

## Minutes

### MAJOR APPLICATIONS PLANNING SUB-COMMITTEE (HS2)

13 July 2017

Meeting held at Committee Room 5 - Civic Centre,  
High Street, Uxbridge UB8 1UW



	<p><b>Committee Members Present:</b> Councillors Ian Edwards (Chairman) Eddie Lavery (Vice-Chairman) Janet Duncan John Oswell Brian Stead David Yarrow Alan Chapman (In place of Roy Chamdal)</p> <p><b>LBH Officers Present:</b> Raj Alagh - Borough Solicitor Ian Thynne - Principal Sustainability Officer James Rodger - Head of Planning and Enforcement Neil Fraser - Democratic Services Officer Roisin Hogan - Planning Lawyer</p>
1.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Chamdal. Councillor Chapman was present as his substitute.</p>
2.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>None.</p>
3.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 3</i>)</p> <p>None.</p>
4.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE HEARD IN PUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> (<i>Agenda Item 4</i>)</p> <p>It was confirmed that all items were marked as Part I and would be heard in public.</p>
5.	<p><b>MERCK SHARPE DOHME (MSD) SITE, OFF BREAKSPEAR ROAD SOUTH - 72870/APP/2017/1861</b> (<i>Agenda Item 5</i>)</p> <p><b>Plans and Specifications submission under Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for earthworks to create 4 no. Ponds, associated earthworks and hibernacula</b></p>

Officers introduced the report, confirming that this was the first of a number of applications under Schedule 17 of the High Speed Rail Act 2017, which related to earthworks to create four ponds, associated earthworks and hibernacula on farmland north of the Shering Plough Research Facility, north of the Chiltern Line, west of Breakspear Road.

Members were informed that the scope to consider matters related to the application were limited by the High Speed Rail Act, and any potential reasons for refusal or the imposition of conditions were limited to the design and external appearance of the works and whether or not they could be reasonably modified to preserve the local environment or local amenity, to preserve or reduce prejudicial effects on road safety or the free flow of traffic in the local area, or to preserve a site of archaeological or historic interest or nature conservation value.

The plans submitted by HS2 Ltd were highlighted, which showed two ponds of 300sqm and two ponds of 150sqm. The ponds were confirmed to form part of the HS2 approval, approved as part of Parliament. Though the number of ponds required had been increased to four due to environmental reasons, this fit within the requirements of the Act as the additional ponds did not introduce any more significant local effects. The application in front of Members was solely concerned with the earthworks required to create the four ponds.

A statutory consultation process was carried out, of which the only statutory consultee was Natural England, who were required to be consulted as the ponds would be home to great-crested newts, which are a European protected species. There was no statutory requirement to consult the public, though the public were able to submit comments online, which had resulted in one comment being received from the Harefield Tenants and Residents Association.

Natural England had not submitted any objections, nor sought any modifications to the scheme. Regarding traffic and transport, there were concerns over the access to the site for construction vehicles, located off Breakspear Road. A traffic officer had responded and recommended a condition, which had been set out in the report as 1. Non Standard Condition.

The addendum was highlighted, which set out the proposal to remove the 1. Non Standard Condition as set out in the report, and replace it with an added informative. This followed discussions held after the receipt of representations from HS2 Ltd regarding their valid concerns over the imposition of a condition. It was therefore considered appropriate that the Council seek the necessary solutions through the Code of Construction Practice which is part of the Environmental Minimum Requirements, as opposed to through a condition of the approval.

It was confirmed that the decision to replace the condition with an informative was made following legal advice from the Borough Solicitor who confirmed that the requirements of Schedule 17 did not permit a condition to be imposed.

The Code of Construction practice sets out the standard which HS2 Ltd would need to operate in terms of traffic management on the local roads within the Borough. Officers quoted from the Code, which required that "prior to the commencement of the works, the nominated undertaker will require that Local Traffic Management Plans will be produced in consultation with the Highway and Traffic Authority, the emergency services, and other key stakeholders." Therefore HS2 Ltd would need to liaise with the Council to agree safe routing of traffic into and out of the site, prior to commencement

of the scheme.

While it was confirmed that traffic management was not a consideration for Members at this time, HS2 Ltd was bound by the environmental minimum requirements, which were part of the HS2 Act. If HS2 Ltd were found to be in breach of the Environmental minimum requirements, then the Council could make a formal complaint to the Secretary of State.

The officer concluded by confirming that the recommendation was for approval, subject to the informatives as set out.

Before opening the item for discussion, the Chairman reminded Members that at the recent Council AGM there were changes to the standing orders which set out the HS2 Sub-Committee and also introduced additional delegated powers relating to HS2 traffic matters. Any traffic matters would therefore be dealt with under those delegated powers and would not be matters for the Sub-Committee to consider.

Members raised concerns that the scheme would require a large quantity of earth to be transported by heavy goods vehicles, which would have a significant impact on traffic, congestion and pollution. However, as the Sub-Committee was unable to make any comment or recommendations related to traffic matters, as those issues were to be considered outside of the Sub-Committee, Members questioned whether the Sub-Committee should be ensuring that the ponds were of the minimum size required, in order to limit the amount of necessary earthworks, and the vehicles required to carry out those earthworks.

Officers confirmed that the proposal was for a neutral 'cut and fill' which would ensure that any earth removed would be used in and around the hibernacula within the site area. There would be minimal, if any, movement of material off site. However, HGV vehicles would still be required to move the material on site, alongside the relevant construction equipment and staff.

With regard to traffic entering and leaving the site, it was suggested that a banksman or spotter may be required to assess the traffic and only allow vehicles to enter and leave when it was safe to do so. It was noted that as traffic did not form part of the submission under consideration at the Sub-Committee, HS2 Ltd had not submitted any details on traffic at this time, however it was confirmed that the work would not commence, and the site would not be in operation, until the Council was satisfied that the traffic management was suitable.

Members were concerned that the large vehicles entering and leaving the site would track mud and debris onto the local roads. To alleviate this, it was requested that the application be conditioned to include a wheel wash.

Officers confirmed that as part of the approval for the overall scheme, HS2 Ltd would need to operate and construct the scheme in accordance with environmental minimum requirements. This included a code of construction practice which listed criteria for mud cleaning on the roads, on a route-wide basis, which had been approved by Parliament.

Members highlighted the references to flooding in the report and requested clarity on the effect of the scheme on the river Pinn, as well as the effect on ancient woodland.

With respect to flooding, officers confirmed that the ponds would be constructed on land within flood zone 1. The Council was unable to request a flood risk assessment at

this time, but the flood and the flood and water management officer had not raised substantial concerns regarding flooding that would require the Council to seek a change to the design and appearance of the earthworks. Regarding ancient woodland, officers confirmed that there was no impact as this was existing agricultural land and the only change in planning terms was that of agricultural land to ponds.

Members requested clarity over whether the forthcoming traffic management plan would cover just this application, or all future HS2 related applications.

Officers advised that the local traffic management plan would come out of the local traffic liaison group, which was required to be set up by HS2 Ltd and included representation from the Council, Police, bus operators, utility services and other interested parties. The plan would be a 'living document' and would require specific local management for individual applications and proposals. In addition, the plan would ensure that each scheme was coordinated appropriately, to mitigate potential road congestion due to multiple concurrently operating schemes. A sub-liaison group would also be formed, which would include representation from residents,

Members reiterated concerns over the size of the ponds, and requested clarity on the site's hours of operation. In response, the Chairman reminded the Sub-Committee of the carefully prescribed criteria by which they could assess the application, namely the design and appearance, the impact of public amenity, and the impact on road safety.

With this in mind, Members confirmed that there was no information contained within the report or addendum, or that had been raised during the discussion, that would justify a refusal or the imposition of a condition. On this basis the officer's recommendation, as amended as per the addendum, was moved. This was seconded, and when put to a vote, unanimously agreed.

**RESOLVED: That the application be approved.**

#### **ADDENDUM**

The meeting, which commenced at 6.00 pm, closed at 6.28 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.