire BC expressed that they have not received a formal record of their LEMP meetings with HS2 Ltd.</p> <p>Action: HS2 Ltd to look into how meetings have been recorded and feedback at the next meeting.</p> <p>HS2 Ltd provided an update on the revised CoCP and noted that comments are currently being worked through and a revised version should be produced by July. A tracked changed version will be shared with the Subgroup at the next meeting.</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>
4.	<p>Ground Investigation Update</p> <p>HS2 Ltd provided an update on pre-royal assent GI and updated the Subgroup on complaints handling, residents' notification process, programme, environmental controls and consenting. It was explained that the tender process is now complete and that nine contractors have been taken on to undertake works.</p> <p>HS2 Ltd informed the Subgroup that the GI team are procuring a 24 hour helpline, which will act as the first point of contact for complaints. In normal office hours the line will be operated by the HS2 Ltd enquires team, and out of hours a contractor is being procured to take calls. It was noted that the HS2 Ltd Handling of Complaints procedure (on website) will be used for complaints pre-royal assent. Information on the process for handling complaints arising from GI works will be sent to residents notified about them.</p> <p>HS2 Ltd informed the group that it is their intention to share information on the works programme(s) with EHPs as the works progress relevant to their Control of Pollution Act powers under section 60 (i.e. those in or adjacent to roads). Therefore local authorities will be forewarned of works being carried out in their area and hence HS2 Ltd does not consider the additional step of a shadow s61 will be necessary. HS2 Ltd restated the legal advice it had received on the scope of works covered under Section 60 of the Control of Pollution Act (CoPA). As a result, Section 61 prior consents will be sought for those GI activities which are within the scope of Section 60(1)(b) of CoPA and are likely to impact upon nearby sensitive residents.</p> <p>LB Camden asked whether EHPs could have a copy of the letter / resident notifications on GI works. Action: HS2 Ltd to provide a copy of notification literature to EHPs once available.</p> <p>HS2 Ltd reported that more detailed GI programme information was not currently available, over and above the information that has already</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>

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	<p>been shared via Planning Forum and the Highways Subgroup. Action: HS2 Ltd to provide EHPs with a programme of GI works once available.</p> <p>Chair asked how further information regarding GI will be shared with local authorities. HS2 Ltd explained that bilateral meetings are already taking place with local authorities and further information will be disseminated to Planning Forum and the Highways Subgroup.</p> <p>EHPs noted that in light of the restricted application of Section 60 and 61 controls to GI works, other statutory powers, such as Section 80 of the Environmental Protection Act could be applied if statutory nuisance is caused by such works.</p> <p>Lichfield DC asked what standards are being applied to GI works. HS2 Ltd indicated that relevant sections of the CoCP will be used as the standard, but the CoCP itself will not be in force as it is a Bill document, reliant on royal assent.</p> <p>HS2 explained that until the HS2 Bill is enacted, the proposed GI works will be undertaken under the scope of existing planning and environment legislation – in particular the Town and Country Planning Acts. Based on assessment work to date and experience on other major infrastructure projects (eg. Thames Tideway Tunnel), it is considered that the vast majority of GI works will either not be classed as 'development' in their own right, or will benefit from permitted development rights under Part 4 Class A and B of the General Permitted Development Order. Legal advice has also confirmed that the restriction on the use of permitted development rights set out in paragraph 3(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 <u>would not apply</u> to works that did not fall within the definitions of Schedule 1 and Schedule 2 development. However, if an assessment highlights that the works do not benefit from permitted development rights or permitted development rights have been removed by other environmental assessment regulations and they cannot be redesigned, then a planning application will be required.</p>	
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<p>5.</p>	<p>Air Quality and Construction</p> <p>HS2 Ltd introduced the proposed HS2 Air Quality Strategy, setting out a very early stage approach to the work. It was explained that the Strategy is likely to function alongside but not form part of the CoCP, as there are potentially elements in it which may not sit in the CoCP. This is because the project is of a long duration, and technologies and practices will be likely to move on during the construction. It was noted that there is a need for such an approach to develop an appropriate methodology based on differing environments (urban and rural) along the route. It was also explained that research, potentially with a university partner, would be up-dating current practice, specifically in the area of thresholds for particulate measurement.</p> <p>LB Camden and LB Ealing expressed that there is existing best practice guidance available, such as that produced by the GLA, which could provide an already established approach to air quality.</p> <p>HS2 Ltd responded that the most recent 'best practice' guidance documents (GLA 'The Control of Dust and Emissions from Demolition and Construction' 2014 and the IAQM 'Guidance on the Assessment of Dust from Demolition and Construction' 2014 (with related 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites' 2012)) cannot both be best practice given the differing environments and circumstances along the route. London and Birmingham have relatively polluted environments, with areas exceeding the EU limit values. Large sections of the route are rural, and well within EU limit values. It was also expressed that HS2 Ltd is not bound by the GLA's Supplementary Planning Guidance and will be defining "best practicable means" in practice for the project.</p> <p>LB Camden expressed that this approach may lead to uncertainty for local authorities. Chiltern DC agreed and noted that the current methods stated in the CoCP do not reference guidance documents and that this should be considered as part of the current revision process.</p> <p>Chair summarised the exchange to clarify that HS2 Ltd are looking to set a 'new' standard for the project, but this is at an early stage. Discussions appear to be taking place with a research body and more detail will follow.</p> <p>HS2 Ltd also indicated that HS2 is working closely with Crossrail and using data collected as part of the project to inform the HS2 approach.</p> <p>HS2 Ltd suggested that the approach to engagement on the HS2 Air Quality Strategy could either be via a 'working group' and lead local authorities and / or the Subgroup. It was noted that there may be different approaches to air quality depending on the geographic area, and as such engagement might be more appropriate outside of the Subgroup.</p>	
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	<p>LB Camden, Aylesbury Vale DC and the Chair expressed that there is interest in understanding more about the Strategy but there currently doesn't appear to be detail to engage with.</p> <p>EHPs agreed that the Subgroup should be kept informed about the progress being made on the Strategy and that LB Camden as lead authority should act to facilitate engagement with HS2 Ltd on the matter. This should be alongside other general engagement on the CoCP.</p>	
6.	<p>Forward Programme</p> <p>HS2 Ltd proposed that the next meeting should take place on 2nd July in the Euston area. EHPs were in agreement on this date.</p> <p>Lichfield DC and Aylesbury Vale DC asked whether the revised CoCP can be circulated prior to the meeting. Action: HS2 Ltd to look into this and circulate the revised CoCP if appropriate to the timescales on producing the revised version.</p> <p>LB Camden asked whether complaints handling can be included as a future agenda item to clarify what guidance will be provided to contractors. Action: HS2 Ltd to add to future agenda.</p>	<p>HS2 Ltd</p> <p>Chair/HS2 Ltd</p>
7.	No AOB items were raised.	