

Minutes

MAJOR APPLICATIONS PLANNING SUB-COMMITTEE (HS2)

20 May 2020



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

	<p>Committee Members Present: Councillors Steve Tuckwell (Chairman) Eddie Lavery (Vice-Chairman) Nicola Brightman Becky Haggar John Morgan 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</p> <p>Also Present:</p>	
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p> <p>It was noted that Cllr Roy Chamdal was no longer a Member of the HS2 Major Applications Sub-Committee and had been replaced by Cllr John Morgan.</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 meeting dated 4 March 2020 be approved 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 WILL BE HEARD IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items were in Part I and would be heard in public.</p>	Action by
8.	<p>COVID-19: TEMPORARY PLANNING PETITION SCHEME CHANGES - WRITTEN REPRESENTATIONS IN LIEU OF PHYSICAL SPEAKING RIGHTS (<i>Agenda Item 6</i>)</p> <p>It was confirmed that this was not applicable as there were no petition or speaking rights in the case of HS2 applications.</p>	Action by
9.	<p>NATIONAL GRID ZC DIVERSION - CONSTRUCTION SITE & COMPOUND OFF HARVIL ROAD, HAREFIELD - 74320/APP/2020/22 (<i>Agenda Item 7</i>)</p> <p>Officers presented the application which sought approval of lorry routes under condition imposed by Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 relating to the diversion of the National Grid ZC overhead power line in the Colne Valley.</p> <p>It was noted that some additional late information had been submitted by HS2 Ltd and circulated to Members earlier that day. This information did not substantially change the submission or the principle of it. The amount of traffic using the routes had not changed but a more intensive use of the access point to the north of the site was proposed. This was concerning since the proposal was to move vehicles right on to the busy and fast-moving Harvil Road. At peak times there would be approximately 100 slow turning vehicle movements a day at this access point. In light of this additional information, two possible options were outlined:</p> <ul style="list-style-type: none"> • Deferral to allow HS2 Ltd to provide more details on the access arrangements; • The addition of a Condition to secure further details relating to the access arrangements. <p>The Legal Officer addressed the Sub-Committee noting that, given the late submission of additional information, it had not been possible for the Council to ascertain whether HS2 Ltd would agree to a Condition being attached to approval of the application. Members were informed that, for such applications which fell under paragraph 6 of Section 17, the consent of HS2 had to be sought prior to the imposition of a Condition by the Sub-Committee. It was suggested that deferral would indicate that the Council was willing to act reasonably and would give HS2 Ltd an opportunity to put forward alternative arrangements. Such an option would also mitigate the possibility of HS2 Ltd lodging an appeal against the decision of the Sub-Committee. Members were advised that it would be difficult for HS2 Ltd to justify an appeal for non-determination within an 8-week period given that they had approached the Council with additional information at the eleventh hour.</p>	Action by

	<p>Members commented that the proposed number of lorry movements was largely acceptable; however, the access arrangements were a matter of some concern. It was noted that, under the new proposal, a large volume of vehicles would exit the site onto Harvil Road into fast moving traffic and this would have road safety implications. It was felt that the addition of a Condition would not be acceptable to HS2 Ltd and would give them another opportunity to appeal therefore was not advisable. Members were of the opinion that deferral would give HS2 an opportunity to make alternative arrangements to safeguard those using the site, local residents and road users.</p> <p>The deferral option was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be deferred to allow HS2 Ltd to provide more details on the access arrangements; for consideration at a future meeting of the Major Applications HS2 Sub-Committee.</p>	
10.	<p>LAND N/O CHILTERN MAINLINE, E/O RIVER PINN, W/O HIGH ROAD/ICKENHAM ROAD, RUISLIP - 75317/APP/2019/4141 <i>(Agenda Item 8)</i></p> <p>Officers presented the application, which comprised a Plans & Specifications submission under Schedule 17 to the High Speed Rail (London – West Midlands) Act 2017, relating to the new above-ground section of railway, including the West Ruislip Portal, the Portal Headhouse and Site Compound, substation building, part of the West Ruislip Retained Embankment and associated permanent works, including lighting, earthworks, boundary / security fencing and noise barriers. Officers were of the opinion that the proposals would not have a detrimental impact on a site of ecological value or an archaeological area of importance.</p> <p>In terms of the earthworks, informatives were recommended regarding drainage and tree protection. A Condition was proposed in relation to the ground headhouse structure and substation for the use of living screens to soften the appearance of the structures. Since the proposed noise screens were based on modelling work only at this stage, an additional Condition had been added in relation to the monitoring and reporting of noise. This would protect the amenity of local residents and allow for additional noise mitigation measures to be considered in the future if required.</p> <p>The Legal Advisor informed Members that this application fell to be considered under paragraphs 2 and 3 of Schedule 17 of the HS2 Act. Approval of the application was recommended subject to two informatives and two conditions. Informatives were difficult, if not impossible, to enforce and did not feature in the HS2 Act. Conditions, however, did feature in the Act and they were explicitly mentioned in both paragraphs 2 and 3 of Schedule 17. The Sub-Committee was legally able to impose conditions under paragraphs 2 and 3 without the prior approval or consent of HS2 Ltd. However, before imposing any such conditions, the Sub-Committee needed to ensure that the specific</p>	Action by

legal tests set out in paragraphs 2 and 3 were fully satisfied. This test is that, in relation to paragraph 2, the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified. With regard to paragraph 3, the legal test, insofar as sight, noise or dust screens is concerned, is that the design or external appearance of the works ought to, and could reasonably be modified, to preserve the local environment or local amenity. Members' attention was drawn to pages 40 and 45 of the report where officers had specifically provided an analysis of these legal tests in relation to paragraphs 2 and 3 respectively. Members were also advised to fully consider and take into account the comments made about how these tests were satisfied in the officer presentation.

In terms of landscaping, Members enquired whether it would be possible to improve the appearance of the proposed 5 metre noise barrier at the end of the Greenway for the benefit of local residents. It was confirmed that the noise barrier was an engineering structure which had to be regularly maintained therefore this would be difficult. Moreover, a limited amount of vegetation would be possible in the area between the noise barrier, High Speed 2 and the Chiltern Line for health and safety reasons. HS2 Ltd had advised the Council that the appearance of the noise barrier could not be softened through landscaping from a maintenance and structure management perspective; such a request could not therefore be deemed to be reasonable.

Members requested further clarification regarding the area of hardstanding within the compound area for emergency and maintenance vehicles. It was noted that this area could also be used for parking. Members enquired whether there was a stipulation as to the number of cars which could park there. Concern was expressed that emergency vehicles trying to access the site might encounter difficulties if a large number of cars were already parked there. Officers confirmed that the car parking in that area was minimal – 850 sqm of parking space. The site was very secure therefore it would be unlikely that there would be any obstacles to restrict access to emergency vehicles. The site was not fully operational and staff would not be coming and going on a regular basis, therefore it was anticipated that this would not be a problem.

The Sub-Committee thanked officers for the comprehensive report and the Borough Solicitor for his thorough legal advice. Members commented that the proposed arrangements were broadly satisfactory and noted that the addition of a living, green wall would soften the structure considerably. It was felt that the imposition of a Condition in this regard was reasonable since the change was not to the structure itself but to its appearance. In respect of noise, Members were of the opinion that it was reasonable for the Sub-Committee to impose a Condition necessitating appropriate monitoring of noise levels thereby ensuring that, should the levels set in the Act be breached, the Council could reasonably request that further works be carried out to mitigate noise. Councillors were satisfied that both of the proposed Conditions met the legal test set out in paragraphs 2 and 3 of the Act.

<p>The officer's recommendation was moved, seconded and, when put to a vote, unanimously approved, subject to the Conditions and the informatives set out in the report.</p>	
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<p>RESOLVED: That the application be approved subject to the conditions and informatives outlined in the officer's report.</p>	
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<p>The meeting, which commenced at 6.00 pm, closed at 7.22 pm.</p>	
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These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services - Liz Penny on . Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.