

Our Ref: HNL5945

Date: 18 February 2020

Dear Ian

Thank you for your letter of 4 February 2020 to my colleague Simon Moody. Simon has read your letter and asked me to respond on his behalf.

In January 2018 the Environment Agency were asked to provide a narrative to be used at the HS2 Planning Forum meeting to explain our response to the project. Our narrative explained that due to our reduced planning remit under Schedule 17 of the HS2 Act, we would instead be responding to most environmental issues through Schedule 33 of the Act.

We are only likely to provide a detailed response to a Schedule 17 application where we wouldn't also be consulted under Schedule 33. This approach has been generally accepted by Local Planning Authorities along the route to date.

In response to the points raised within your letter:

1. As you correctly point out in your letter, the Environment Agency has a very limited remit within Schedule 17 of the Act. Part 5 of Schedule 33 of the Act gives the Environment Agency more robust powers to review any HS2 works that could:
 - (a) affect any drainage work which is or includes a main river or the volumetric rate of flow of water in or flowing to or from any main river,
 - (b) affect the flow, purity or quality of water in any main river or other surface waters or ground water, or
 - (c) affect the conservation, distribution or use of water resources;

As such, any HS2 work that could impact on the conservation features within the area, including flora and fauna reliant on the aquatic habitat, and the River Colne and local groundwater will be regulated through our robust powers under Schedule 33.

2. We have been working with HS2, their consultants, and other partners including the local water company for over 10 years. This has been vital in understanding the potential impact of the construction and operation of HS2 works on nearby surface waters and ground water, including the local Source Protection Zones.

Schedule 33 of the Act contains the relevant powers for the Environment Agency to regulate the HS2 development to reduce any impact on the environment and water supplies. Our remit under Schedule 17 of the Act does not extend to cover these impacts, which is the reason that we did not respond to this consultation.

3. The proposed diversion of the River Colne (including any potential impacts on nature conservation interests) will be considered by the Environment Agency under Schedule 33 of the Act. Our remit under Schedule 17 of the Act offers no additional value over and above our powers under Schedule 33.

Throughout our interaction with HS2 Ltd, we have made it clear that they should twin-track their Schedule 17 and Schedule 33 applications to ensure that they complement, and never contradict one another.

I hope this provides more information on our role around HS2. Should you require anything else please do contact us at HNL-Execoffice@environment-agency.gov.uk.

Yours sincerely



Sam Lumb
Area Director
Hertfordshire and North London