

Minutes

Meeting date	November 29 th 2018, 13:00 to 15.30
Meeting location	Mary Ward House, London, 5-7 Tavistock Place, WC1H 9SN.
Meeting title	Environmental Health (EH) Sub Group Meeting #24
HS2 contact or group	planning.forum@hs2.org.uk
Stakeholder	Environmental Health Sub Group to Planning Forum

External Attendees

Peter Carey- Independent Chair of EH Sub Group

Ted Allett – Chair Planning Forum

Nominated Undertaker Attendees

Anthony Coumbe – HS2 Ltd

Matt Dormer – HS2 Ltd

Hannah Pigott - HS2 Ltd

Andrea Davidson – HS2 Ltd

Michelle Cook – HS2 Ltd

Michael Shanks- HS2 Ltd

Andrew Medley – HS2 Ltd

James Meconi – HS2 Ltd

EH Attendees

Steve Braund - Chiltern District Council (CDC/SBDC)

Tom Parkes - London Borough of Camden (LBC)

Camilo Castro - London Borough of Camden (LBC)

Richard Hiscock - Aylesbury Vale District Council (AVDC)

Richard Peers - Staffordshire County Council (SCC)

Elizabeth Fonseca - London Borough of Hammersmith and Fulham / Royal Borough of Kensington and Chelsea (LBHF + RBKC)

John Penny – South Northamptonshire Council (SNC)

Monica Mulowoza – Hillingdon (LBH)

Jennifer Barrett – Brent (BC)

Claire Parsons – Westminster-City Council (WCC)

Zoe Bickley – North Warwickshire Borough Council (NWBC)

Bernice Larkin – Solihull Metropolitan Borough Council (MBC)

Item 1 - Welcome and Introductions

The Chair called the meeting to order, welcomed attendees and introductions were made.

Item 2 - Review of Action Log and Minutes from Previous Meeting

3A (March 2018) – HS2 to return to the EH Subgroup with more information on operational noise.

Deferred to February 2019 EH meeting.

2A (May 2018) – HS2 to check date when Prolonged Disturbance Scheme will be finalised. HS2 stated that the Scheme is currently with the DFT for approval but is anticipated early in the new year.

9A (May 2018) - HS2 to provide feedback on the S81 appeal at a future meeting once the issue between HS2 and LBHF is resolved. LBHF + RBKC provided feedback on the case, the outcome of which was that HS2's appeal was dismissed. HS2 have decided not to lodge a further appeal. HS2's view remains that there are sufficient controls in place arising from the parliamentary process including the COCP and EMRs that the service of a counter notice is not necessary. Given that it is clear that some authorities are of a different view and may want to continue to serve a counter notices, the Chair suggested there could be a small working group to look at how these issues can be addressed in order to avoid further legal cases. **Action:** HS2 to give further consideration to this and report back at next meeting for creation of S81 specific working group.

4A (July 2018) - HS2 to explain the reporting process in the case of a potential EMRs breach. An update will be shared to LA's with a developed process in February 2019.

11A (July 2018) - HS2 to look into releasing contaminated land data. Release of contaminated land data needs to be signed off from HS2 legal before circulating. HS2 noted the process is nearing completion. An update will be presented at the February Subgroup.

4A (September 2018) - HS2 to update the Planning Forum note on operational noise and procedure for reviewing note – Planning Forum notes are written and going through HS2 governance. HS2 are optimistic an update will be prepared for Spring Subgroup meetings in either February or March with the update being communicated through the Planning Forum. It was agreed that the draft Planning Forum Note will also be shared with the EH Subgroup.

8A (September 2018) - HS2 to consider if S61 would be required for low-risk construction works being performed outside core hours. A S61 should be applied for in situations outside of core working hours, however given the work undertaken by members of the EH Subgroup and HS2 to agree the Statement of Intent process, it can be used where appropriate. HS2 and its' Contractors will need to discuss and agree each individual case with the relevant Local Authority.

10A (September 2018) - HS2 to consider if AQ is covered by the Service Level Agreement (SLA). A response will be reviewed and shared at the next Planning Forum meeting. Under the new burdens doctrine AQ work is not covered by the SLA and HS2 is not required to include this within current arrangements. The Chair mentioned there is an expectation that the LA's review the HS2 monthly AQ

reports as a discretionary measure. The Chair advised LA's liaise with their Planning Forum representative as this is the appropriate Forum for SLA discussions.

Review of Minutes from Previous Meeting – Minutes agreed.

Minor comment from CDC/SBDC – Item 4 – Questioned the position the Secretary of State would take where the local authority/ public expressed a preference for a lower noise barrier on aesthetic grounds but would mean the significant operational noise impacts would exceed those reported in the ES.

Action: HS2 to respond.

Any members who cannot access SharePoint should contact HS2 on planning.forum@hs2.org.uk

Item 3 – Small Claims Scheme

Chair introduced Michelle Cook from HS2 Ltd to deliver a presentation on HS2 Small Claims Scheme.

Obligation from the HS2 Information Paper C10 requires HS2 to produce a Small Claims Scheme for the project. The Scheme provides a mechanism for settling minor construction related residential, business or agricultural claims. The Small Claims Scheme covers incidents for damages <10,000 pounds. Any claims filed >10,000 pounds are filed under the Damage Claims Process. Nuisance claims have a limit of £2500 only for mitigation measures. The policy is centred on the 'owner controlled insurance policy' where the owner of the damage is responsible for reimbursing.

HS2 are not advertising the small claims scheme, but any complaints or claims funnelled through the HS2 Helpdesk will be directed appropriately within HS2 to deal with the claim. Affected parties will be provided an information brochure to explain the process for filing claims. Each claim has a 2 week timeline within which an investigation will be undertaken to determine the legitimacy and compensation amount. For HS2 to meet the timeline, a triage team is in place to facilitate the proper transition of claims to the appropriate teams.

HS2 Construction Commissioner will participate in cases where the recipient of a prescribed claim is not content with the outcome. High value and low value claims have differences where disputes are filed. Regardless, all claims need to be evidence-driven to demonstrate how HS2 have directly impacted a receptor or property.

In the scenario that HS2 and the Contractor disagree on the party responsible for bearing the cost of a claim, HS2 will make the payments within the two week duration and deal with the dispute internally afterwards.

Action: HS2 requested to circulate the presentation on the Small Claims Scheme to the Planning Forum.

Item 4 – Air Quality Update

The Chair introduced Andrea Davidson (AD) from HS2 Ltd to deliver a presentation on air quality updates.

HS2 recently won a National Air Quality award related to the setting of the vehicle and NRMM requirements for all contactors. In addition, there has recently been an update to the IAQM Guidance on Monitoring in the vicinity of Demolition and Construction Sites (October 2018); this update follows the HS2 study with Kings College London to evaluate construction site monitoring strategies. HS2 have to notify all contractors across the route to account for this change and implement the new monitor trigger level of 190 ug.m³ (1-hour average), which was implemented 01 November 2018.

HS2 Innovation panel has approved a NRMM emission reduction project with Kings College London & CSJV. Equipment trials will be taking place on sites in and around London, depending on construction schedules. It is intended that outcomes will be shared with the EH Subgroup when available.

Natural Environment Research Council has awarded £5M funding to University of Birmingham for air quality 4 year research study that HS2 are key stakeholders. The project will provide improved understanding of pollution sources and levels in the region, and new capability to predict air quality, and the health and economic impacts of potential policy measures to be rolled out across the UK (i.e. A National Planning Tool).

CSJV are doing various equipment trials across the work sites – this includes the use of long range muncher (with dust suppression fitted), electric equipment, Hydrogen Tower lights and a Hybrid excavator. The Chair advised this new hybrid technology for equipment would be a good opportunity to publish. This information is being shared with community members, but HS2 agreed that putting the information on the Common Place domain would also be useful.

Item 5 – Noise Barrier Update

A brief update on noise barrier design was given to the Planning Forum on 22 November and was provided to the EH sub-group. Matt Dormer explained that a working group of the Planning Forum is to be set up to consider the aesthetic design of the noise barrier Common Design Element, and noted that the Planning Forum thought there ought to be a representative from the EH sub-group on the working group. Following discussion, it was agreed that CDC/SBDC would attend the noise barrier CDE working group, to represent the EHPs.

AC said that structural performance for barriers are being reviewed across various European countries. Transparent barriers are being considered across some HS2 sections to provide a benefit to passenger experience. HS2 are also conscious of the maintenance component with noise barriers and factoring previous experience from other projects with reliability and performance into the decision making process. At this stage, Contractors are sifting options which take into account: aesthetics, acoustic performance and various other factors into the decision process.

Action - HS2 to keep the EH sub-group informed of progress on noise barrier updates.

Item 6 – HS2 Phase One and Phase Two(A) Update

EWC are still progressing with the construction of habitat creation sites, translocations and archaeological work [exhumations are advancing] to clear areas in advance of MWCC moving into the site around end 2019. Minimal vegetation clearance is to be performed throughout the 2018/19 winter.

MWCC are continuing to develop the scheme design and address the cost challenges for the target price over the next several months. Notice to Proceed (NTP) case to be presented to DFT in 2019 and subject to agreement, the MWCC contractors can begin mobilisations.

Area North stations are working towards the submissions of Sch 17's in early 2019. Schedule 17 will be submitted in advance of the detailed design prior to contractor appointment later in 2019. Media releases have showcased visuals of the proposals at both Birmingham Interchange & Curzon Street Stations.

An update was provided on the Community Environment Fund (CEF) and Business and Local Economy Fund (BLEF). Awards to date have been route-wide with a positive spread of funding. HS2 are looking to encourage awareness levels on the scheme moving forward to account for the areas where fewer applications have come forward. Over 400 applications have been submitted so far. It was asked whether the applications were restricted to those within a certain distance of the route; there are no distance restrictions although the applicant will need to demonstrate that they are disrupted by the construction of Phase One.

Phase 2A - Planned to begin construction a year after Phase One has launched. Additional Provision 2 is being deposited in January 2019. A petitioning period will follow in February. A third reading in June is scheduled in a Lord's Hearing in July. HS2 are hoping to receive Royal Assent by December 2019.

Item 7 – Planning Forum Feedback

Common Design Elements (bridge and viaduct parapets, viaduct piers and in summary form noise barriers) were presented to the Planning Forum on 22 November. The next step is for HS2 to arrange the next meeting of the working group for parapets and piers. Following provisional acceptance of the CDE by the working group, HS2 will undertake a public engagement exercise before seeking final agreement to the CDE from the Planning Forum. Draft Planning Forum Notes have been issued to the Planning Forum describing the CDE proposal for piers and parapets. As noted above, a second working group is to be arranged dealing with noise barriers.

There was a presentation on engagement with communities on designs, engagement on stations, key design elements and the proposed approach outlined above in relation to common design elements.

There was a review of the Schedule 17 process. Overall a relatively positive message was received across the Local Authority group, although some submissions suffered from poor quality drawings, and short review periods from contractors for example. HS2 are nearing 70-80 submissions across the route at this stage. LPAs noted that predicted Schedule 17 submission dates in the 6-month look-aheads continue to be

inaccurate. As a result, HS2 are ideally looking to increase engagement between contractors and LA's to manage the ongoing information changes and keep updates accurate.

There was a brief update on the OCS structures (overhead catenary system). No significant update at this time until rail subcontractors have been appointed to communicate OCS designs.

Item 8 – Construction Commissioner Update

New HS2 Construction Commissioner will be present for the EH February 2019 meeting.

Item 9 – Ongoing Construction and Section 61 Experience

Local Authorities communicated several key frustrations stemming from the S61/SOI process. This include: an absence of noise risk assessments being submitted with the S61/SOI applications, submission of incomplete information and too short of a review period from the time of submission to the start of works. HS2 agreed to reiterate the concerns to the supply chain to correct the problems facing the LA's. HS2 will also produce a list of key HS2 contacts for each LA Area. HS2 will feed this back to their supply chain with a view to improving quality of submissions and timely communication.

Regarding SOI's, the LA request more time to review similar to that of S61's. HS2 (Andrew Medley – Noise & Vibration Lead) additionally mentioned he can be a main point of contact if there are any issues or difficulties in obtaining a response or resolving issues.

S61 consents are submitted from contractors and are a requirement under the COCP and Technical Standards. HS2 do not have the capacity to review every submission but will continue to make periodic quality checks to ensure consistency and quality of content.

Action – Contact details to be shared for Environment Manager and Consents Managers in HS2 details over to the LA's. AC to submit a list.

Action – Complaints Manager to communicate complaints at the next meeting including categorisation of complaint types.

Item 10 – Forward Plan / Meeting Agenda Items

Update on Complaints Handling

Construction Commissioner

Joint regulators – Brief Update

Item 11 – Any Other Business

Next Planning forum will be held on January 24th 2019.

Agreed that **next EH Sub Group will be held Wednesday 6th of February 2019.**

Proposed 2019 EH Subgroup dates from Chair – LA to notify Chair if any issues with dates:

Wed 6 February 2019

Thurs April 4 2019

Thurs 6 June 2019

Wed 24 July 2019

Thurs 3 October 2019

Thurs 27th November 2019

Actions

Action: HS2 to keep the EH sub-group informed of progress regarding Noise Barrier updates.

Action: Contact details to be shared for Environment Manager and Consents Managers in HS2 details over to the LA's. AC to submit a list.

Action – Complaints Manager to communicate complaints at the next meeting including categorisation of complaint types.

Action: HS2 to give further consideration to development of a S81 working group and report back at next meeting.

Action: HS2 to respond to CDC/SBDC comment on SOS position concerning preference to aesthetic vs noise mitigation features based on recent public sentiments.