Chilterns National Landscape Land Restoration Group

Proposal for an organisation to oversee and co-ordinate restoration of the National Landscape

Inaugural meeting

- Agenda
    1. The Objective
        - "To consider how the HS2 construction corridor can best be restored to re-integrate the sites into the Chilterns Landscape Character Areas, as far as possible."
    2. The problem
        - We need a coordinated approach across the Chilterns to control land restoration in the absence of an HS2 Overall Landscape Vision for the Chilterns National Landscape
    3. Three Big Issues to address
        - What sort of organisation is needed
        - Funding and influence
        - Resourcing
    4. Next steps Action Planning

- Invitees
    - Member of Parliament
        - Greg Smith MP
        - Ian Kelly, HS2 SPAD
    - Chilterns Society
        - Simon Kearey, Chilterns Society Chairman
        - Jim Conboy, Chilterns Society HS2 team
    - Chilterns Conservation Board
        - Neil Jackson, Chilterns National Landscape HS2 lead
    - Buckinghamshire Council
        - Tom Blackman, HS2 Planning lead
        - Jonathan Bellars, Landscape Architect ?
        - Cllr Peter Martin, HS2 & EWR and Missenden
    - Wendover HS2
        - Ron Petersen, Chairman
        - Murray Cooke, Secretary

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Annex A: Possible scope

1. The Problem

- Land Restoration Background
  - DfT acquired significantly more land than originally expected
  - Not clear which parcels near the line will be disposed of
  - Some sites have landscaping intentions different from their original use.
  - HS2 have responsibility for land restoration and ongoing management until disposed of
  - Previous owners may not want to buy back the land at current market values
  - Parcels then expected to be for sale on the open market.
- HS2 Landscaping Strategy issues
  - There is no clear vision of HS2 Landscaping for the Chilterns
  - There are Landscaping visions for individual "Key Design Elements"
    - but not for the rest of the line, land outside operational area.
  - Contractors have "Indicative Mitigation" and "Landscaping" plans as part of Schedule 17(3) design submissions
    - but these lack detail and thorough correlation with the HS2 Chilterns AONB Review Group's "Detailed Design Principles"
  - Land returned post-HS2 may not be suitable for its previous use
    - Eg: Small Parcels of Agricultural land not fit for farming
  - Lack of operational maintenance of land owned by HS2/DfT
- Lack of HS2 Overall Landscape Vision for the Chilterns
  - Some linkage between HS2 Design Vision, the HS2 Landscape Design Approach, and MWCC's landscaping proposals
  - Chilterns AONB Design Review Group Detailed Design Principles (DDP)
  - Review of HS2 Major Works Civils Contractor's (MWCC) proposals alignment with DDP requirements
  - Getting the design development details right
- We need a coordinated approach across the Chilterns
  - Review Contractors S17(3) proposals for fit with an overall Chilterns vision
  - Identify parcels of land where change of use could be appropriate based on local knowledge (eg: Leather Lane)
  - Influence S17(12) restoration proposals and independently monitor their implementation
- Fit with evolving Central Government strategy

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- Green Belt / Grey belt and Housing needs in revised National Planning Policy Framework
- Buckinghamshire Local Plan
- Chilterns National Landscape protection
- DfT Land Disposal and Crichel Down Rules

2. An organisation for the draft solution

- Possible need for a multi-agency body similar to (or part of ?) the HS2 Chilterns AONB Design Review Group
- Membership
  - Member of Parliament
  - Chilterns Society
  - Chilterns National Landscape
  - Buckinghamshire Council
  - HS2 Ltd
  - EKFB
  - Align
- Funding from HS2 Ltd?
- Incorporate the AONB Group "Additional Projects" programme?
- Staffing?
- Communications?
- Operations
  - Interaction with MWCCs
    - How can the organisation have influence over the landscaping decisions of HS2 and the MWCCs ?
  - Interaction with Local Planning Authority
  - Monitoring on the ground
- Name?

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3. The Objective -

"To consider how the HS2 construction corridor can best be restored to re-integrate the sites into the Chilterns Landscape Character Areas, as far as possible."

4. Methods and Milestones

- What needs to be done
  1. Validate that the Chilterns LCAs provide an existing , well defined target (unlike 'an exemplar landscape design')
  2. Re-assessment of previous guidance (LDDP etc…) in the light of the current situation on the ground
  3. Re-examination of the 2015 Biodiversity/No Net Loss assessment to see if the proposed biodiversity gains can still be achieved, and whether the proposed enhancements are compatible with the objective
  4. To produce guidelines for the specification of various landscape features (woodlands, hedgerows etc) to be included in all S17 applications, unless there are good reasons for local variations. The specifications to be drawn up in consultation with local ecologists and experts .
  5. To review and comment on the S17 landscaping proposals for all sites, suggesting how they can best meet the objective.
  6. To inspect and evaluate any mitigation works already undertaken, to determine if they are fulfilling the objective.
  7. To identify any non-operational areas which may no longer be suitable for returning to their original uses, and consider how these can best be managed, post construction.
  8. To monitor what's happening on the ground with sites and planning requests

- When does it need to be done by?

5. The Big Issues to get fixed first?

- Funding and influence
  - The Chilterns AONB Review Group had the power of the Legal Undertakings to:
    - Pay for members and secretariat
    - Make recommendations for the MWCCs to do things differently
  - Can we get the remit of the Review Group tweaked to now cover restoration?
    - See appended Review Group Terms of Reference and the Undertakings
  - If we can't get the remit changed, what options are available that are likely to work?
    - Pitch to the HS2 Community and Environment Fund for money?
    - Do something with Bucks Council Planning?
- Resourcing
  - We need to have a project plan/resource model to work out the costs involved
  - Can the CNL's existing HS2 activity be extended to include the admin?

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- What's the scale of the technical tasks? Could this be done through voluntary work by retired experts?
- Would there be a need for a Ranger equipped with a vehicle to visit affected sites?

Stakeholders to be kept informed

- Member of Parliament
  - Greg Smith MP
  - Ian Kelly, HS2 Special Advisor
- Chilterns Society
  - Simon Kearey, Chilterns Society Chairman
  - John Gladwin, Chilterns Society HS2 team
  - Jim Conboy, Chilterns Society HS2 team
- Chilterns Conservation Board
  - Neil Jackson, Chilterns National Landscape HS2 lead
  - Matt Thomson, Chilterns National Landscape Head of Operations
- Buckinghamshire Council
  - Laura Leech, HS2 and EWR Strategic Projects
  - Tom Blackman, HS2 Planning lead
  - Jonathan Bellars, Landscape Architect ?
  - Mike Sharp, Consultant Ecologist ?
  - Cllr Peter Martin, HS2 & EWR and Missenden
  - Cllr Richard Newcombe, Wendover and CCB
- Parish Councils
  - Cllr Leigh Porter, Wendover HS2 lead
  - Cllr Mike Johnson, Gt Missenden
  - Cllr Colin Sully, The Lee
- Wendover HS2
  - Ron Petersen, Chairman
  - Murray Cooke, Secretary

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The HS2 Chilterns Review Group

Basically, the Review Group was set up under assurance with 2 main aims:

- Develop detailed design principles;
- Oversee the spend of the £3m allocated for additional projects.

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Annex D: Chilterns AONB Review Group Terms of Reference, October 2016.

The Chilterns AONB Review Group

1. **The purpose and remit of the Chilterns AONB Review Group ('the Group') is to work on a collaborative basis to:**
    1. develop design principles (both general and detailed) that could reasonably be applied to HS2 works in the Chilterns AONB and its setting, which aim to achieve an exemplar landscape design for the project; and
    2. identify additional environmental integration[1] and enhancement[2]2 measures that may further integrate the scheme into the AONB.

Consistent with Assurances given by the Promoter to The Chilterns Conservation Board; Buckinghamshire County Council; Chiltern District Council; Aylesbury Vale District Council, Wycombe District Council (see Annex A). This collaboration will be in recognition of the statutory duty under the Countryside and Rights of Way Act 2000, section 85 of relevant authorities (including Ministers of the Crown, public bodies and any statutory undertaker) to conserve and enhance the natural beauty of the Chilterns AONB (See Annex B) and the requirements for HS2 stipulated by the HS2 Bill and its supporting documentation.

Membership

2. Membership of the Group will consist of representatives of the following organisations:
    a. The Chilterns Conservation Board;
    b. Buckinghamshire County Council;
    c. Chiltern District Council;
    d. Aylesbury Vale District Council;
    e. Wycombe District Council;
    f. Natural England;
    g. HS2 Ltd/Nominated Undertaker

3. Attendance from other organisations such as the Forestry Commission, Historic England and the Environment Agency should take place as appropriate and be discussed in advance with HS2 Ltd. All members will be subject to the Nolan principles of public life[3]

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[1] New proposals, in addition to that proposed as part of HS2's mitigation, that would allow the scheme to further integrate or blend into the landscape'

[2] 'Proposals that seek to improve the landscape resource and the visual amenity of the proposed development site and its wider setting, over and above its baseline condition'

[3] https://www.gov.uk/government/publications/the-7-principles-of-public-life

Scope & Function

3. Develop design principles (both general and detailed) that could reasonably be applied to the HS2 works in the Chilterns AONB and its setting, which aim to achieve an exemplar landscape design for the project;

4. The Group will work collaboratively and in a timely way to discuss and develop key design principles, complementing the HS2 Design Vision and principles developed within the Landscape Design Approach (LDA), that could reasonably be applied to the design and appearance of HS2 works affecting the Chilterns AONB and its setting, including its local context, environment and social setting. These design principles will be used to provide appropriate guidance for the design and appearance of HS2 works in the AONB and its setting. Discussion of these principles will recognise the need for them to be:
   a) compatible with and so as not to compromise or impact on the construction and operational requirements of the railway;
   b) within the limits and powers of the Bill and not add unreasonable additional cost;
   c) in accordance with other relevant approvals required under the Bill, including any highways approvals required under Schedule 4 and Part 1 of Schedule 32 to the Bill;
   d) consistent with the HS2 Environmental Minimum Requirements; and
   e) material to the consideration of requests for approval under Schedule 17 of the HS2 Bill.

5. In developing these principles the Group will consider how best to respond to the duty of regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty[4]4 of the Chiltern Hills AONB (s85 Countryside and Rights of Way Act 2000 – see annex B). The Group will also take into consideration the social and economic aspects of the locality, to achieve a distinctive and/or sensitive outcome within the Chilterns AONB and its setting.

6. Notwithstanding any pre-submission discussions that will take place with relevant local planning authorities, prior to the completion of the detailed design for the HS2 Works in the Chilterns AONB or within its setting, HS2 Ltd/ the nominated undertaker will present emerging design outputs to the group in order to allow members reasonable opportunity to comment on the design. Such comments to be received within 28 days of receipt of the details in respect of such design;

7. In developing the above mentioned principles and in addition to the LDA the Group will be cognisant of the relevant principles of existing Chilterns AONB design guidance and processes, notably those contained in the LUC document entitled 'A landscape-led approach to HS2' and those documents developed under the auspices of the Chilterns Conservation Board[5].

- **Identify additional environmental integration and enhancement measures that may further integrate the scheme into the AONB (in the form of a Plan);**

8. The Group will oversee the delivery of an environmental integration and enhancement plan which will identify additional environmental integration and enhancement measures that may bring mitigation benefits and further integrate the scheme into the AONB over and above that proposed in the Environmental Statement, the detailed design process and further negotiations with

[4] For purposes of clarity, the term natural beauty includes 'flora and fauna and geological and physiographical features',as per S92(2) of the CROW Act 2000.
[5] For example the Chilterns AONB Management Plan, the Chilterns Building Design Guide

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landowners. These measures will be taken forward subject to confirming and agreeing such proposals and their delivery with the Promoter;

10. Where this involves measures outside the limits and powers of the Bill the relevant authorities will be responsible for acquiring any relevant approvals, including landowner approvals. None of the proposals should prevent or hinder the timely delivery of the Proposed Scheme and should complement (not contradict) the design of the HS2 scheme delivered under the Planning Regime set out under Schedule 17 to the Bill;

11. The scope and function of the Group in relation to the current HS2 Design process will develop as the processes are progressed. Over the life of the Group there may be occasions where members agree that changes to the Scope will be required. Such changes shall occur as and when agreed by its members.

Outputs

12. The output of the Group will be the development of design principles that can reasonably be applied to the design and appearance of HS2 works within the Chilterns AONB and the identification of additional an environmental integration and enhancement plan, identifying additional environmental and integration measures that may further integrate the scheme into the AONB; as consistent with paragraph 1.

13. At its inaugural and subsequent meetings the Group will agree a Forward Plan, to include the detailed design phase post-Royal Assent, which will outline the timing of the key inputs required.

Chair

14. At the discretion of the AONB Review Group it may choose to appoint an Independent Chair Person, who be responsible for facilitating discussions and working with the members to help them reach consensus.

15. Should the Review Group choose to appoint an Independent Chair Person, the position of will be advertised for an open and transparent appointment, involving chosen representatives of Review Group.

Decisions

16. The Group Chair will aim to reach a consensus amongst members and will provide recommendations to HS2 Ltd/the nominated undertaker.

17. HS2 Ltd/the nominated undertaker will have due regard to the key design principles produced by the Group in the development of the designs for HS2 Works in the Chilterns AONB in so far as these do not impact the timely economic and safe delivery and operation of the railway, and are relevant to the grounds on which the relevant planning authority would be entitled to refuse approval under Schedule 17 to the Bill.

18. HS2 Ltd/ the nominated undertaker should endeavour to identify at the time that the Group is considering a particular recommendation any issues which mean that the recommendation is unlikely to be supported.

Meetings

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19. The expectation is that the Group will meet as appropriate to support the outputs outlined above. It is expected that the group will initially meet at 6 to 8 weekly intervals. The frequency of meetings should be kept under review of the Group. . The normal expectation would be that a meeting will be no longer than 3 hours duration.

Record keeping

21. HS2 Ltd/the Nominated Undertaker will, at their own cost, provide secretariat for the Group. In this capacity, HS2 Ltd will:

- Circulate draft meeting minutes for comment and any material discussed (including presentation slides and agreed changes to the forward agenda) at the previous meeting within two weeks of the date of the meeting;
- Circulate the draft agenda for the upcoming meetings two weeks prior to meeting for consideration by members of the Group;
- Circulate the final agenda and any, non-sensitive materials one week prior to the Group meeting;
- Ensure circulation to the agreed points of contact for each of the organisations invited to attend the Group, and;
- Publish unless otherwise agreed by the Group the final agreed minutes of meetings on HS2 Ltd.'s website and keep organisations, who have so requested, kept updated on matters considered by the Group (please see Confidentiality section below); and
- Set out agreed action points and progress

Reimbursement of Costs

22. Reasonable professional and administrative costs of the Group will be met by HS2 Ltd/the nominated undertaker. This will include the direct actual expenses incurred by members both for attending and for work outside of meetings to support professional input to the Group by its members.

23. Any reimbursement of costs to members of the Group will be administered by a separate agreement/memorandum of understanding with HS2 Ltd. Whilst this agreements will be subject to a separate discussion, the level of re-imbursement will be limited to the actual costs incurred by any given member, so far as those costs are reasonable, appropriate and are required to support the function and outputs of the Group.

24. In most part it is anticipated that no more than two staff members per organisation would need to attend meetings.

Confidentiality

25. Meetings of the Group are intended to be open and transparent. However, in some instances, to ensure that certain discussions can take place in a timely way and recognising the sensitive nature of some HS2 proposals it may be necessary to discuss and share information that is confidential in nature or have commercial implications to the procurement and similar arrangements. In the event that this situation arises, HS2 Ltd will firstly confirm that the intention is to discuss confidential matters. Recognising that most members of the Group are required to comply with obligations under the FOI and Environmental Information Regulations, confidential information will only be discussed and shared with members of the Group that have entered into a separate confidentiality agreement with HS2 Ltd.

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Annex A: Consolidated list of assurances

10 February 2015– Assurance on design and appearance of HS2 works in the Chilterns AONB

(1) The Promoter will require the nominated undertaker to work with Chiltern District Council in developing design principles that could reasonably be applied to the design and appearance of HS2 works in the Chilterns Area of Outstanding Natural Beauty (AONB) to ensure that they provide appropriate guidance for HS2 works in the AONB. These design principles must be consistent with the operational requirements of the railway, implementable within the allocated HS2 budget and the powers in the HS2 Bill and in accordance with any other relevant approvals required under the Bill, consistent with the HS2 EMRs, and material to the consideration of requests for approval under Schedule 16 of the HS2 Bill.

(2) When developing its detailed design for building and construction works (including landscaping) in the Chilterns Area of Outstanding Natural Beauty (AONB), the Promoter will require the nominated undertaker to take into consideration the design principles developed for the HS2 works in the AONB insofar as these relate to the grounds specified in the relevant paragraphs of Schedule 16, have had regard to the nominated undertaker's reasonable comments in their preparation, and have been established and agreed by such time as is required to meet the HS2 programme for development of detailed design for these HS2 works.

(3) The Promoter will require the nominated undertaker to use reasonable endeavours to ensure the design of any earthwork created in the Chilterns Area of Outstanding Natural Beauty (AONB) as a result of the HS2 works, which is subject to approval under Schedule 16 of the Bill, sensitively integrates into its surroundings by respecting natural contours and existing landscape features.

12 October 2015 – Assurance on HS2 Chilterns AONB review group

1. In recognition of the special qualities of the Chilterns Area of Outstanding Natural Beauty (AONB), the Secretary of State will require the nominated undertaker to engage prior to the completion of the design phase and subject to the terms of the assurances 2 to 7 below on a collaborative basis in relation to key principles for the design and appearance of HS2 works in the AONB with the following parties:

a. The Chilterns Conservation Board;
b. Buckinghamshire County Council;
c. Chiltern District Council;
d. Aylesbury Vale District Council;
e. Wycombe District Council;

2. To facilitate this collaborative engagement, the nominated undertaker will seek to form a Chilterns AONB Review Group (the 'Group') involving the parties listed above.

3. The Secretary of State will require the nominated undertaker to initiate the Group if four or more of these parties agree to its formation.

4. If the Group is established, the Secretary of State will require it to be convened as set out below for the purpose only of discussing key principles that could reasonably be applied to the design and appearance of HS2 works in the Chilterns AONB recognising the need for these design principles to be:

a. compatible with and so as not to compromise or impact on the construction and operational requirements of the railway,
b. within the limits and powers of the Bill and the allocated budget,
c. in accordance with any other relevant approvals required under the Bill, including any highways approvals required under Schedule 4 and Part 1 of Schedule 31 to the Bill;
d. consistent with the HS2 Environmental Minimum Requirements; and
e. material to the consideration of requests for approval under Schedule 16 of the HS2 Bill.

5. The Secretary of State will require the nominated undertaker have regard to those principles in the development of the designs as far as reasonably practicable and within the limits and powers set out in the Bill, and so far as it does not impact the timely, economic and safe delivery and operation of the railway, and is relevant to the grounds on which the relevant planning authority would be entitled to refuse approval under Schedule 16 to the Bill.

6. If the Group is established, the nominated undertaker will seek to convene a meeting of the Group:

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a. prior to the commencement of the design process for the HS2 Works in the Chilterns AONB to allow members to present and discuss their views on the needs of the Chilterns AONB and the design principles they wish to see applied; and
b. prior to completion of the detailed design for the HS2 Works in the Chilterns AONB to allow members reasonable opportunity to comment on the design. Such comments to be received within 28 days of receipt of details in respect of such design;

7. Reasonable and properly incurred administrative costs in respect of the formation of and running of the Chilterns AONB Review Group will be met by the nominated undertaker.

29 January 2016 – Assurance Chilterns AONB Review Group and funding

'The Secretary of State will require the Nominated Undertaker to engage with the 'Chilterns AONB partners' regarding the proposed terms of reference for the Chilterns AONB Review Group ("the Group"). The 'Chilterns AONB partners' will include Buckinghamshire County Council, Chiltern District Council, Wycombe District Council, Aylesbury Vale District Council, Chiltern Conservation Board, Natural England and the Nominated Undertaker. Attendance from other organisations should take place as appropriate, and discussed in advance with HS2 Ltd. Other members may be added following the agreement of the other partners.

Engagement on the proposed terms of reference will include, but not be limited to, extending the remit of the Group to include the identification of additional environmental integration and enhancement measures that may further integrate the scheme into the AONB. Engagement on the proposed terms of reference will also cover the duration of the group.

The group will use the HS2-produced Landscape Design Approach as its principal reference document but will also develop a set of specific design principles that could reasonably applied to the design and appearance of HS2 works in the Chilterns AONB as per the assurances dated 10 February 2015 and 12 October 2015. These principles will be cognisant of the LUC document 'A Landscape-led approach to HS2 in the Chilterns' and those documents developed under the auspices of the Chilterns Conservation Board, and will be used to inform the identification of environmental integration and mitigation measures over and above that proposed in the Environmental Statement, the detailed design process and further negotiations with landowners.

The Secretary of State will make available up to £3 million to the Group to support the identification and delivery of local environmental integration and enhancement measures which are over and above that proposed in the Environmental Statement or related detailed design. The measures to be taken forward would be subject to the Chilterns AONB partners confirming and agreeing such proposals and their delivery with the Promoter. Where this involves measures outside the limits and powers of the Bill the relevant authorities will be responsible for acquiring any relevant approvals. None of the proposals should impact on the delivery of the Proposed Scheme orcontradict the existing Planning Regime set out under Schedule 16 to the Bill'.

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Annex B

Countryside and Rights of Way Act 2000, section 85

85 General duty of public bodies etc
(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
(2) The following are relevant authorities for the purposes of this section—

a. any Minister of the Crown,
b. any public body,
c. any statutory undertaker,
d. any person holding public office.

(3) In subsection (2)—

- "public body" includes
  a) a county council, county borough council, district council, parish council or community council;
  b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;
  c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;
- "public office" means—
  a) an office under Her Majesty;
  b) an office created or continued in existence by a public general Act; or
  c) an office the remuneration in respect of which is paid out of money provided by Parliament.

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