

## Phase 2a Planning Forum Agenda Meeting #01 – November 2017

<b>Date &amp; Time:</b>	<b>Phase 2a Forum Meeting</b> <b>Tuesday 7<sup>th</sup> November 2017</b> <b>13:30 – 16:00 Planning Forum</b>  <b>HS2 Ltd</b> <b>Staffs CC</b> <b>1 Staffordshire Place</b> <b>Stafford</b> <b>ST16 2DH</b>
<b>Interim Chair:</b>	<b>Jon Griffiths (DfT)</b>

Item	Topic	Lead	
	Introductions	All	13:30
1	Purpose of the meeting	HS2 Ltd	13:35
2	Draft Terms of Reference (ToR)	HS2 Ltd	14:00
3	Appointment of an independent chair	HS2 Ltd	14:25
4	Parliamentary process	HS2 Ltd	14:30
5	Overview of Bill planning regime and Environmental Minimum Requirements (EMRs)	HS2 Ltd	15:00
6	Liaison meetings (Highways, Environmental Health and Historic Environment)	HS2 Ltd	15:40
7	Ground Investigation – Town Planning approach	HS2 Ltd	15:50
8	Date of next meeting	HS2 Ltd	15:55
9	AOB	All	16:00
10	End	HS2 Ltd	

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<b>Title:</b>	<b>Independent Planning Forum for HS2 – Phase 2A</b>	
<b>Date &amp; Time</b>	<b>Tuesday 7<sup>th</sup> November 2017</b> <b>Staffordshire County Council</b> <b>County Buildings</b> <b>15 Martin Street Stafford</b> <b>ST16 2L</b>	
<b>Chair</b>	Jon Griffiths	DfT - Interim Chair
<b>Promoter</b>	Paul Gilfedder	HS2 Ltd
<b>Attendees:</b>	Reiss Graham	HS2 Ltd
	Simon Knight	HS2 Ltd
	Terry Stafford	HS2 Ltd
	Laura Setright	HS2 Ltd
<b>Local Authority Attendees:</b>	Sarah Mallen Liam Cowden Guy Benson John Holmes Sean Coghlan Ian Dale Emma Williams David Malcolm	Staffordshire County Council (SCC) Shropshire Council (SC) Newcastle under Lyme District Council (NUC) Stafford Borough Council (SBC) Lichfield District Council (LDC) Cheshire East Council (CEC) Cheshire East Council (CEC) Cheshire East Council (CEC)
<b>Apologies</b>		

Item		Action Owner
	<b>Introductions</b>	
	<p>Introductions were made.</p> <p>The Chair introduced the agenda and stated that his position was an interim measure until an independent chair had been appointed. PowerPoint Slides will be circulated.</p>	HS2 Ltd
<b>1.</b>	<p><b>Purpose of the meeting</b></p> <p>HS2 Ltd provided an overview on the purpose of the planning forum and what it is intended to achieve. It was emphasised that the PF is a collaborative meeting and LPA contributions are extremely valuable. HS2 Ltd advised that the Phase 1 planning forum reached consensus on the vast majority of issues.</p> <p>LDC asked if Cannock Chase District Council (CCDC) had been invited to the PF given that HS2 safeguarding has affected a land allocation at Rugeley power station. HS2 Ltd explained that to be a member of the forum an authority needed to have land within its area within Bill limits. It was agreed that HS2 Ltd would check again whether any land in CCDC's area is in Bill limits. HS2 explained that this type of discussion on site specifics</p>	

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	<p>would be done through bi-lateral meetings, rather than PF. SCC advised that discussions had taken place with CCDC. <b>Action</b> HS2 to check whether any land in CCDC is in Bill limits.</p> <p>CEC asked where consensus had not been reached with HS2 in the Phase 1 forum. SCC advised that on Phase 1 there were matters relating to the funding of local authority costs and the terms of the service level agreement.</p>	HS2 Ltd
2.	<p><b>Draft Terms of Reference (ToR)</b></p> <p>HS2 Ltd tabled the draft ToR. It was explained that these were based on those that were used for the Phase 1 forum during the Parliamentary process. HS2 Ltd requested that local authorities provide any comments by 5<sup>th</sup> December 2017. HS2 Ltd will provide a response to any comments at the next meeting and recirculate the ToR for the next meeting with the intention of settling them at the next meeting. <b>Action</b> HS2 Ltd to circulate and local authorities to provide comments.</p> <p>SC queried whether the Bill allows for the Shropshire Council as they are not a County Council. HS2 Ltd explained that the Bill is drafted allow for both two tier and unitary local government.</p>	HS2 Ltd and local authorities
3.	<p><b>Appointment of an independent chair</b></p> <p>JG – asked for thoughts on an independent chair. SCC and LDC both suggested that Ted Allett, chair of the Phase 1 forum would be an appropriate appointment and would ensure consistency. It was also stated that Ted Allett had significant experience and it would be difficult to gain someone with similar experience.</p> <p>SC queried the time duration for an external appointment, HS2 Ltd advised this would take several months.</p> <p>There was a consensus that Ted Allett should be approached by HS2 to establish whether he would wish to chair the forum. If he would HS2 Ltd will request that he provides a CV for members of the forum to consider. If required a meeting could be arranged between Ted Allett and forum members <b>Action</b> HS2 Ltd to approach Ted Allett.</p>	HS2 Ltd
4.	<p><b>Parliamentary process</b></p> <p>NUC asked who is considered the promoter. HS2 Ltd explained that the promoter is both DfT and HS2 Ltd.</p> <p>NUC asked how can the Phase 2a Bill be tracked though Parliament. HS2 Ltd advised that this can be done either by checking the Parliament website (<a href="https://services.parliament.uk/bills/2017-19/highspeedrailwestmidlandscrewe.html">https://services.parliament.uk/bills/2017-19/highspeedrailwestmidlandscrewe.html</a>) or calling the Private Bill Office at Parliament, and it will also be communicated through the PF.</p>	

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<p>SCC informed PF that their parliamentary agents (PA) had advised that they expect Second Reading for the Bill in December. SCC had used a PA and it simplified the process, as their PA was familiar with Staffordshire and represented us for Phase One.</p> <p>CEC expressed concerns regarding a December Second Reading, as the 25 day petitioning period would be over a holiday period. STB and NUL advised that a full Council resolution would be required before an authority could submit a petition against the Bill. HS2 Ltd said that Parliament is responsible for setting the petitioning period and that the petitioning period was just the time during which petitions had to be submitted; the Bill, ES and other supporting information had all been in the public domain since July 2017.</p> <p>SCC advised that they would be using their response to the ES consultation as the basis for their petition and this may be a sensible starting point for other authorities. SCC were also happy to advise and support other authorities as far as they could.</p> <p>HS2 Ltd told the PF that petition costs are not covered under the SLA.</p> <p>SCC advised that in their experience the use of a technical resource assists in creating a better technical argument which is more likely to influence decisions. However this was dependent on the subject matter and cost versus potential benefit. Example given was boreholes undertaken by SCC to assist in petitioning the lowering of the line under the A38.</p> <p>HS2 Ltd advised to read the key documents contained in the presentation and view the online videos, which demonstrates what an effective petition presentation looks like.</p> <p>SC asked if an individual and an authority could petition the same issue or would it be considered a duplication. HS2 Ltd advised that communities and local authorities could petition on the same issue. Generally it would be the case that the local authority would be heard first on the matter.</p> <p>SCC described a common issue that arose for SCC under the Phase 1 Bill, where a number of petition issues were combined. This involved a road closure that also affected a primary school and this was petitioned as one issue involving highway, safety and other associated issues.</p> <p>SC asked if Parish issues could be included in a local authority petition. HS2 Ltd advised that they could be, or the Parish could petition on the issue in their own right.</p> <p>SC asked in forming their argument, what weighting is placed on planning policy such as the NPPF? HS2 Ltd advised that the Bill is not subject to national planning policy, but planning policy can be cited and it would be up to Parliament to decide what weighting should be given.</p> <p>HS2 Ltd informed the PF members that Parliament prefer generic issues to be discussed just once and explained that on Phase 1 the LPAs decided to work together and decided</p>	HS2 Ltd/LAs
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	<p>that one spokesperson would present on generic issues which affected all LPAs. HS2 Ltd said that it hopes that a similar approach would be taken by the Phase 2a authorities.</p>	
<p>5.</p>	<p><b>Overview of Bill planning regime and Environmental Minimum Requirements (EMRs)</b></p> <p>HS2 Ltd presented an overview of the controls imposed on HS2 through the Bill, the Environmental Minimum Requirements (EMRs) and existing legislation for PF members.</p> <p>NUL asked if class approval would be subject to a statutory consultation with all affected LPAs? HS2 Ltd said that it would be and as on Phase 1 it is expected it would be subject to informal consultation through the forum prior to the statutory consultation. CEC also asked at what stage the class approval would take place? HS2 Ltd stated that any class approval could only be made after Royal Assent.</p> <p>HS2 Ltd explained the key changes between Phase 1 and Phase 2a that are proposed. The changes to lorry routes approvals under paragraph 6 of Schedule 17 were a topic of discussion and concern. HS2 Ltd will take this item review and report back to the forum. The item will be added to the next agenda. <b>Action</b> HS2 to add lorry routes to the agenda for the meeting.</p> <p>LDC informed PF that if a Highway Authority refused a lorry route application, the nominated undertaker could appeal to the secretary of state.</p> <p>HS2 Ltd explained that to date for Phase 1, there have been no appeals however if an appeal was required it would be done through written representations as a default although the regulations allow for hearings and inquiries. Phase 2a will have its own regulations which will be made after Royal Assent.</p> <p>CEC asked if the new highways/lorry routes are shown on the Bill plans. HS2 said that new highways are shown on the Bill plans. The lorry routes assumed for the purposes of the EIA are described in the ES and shown on the ES plans.</p> <p>SC queried if the stated mineral requirements for borrow pits were sufficient and if not, would others outside the Bill limits be required? In addition to this, SC provided an open invite to HS2 Ltd to attend a working group (Aggregate Working Party) on minerals.</p> <p>HS2 Ltd thanked SC for this offer and will review if resources will permit attendance.</p> <p>HS2 Ltd advised that it believes that the borrow pit requirements are based on sound engineering assumptions and minerals outside Bill limits would not be required. However, if this was the case the appropriate consenting route would be followed. SC raised concern that dis-applying water permitting regulations would have an adverse impact on farmers and affect crop production. HS2 Ltd said that they did not believe that this would be the effect of provision but a meeting would be set up with the relevant authorities to discuss this matter. <b>Action</b> HS2 Ltd to set up a water meeting to discuss the changes to the water provisions from the Phase 1 Act.</p>	<p>HS2 Ltd</p>

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	<p>HS2 Ltd also explained that undertakings and assurances (U&amp;As) may alleviate some of the members concerns related to some of the proposed changes. SBC asked if any U&amp;As had been given and published, as it would be helpful to avoid petitioning against an issue, if a U&amp;A had already been provided.</p> <p>HS2 advised that the first draft of U&amp;As is in progress but had not yet been published. Simon Knight offered his contact if further details on U&amp;As or petitioning were required.</p> <p>HS2 Ltd will provide further detail on the dis-applied legislation regarding water and provide the relevant information related to crops and farmers to PF. <b>Action</b></p> <p><b>SCC gave apologies due to another meeting and left at 4pm</b></p>	HS2 Ltd
6.	<p><b>Liaison meetings (Highways, Environmental Health and Historic Environment)</b></p> <p>HS2 Ltd advised sub groups will meet less frequently rather than monthly or quarterly meetings. Initial liaison meetings have already taken place and further meeting will be arranged with respective counterparts.</p>	HS2 Ltd
7.	<p><b>Ground Investigation – Town Planning approach</b></p> <p>HS2 Ltd said that the approach to G.I works should have a route wide consistency, following on from Phase 1 approach. This entailed using PD rights under Part 4 Class A and Class B for site compounds, so that they can operate without the need for planning permission.</p> <p>HS2 Ltd communicated the recent legal advice that boreholes were considered de-minimis and did not require planning permission given their temporary and insignificant nature. HS2 stated that where PD rights were not applicable, a planning application would be submitted to the determining authority.</p> <p>NUL asked for the legal opinion on boreholes and who HS2 considered the determining authority, should be circulated to the forum. HS2 Ltd agreed that this was possible and borrow pits legal advice would be added as an agenda item.</p> <p><b>Action</b></p>	HS2 Ltd
8.	<p><b>AOB</b></p> <ul style="list-style-type: none"> <li>• <b>Resources</b></li> </ul> <p>CEC were concerned given the amount of work compared to their resources. HS2 Ltd recognised that this was an issue and advised that provisions would be put in place for this, but we are not yet at the Schedule 17 process.</p> <ul style="list-style-type: none"> <li>• <b>Changes to Phase 2a</b></li> </ul> <p>The forum all agreed that the proposed changes from Phase 1 to Phase 2a, should be added as an agenda item at the next meeting. HS2 Ltd requested that comments or queries be sent in advance of the meeting to enable it to respond at the meeting.</p>	

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	<p><b>Date of next meeting</b></p> <p>It was agreed that <b>Tuesday 23<sup>rd</sup> January 2018</b> was the preferred date, subject to room confirmation.</p>	<p>HS2 Ltd</p>
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