

SUBJECT:	<i>HS2 Update Report and Appointment of Landscape Consultants</i>
REPORT OF:	<i>Councillor John Read, Planning and Economic Development Portfolio</i>
RESPONSIBLE OFFICER	<i>Bob Smith, Chief Executive</i>
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WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The report sets out an update on the project to date and also sets out the need to appoint landscape consultants on the forthcoming Schedule 17 approval applications during the construction phase and Members are asked note the appointment of consultants for this purpose.

RECOMMENDATIONS

That Cabinet:

- 1. Note the current position;**
- 2. Approve the appointment of Land Use Consultants to provide landscape advice on Schedule 17 applications and other related HS2 matters for the duration of the planning aspect of the construction phase; and**
- 3. Approve Delegated Authority to the Council to act as the commissioning authority for any Additional Projects from the Colne Valley Regional Park Panel's work to the Chief Executive in consultation with the Head of Legal Services.**

2. Reasons for Recommendations

The recommendations are to bring Members up to date with the work undertaken on the project and the forward planning for the project.

3. Content of Report

- 3.1 Members will recall in the last report that we reported the Bill had secured royal assent and become an Act of parliament on 23rd February 2017. Section 20 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for the works, but certain approvals need to be obtained from the relevant planning authorities under Schedule 17 of the Act.
- 3.2 The principal works which are granted permission are set out in Schedule 1 of the Act and these have to be constructed in the location and to the levels relevant to each scheduled work shown

on the deposited plans and section. It should also be noted that the scheduled work can deviate vertically downwards from the levels shown to any extent and may deviate upwards up to 3 metres.

3.3 Buckinghamshire County Council ('the County Council') will have an approval role in controlling the impact of construction of new accesses and roads. The County Council as the highways authority leads on the local Traffic Liaison Group meetings which deal with the Local Traffic Management Plans, site specific traffic management schemes and other monitoring. The County Council is also dealing with all matters related to waste and excavated material management.

4. SBDC Context Report

4.1 The South Bucks District Council HS2 Planning Context Report, Appendix 1, was received in August from HS2 and sets out an overview of the HS2 works that are going to take place within the District and also includes a programme for making requests for approval under Schedule 17.

4.2 This sets out in more detail the works that will take place in the District which will comprise:-

- Works to construct the Colne Valley Viaduct as it enters the District at its north boundary with the London Borough of Hillingdon at River Colne
- Construction of approach tracks and highway works associated Heathrow Express Depot in proximity to Iver and Langley
- Preparatory and Temporary Works

4.3 The project will involve the following stages going forward:

- Advance works, including site investigations, site surveys, preliminary mitigation works, preliminary enabling works;
- Diverting utilities;
- Civil engineering works, including establishment of construction compounds and temporary construction accesses;
- Site preparation and enabling works including demolition, site clearance, main earthworks and structural works;
- Railway installation works, including infrastructure installation, connections to utilities and changes to existing rail network;
- Site restoration and
- System testing and commissioning

4.4 The Main Works Contractors (MWC) have been appointed in July 2017 and HS2 have said that the MWC are working to a 12-18 months brief on designing the railway and securing the necessary approvals and that is why the Schedule 17 Requests Programme for the District commences in 2017 through to 2019 when the bulk of the 40 or so applications for the District are expected to be received and progressed.

- 4.5 The Council has received a 3-month Forward Plan setting out anticipated work for that period of Schedule 17 applications to allow the Council to ensure it plans and has in place the resources needed for the ongoing work. The Council's team also has to include the work for the Colne Valley Regional Park Panel, Planning Forum and various sub groups that continue to meet and work on the project. Additionally the Bucks authorities officers meet collectively every month to share information and good practices to ensure there is a co-ordinated approach and response to the applications, assurances and undertakings and issues that arise.

5. *Appointment of Landscape Consultants for Schedule 17 applications work*

- 5.1 As stated above, HS2 Ltd have provided a provisional forward plan of the forthcoming Schedule 17 consent approval applications that South Bucks and Chiltern District Councils will receive during 2017. Having discussed the incoming workload, and the processes required to deal with applications in line with the statutory time obligations, our Principal Planning Officer has recommended appointment of a landscape consultant who will act as a consultant to the Councils in regards to pre-applications submissions and on the Schedule 17 consents as the Council does not have in-house expertise
- 5.2 The requirement of a landscape consultant was highlighted at very early pre-application discussions with HS2 Ltd in regards to the ventshafts, where the Council felt a landscape consultant's expertise would prove to be beneficial, which would assist in meeting with the time constraints considering the human resource constraint of the project team.
- 5.3 The landscape consultant which the Council recommends is Land Use Consultants (LUC) who was commissioned to produce the 'A Landscape -led approach to HS2 in Buckinghamshire and the Colne Valley - LUC 2015' and worked closely with the Bucks authorities in producing the enhanced mitigation requests for the districts. LUC is also the consultant who is currently working with the Chilterns AONB Group on its further mitigation proposals and therefore is already heavily involved in the county on the HS2 work. The Council is of the opinion, that LUC therefore are best placed to undertake this role on short notice, having built up considerable experience and knowledge of the HS2 project within the Buckinghamshire area over the last few years.
- 5.4 Having discussed the prospect with HS2 Ltd, they have agreed to fund the work LUC undertakes as landscape consultant to South Bucks District Council and Chiltern District Council under the forthcoming Service Level Agreement, with the caveat that LUC fees are in line with the cost limitations as set out for consultants in the SLA. LUC have agreed to the fees rates offered by HS2.
- 5.5 The work is considered to be necessary for the period of construction of the approved scheme for a period of around 6 years commencing this year, and both Councils are expecting a total of approximately 150 Schedule 17 approval applications over the duration of the construction period, representing pre-apps, full applications, bringing into use applications but excluding

variations and repeat applications. Not all the Schedule 17 applications will require landscape input, but we do anticipate that a very significant number will so there is significant work involved over the duration of the construction period.

5.6 HS2 Ltd agreed that the work LUC undertakes on the AONB Review Group would be funded separately under the AONB Review Group MoU and that all work undertaken in respect of Schedule 17 applications would be funded through the SLA.

5.7 Due to very tight time constraints, the Councils have only envisaged approaching LUC and no other firms, particularly because LUC has built up a considerable amount of experience on a complex national infrastructure project specifically within the county, further HS2 Ltd have also agreed to fund all work done by LUC as landscape consultant, as HS2 Ltd have confidence in their expertise. LUC have agreed to the capped rates that HS2 is prepared to pay under the SLA.

5.8 The Council undertook an assessment and full interview process in the appointment of LUC when the AONB Review Group sent tenders for consultants to deliver the objectives as a Review Group, and having invited five firms to tender, two were shortlisted for interviews of which LUC were the most successful, scoring the highest and being accepted and promoted by Chiltern and Aylesbury Vale District Councils, the Chilterns Conservation Board and HS2 Ltd.

5.9 In addition, the Council has undertaken the following short assessment criteria check, and have scored respectfully.

5.10 The following assessment criteria are being used:

Conflict of interest	NA
Cost	Funded via HS2
Experience and knowledge in this field and these circumstances	Very good
Approach to landscaping and mitigation	Very good
Approach to time and cost estimating	Very good
Demonstrate sufficient committed resource to deliver project on time	Very good
Experience of successful external consultation to inform final project outcomes	Very good

5.11 An exemption for the contract procedure rules to appoint LUC on the above basis was requested to the Management Team on the following grounds:

1. The forthcoming Schedule 17 consent approval applications pre-application discussions have already commenced and there is an urgent need to involve landscape consultants with their expertise at this early stage in the process
2. There is a general lack of experts available to undertake this work under short time constraints with sufficient knowledge and experience on this complex national infrastructure project within the area.
3. Due to LUC's historical involvement with the project on a Bucks wide basis.

- 5.12 Due to the reasons provided above, a report was taken to MT on 5th July 2017 to approve the appointment of the LUC as landscape consultants to Chiltern District Council and South Bucks District Council pertaining to Schedule 17 consent approval applications, in accordance with Section A6 Exemptions, paragraphs 15-18 of the Joint Contracts Procedure Rules October 2015 on CCC of July 2017.
- 5.13 Members are requested to note this.

6. SBDC Commissioning Authority for Colne Valley Regional Park Panel (CVRPP)

- 6.1 Members will be aware of the work being undertaken by the Panel which was reported to Members on 9th March 2017. As the Additional Mitigation Projects are finalised, there will be the need for the Panel to appoint a commissioning authority or authorities to appoint, manage and monitor the work as it is undertaken. Delegated authority is therefore sought for SBDC to act as the commission authority as a management body to oversee the implementation of the identified Additional Mitigation Projects by the contractor as would be agreed by the Panel. This is especially important considering the lifespan of the Panel is only until March 2018 after which there will be a requirement for a body to undertake responsibility for ensuring the work is carried out properly throughout the construction phase. SBDC is the commissioning authority for the consultants carrying out the work on the Additional Mitigation Projects and has been a member of the Panel since its inception in 2016 and has remained an informed and integral member, which HS2 agree are best placed to assume this role. Any costs related to undertaking this role will be covered by HS2 and there will therefore be a nil cost to the Council.

7. Service Level Agreement

- 7.1 The Service Level Agreement (SLA) which will govern the contractual relationship between the Council and HS2 is still being negotiated after HS2 changed its position on the rates it was prepared to pay local authorities. Since 2015, negotiations on the SLA have been undertaken on a route wide basis until a draft in principle was agreed and then in September 2016, the negotiations moved to local level. HS2 asked all the authorities to submit their rates and upon receiving these, decided in July 2017 that it would adopt a route wide approach which was unacceptable. This led to further high level meetings with local authorities requiring their actual costs be fully met and that they were not prepared to agree rates which did not secure this. The Council has submitted its rates and made clear that it must recover all costs associated with work relating to the project.
- 7.2 The Council threatened to issue legal proceedings for unpaid invoices, which resulted in the payment of outstanding invoices up to April 2017. The project continues to remain in budget as reported to Members in the March 2017 report to PAG with ongoing recovery of costs from HS2.

7.3 The Council's HS2 Project Team continues to work hard to secure a SLA which meets the Council's resources requirements and allows the Council to fulfil its obligations as a Qualifying Authority.

8. Consultation

Report to Management Team on 5th July 2017.

9. Options

The report sets out the options considered by your officers in the appointment of the Consultants in paragraph 6.

10. Corporate Implications

10.1 Financial – as set out in main report Paragraphs 5 and 6.

10.2 Legal – as set out in main report Paragraphs 5.11, 5.12 and 6.

10.3 Sustainability- HS2 represents one of a number of major schemes that are most challenging in environmental terms to affect the South Bucks District and has major implications for all those working, visiting or living in the area. The scheme would have major implications on the sustainability of the District. The continuation of the Council's HS2 Project Team should provide important continuity and retention of the knowledge and skills base that the Councils have.

10.4 Risks – The main risks for the Authority at this stage in the process continue as follows:

- That the Council incurs costs which HS2 does not repay as it refuses to recognise the costs as being necessary.
- That uncertainty created by the failure to finalise the SLA, leads to team members leaving the Project and putting at risk the Council's ability to perform as a Qualifying Authority.

10. Links to Council Policy Objectives

The Council is committed to conserving the environment and promoting sustainability and supports a strategic approach to ensuring the best mitigation is secured for the District as the scheme moves to implementation and construction stage.

Key Objectives

Conserve the environment

- Protect the Green Belt through the planning process and the Local plan
- Work to minimise the impact of HS2 on our local community and environment

- Conserve our valuable Heritage including the AONB and Conservation Areas

11. Next Step

The HS2 team will continue to work on the project utilising the context report that has been published and the Council will be able to utilise the landscape consultant's expertise in determination of Schedule 17 approval applications, especially with complex landscape application matters.

Background Papers:	1. South Bucks District Council Context Report
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