

Minutes

MAJOR APPLICATIONS PLANNING SUB-COMMITTEE (HS2)

4 June 2019



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

	<p>Committee Members Present: Councillors Ian Edwards (Chairman) Eddie Lavery (Vice-Chairman) Nicola Brightman Roy Chamdal Steve Tuckwell Janet Duncan John Oswell</p> <p>Witnesses Present:</p> <p>LBH Officers Present: Raj Alagh, Borough Solicitor James Rodger, Head of Planning, Transportation and Regeneration Ian Thynne Alan Tilly, Transport and Aviation Manager</p> <p>Also Present:</p>	
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>	Action by
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>	Action by
5.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>RESOLVED That: the minutes of the meetings dated 9 October 2018 and 9 May 2019 be agreed as an accurate record.</p>	Action by
6.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>	Action by
7.	<p>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THOSE ITEMS MARKED IN PART 2</p>	Action by

WILL BE HEARD IN PRIVATE (*Agenda Item 5*)

It was confirmed that the item was marked Part 1 and would be considered in public.

8.

WORKSITES TO THE WEST OF HARVIL ROAD AND NORTH OF MOORHALL ROAD HAREFIELD - 74320/APP/2018/3986 (*Agenda Item 6*)

Action by

The Principal Sustainability Officer introduced the application which was a request for approval of lorry routes under condition imposed by Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017 for Worksite 1: Land to the west of Harvil Road, south of Dews Lane and north of footpath U34 and Worksite 2: Land to the north of Moorhall Road.

Members were informed that the matter for consideration did not relate precisely to the approval of lorry routes - the Committee was being requested to consider the wider arrangements. The Harvil Road worksite was already in operation and there were another four compounds in close proximity to the site. The Local Authority had expressed three areas of concern in relation to the application:-

- 1) Since the roads in question were busy with fast moving traffic (speed limits of 40 - 60 mph), it was felt that HGVs should not be permitted to turn right into / out of the sites as this would present a danger to other drivers. The suggested solution would be the imposition of a condition restricting ingress and egress to left hand turns only;
- 2) It was suggested that HGV movements be predominantly limited to off-peak periods. A condition had been proposed in relation to the restriction of HGV movements at peak times;
- 3) A condition had been proposed in relation to the monitoring of the sites.

There was a requirement for HS2 Ltd to agree to these three proposed conditions which they had failed to do.

With regard to point 1), Members were advised that HS2 Ltd were broadly in agreement with the Local Authority's proposal but had requested permission for a number of right hand turns at off-peak times. The final condition had yet to be drafted.

In respect of point 2), HS2 Ltd had expressed an unwillingness to accept the imposition of a condition in relation to the restriction of movements at peak times and affirmed that the Local Authority had provided no evidence to support the proposal. No agreement had been reached to date.

With reference to point 3), HS2's response had been unsatisfactory. They had referred to a traffic management plan but there had been no mention of a specific protocol in relation to monitoring and recording.

Since no final agreement on the imposition of the conditions had been reached, HS2 were appealing on the basis of non-determination and a

resolution to the impasse was sought from the Committee. It was confirmed that a solution would be achievable in relation to point 1) above, but 2) and 3) had yet to be resolved; it was therefore recommended that the application be refused.

Councillors thanked the officer for his report which was helpful and thorough. They were familiar with the area and commented that it was known to be extremely busy with fast-moving traffic. Members expressed concern that, if the necessary controls were not put in place, the proposal would result in excessive disruption for local residents. Members agreed with the Local Authority's position on the matter and were of the opinion that the additional proposed conditions were essential.

For the purpose of clarity, the Borough Solicitor referred to paragraph 6 of Schedule 17 of the High Speed Rail (London - West Midlands) Act 2017, which stated the following:

"The relevant planning authority may only refuse to approve arrangements for the purposes of this paragraph on the ground that -

.....
The arrangements ought to be modified -
to preserve the local environment or local amenity
to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
to preserve a site of archaeological or historic interest or nature conservation value, and are reasonably capable of being so modified."

The Borough Solicitor advised Members that, if they were minded to refuse the application, it was vital that they had a legitimate reason to do so. They could not refuse the application solely on the basis on the common-law Wednesbury reasonable point. However, the paucity of information provided by HS2 was the principle area of concern. It was confirmed that, in accordance with Schedule 17, paragraph 6, the Local Authority was entitled to take account of the absence of information provided and refuse HS2 Ltd's application on the basis that the arrangements ought to be modified to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, and were reasonably capable of being so modified.

The Committee was informed that PINS would set a date for the hearing of HS2 Ltd's appeal and would take into account the decision made and the reasons for it.

In light of the above, the officer's recommendation was moved, seconded and, upon being put to a vote, unanimously upheld.

RESOLVED That: the application be refused.

The meeting, which commenced at 6.00 pm, closed at 6.25 pm.

Councillors, Officers, the Press and Members of the Public.