

# INDEPENDENT PLANNING FORUM FOR HS2 PHASE

## 2a

<b>Title:</b>	<b>Independent Planning Forum for HS2 – Phase 2A</b>	
<b>Date &amp; Time</b>	<b>Tuesday 1 May 2018</b> <b>Staffordshire County Council</b> <b>County Buildings</b> <b>15 Martin Street Stafford</b> <b>ST16 2L</b>	
<b>Chair</b>	Ted Allett	Independent Chair Phase 2a Planning Forum (TA)
<b>Promoter Attendees:</b>	Paul Gilfedder Reiss Graham Simon Knight Terry Stafford Dermot Scanlon Lizzie Smith	HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd
<b>Local Authority Attendees:</b>	Guy Benson John Holmes Craig Jordan Ian Dale Emma Williams David Malcolm Richard Peers	Newcastle under Lyme Borough Council (NULBC) Stafford Borough Council (SBC) Lichfield District Council (LDC) Cheshire East Council (CEC) Cheshire East Council (CEC) Cheshire East Council (CEC) Staffordshire County Council (SCC)
<b>Apologies</b>	Glen Watson Sarah Mallen Liam Cowden	Cannock Chase District Council (CCDC) Staffordshire County Council (SCC) Shropshire Council (SC)

Item	Action	Owner
<b>1.</b>	<b>Local authority pre meet</b>	
<b>2.</b>	<b>Introductions</b>	
	Introductions were made.	
<b>3.</b>	<p><b>Review of Terms of Reference (ToR) and previous meeting minutes</b></p> <p>HS2 Ltd advised that no further comments have been received on the Terms of Reference (ToR) and as such believe it is now appropriate to settle them with members at this meeting. Members agreed that they had no further comments and were happy to settle the ToR.</p> <p>The Chair motioned that HS2 Ltd take the ToR as agreed.</p> <p>The Forum agreed that the previous minutes were a true account of the meeting on 22 January 2018 subject to the amendment of two typographical errors under Item 2 para 5 and 6.</p> <p><b>Action: HS2 Ltd to amend the previous meetings.</b></p>	<b>HS2 Ltd</b>

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	<p>The Chair reviewed the action log with the Forum and it was agreed that all actions had been completed and could be removed from the log.</p> <p><b>Action HS2 Ltd to update action log.</b></p>	<p><b>HS2 Ltd</b></p>
<p><b>4</b></p>	<p><b>Petition themes</b></p> <p>HS2 Ltd gave an overview of the main petition themes, particularly around the control of temporary buildings under Schedule 17. It was also stated that there have been no generic issues raised regarding the Environmental Minimum Requirements (EMRs). Following consultation with the Forum, LDC have been the only local authority to reply with a no objection response to the emails sent out.</p> <p>The Chair clarified to members that the EMRs represent the suite of documents that include: Draft Code of Construction, Planning Memorandum, Heritage Memorandum, General Principles and Environmental Memorandum. The Chair sought views from members and asked if they were happy to settle on the EMRs.</p> <p>NULBC stated that they had no objection to the EMRs.</p> <p>CEC also voiced no objection and explained that they were seeking points of clarification on particular areas of interest before submitting their formal comments.</p> <p>HS2 Ltd invited members to contact HS2 Ltd staff or direct emails to the dedicated mailbox if they were unclear on any parts of the EMRs.</p> <p>HS2 Ltd informed the Forum that they would not be looking to make an amendment to the Bill to include temporary buildings as something that required consent, as this would add additional constraints and an unnecessary burden on the project. Members were advised that the Bill creates a greater level of restriction on temporary buildings, as they can only remain for a two year period after the associated scheduled work is brought into use. In addition to this, temporary buildings are controlled by the EMRs and other planning controls contained in the Bill. Also, they would be reported in the ES and new temporary buildings cannot be used if new affects exceed those reported in the ES.</p> <p>The Chair asked if the control of temporary buildings was a petition point raised by all members.</p> <p>NULBC informed the Chair that they included it within their petition, as they were advised by other members that it had been an issue on Phase 1 of HS2. HS2 Ltd confirmed that this was previously a petition point raised by one Phase One LA.</p>	

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The Chair stated that he was not aware of any issues in practice, but noted that the main works have not taken place yet on Phase 1.

NULBC and SBC asked if the two year consent or if pre-application discussions would be sought prior to any Schedule 17 approval going in. HS2 Ltd advised that if the temporary building was in place for a longer period than 2 years after the schedule work was brought into use, then HS2 Ltd would seek to regularise through the appropriate procedures.

The Chair sought clarification on what point in time would the temporary buildings be regularised. HS2 Ltd advised that this would be likely to happen when the scheduled works come into use.

SBC raised a concern that if temporary buildings were required (but the schedule work was not brought into use until very late in the programme) there could be a situation whereby the temporary buildings are in place for a much longer time than initially intended.

HS2 Ltd acknowledged that this could occur and explained that contractors would undertake assessments to work the specifics out. HS2 Ltd reassured members that if approval was required after the two year period, then the LPA would have control over this as a planning application would have to be sought.

SBC acknowledged that HS2 Ltd would seek to obtain approval from the LPA. However they also observed that a clause in Schedule 17 meant that it would be possible to have temporary buildings in place after the two year period under the powers in the eventual Act.

HS2 Ltd advised that there was a provision in the Bill to turn off the planning regime under Schedule 17 and then existing planning legislation / permitted development rights would apply.

HS2 Ltd informed members that Schedule 18 to the Bill was the relevant part that switched off the powers. The Chair emphasised that this process does not happen automatically.

CEC expressed that the two year duration would be/provide a sufficient control to alleviate their concerns and noted that there is no time period associated with the existing PDRs and therefore Schedule 17 provides greater control.

SBC noted that prior approval may not be covered under PDRs for buildings in association with railways. CEC agreed with SBC that this could be the case but stated that if HS2 Ltd go beyond the two year period then a planning application would be required.

HS2 Ltd took an action to seek clarification on the transitional arrangement regarding what happens after the two year period. HS2 Ltd asked if this would be

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	<p>enough for members to remove the temporary building petition from their requests.</p> <p><b>Action - HS2 Ltd took an action to seek clarification on the transitional arrangement regarding what happens after the two year period</b></p>	<p><b>HS2 Ltd</b></p>
<p><b>5.</b></p>	<p><b>Schedule 17 - Lorry route changes discussions</b></p> <p>HS2 Ltd highlighted the issues raised from the previous meeting and noted members' concerns regarding the proposed changes around lorry movements from Phase 1 to Phase 2a.</p> <p>HS2 Ltd provided a presentation on the proposed amendment to the Phase 2a Bill for lorry routes which summarised three main concerns: safety, amenity and community confusion over lorries using unapproved routes.</p> <p>Responding to a question, HS2 Ltd confirmed that a lorry movement is a one way trip; therefore 24 movements equal 12 lorries arriving and departing site or for example 24 lorries leaving a site.</p> <p>HS2 Ltd advised that a draft assurance letter had been sent to SCC in relation to amendments to the Bill. HS2 Ltd believed that this draft should be enough to overcome the uncertainties associated with the change, e.g. How members would know if 24 movements had been exceeded. HS2 Ltd advised the assurance would require an amendment to the Bill.</p> <p>HS2 Ltd also noted that routes that do not exceed 24 movements (but where issues are likely to be raised by the LPA) could be managed by the Traffic liaison Group, who have a duty to consider safety issues raised by members.</p> <p>CEC questioned why HS2 Ltd do not write to the Highways Authority instead of local planning authorities. The Chair advised that this is because, under the Bill, lorry routes require a planning consent rather than highway consent.</p> <p>There were concerns from members that the nominated undertaker could provide limited notice when they wanted to stop using an approved route and this would place a time pressure on LPAs.</p> <p>HS2 Ltd informed members that the contractor would be required to write and undertake proportionate pre-application discussions with LPAs prior to submitting an application to end an approved route.</p>	

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	<p>The Chair stated that contractors would be unlikely to end unapproved routes due to the time burden and lack of flexibility if they decided that movements from a site were likely again to exceed 24 movement.</p> <p>CEC questioned how combined routes (roads leading to more than one site) would be controlled. HS2 Ltd informed members that as part of the CoCP a route wide lorry route plan would be produced prior to the main work contracts and this would set out the works anticipated on site prior to commencement. As such, members would be able to view the plans prior to contractors starting on site. They also stated that it would not trigger the requirement for road reinstatement but this could be looked at.</p> <p>HS2 Ltd clarified the position around the special road network, which brings it in line with what is happening in practice on Phase 1. Therefore, approved routes would require approval until it reached the special trunk road network.</p> <p><b>Action – HS2 Ltd to amend lorry routes slide (typo) prior to circulation.</b></p>	<p><b>HS2 Ltd</b></p>
<p><b>6.</b></p>	<p><b>Phase 2a Bill update</b></p> <p>HS2 Ltd provided an update to members of the Phase 2a Bill parliamentary process, highlighting that the Bill secured its Second Reading on 30 January and that petitioning ended 26 February; a total of 187 petitions have been received.</p> <p>Members were also informed that a Select Committee has been established, an overarching running order has been announced and there is a desire to complete hearings by 20 July.</p> <p>The Select Committee had started by hearing three key in-principle cases:</p> <ul style="list-style-type: none"><li>• the Whitmore Heath-Madeley long tunnel</li><li>• the lowering of the Kings Bromley viaduct</li><li>• the Aldersey's Rough alternative location for the Stone IMB-R</li></ul> <p>Members were informed that the Select Committee had only addressed the Whitmore Heath-Madeley long tunnel and Aldersey's Rough cases, as Staffordshire County Council and Lichfield District Council had accepted assurances on the lowering of Kings Bromley viaduct.</p> <p>NULBC asked if Select Committee transcripts were available. HS2 Ltd stated that transcripts were available and could be accessed from Parliament's website, one or two days after the hearing.</p> <p>NULBC enquired if key stakeholders such as Woodland Trust had been heard and whether a decision on the in-principle cases had been made. HS2 Ltd acknowledged that this was an important issue for members, but noted that a decision on the two in-principle cases had not been announced and it would be up to Select Committee to decide when this would be.</p>	

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	<p>NULBC noted this and raised concerns that if a decision on ancient woodlands or the Whitmore Heath – Madeley tunnel was not made early, it could be problematic to the programme. HS2 Ltd acknowledged this point and stated that the Select Committee were aware that if a decision was delayed, it would affect the programme.</p> <p>HS2 Ltd also noted that that the CLA settled on 30 April and that talks were ongoing with the NFU. HS2 Ltd informed members that they had provided assurances to NFU (direct and generic assurances) intended to address stakeholder concerns.</p> <p><b>Action: HS2 Ltd to circulate assurances given the NFU and CLA</b></p> <p>NULBC questioned whether the extended southern portal change was also included in the Bill scheme and when this decision was made. HS2 Ltd explained that this possible change to the Bill scheme came to light on the back of the Whitmore Heath – Madeley tunnel report produced on 15 March, which had identified the benefits of moving the portal to avoid the conflict with the A51. HS2 Ltd acknowledged that were the extended southern portal to be incorporated in the Bill scheme it would require a further EIA/ES.</p> <p>LDC asked that any written assurance that was first given as a verbal assurance should be formally offered in a timely manner, as this would allow members sufficient time to review the assurances given. HS2 Ltd acknowledged this point and noted that time periods are often short, but every attempt is made to settle as soon as practicable. However, it does take time to get things right and ultimately it is a process that requires both parties to identify and agree on what they want.</p> <p>SBC said that they had not yet been approached by HS2 Ltd; did this mean that HS2 Ltd were not going to engage with them on their petition issues? HS2 Ltd advised that this was not the case, and that they were working on the petitioners appearing first, which included Staffordshire County Council (SCC). The majority of petition points that SCC have raised affect most members and HS2 Ltd would seek to negotiate these first before dealing with residual concerns from the Boroughs and Districts.</p>	<p>HS2 Ltd</p>
<p>7.</p>	<p><b>Additional Provisions (AP1) update</b></p> <p>HS2 Ltd informed members that AP1 had been deposited and 33 petitions against it had been received. HS2 Ltd added that there would be a second AP, not least because of the assurances given to Staffordshire County Council.</p> <p>CEC asked if the assurances that were route-wide or of interest to other members would be circulated. HS2 Ltd advised that it would be up to individual authorities to decide whether they wished to share assurances they had been given with other authorities. That said, given that they were of wider interest, a small window would be allowed before HS2 Ltd officially published the assurances.</p>	

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	<p>HS2 Ltd noted that AP1 covered mainly highway and utilities works, with an associated ES and SES consultation due to end on 14 May.</p> <p>The Chair asked if an AP would be required for the lowering of the viaduct. HS2 Ltd advised that if the associated works required an AP then one would have to be brought forward</p> <p>NULBC asked when the petitioning period for AP2 would take place and how long it would be. HS2 Ltd advised that the petitioning period would be a minimum of 25 days and in the past if that fell over a holiday period then it was usually extended to take account of that.</p> <p>CEC raised concerns over the level of resources required to review APs and asked if the APs would highlight the changes in each area.</p> <p>HS2 Ltd advised that the AP is broken down into CA areas, so members need only check the relevant sections of the AP ES, but members would have to review the SES to check for route-wide updates (eg to ecological surveys) to see if their area was affected.</p>	
8.	<p><b>Memorandum of Understanding (MoU)</b></p> <p>HS2 Ltd stated that Service Level Agreements (SLAs) will now replace MoUs. The SLAs will cover payments for Forum attendance and any work associated in preparing for the Forum, within reason.</p> <p>HS2 Ltd apologised for the short notice on the mail out of the draft SLA to members and suggested HS2 Ltd re-circulate the draft SLA and request comments back by 22 May. Members were advised to keep a record of attendance, time and travel costs.</p> <p><b>Action - HS2 Ltd to circulate a draft SLA to each member with a deadline of 22 May for members' comments. POST MEETING NOTE [15.10.18] - the draft SLA was circulated on 26 April so comments received by 24 May (within 4 weeks) would be considered.</b></p> <p>The Chair asked if this covered previous meetings that members had attended. HS2 Ltd acknowledged that historic claims relating to Phase 2a meetings could be submitted.</p> <p>The Chair asked if the SLA was based on the Phase 1 SLA: HS2 Ltd confirmed that this was correct.</p> <p>NULBC asked if there was a claim cap associated with the SLA. <b>Action - HS2 Ltd agreed to take an action to clarify if a cap was in place for the Phase 2a SLA</b></p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>

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	<p>CEC asked if the SLA covered other liaison meetings. HS2 Ltd confirmed that the SLA does cover other Phase 2a liaison meetings.</p>	
9.	<p><b>Forward Plan</b></p> <p>HS2 Ltd provided an overview of future meeting topics and when these would be likely to be agendered.</p> <p>The Chair noted that these topics were all targeted to take place before Royal Assent (RA) and asked which topics are urgent and need to be done before this time.</p> <p>HS2 Ltd recommended that all should be covered before RA, however if time was an issue, then the Planning Forum Notes (PFNs) could be done after RA.</p> <p>The Chair requested a link to the Phase 1 PFNs should be forwarded to members prior to the next meeting.</p> <p><b>Action - HS2 Ltd to circulate Phase 1 PFNs to members.</b></p> <p>The Chair asked HS2 Ltd to elaborate on the relationship between fees and SLA.</p> <p>HS2 Ltd explained that if an existing arrangement is not in place to handle consent fees with authorities, then the fee regulations would act as a substitute. However, if an SLA is in place then the fee regulations do not apply, as HS2 Ltd would have agreed a level of resource with authorities through the SLA agreement.</p> <p>NULBC asked when information would be provided so that resources could be arranged.</p> <p>HS2 Ltd advised that Phase 1 Schedule 17 approvals were broken down: for each LA an estimate of the number of approvals was made. This estimate would increasingly become more precise, when forward plans are produced providing a detailed six month look forward - to assist members in resourcing.</p> <p>The Chair also mentioned that further clarity would be provided via context reports.</p> <p><b>Action - HS2 Ltd to circulate an example of a context report</b></p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>
10.	<p><b>Ground Investigation update</b></p> <p>HS2 Ltd explained that early G.I works were to commence shortly and CEC and NULBC should expect planning applications within four weeks and pre-application will be taking place.</p>	

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	<p>CEC were concerned that they had requests for planning application advice from HS2 Ltd contractors via email. However, they advised that requests such as these would normally carry a fee and asked if this would be covered under the SLA.</p> <p>HS2 Ltd advised that they would not be covered under the SLA, as we are still operating under normal planning legislation and if a fee is payable for pre-application discussions, HS2 Ltd would have to adhere to this regulation.</p>	
<b>11.</b>	<p><b>Date of future meetings</b></p> <p>Following a request from NULBC to plan Forum meeting in advance, the Chair sought views and agreed the following dates:</p> <ul style="list-style-type: none"><li>• <b>Monday 9 July (PM)</b></li><li>• <b>Monday 24 September (PM)</b></li><li>• <b>Monday 26 November (PM)</b></li></ul> <p><b>Action - HS2 Ltd to seek room availability and circulate meeting invites to the Forum</b></p>	<b>HS2 Ltd</b>
<b>12.</b>	<p><b>AOB</b></p> <p><b>Action - HS2 Ltd to circulate presentation</b></p> <p><b>Date of next meeting</b> <b>Monday 9 July 2018</b></p> <p><b>Finish - 11:40am</b></p>	<b>HS2 Ltd</b>