

EH Subgroup Minutes

Meeting date	Thursday 9 th February, 14:30 to 17:00
Meeting location	Microsoft Teams
Meeting title	Environmental Health (EH) Subgroup Meeting #44
HS2 contact or group	planning.forum@hs2.org.uk
Stakeholder	Environmental Health Subgroup to Planning Forum

External Attendees

Independent Chair

Independent construction noise specialist (The Specialist)

Nominated Undertaker Attendees

Air Quality Manager (Construction) – HS2 Ltd

Environment Advisor– HS2 Ltd

Head of Environmental Sciences – HS2 Ltd

Head of Noise Assessment – HS2 Ltd

Noise Assessment Manager – HS2 Ltd

Phase One Town Planning Lead – HS2 Ltd

Senior Public Response Manager – HS2 Ltd

EH Attendees

Buckinghamshire Council (BC1)

Buckinghamshire Council (BC2)

Cherwell District Council (CDC)

Lichfield District Council (LDC)

London Borough of Camden (LBC1)

London Borough of Camden (LBC2)

London Borough of Ealing (LBE)

London Borough of Hammersmith & Fulham (LHF1)

London Borough of Hammersmith & Fulham (LHF2)

Royal Borough Kensington and Chelsea Council (RBKC)

Solihull Metropolitan Borough Council (SMBC)

Westminster City Council (WCC)

Apologies

Head of Environmental Delivery – Routewide

Staffordshire County Council (SCC)

Independent Planning Forum Chair

Item 1 – Chairman’s Introduction and Apologies

The Chair called the meeting to order and provided an overview of the meeting etiquette. The Chair welcomed attendees and asked for introductions to be made in the chat function. Apologies were shared by the secretariate and Chair. The meeting was recorded to aid with minute taking, attendees were notified.

Item 2 - Review of Minutes from Previous Meeting

A review of the December 2022 meeting minutes was undertaken. The Chair queried the availability of Planning Forum Note 18 online and asked this be added to the action log. The meeting minutes were agreed by attendees and there were no further items for discussion

Item 3 – Appeal Process Lessons Learnt

The Chair welcomed the Secretary of State appointed independent construction noise specialist (“the Specialist”) to discuss lessons learnt on section 61 appeals. A presentation was given on legislation and statutory guidance regarding rights of appeal and determination of appeals. A summary was provided of their role as the Specialist and a review was presented of two past appeals, detailing the steps involved in determining the outcome and explaining lessons learnt from both.

Questions/Comments:

Q (BC2): The site tour aspect of the process was a welcome addition. The court and legal systems can take a long time as recently experienced with other appeals (not HS2 related), so welcomed a more formal process to appeals.

Q (Chair): Is there a formal process for arbitration or is that incorporated in what you do?

A (The Specialist): It is a separate formal process.

A (HS2 Noise Assessment Manager): It is stipulated in the HS2 Act and passes to the Chair of the Institute of Civil Engineers.

Post meeting note: Within 7 days of submitting the Appeal if the parties agree to refer matter to arbitration the parties must agree on a single arbitrator. If agreement cannot be reached the President of the Institution of Civil Engineers (ICE) shall be asked to appoint one. If ICE cannot appoint one the arbitrator is to be appointed by the Office of Rail and Road.

Q (SMBC): What happens to the works as the appeals are going through?

A (BC2): The case discussed were regarding works yet to begin so there were no works taking place during that period. This highlights importance of pre-engagement.

A (The Specialist): Depends largely on nature of appeal. If it is a non-determination appeal, then there is no consent in place.

Q (LBE): Could the process be resolved with you, rather than be escalated to Secretary of State? Is consideration given to cost element when balanced with Best Practical Means?

A (The Specialist): I propose a recommendation which needs to be signed off as per the Act. In terms of cost, it is considered in legislation and needs to be considered practically. Significant adverse effects also need to be thought of in terms of the duration, it is sometimes inevitable.

Q (LBC): I assumed Section 60 and Section 61 were limited to on-site mitigation. What is your view on that?

A (The Specialist): I have not always saw it that way in my previous work. Off-site mitigation must be considered as part of it, but the contractor cannot be penalised if noise insulation is not taken up.

Item 4 – 2022 Helpdesk Update

HS2's Senior Public Response Manager was welcomed to present an update on HS2 enquires and complaints for 2022. Figures were presented on the number of helpdesk contacts for 2022 and the year-by-year and monthly breakdown was explained. An overview was provided of complaints for each phase and for each business area. Construction specific complaint figures were also presented.

Questions/Comments:

Q(Chair): Do you do customer satisfaction surveys?

A(HS2's Senior Public Response Manager): We do not currently do satisfaction surveys as yet. We are however a trail blazer for the new Parliamentary and Health Service Ombudsman cross government complaint handling standards, which we have helped develop and we are also supporting writing /training for these. CSAT is part of this and we will be developing this in the coming year

Item 5 – Phase One Update

An update on Phase One was provided by HS2's Environment Advisor. Highlights were given of the latest press releases across the HS2 programme, including:

- HS2 completes foundation work for UK's longest railway bridge
- HS2 archaeologists uncover scars of early civil war battle in Warwickshire
- HS2 contractors lead the way in achieving gold for sustainability
- HS2's first Birmingham viaduct pier completed as work ramps up on city centre site
- HS2 completes World-First box 'bridge slide' over the M42 in Warwickshire

An update was given for Phase One, which included ongoing excavation, foundation, piling, and utilities works ongoing. An update was also provided of key works for all HS2 Stations and contracts, including what progress has been made and a lookahead of works. HS2's Environment Advisor also updated attendees on the progress made for the Phase2b Select Committee, presenting committee members, and expected first sessions.

Item 5 – Air Quality Update

The Chair welcomed HS2's Air Quality Manager (Construction) to provide an air quality update across the route. A reminder was given of HS2's approach to air quality such as emission standards for NRMM and dust risk assessments on sites. Vehicle compliance figures and vehicle trip summaries were shown from January 1 to December 31 2022 for both light duty vehicles and heavy duty vehicles. It was noted that figures for light duty vehicles have improved since the last meeting due to engagement with the contractor. NRMM compliance figures were also presented for this time.

Questions/Comments:

Q(LBHF): Has progress been made in terms of Network Rail / utility vehicles using HS2 site gates and impacting numbers?

A(HS2 Air Quality Manager): Progress is being made, and we are continuing to work with teams, and will keep you updated on progress.

Q(LBE): Would you be able to provide more detail on how the conveyor at the Old Oak Common site will improve future air quality?

A(HS2 Air Quality Manager): Additional insights will be provided to LBE linked to the number of lorry movements removed from the roads linked to the commissioning of the conveyor system.

Item 7 –Noise Update

HS2's Noise Assessment Manager was introduced to provide a noise update. This started with sharing a noise monitoring innovation being trialled at the North Portal site. A Noise Recognition Analysis System (NORA) is being used by Align JV to identify and report the cause of any noise level breaches. A review was presented of consent applications made from 2016 to 2022, noting the number of appeals to SoS. A forward look was also presented for S61 and Sol applications for each contractor and area for the next two months.

Questions/Comments:

Q (BC1): Will this new noise innovation be able to be rolled out across other areas or is it specific to Align JV?

A (HS2 Noise Assessment Manager): The system can be retrofitted to any noise monitor. It is not a modification made to a noise monitor itself but rather an addition to the monitoring system.

C(Chair): This new noise monitoring system would be interesting to attendees, so I suggest this be a future agenda item.

Item 8–Noise Working Group

HS2's Head of Noise Assessment provided an update on the E20 Noise Working group which took place on December 14th 2022. This working group focused on upcoming Sch17(9) bringing into use applications as

suggested at the previous EHO December 2022 meeting. Items which were discussed as part of this included prediction uncertainty and validation studies.

A representative from Buckinghamshire Council was invited to provide feedback. It was noted that the discussions which took place were useful and of the things raised was monitoring locations in relation to IPF4. The Chair suggested this be a future agenda item due to its growing significance going forward.

Item 9 – Joint Regulators Forum Feedback

HS2's Head of Environmental Sciences provided an update from the Joint Regulators Forum. Items discussed included staff changes within the Environment Agency, the HSE team highlighted their moving and handling campaign and there was a wider discussion of health and safety and consenting. The representative from Buckinghamshire Council who attends this Forum asked for a volunteer from the group to attend going forward.

Item 10 – Planning Forum Feedback

HS2's Phase One Town Planning Lead was introduced to provide a Phase 1 Planning Forum update. A Phase One update was presented by HS2's Delivery Services Director. Standing items were discussed which included planning consents and contractor performance. An appeals update was also presented, noting 5 live Sch17 appeals. Following this local authority feedback was given and a key issue raised was regarding the sufficiency of information for Sch17 applications. A representative from the Department for Transport was also in attendance and updated Planning Forum attendees that Sch17 statutory guidance is being updated and will be sent to local authorities for consultation. It was also noted that Planning Forum Note 18 on noise barriers was delayed in being published online but this shall be done in the next few weeks.

Item 11 – Ongoing Construction and Section 61 Experience

The Chair noted that a few minor points were discussed at the pre-meet and invited attendees to comment. A representative from Stratford District Council noted an issue regarding out of hours road works during the Christmas period and that this should be considered as part of S61 applications. The Chair invited HS2's Noise Assessment Manager for comment, who agreed and asked to discuss this further offline.

A representative from Buckinghamshire Council commented on noise complaints at the South Portal Site and that is being investigated further by Align JV. The second representative from Buckinghamshire Council has raised an issue regarding extended hours for earth works in the summer and whether HS2 has looked into this. HS2's Noise Assessment Manager has drafted further guidance for this which shall be published shortly and further conversations are taking place on this within HS2 and with EKFB

A representative from the London Borough of Ealing noted the challenge of 24 hour working for local residents and invited HS2 to comment. HS2's Noise Assessment Manager recognised the impact of 24 hour working and justification is required for this to take place The Chair suggested taking this offline and sharing any lessons learnt with attendees in the future.

Item 12 – Action Log / Forward Plan / AOB

The Chair reviewed the action log, which has been updated to reflect items that remain open and those which are now closed. Future agenda items were added to the action log including a presentation from the HS2 Environment Director. Dates were confirmed for future 2023 EHO Subgroup meeting dates.

HS2's Head of Environmental Sciences asked attendees if they would be happy to share their experiences with Phase 2a and 2b EHOs at future meetings which was agreed to by the Chair.

A representative from London Borough of Ealing raised an issue regarding wait times at a traffic light on Victoria Road and the potential impact on air quality and pollution in that area. HS2's Head of Environmental Sciences agreed to take this up with the area team for that area.

The Chair closed the meeting and thanked attendees.