

# EH Subgroup Minutes

<b>Meeting date</b>	29 September 2020, 14:30 to 16:30
<b>Meeting location</b>	Microsoft Teams
<b>Meeting title</b>	Environmental Health (EH) SubGroup Meeting #33
<b>HS2 contact or group</b>	<a href="mailto:planning.forum@hs2.org.uk">planning.forum@hs2.org.uk</a>
<b>Stakeholder</b>	Environmental Health SubGroup to Planning Forum

## ***External Attendees***

Independent Chair

Planning Forum Chair

## ***Nominated Undertaker Attendees***

Air Quality Manager – HS2 Ltd

Energy Strategy Lead – HS2 Ltd

Materials and Waste Recovery Specialist – HS2 Ltd

Noise and Vibration Construction Lead – HS2 Ltd

Phase One Town Planning Lead – HS2 Ltd

Head of Noise Assessment – HS2 Ltd

Air Quality Lead – HS2 Ltd

EH Subgroup Secretary – HS2 Ltd

## ***EH Attendees***

Buckinghamshire Council (BC)

London Borough of Ealing (LBE)

South Northamptonshire Council (SNC)

Solihull Metropolitan Borough Council (SMBC)

Buckinghamshire Council and Three Rivers District Council (BC2)

Westminster City Council (WCC)

Lichfield District Council (LDC)

London Borough of Camden (LBC)

North Warwickshire Borough Council (NWBC)

Warwick District Council (WDC)

London Borough of Hammersmith and Fulham (LBHF)

Staffordshire County Council

Oxfordshire County Council (OCC)

Cherwell District Council (CDC)

## **Item 1 - Welcome and Introductions**

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

The meeting was recorded to aid with minute taking so it was assumed everyone provided consent.

## **Item 2 - Review of Minutes from Previous Meeting**

The July 2020 EH Subgroup minutes were sent out in an email 25 August to the EH Subgroup and reviewed during the September 2020 EH meeting.

Page 6 – query from the Chair on when HS2 will be able to share the Phase One look ahead and programme with the EH subgroup. HS2 confirmed this is still emerging and will discuss the proposal for each IPT in Item 5, the Phase One update.

Item 9 Section 61 experience – SNC raised a query about a Materials Management Plan and that led to an agenda item on materials today.

Item 10 Meeting Agenda items – LBHF raised a query on climate change and energy to be presented by HS2 today in Item 3 of the agenda.

The July 2020 EH Subgroup minutes were agreed during the September 2020 EH meeting.

## **Item 3 - HS2 Energy Strategy**

The Chair welcomed HS2's Energy Strategy Lead to discuss the Energy Strategy Headlines on HS2.

HS2 provided a brief overview of the energy strategy. The strategy is written from the point of view of a number of obligations under the Development Agreement for the project in relation to energy but also HS2 have a much wider obligation to ensure they are aligned with Government policy and aligned with the Rail Industry Strategy. The key Government Policy and Rail Industry Strategy that HS2 have aligned their energy strategy to was described to the EH Subgroup.

Looking at the overall commitments as a project from an energy perspective, Government Policy and the direction the Rail Industry is taking it gives HS2 four major implications with respect to energy; efficiency, decarbonisation, supporting smart systems and flexibility plan and Stations/Depots being ready for the electrification of vehicles.

Factors that will affect electricity on HS2 were described, electricity being the most dominant energy source for HS2. There will be very small to potentially no gas used so the focus of HS2 is on electricity.

The current trends for renewable energy in the UK were summarised as this affects how HS2 meet their supply and demand. HS2 as a large infrastructure project has an opportunity and to a certain extent an obligation to support change as the market evolves.

A high-level summary of the anticipated electricity demand for HS2 was presented to the EH Subgroup which when the full network is running this will be close to 1% of the UK electricity consumption.

The HS2 energy strategy considers Government Policy, HS2 commitments, trends in the sector and the volume HS2 will be using to establish an overall approach. This was summarised in the presentation.

The three basic principles that HS2 have based the energy strategy on are; consume less (design and operation), buy less (maximise opportunity for on-site generation) and pay less (procurement strategy). On-site generation is recognised as only feasible for Stations and Depots and not for traction.

HS2 biggest opportunity for impacting cost and carbon comes from the energy sources we choose and energy supply contracts we enter into. We can make a significant reduction to our cost and carbon by using less but ultimately there will be a limit to efficiency on what we can deliver.

HS2 is looking into the possibility of sourcing renewable energy for traction, there is no current obligation or commitment to achieve this but something HS2 are striving towards and forming part of the procurement approach.

A summary of how HS2 will deliver an energy efficient network was presented, showing that reducing the need for energy and efficient use of energy is the priority within the energy hierarchy.

LBHF - noticed on-site CHP have been included as they use gas this does not comply with the de-carbonisation of the electric grid agenda.

HS2 Energy Strategy Lead – CHP is only represented on the wheel as a potential option for behind the meter generation but in reality, HS2 is highly unlikely to use it.

LBC - If traction power demand is so much higher for HS2 than conventional rail, what is the net overall CO<sub>2</sub> per passenger per km estimated to be compared to conventional rail?

HS2 Energy Strategy Lead – do not have the exact figures so will need to confirm the HS2 benchmark against conventional rail but understanding that HS2 is significantly better than conventional rail. To include in a post meeting note.

**Post Meeting Note:** Figures discussed during the presentation for CO<sub>2</sub> emissions per person per KM are confirmed as the following; Conventional rail is 22gCO<sub>2</sub>e/pkm, for HS2 8gCO<sub>2</sub>e/pkm, planes are 170gCO<sub>2</sub>e/pkm and cars are 67gCO<sub>2</sub>e/pkm.

LBHF – query on the energy strategy for the Stations and Depots, understand the traction is a separate subject in terms of supply, interested in the energy sources for the Station compounds in respect to trying to

minimise the impact of energy plant on local air quality. For instance, Old Oak Common would they be using a ground source heat pump or other renewable technologies? Also interested in terms of the default option, so not to have gas connections into these Station compounds, is that the way HS2 are going? In terms of LA at the moment we are trying to reduce the impact of building emissions in each of the Boroughs as that is the second biggest source of nitrogen dioxide. When we look at development schemes, we look at encouraging developers to move away from gas and fossil use and move towards more renewable approaches. In terms of planning policy, London planning policy is going towards air quality positive which means you need to go through the energy renewable process rather than looking at bringing in non-renewable fuel-based energy systems on sites power and that is my interest in how HS2 are proposing to power each of these sites.

HS2 Energy Strategy Lead – HS2 are looking at all the potential on-site renewable technologies and clearly local emissions is a hugely sensitive area and very aware of regulation for those sites. Ground source heat pumps and solar are two of the major opportunities. The buildings have a near zero energy requirement for regulated energy use which means we need to be generating on site the same amount of energy that we are using for regulated energy use, for fixed building assets. Any other supply to the building we hope to get to renewable power supply, either from on-site generation or a renewable supply agreement where renewable assets are generating power that is coming over the grid. Gas is not a favourable heat source. The HS2 hierarchy included in the presentation slides is that we will be starting with 100% renewable power source and if that is coming over the grid it will hopefully be providing additionality to the UK power generation, or doing behind the meter generation on site as 100% renewable power source is our first choice. The second choice is a power source where buying from a renewable power source through a certified route and the third choice would be a low carbon powered source and would consider CHP to be a low carbon power source because the overall efficiency if it is sized and installed correctly. Ground source heat pumps are being looked at our major Station sites and solar is a big opportunity.

HS2 Air Quality Manager shared link to HS2 Carbon website launched recently for further background information on how HS2 are reducing carbon in both construction and operation.

<https://www.hs2.org.uk/why/carbon/>

#### **Item 4 – Material Waste Verification Process**

The Chair welcomed HS2's Materials and Waste Recovery Specialist to present the material waste verification process on HS2.

HS2 provided an overview of the commitments made to reduce the amount of waste produced and maximise the amount of material diverted from landfill via the HS2 Environmental Policy, Waste Management Policy and Excavated Materials Policy.

A summary of Section 15 of the Code of Construction Practice (CoCP) relating to waste and materials was presented including the general provisions and specific measures to reduce waste impacts such as Site Waste Management Plans (SWMPs) and Materials Management Plans (MMPs).

The detailed contractor requirements were discussed; Construction Demolition and Excavation Waste Strategy which contains guidance on meeting legislative requirements, Waste Environmental Permitting Framework a guidance document for permitting, Materials Management Plan Framework which mandates the use of CL:AIRE Definition of Waste: Development Industry Code of Practice and Design for Operational Waste Management looking at design for buildings, primarily focused on Stations and Depots.

HS2 have contractual performance targets on waste generation and diversion from landfill, these apply to each of the contract areas on Phase One. These are linked to the waste credits for BREEAM assessments which is why there are different targets for buildings and infrastructure and based on the BREEAM manuals. The reason the excavated material target is expressed as 95% beneficial reuse rather than diversion from landfill is cater for the possibility of material being exported from site for use in landfill engineering applications without being classed as a disposal activity. The 95% reuse of excavated material target is acknowledged as ambitious particularly for the Central Area on Phase One due to the extent of tunnelling. Based on the Phase One earthworks balance the forecast excavated material surplus in the Environmental Statement was approximately 7 million m<sup>3</sup>.

One of the key deliverables will be the Site Waste Management Plans (SWMP), although no longer required by legislation HS2 have made it requirement for each package of works. The main points the SWMP should address was presented to the EH subgroup.

HS2 confirmed that the Environmental Permitting Regulations (EPR) apply in full for all HS2 works in respect to waste, they have not been disapplied by the Act in this topic area.

With the exception of some bespoke permits for on-site treatment facilities HS2 expect most of the day to day waste activity to be lower risk meaning standard rules permit or exemptions will apply. A list of expected activities was presented. Some permits are issued by the LA rather than the Environment Agency, notably mobile plant permits.

Materials Management Plan (MMP) is a requirement to cover all reuse of excavated materials and in line with the CL:AIRE Definition of Waste Code of Practice. HS2 have agreed with the Environment Agency (EA) that our site of origin is defined by our tier 1 contractor boundaries, so as long as material is not moving outside of a contractor boundary it is not classified as a transfer of material between sites.

The MMP light has been designed on HS2 for low risk works such as the EWC work packages for ecological mitigation sites (e.g. creating small ponds). The MMP light is a scaled down submission and in these circumstances there is no requirement to submit a declaration to CL:AIRE. The works do need to meet set criteria to be able to follow the MMP light process which were included in the presentation.

The query raised in the July EH Subgroup relating to LA consultation on MMPs was discussed. HS2 provided an extract from the MMP Framework was shown and specified that LA consultation is only required for

contaminated sites that require a remediation strategy. For all of the works HS2 are relying on the Schedule 17 approval process to provide the evidence that LA have been consulted in relation to the proposed earthworks covered by the MMP and there are no objections to that proposed development.

SNC – the particular query raised in the July EH Subgroup was actually risk from contaminated materials to watercourses which involved the EA but they were referring the contracting company back to the LA for consultation. The matter is back with the contracting company who have not been in contact since so assume it has been resolved.

BC – queried the last statement HS2 made in the presentation that the LA are assumed to have been consulted through the Schedule 17 process. Do not consider this can be relied upon as Schedule 17 is in relation to planning not ensuring LA consultation.

HS2 Materials and Waste Recovery Specialist – evidence that is required on the MMP form is a statement that the LA has no objection to the proposed works which is what is meant by the Schedule 17 process being relied upon to identify any objections. There is the plan and schedule element of the Schedule 17 process and that would be the extent of a LA objection to the proposed works rather than the environmental risk which is all dealt with by the EA involvement in the MMP process.

Planning Forum Chair – surprised to see that statement as do not consider Schedule 17 to have waste as a consideration. Sounds like there is no commitment to consult with LA regarding waste with the exception of when it involves contaminated sites.

HS2 Phase One Town and Planning Lead – Schedule 17 is about approving design.

The Chair asked HS2 if they want to have look at this and provide further guidance at the next EH Subgroup meeting or within the minutes.

The Chair asked where there is some contamination would the contractor liaise with the LA about the remediation strategy providing verification of dealing with the contamination. In the example from SNC asked for clarification that if this had not involved a watercourse would the contractor have liaised with the relevant LA EHO directly.

HS2 Materials and Waste Recovery Specialist – confirmed consultation will be undertaken directly by the contractors in the same way they would approach any other contaminated land works and if the example from SNC was had not involved a watercourse the suggested approach is correct.

LBHF – confirmed for the remediation method statement reports an independent EH subgroup has been set up in relation to the works at Old Oak Common and they should be receiving those reports imminently. Anyone interested in this to contact LBHF directly for further information.

SMBC – been involved in a number of MMPs relating to materials movement and wondered in terms of consultation period if there are specified timescales for LA responding to contractors.

HS2 Materials and Waste Recovery Specialist – not aware of any timescales but will provide confirmation in a post meeting note.

BC - the logistics and legal positions on the arisings coming out of the southern portal must be challenging and asked if HS2 had any comment on this. There will be approximately 15km of tunnel spoil coming out near the M25 which will require management which must be a challenge for the project.

The Chair asked if HS2 could comment on this at another time as it would be interesting to know what is planned for the spoil and how HS2 are planning to manage this.

HS2 – will contact the relevant IPT dealing with this area to respond but as a case study it could be interesting to bring back to the EH Subgroup.

**Action 4A: HS2 to provide clarity on the Schedule 17 process for providing evidence of LA consultation to proposed works covered by an MMP.**

**Post Meeting Note:** HS2 Materials and Waste Recovery Specialist provided separate note on MMP consultation circulated to the EH Subgroup via email which closes Action 4A. HS2 also provide confirmation that there are no statutory timescales stipulated in the CoCP for MMPs.

## **Item 5 – Phase One Update**

The Chair welcomed HS2's Air Quality Manager to discuss High Speed Two Phase One updates.

HS2 went through the key activities such as demolitions and completing early works ready to handover to the Main Works Contractor. The presentation included photographs of haul routes being constructed and preparation works for arrival of the tunnel boring machines. HS2 proposed that as programmes are emerging is to provide an update for each IPT separately and presented an example template slide to the EH Subgroup.

An update on Euston Station following the recommendations from the Oakervee Review was provided. HS2 confirmed there is a new Euston Partnership to make the design of the station more joined up between HS2 and Network Rail. Images of the Amersham Vent Shaft Headhouse design was also presented to the EH Subgroup following completion of a shift process by the design teams.

HS2 shared a link to the BBC Archaeology documentary "Britain's Biggest Dig" and a summary of the activities to install the first permanent HS2 structure by LMJV, a bridge over the M42 by Interchange Station.

Interchange Station has been granted planning approval by SMBC following Curzon Street and Old Oak Common. HS2 announced on the 4 September the formal start of construction on the project providing a 22,000 jobs boost for Britain.



Phase 2 highlights included; House of Lords Select Committee completion of the Phase 2a public hearings meaning all the petitions have been heard and on Phase 2b the National Infrastructure Commission published its interim report on the integrated Rail Plan for the Midlands and North.

The Chair stated that the lookahead is very useful for LA work planning and asked what period of time it would be, whether 6 or 12 months. Asked if there is a high-level plan for the whole project and has the impact of Covid-19 had any effect or are HS2 still working on the original completion date.

HS2 Air Quality Manager – Clarified that the lookahead will be provided with as much detail as available to share. No Covid construction effects have been reported to date.

BC – welcomed the IPT project plans as work is very much led by the Schedule 17 programme and trying to overlay the Section 61 work with this it is often quite difficult.

## **Item 6 – Air Quality Update**

The Chair welcomed HS2's Air Quality Lead to provide a Phase One High Speed Two update on air quality across the route.

The latest compliance dashboards are included on the SharePoint site. The July figures were updated due to an error in the data as it included forecast and actual trips. A link to the government website was provided where the Air Quality Annual Report is published.

HS2 have ongoing training with the Stakeholder engagement and HS2 helpdesk to ensure consistent messages are being shared with communities and residents around the project. A few photographs from sites were presented to the EH subgroup showing some of the mitigation and management measures being implemented on site.

Summary of the Emission Requirements was provided followed by details of the vehicle compliance figures for HGV, LDV and NRMM.

The trend lines show an increasing trend towards 100% for LDV and HGV across the route. It was explained that the number of trips are increasing rapidly for HGVs and decreasing for LDVs as see shift from early works and surveying to main construction works. Still retaining over 99% compliance route wide for NRMM and this is also an area where a lot of innovation is taking place. HS2 continue to encourage contractors to take up cleaner equipment ahead of the requirement timeframes within the EMRs.

The HS2 Minister visited the site in West Ruislip with the HS2 Environment and Town Planning Director to see the zero emitting welfare units in use. The units run off solar panels (placed on the roof) and hydrogen fuel-cell technology as needed. These units (similar variants) are being deployed across the HS2 route of HS2. With support of the HS2 Minister, we are hoping this drives a change in the construction industry.

An update on the ongoing innovation projects was provided. NRMM Emission reduction project – the retrofit has been fitted to a piling rig aimed to bring a Stage IIIA into compliance with Stage V emission requirements with initial testing results due in mid-October. Clean Air Gas Engine – trailing the replacement of diesel power equipment with lower emitting engines on site, deployment and emission testing aimed to take place in November. Carbon Savings – a press release went out on the 22 September for a carbon saving project at the Victoria Crossover Box where low carbon concrete trials were undertaken achieving 42% lower CO<sub>2</sub> emissions than conventional concrete.

HS2 are also looking into alternative fuels, proactive dust monitoring strategies and fully renewable power sources making use of solar and wind rather than conventional diesel generators. HS2 will share more with the EH Subgroup when there is more information on the trials. Clean Air Day is next week on the 8 October and HS2 are hoping to have an Air Quality webpage to provide more information on how the project is working to reduce Air Quality impacts, HS2 will share this with the EH Subgroup when available.

The Chair asked if there was anything to add about the annual report which was published after the last EH Subgroup.

HS2 Air Quality Lead – other than a few locations which showed increases in concentrations in NO<sub>2</sub> there were no new exceedances of the Air Quality objectives. There were however a number of new locations that are now below the Air Quality objectives.

**Post Meeting Note:** Link to the low carbon concrete press release;  
<https://mediacentre.hs2.org.uk/news/hs2-uses-new-pioneering-low-carbon-concrete-to-reduce-carbon-emissions-in-construction>

Link to HS2 Clean Air Day Press release and HS2 & Air Quality webpage;  
<https://mediacentre.hs2.org.uk/news/on-clean-air-day-2020-hs2-announces-ambitious-plans-to-raise-the-bar-on-air-quality-across-the-project>  
<http://www.hs2.org.uk/building-hs2/hs2-environment-facts/hs2-and-air-quality/>

## **Item 7 – Noise Update – Code of Construction Practice**

The Chair welcomed HS2's Noise and Vibration Construction lead to provide a refresh of the Code of Construction Practice following a request in the July EH Subgroup.

A summary of the measures in place to control environmental impacts was provided including where the CoCP sits within this. The Act grants deemed planning permission for the HS2 works but from an environmental perspective there are three distinct components namely controls within the Act (such as arrangements within the Act for approving detailed design and construction works); policies, commitments

and undertakings entered into outside of the Act (this includes the EMR's); and existing legislation, unless expressly or impliedly disapplied or modified by the Act.

The six documents that make up the EMRs were summarised; General Principles, CoCP, Planning Memorandum, Heritage Memorandum, Environmental Memorandum and the Register of Undertakings and Assurances. HS2 and its contractors must comply with the EMRs and with the controls contained in the EMRs along with the powers contained in the Act this will ensure impacts assessed in the Environmental Statement will not be exceeded. HS2 are also committed to use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts reported in the ES.

The CoCP sets out specific details on working practices and these will be the arrangements by which HS2 and any contractors will be required to work. Working Hours are defined in Section 5.2 of the CoCP and HS2 summarised these requirements. This included the defined core working hours which HS2 requires contractors to adhere to unless otherwise permitted under Section 61 or not reasonably practicable.

In order to maximise productivity within the core hours the start-up and close-down have been defined within the CoCP and shown in the presentation. These are not considered an extension of core working hours.

HS2 summarised a number of activities where the CoCP states additional working hours will be required such as tunnelling. Additional hours for some repairs and maintenance are defined in the CoCP but these will be subject to the agreement and approval of the relevant LA.

HS2 summarised that contractors will seek to obtain consent from LA under Section 61 with the applications including details of the proposed working hours. Contractors will adhere to core working hours as far as is reasonably practicable and any works required to be taken outside of core working hours will be agreed with the LA through the Section 61.

BC – flagged that highways works not picked up on this and getting a lot of the Section 61 applications related to junction improvements which are done at night. If they are on a major road the Highways Department are stating the works cannot be done during the day as there won't have traffic management on the main road.

OCC – with regards working outside core hours, asked whether there is a particular threshold for activities not likely to cause disturbance and what defines that.

HS2 Noise and Vibration Construction lead – acknowledge the issue raised by BC, HS2 always ask contractors to push back on Highways Authorities as there does seem to be a difference between the HA saying works can't be done during the day due to the level of disturbance and the CoCP which directs contractors to work during the day. It is an issue and suggest having conversations with the HA and EHOs to try and reach sensible compromises.

In response to OCC, HS2 confirmed there is no threshold but everything has to be justified so if there is a reason why a contractor wants to undertake a certain activity in terms of the start-up and close-down

periods they need to justify why it is needed and the EHO should be able to question back so there is an agreed understanding on both sides.

LBE – in relation to the question raised by OCC, added that the threshold limit is determined by the actual threshold put on plus or minus the uncertainty. If the threshold for a significant observable adverse effect level occurs at 76 and have a measurement uncertainty of 1decibel that threshold will be reached when measure a level of 75. No measure is complete without stating the certainty of measurement or modelling. It is a grey area as pointed out by the contractors, this is not mentioned in the CoCP or the document on the control of noise and vibration impacts. LBE wondered if HS2 could assist in overcoming some of these issues.

HS2 Noise and Vibration Construction lead agreed to offer to help with this.

BC – shared with the EH Subgroup that prolonged disturbance is coming up a lot at the moment due to vibration which seems to have been missed at the time when a lot of the negotiations were taking place.

## **Item 8 – Noise Working Groups Update**

The Chair welcomed HS2's Head of Noise Assessment to introduce the work from the Noise Working Groups.

At the July EH Subgroup HS2 proposed four different working groups and since then successfully held three; one working group on Information Paper E20 Operational Noise and two held on E21 GBSV.

Waiting for more Noise Demonstration reports before holding the next working group on E21. Not scheduled any on E22 Stationary Systems yet but BC stated keen to arrange this soon as currently working on NDRs for vent shafts. HS2 will arrange.

**Post Meeting Note:** Provisional date for first E22 working group set for 5 November

The Chair welcomed feedback from Local Authorities in attendance at the Noise Working Groups.

BC – found the E20 working group really useful and great for reminding us what has gone in the past and looking to the future. The E20 group looked at the West Ruislip Noise Demonstration Report but noted from other draft NDR they are all very different depending on which contractors have pulled together, this isn't a problem but may raise some issues around consistency across the route. A review of West Ruislip NDR and proposed noise barriers did highlight an issue on how we determine what is going as far as is reasonably practicable when looking at the NDR. Observed that they had reduced the barrier since the ES stage which was an issue raised at the last meeting and pushed back on the contractors to provide justification on the reasons why. General point made that getting the impression the MWCC is designing to meet the levels expressed in the ES and not designing to meet the requirements in the E21 to reduce noise as far as is

reasonably practicable. The example NDR listed results in very general terms and didn't include any data on actual noise levels at receptors, unclear if this will be provided to the LA separately but it will be required at bringing into use stage. Picked up that in the assessment of LOAELs and SOAELs the NDR hadn't included any assessment around maximum LOAELs or SOAELs at night which tends to be a big issue with residents. Noted there was a very good appendix including details on the modelling and more detail than the ES. It would be useful to through the modelling at one of the working groups.

**Post Meeting Note:** Regarding  $L_{max}$  HS2 have contacted SCS contractor to ensure that  $L_{max}$  information will be provided in all future NDRs. Draft NDRs reviewed by HS2 for other contract areas do include  $L_{max}$  information

BC – provided feedback on the E21 working group on GBSV for operation of the permanent and temporary railways. Very informative workshops including a refresher in August covering the level between 4-80 hertz and ground borne noise which is between 30 – 200 hertz. The second workshop in September went into more detail. Covered the description on how the roughness and stiffness of the track will act as the basis of how it sets into motion and then the mitigation of what is required to reduce the vibration and noise provided by the track form and all related back to the E21 figures. Hopefully going to look at some of the cross cutting between the Information Papers E20 and E21 and look at how vibration will be built into the Noise Demonstration reports in the future as they don't currently. In a future working group going to ask to look at how the post implementation monitoring undertaking will sit across the three Information Papers.

BC – incorporating the noise and vibration monitoring into the NDR which will be received at Schedule 17, 9 stage bringing into use. It also applies to the updating of the noise demonstration report themselves as when get to the bringing into use stage it will be one or two years after the MWCC have completed all their works so will they be available to update all the NDR. Something HS2 need to consider how that will be done for when we get to Schedule 17,9 stage.

The Chair asked the EH Subgroup to please contact the LA nominees for further information from the noise working groups to feed into reviews of Noise Demonstration reports.

**Post meeting note:** Attendees at the HS2 Noise Working Groups are as follow;

E20 core member volunteers – BC, LBE, NWBC and SMBC.

E21 core member volunteers – BC, LBE and LBC.

E22 core member volunteers – SNC, BC and LBE.

## **Item 9 – Planning Forum Feedback**

The Chair welcomed HS2's Town Planning Lead, Phase One to provide feedback on the Phase One Planning Forum held on 24 September 2020.

Project update was provided by HS2 MWCC Programme Director (Mike Lyons) to the Planning Forum. The approval of Interchange Station Schedule 17 was discussed and thanks to all our colleagues at SMBC for their hard work.

Update was provided by HS2 Head of Town Planning on a decision at the Court of Appeal on the 31 July 2020 which is the latest in a lengthy litigation and before that a planning appeal in relation to an ecological mitigation site first submitted by Fusion EWC nearly three years ago. Following a refusal by the London Borough of Hillingdon, an appeal by HS2, a decision by the Planning Inspectorate and then a decision in the High Court it finally found its way to the Court of Appeal who issued a decision on the 31 July 2020. This decision does change some implementation of Schedule 17, although the Court did point out its judgement was in line with the expedited planning approval regime under Schedule 17 and also pointed out the importance of a collaborative approach between HS2 and LA. Two key points out of the judgement; places slightly more emphasis on the ability of LA to determine what information they require in exercising their statutory duties under Schedule 17 and secondly it makes a statement regarding the validation of submissions which has caused a bit of confusion.

In principle the view of HS2 and the DfT who issued a statement on this at the Planning Forum is that the Court of Appeal decision does not introduce a validation process into the Schedule 17 process. IN relation to the sufficiency of information, PG (HS2) said that the starting point is the content of the Schedule 17 submission as set out in the relevant Planning Forum Notes 1-3 but where LA think that they reasonably require further information in order to perform their statutory duties under Schedule 17 this needs to be raised with HS2 as soon as possible in the pre-application process. HS2 do hope that any request for further information continue to have regard to EMR controls, cost and programme and where information is requested it is reasonably necessary given the decision before all authorities and the relevant grounds for approval or refusal under Schedule 17.

DfT also said at the Planning Forum they are likely to be reissuing the Schedule 17 statutory guidance to clarify some aspects of the judgement.

Update was given on the Common Design Elements, HS2 have taken opportunity over the last few months to revisit the CDE and direction of travel, the decision at director level is to proceed with CDE. There are still some technical issues to resolve around noise barriers so this CDE are running behind the other CDEs. Intention that noise barrier CDE will be progressed but will be on a different and later programme to the other CDEs.

There was a presentation by the Chief Engineer on the Overhead Catenary System , including how the contract is addressing the visual impact of the OCS system. the

LA feedback was provided on the NDA that HS2 have with LAs and how that should be reflected in presentations and statements which contractors are making about officer views on designs which is a matter HS2 are revisiting and discussing with the supply chain.

There have been three planning appeals determined since the last Planning Forum. Two relate to lorry routes, in Camden and Hillingdon and an appeal relating to the design and external appearance of parapets

(in Camden). All three appeals went HS2 way and the decision notices have been distributed to the planning officers.

BC – with regards the Hillingdon judgement there is a local pressure group putting pressure on BC regarding Schedule 17 approval of works in Wendover and because there are potential impacts to aquifers and watercourses in the area, they feel the LA should not determine the application. Although the impacts on the aquifers and watercourses will be subject to a separate approval by the EA under Schedule 33 but keen to understand how HS2 view that. The same group are also raising concerns and same argument around the information provided for noise effects.

HS2 said the issue in the appeal revolved around archaeology where a Schedule 17 application was made to London Borough of Hillingdon. The archaeological investigations that would have been necessary under the terms of the Heritage Memorandum had not been undertaken at that point in time largely due to issues gaining access. HS2 argument was that those investigations would be undertaken at a later date, the LA could be reassured that it is required under the Heritage Memorandum which is part of the EMRs which HS2 are obligated to meet. The Court of Appeal disagreed and came to the view that Hillingdon were entitled to have information from archaeological investigation, but the principle does apply elsewhere.

The particular issue raised by BC probably needs to be discussed bilaterally but there is still an obligation to have regard to other approval regimes, it is a fundamental principle of the statutory guidance. Schedule 17 is about the design and external appearance of above ground works so in principal in HS2's view that would not be a relevant consideration to an approval under paragraph 2 of Schedule 17. Details of noise are provided at Schedule 17 stage through the Noise Demonstration Reports which are already a requirement of the Planning Memorandum.

## **Item 10 – Ongoing Construction and S61 Experience**

The Chair welcomed feedback from Local Authorities regarding the S61 experience and HS2 activities.

No current issues were raised.

## **Item 11 – Action Log / Forward Plan / Meeting Agenda Items**

Chair reviewed the action log.

Only outstanding action is July 2020 10A – meeting has still not been held. HS2 will update the EH subgroup once this has happened.

Items for next meeting:

The next meeting is scheduled for 2 December 2020, remaining in the Microsoft Teams format for 2020. The Independent Chair is to liaise directly with HS2 to schedule the upcoming meeting dates for 2021.

Presentation items for next subgroup: None suggested, EH Subgroup to share any suggestions to the Chair or the EH Subgroup secretary.

AOB – the Chair stated that a lot of useful information on SharePoint but some members of the EH Subgroup are having problems accessing it. Anyone with issues should contact the EH Subgroup secretary if having any issues. HS2 are aware of issues and already submitted a request to HS2 IT which confirmed that there are no time restrictions on the SharePoint accounts. HS2 will resubmit all the details to check all members accounts are still active.

**Action 11A: HS2 to undertake a review and resubmission of EH Subgroup members for access to the SharePoint site.**

### **New Actions**

- Action 4A: HS2 to provide clarity on the Schedule 17 process for providing evidence of LA consultation to proposed works covered by an MMP.
- Action 11A: HS2 to undertake a review and resubmission of EH Subgroup members for access to the SharePoint site.



