

## Minutes

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

4 May 2021



Meeting held at VIRTUAL - Live on the Council's  
YouTube channel: Hillingdon London

	<p><b>Committee Members Present:</b> Councillors Steve Tuckwell (Chairman) Henry Higgins (Vice-Chairman) Nicola Brightman Becky Haggar Janet Duncan (Opposition Lead) John Oswell John Morgan</p> <p><b>LBH Officers Present:</b> Raj Alagh, Borough Solicitor James Rodger, Deputy Director of Planning and Regeneration Ian Thynne, Planning Specialists Team Manager Liz Penny, Democratic Services Officer</p>
33.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
34.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
35.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETINGS DATED 25 NOVEMBER 2020 AND 14 JANUARY 2021</b> (<i>Agenda Item 3</i>)</p> <p>Councillor Higgins reported that he had not attended an HS2 meeting on 14 January 2021. It was confirmed that the minutes in question were a sub-set of full Council minutes confirming that Councillor Higgins had been elected as Vice Chairman of the Major Applications Planning Sub-Committee for the remainder of the 2020/2021 municipal year.</p> <p><b>RESOLVED: That the minutes of the meetings dated 25 November 2020 and 14 January 2021 be approved as an accurate record.</b></p>
36.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>

37.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> <i>(Agenda Item 5)</i></p> <p>It was confirmed that all items were in Part I and would be considered in public.</p>
38.	<p><b>RIVER COLNE, RIVER ALIGNMENT, MOORHALL ROAD - 76182/APP/2021/399</b> <i>(Agenda Item 6)</i></p> <p><b>Request for approval of plans and specifications under condition imposed by Schedule 17 to the High Speed Rail (London – West Midlands) Act 2017 relating to earthworks associated with the realignment of the River Colne.</b></p> <p>Officers introduced the report relating to the realignment of the River Colne between Piers P38 and P39 of the Colne Valley Viaduct to enable the channel to pass between the two proposed piers. It was noted that the application site was an ecological site of special scientific interest. Natural England and the Environment Agency had been consulted and had raised no concerns or objections in relation to the ecological impact. Members heard that the works would be overseen by Natural England and the Environment Agency under separate processes. It was confirmed that flood risk officers believed there was no requirement to consider an alternative route. The application was recommended for approval.</p> <p>The Borough Solicitor addressed the Sub-Committee highlighting his comments on pages 22 and 23 of the agenda pack. Members were informed that there were two important legal issues to be considered in determining the application.</p> <p>Firstly, Members needed to be satisfied that they had sufficient information from HS2 Ltd to make a lawful decision. It was confirmed that this public law principle had been laid down by the Court of Appeal in its July 2020 ruling. The ruling had not been subject to further appeal and was therefore now established law. The judgement had made it clear that a qualifying authority was under no legal obligation to determine a Schedule 17 application submitted by HS2 Ltd unless and until it had provided sufficient information in support of it. In this case, it was confirmed that officers felt sufficient information had been provided.</p> <p>Secondly, Members were informed that the Sub-Committee was only empowered to refuse the application, or impose a condition on approval of it, on one or more of the following specific statutory grounds set out in Schedule 17:</p> <p>“That the design or external appearance of the works ought to, and could reasonably be modified: –</p> <ul style="list-style-type: none"> <li>to preserve the local environment or local amenity;</li> <li>to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or</li> <li>to preserve a site of archaeological or historic interest or nature conservation value.</li> </ul> <p>If the development does not form part of a scheduled work, that the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits.”</p>

The Borough Solicitor advised Members that, in this case, there were no statutory grounds for refusing the application or imposing a condition. An informative was being recommended but this had a different and lower legal status to that of a condition.

Members requested further clarification in respect of the potential for contamination of the water during the works and the archaeological impact. It was confirmed that, in terms of archaeology, Historic England had been consulted and had raised no concerns. With regards to contamination, Members heard that the Council would sign off the design and the Environment Agency would then indicate how it would be delivered to minimise residual impact.

It was hoped that HS2 Ltd would realign the river prior to commencing the construction works.

Members raised no further objections or concerns. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.

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

39. **LAND ADJACENT TO BREAKSPEAR ROAD SOUTH - 76185/APP/2021/449**  
(Agenda Item 7)

**Request for approval of worksite restoration details under condition imposed by Schedule 16 to the High Speed Rail (London – West Midlands) Act 2017 relating to the SSPA Compound.**

Officers introduced the report informing Members that the application sought approval for a site restoration scheme involving the removal of current worksite features and reinstatement of the land to its original state (farmland). It was confirmed that there was a requirement for HS2 to take care of the land for a period of time thereafter.

In response to questions from the Sub-Committee, it was confirmed that all hardstanding would be removed and fresh topsoil brought in. Any oil or contamination from vehicles would be cleared as part of the works and any damage to hedgerows and trees would be repaired. There were controls in place to manage this process.

Members raised no further objections or requests for clarification. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.

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

The meeting, which commenced at 6.00 pm, closed at 6.44 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185 or [epenny@hillington.gov.uk](mailto:epenny@hillington.gov.uk). Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.