

ENVIRONMENTAL HEALTH SUBGROUP of the HS2 PLANNING FORUM

Title:	Environmental Health Subgroup (North and South) Meeting #9	
Date & Time	North and South Meeting Thursday 17 th March 2016 2 – 4 pm One Pancras Square, London	
Chair	Ted Allett	Interim Independent Chair
Promoter Attendees:	Paul Gilfedder Tom Marshall Chloe Lewis Christian Bonard Pamela Lowery Hannah Davies	HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd
EHP Attendees:	Julia Caraco Bernice Larkin Greg Pilley Julian Smith Helen Masterson Claire Parsons Dean Walters Richard Peers Lindsey Hone Rizwan Yunus Richard Hiscock	South Bucks District Council and Chiltern Solihull Metropolitan Borough Council Three Rivers District Council Wycombe District Council London Borough of Camden Westminster City Council North Warwickshire Borough Council Staffordshire County Council Aylesbury Vale District Council London Borough of Ealing Aylesbury Vale District Council
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 The Chair requested that the minutes from last meeting be amended so that all references to HS2 Ltd are written as 'HS2 Ltd' and not 'HS2'. The Chair requested that under agenda item 6, subheading LEMPS, the word 'draft' be removed from the first sentence of the first paragraph. The Outstanding Action log was reviewed with the following outcomes: <ul style="list-style-type: none"> March 16, item 6: item to be carried forward again as a future 	

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	<p>agenda item.</p> <ul style="list-style-type: none"> September 15, item 4: on the agenda of this meeting. January 16, item 3b: LBC are now clear on the section 61 process going forward. HS2 Ltd will formally outline the approach to the rest of the Authorities. <p>Action: HS2 Ltd to provide text to Authorities outlining the approach to Section 61s.</p>	HS2 Ltd
	<ul style="list-style-type: none"> January 16, item 3c: item not actioned. <p>Action: HS2 Ltd to email a table to the Authorities to provide single point of contact details.</p>	HS2 Ltd
	<ul style="list-style-type: none"> January 16, item 4a: item not actioned. <p>Action: LBC to check final versions of seven letters, and forward to the Chair for circulation to the Authorities.</p>	LBC, Chair
	<ul style="list-style-type: none"> January 16, item 4b: complete. January 16, item 6a: complete. January 16, item 6b: item not actioned. HS2 Ltd confirmed that updated LEMPs have been collated and should have been sent out. <p>Action: HS2 Ltd to send LEMPs to the members of the Subgroup. HS2 Ltd will also copy in the single points of contact for each Authority, once these had been identified.</p>	HS2 Ltd
	<ul style="list-style-type: none"> January 16, item 8a: on the agenda of this meeting. January 16, item 8b: complete. January 16, item 9a: HS2 Ltd confirmed that the link to the job description online had expired following the previous meeting. HS2 Ltd also confirmed that Information Paper G3 is available online. WCC asked if a PDF of the job description can be sought and circulated to the Authorities. <p>Action: HS2 Ltd to seek a PDF copy of the job description for the project Construction Commissioner and circulate to the Authorities.</p>	HS2 Ltd
	<ul style="list-style-type: none"> January 16, item 9b: HS2 Ltd confirmed that the role for the Construction Commissioner was advertised for 8 days initially and will be updated accordingly. Item to be on agenda for next meeting. <p>Action: HS2 Ltd to ensure that the position of Construction Commissioner is on the agenda of the next meeting.</p>	HS2 Ltd

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	<ul style="list-style-type: none"> January 16, item gc: complete. January 16, item gd: HS2 Ltd have requested a copy of the letter provided to Select Committee on the Independent Advisory Service from the DfT. The Chair asked that HS2 Ltd follow this up with Select Committee. LBC request that item forms part of future agenda. The Chair suggested this is incorporated into the future agenda item on complaints handling. <p>Action: HS2 Ltd to provide a copy of the letter being provided to Select Committee on the Independent Advisory Service to the Authorities once received from the DfT.</p> <p>Action: Independent Advisory Service to be incorporated into the future agenda item on complaints handling.</p> <p>The Chair questioned HS2 Ltd on progress with appointing the Chair of the EHO Subgroup. HS2 Ltd confirmed that they will be interviewing likely in April and will ask someone from the EHO Subgroup to be on the panel. LBC ask where the interview will be held. HS2 Ltd will confirm after the meeting, however it is thought likely to be at Canary Wharf in mid-April.</p> <p>Action: HS2 Ltd to confirm the location and dates of the interviews for the Chair of the EHO Subgroup.</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p>
3.	<p>Matters arising from the Select Committee Report and Dft Response (including LANC Expectations)</p> <p>LBC led this agenda item.</p> <p>LBC requested an update on the construction impact report (para 333).</p> <p>HS2 Ltd stated that they are not aware of this work stream, however confirmed that some activities they are required to do as a result of the Select Committee report had not yet started.</p> <p>LBC asked that HS2 Ltd provide a written response to clarify the status of this activity.</p> <p>Action: HS2 Ltd to provide the Authorities with a written clarification as to the status of the construction impact report, as identified in para 333 of the Select Committee report.</p> <p>Post Meeting Note: DfT has confirmed the response to para 333 of the Select Committee Report is para 78 of the Promoter's Response document.</p> <p>This study has not yet commenced.</p>	<p>HS2 Ltd</p>

	<p>LBC raised the issue of the Statement of Expectations.</p> <p>HS2 Ltd stated that this will be picked up in next agenda item.</p>	
4.	<p>The principles of the HS2 Ltd EMS</p> <p>HS2 Ltd talked through a presentation. A copy of the presentation will be sent out with the minutes of this meeting.</p> <p>Action: HS2 Ltd to ensure that a copy of the presentation on the principles of the HS2 Ltd EMS is circulated to the Authorities.</p> <p>AVDC asked if the contractors' EMSs will be accredited. HS2 Ltd confirmed that they will require the contractors' EMSs to be accredited.</p> <p>LBC asked how HS2 Ltd will ensure that the accreditation is gained. HS2 Ltd confirmed accreditation was a requirement of the draft CoCP and as such was a requirement of the contract.</p> <p>LBC asked in relation to the Considerate Contractor scheme and how it will apply to sub-contractors.</p> <p>HS2 Ltd explained that they will have a contract with Tier 1 (principal) contractor, who will have a supply chain. The Tier 1 (principal) contractor will be responsible for ensuring that all sub-contractors adhere to HS2 standards.</p> <p>LBC asked what happens if a sub-contractor does not adhere to HS2 standards. Should Local Authority notices be served to the principal contractor or the sub-contractor? LBC would like to know how this works given different scenarios.</p> <p>HS2 Ltd confirmed that contractually the principal contractors are responsible for all activities and sub-contractors on their site and that if a situation of non-compliance occurs, HS2 Ltd would take action with the principal contractor.</p> <p>The Chair clarified that the principal contractor will be responsible for all sub-contractors. The Chair stated that this is not clear in the CoCP.</p> <p>The Authorities expressed concerns that subcontractors would appeal if this situation occurs, and requested that contracts are made very tight on this issue. LBC requested that this is reflected more strongly in the CoCP.</p>	HS2 Ltd

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<p>HS2 Ltd clarified that the Control of Pollution Act 1974 was not disapplied by the Bill. Therefore, the position regarding action when there is a main contractor and a sub-contractor on HS2 works is the same as for other works with such contractual arrangements.</p> <p>The Chair asked whether confusion may arise from who submits section 61s, and asked HS2 Ltd if it is clear in the contracts that all section 61s are to be submitted through the principal contractor. HS2 Ltd clarified that this is the case, and that the principal contractor will always be contractually responsible.</p> <p>LBC asked whether there will be a principal contractor for the enabling works stage of the works. HS2 Ltd clarified that there will be a principal contractor for all enabling works also.</p> <p>HS2 Ltd confirmed that they will take this issue away, and ensure that contracts are watertight.</p> <p>Action: HS2 Ltd to review contracts with respect to the issue of responsibilities between principal contractor and sub-contractors.</p> <p>AVDC asked for clarification on the Statement of Expectations and how the undertakings and assurances relate to it. HS2 Ltd stated that the undertakings and assurances will be embedded within the contracts. LBC raised concern that the Statement of Expectation assurance required further refinement. HS2 Ltd clarified that it would be made clear at the issue of the Invitation to Tender that further undertakings and assurances could be introduced during the House of Lords Select Committee. The contracts would be updated to reflect any additional undertakings and assurances.</p> <p>The Chair stated that HS2 Ltd need to be clear on the assurance wording and what has gone into the assurance register. The Chair recommends that further discussion on this is had when the issue is clear.</p> <p>Action: HS2 Ltd to circulate the wording of the undertaking, and the topic is to become part of the next agenda.</p> <p>LBC asked to know how the Statement of Expectations has been translated to tender documents. HS2 Ltd stated that they are currently writing Works Information for the tender, and that they will be improving the works information and adding additional requirements up until contract award.</p> <p>AVDC ask about the DOORS database, specifically how any changes to undertakings and assurances between now and Royal Assent are taken</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>
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	<p>account of. HS2 Ltd confirmed that it is being made clear to tenderers that there will be changes to what is contained in the contract documents between now and contract award. HS2 Ltd clarified that contracts will not be signed until after Royal Assent.</p> <p>The Chair asked in relation to the terminology used in the presentation – the term ‘HS2’ rather than ‘HS2 Ltd’ was used to assign responsibility. The Chair asked if this was deliberate, and whether it is referring to the nominated undertaker. HS2 Ltd clarified that as far as they are aware, the nominated undertaker will be responsible.</p> <p>Authorities raised the fact that the opening paragraph of the community engagement framework suggested that there could be more than one nominated undertaker, and specifically for Network Rail owned stations there would be two nominated undertakers: Network Rail and HS2 Ltd.</p> <p>Action: HS2 Ltd to clarify this issue.</p> <p>Post meeting note: The position regarding nominated undertakers is set out in paragraph 1.5 of the introductions to the IPs.</p> <p>Bernice Larkin from SMBC leaves the meeting.</p>	HS2 Ltd
5.	<p>Information Paper E23: Noise Insulation and Temporary Rehousing policy – proposed changes</p> <p>LBC explained that they have had a number of meetings over the last month with other Authorities to discuss this, including SBDC, LBH and CDC. LBC now need to consult with other Authorities. LBC stated that they hope to send comments to HS2 Ltd next week (w/b 21st March 16).</p> <p>Action: LBC to send the comments to the HS2 Planning Forum email address (planning.forum@hs2.org.uk).</p> <p>LBC explained that the following areas have been addressed: definitions, FAQs and special cases, and that information is being pulled from other large infrastructure projects.</p> <p>HS2 Ltd requested that this forms an item on the agenda of the next meeting.</p> <p>Action: Local Authority comments on the Noise Insulation and Temporary Housing policy to be on the agenda of the next meeting.</p> <p>HS2 Ltd asked if any additional special cases were identified. LBC confirmed there are no major changes, and that special cases have been grouped into physical cases, medical cases, and lifestyle cases.</p>	<p>LBC</p> <p>HS2 Ltd</p>

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<p>6.</p>	<p>Crossrail Lessons Learnt</p> <p>AVDC confirmed that lessons learned were discussed prior to the meeting and were further discussed at the pre-meeting to today's EHO Subgroup.</p> <p>HS2 Ltd asked if a summary can be circulated.</p> <p>Action: AVDC to provide HS2 Ltd with a summary of the lessons learned via the HS2 Planning Forum email address (planning.forum@hs2.org.uk). HS2 Ltd will then circulate among the EHO Subgroup.</p> <p><u>Community engagement</u></p> <p>AVDC discussed the potential value of the role of Authorities in supporting project community engagement. AVDC expressed concern however such involvement would not be not funded by the SLA.</p> <p><u>Authority Commissioned Studies</u></p> <p>AVDC stated that it is possible that the Authorities will need to commission their own work in relation to the project. AVDC expressed concern however that Authority commissioned work would not be funded by the SLA.</p> <p><u>Planning</u></p> <p>AVDC explained that Authorities have a key role as consultees in the planning process. On Crossrail a key issue was a lack of detail in schedule 7 applications which made assessing applications difficult. AVDC put forward the idea of agreeing a standardised application/ approach to the level of detail to include in planning applications at the start of the project to avoid delays.</p> <p><u>Environmental Monitoring</u></p> <p>AVDC discussed the importance of agreeing monitoring data and the importance of sharing data to enable the monitoring of compliance. AVDC also expressed concern that the current draft SLA doesn't allow funding for Authority time spent on data interpretation.</p> <p>HS2 Ltd confirmed that the Authorities will not have a role in assuring compliance. HS2 Ltd asked that the Authorities make clear what it is they want in terms of data sharing.</p> <p>Action: Authorities to let HS2 Ltd know what it is they would like to see in terms of monitoring data sharing. Authorities to include scenarios where data may be required.</p> <p><u>Service Level Agreement and Section 61s</u></p> <p>Lessons learned suggests there should be a condition on section 61s to report complaints to Authorities. In the SLA there is no ability for</p>	<p>AVDC</p> <p>EHPs</p>
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	<p>Authorities to redeem expenses for dealing with complaints. AVDC stated that this is a cause for concern as they think it is likely that authorities will become involved with complaints handling and need to be able to resource adequately.</p>	
7.	<p>LA Funding: IP C13, AQMA's and scope of MoUs</p> <p><u>MoU</u> AVDC express concern that there is lots of work going on between now and the end of the year, some of which doesn't fit under the MoU. AVDC questioned whether the scope of the MoU needs revisiting.</p> <p>HS2 Ltd confirmed that the duration of existing MoUs can be extended, however the scope cannot be updated. HS2 Ltd emphasised that getting the SLAs agreed is an important next step. HS2 Ltd asked if all Authorities are aware that Phil King (HS2 Ltd) is leading on the SLAs and will soon be in touch with individual Authorities.</p> <p>HS2 Ltd confirmed that queries on the scope of the SLAs need to go to Phil King and is a matter for the Planning Forum.</p> <p>LBC asked if Phil King is the contact for all boroughs. HS2 Ltd clarified that for LBC James Fox is the point of contact.</p> <p>AVDC would like some clarification on this. The Chair suggested this should become an item on the Planning Forum agenda. The Chair stated that through the Planning Forum a set of comments from NWBC have been compiled on SLAs, and will be submitted to HS2 Ltd.</p> <p>Action: Comments on SLAs collated by NWDC through the Planning Forum to be provided to HS2 Ltd.</p> <p><u>AQMA's</u> LBC stated that if there has to be declaration of an AQMA due to HS2 Ltd activities it is not covered in the SLA, nor in the new burdens, so would like clarification as to how the financing of this works.</p> <p>The Chair suggested that the item should be part of the Planning Forum. LBC confirmed that this is included in the NWDC summary list.</p> <p><u>IP C13</u> It was agreed this had been covered and required no further discussion.</p> <p>LBC questioned where E31 on air quality is, as it is not online.</p> <p>HS2 Ltd clarified that this will be published shortly, however it is not yet publically available.</p>	EHPs

8.	<p>Programme for EHO related activities (including LEMPs and Section 61s)</p> <p>LBC asked if there is an intention to have more meetings on LEMPs, and how the engagement on this will be run.</p> <p>HS2 Ltd confirmed the LEMPs will be sent out to Authorities, and consultation on these is likely to be through bilateral meetings due to the specific content.</p> <p>Action: HS2 Ltd to send each Authority their relevant LEMP and an invitation to meet to discuss its content.</p> <p>HS2 Ltd stated that they want to issue the LEMPs to the EWC in August/September, so consultation needs to occur between now and August. Meetings will likely be held in April/May and be led by HS2 Ltd Construction Directorate.</p> <p>The Chair stated it would be useful to join this up with the Highways Subgroup and asked HS2 Ltd to look at the programme submitted as part of a Highways Subgroup presentation which contained details on dates.</p> <p>TRDC asked if LEMPs are Authority specific, and if multiple Authorities could be consulted at the same time where there are cross boundary issues.</p> <p>HS2 Ltd confirmed that this can be done on a case-by-case basis and that they are open to working with multiple authorities.</p>	HS2 Ltd
9.	<p>Forward Plan</p> <p>HS2 Ltd presented a slide on HS2 update. A copy of the slide will be sent out with the minutes of this meeting.</p> <p>Action: HS2 Ltd to ensure that a copy of the slide is circulated to the Authorities.</p> <p>Enabling Works Contract: LBC asked if the tenderers are conglomerates. HS2 Ltd confirmed they were joint-ventures.</p> <p>HS2 Ltd stated that the Bill had been updated so that the schedule numbers are now plus one from 13 onwards.</p> <p>HS2 Ltd suggested a future agenda item: Air Quality</p> <p>HS2 Ltd confirmed that they are looking to send out a list of proposed monitoring locations for NO₂. HS2 Ltd confirmed that they will consult</p>	HS2 Ltd

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	<p>via a letter, and will follow up with one to one meeting.</p> <p>WCC asked if this is just diffusion tubes. HS2 Ltd confirmed it was.</p> <p>Date for next meeting is 12th May. This is now confirmed. Date for the following meeting is proposed to be 14th July. It is discussed that the venue should remain the same as it is more convenient for the Authorities to travel to London.</p> <p>All communications are to be sent via the HS2 Planning Forum email address (planning.forum@hs2.org.uk).</p>	
10.	<p>AOB</p> <p>No AOB items were raised.</p>	