

HS2

Phase 2a Planning Forum

Wednesday 16th January, 2019

Review of minutes & actions

Meeting	Date	Item	Action	Status
Meeting	Date	Item	Action	Status
#6	November	5	Action - HS2 Ltd to provide track changes on Draft Statutory Guidance and Class Approval to members.	Complete. Sent 14.01.2019
#6	November	6	Action - HS2 Ltd to provide PFN 1 - 4 to members for review and comments prior to the next meeting.	Complete. Sent 28.11.2018
#6	November	6	Action - HS2 Ltd to provide members with the Schedule 17 presentations that were given to Phase 1 Parish Councils on Act Powers and Consenting.	Ongoing - HS2 Ltd to provide a simplified presentation and will be picked up bilaterally with Phase 2a members
#6	November	9	Action - HS2 to share consenting numbers in Spring 2019 (March/May meeting).	Future meeting.
#5	September	4	Action - HS2 to amend text in draft SLA acknowledging that it is relevant for work pre-Royal Assent and that post-Royal Assent an alternative agreement would be in effect	Ongoing - The 3rd Party Agreements team (Joanne Brown) will update the master template for 2A SLAs this will be done by 18th January 2019.
#5	September	5	Action - HS2 Ltd to confirm to SBC what position is in terms of recognised deferred petitioner	Complete.
#5	September	6	Action - HS2 Ltd to update LAs at January meeting of status of Fee & Appeal Regs	Item 7.
#5	September	8	Action - HS2 Ltd to confirm whether enforcement action is covered by SLA	On-going

HS2

Phase 2a Bill Update

Paul Gilfedder, HS2 Ltd

Phase 2A Bill update (1)

- Latest draft Phase 2A Register of Undertakings and Assurances published in December.
- Additional Provision 2 is expected to be deposited in Parliament on 8 February 2019.
- Deposit of the Additional Provision will trigger a fresh petitioning period for those whose property or interests are directly or specially affected.
- The Select Committee have published guidance on petitioning against an Additional Provision (see <https://www.parliament.uk/business/committees/committees-a-z/commons-select/high-speed-rail-west-midlands-crewe-bill-select-committee-commons/petitioning-guidance-17-19/petitioning-against-the-bill-17-19/>).
- The guidance says:

“Who may petition?”

Any individual, group of individuals, organisation or business specially and directly affected by the additional provision can petition against it. Local authorities and MPs may also petition against additional provisions. However, if the Secretary of State for Transport believes that a petitioner is not specially and directly affected, they may object to the petitioner being heard by the select committee.

Phase 2A Bill update (2)

Individuals or organisations affected by the Bill, but not affected by the additional provision, do not have the right to be heard by the select committee in relation to the additional provision. This also applies where a petitioner asks for something that is not included in the additional provision.

Can I petition against the provisions of the Bill as originally presented?

No. You can only petition against the proposals included in the additional provision.

Can I petition against the Supplementary Environmental Statement published at the same time as the additional provision?

No. The Supplementary Environmental Statement (SES) is not part of the additional provision and although the additional provision Environmental Statement and the SES are both subject to consultation, there is no right to petition against an SES.”

- Aim is for the Select Committee to complete its hearings by May 2019.



HS2

Bill Amendments

Department of Transport



Department
for Transport

Bill amendments





Bill amendments

- ▶ AP2 is expected to include three amendments to the main clauses of the Bill likely to be of particular interest to the Planning Forum:
 - i. **Schedule 17:** adding the Canal and River Trust as a statutory consultee in certain circumstances;
 - ii. **Schedule 17:** making changes to the Lorry Route Approval process; and
 - iii. **Schedule 22:** making changes to the application of the Building Act 1984 in relation to demolitions



Schedule 17: lorry route approvals - background

- ▶ Schedule 17 (6) of the Bill has a requirement for the approval of routes to be used by large goods vehicles (LGV) to and from worksites where LGV movements are expected to **exceed 24 per day**
- ▶ Approval must be sought from the relevant local planning authority (county or unitary) if it is a qualifying authority
- ▶ Unlike the Phase One Act, the Phase 2a Bill currently includes the following provision at paragraph 6(4):

Where a relevant authority has approved arrangements for the purposes of this paragraph, the arrangements apply in relation to transportation to an authorised site only on days on which the number of large goods vehicle movements (whether to or from the site) exceeds 24.

- ▶ Intention was to allow some flexibility when LGV movements on days where movements fall below 24 per day



Schedule 17: lorry route approvals – planned amendments

- ▶ **Planned amendments to the Bill in AP2:**
 - ▶ Planning Forum members raised concerns with us so we are planning an amendment to the Bill to address this.
 - ▶ We will:
 - Deletion of Schedule 17 paragraph 6(4)
 - Add a new provision to allow the nominated undertaker to terminate an approval under Paragraph 6 provided it notifies the relevant planning authority

- ▶ **What this means:**
 - ▶ A route approval may be ended where circumstances change and LGV movements in respect of a worksite are expected to be 24 or fewer per day
 - ▶ The nominated undertaker **must** then obtain a further approval, if it then wishes to exceed 24 LGV movements per day in respect of a site

- ▶ Engagement with local authorities on worksites where 24 or fewer LGV movements per day will be ensured by:
 - ▶ The draft **Code of Construction Practice**; and
 - ▶ A **new Assurance** to be provided by the Security of State (subject to confirmation)



Lorry routes: ensuring engagement with local authorities

- ▶ Draft **Code of Construction Practice** already requires:
 - ▶ Local Traffic Management Plans (LTMPs) to be produced in liaison with highways and traffic authorities and to include (among other things) where appropriate:
 - Permitted access routes and accesses for construction traffic;
 - A list of roads which may be used by construction traffic.
 - ▶ Traffic Liaison Groups (TLGs) to be established
- ▶ Draft **Route-Wide Traffic Management Plan** also states LTMPs will include (among other things) where appropriate:
 - Timing of site operations and timing and traffic movements
 - Local routes to be used by lorries generated by construction activity.
- ▶ **Additionally** expect to provide a **new Assurance** specifically for worksites not subject to the Paragraph 6 approval process that LGV routes will be discussed at relevant TLGs where reasonably practicable.



Schedule 22: buildings - background

- ▶ Sections 80 – 82 of the **Building Act 1984** provides a regime for the control by local authorities of **demolition works**:
 - ▶ A person who proposes to demolish a building must give the relevant local authority notice of their intention setting out details of the demolition;
 - ▶ The local authority may then within six weeks serve a notice setting out requirements as to how the works are to be carried out on the matters set out in Section 82(2).
- ▶ In light of emerging lessons from Phase One, we plan to amend Schedule 22 of the Bill to dis-apply parts of these Building Act 1984 provisions for Phase 2a.



Schedule 22: buildings - planned amendments

- ▶ **Planned amendment to the Bill in AP2:**
 - ▶ Dis-apply Sections 80(2)(b), 81 and 82 of the Building Act 1984 for the purposes of the Phase 2a proposals
- ▶ **What it means:**
 - ▶ The nominated undertaker will **still be required** under the Building Act 1984 to serve notice on the local authority (and provide copies to other persons identified in Section 80(3)).
 - ▶ The local authority will not have the right to serve a notice under Section 81 of the Building Act 1984, where the demolition has already been authorised under the Bill.
- ▶ Necessary protections will be ensured through a **strengthened draft Code of Construction Practice** which will require:
 - ▶ The submission of a Demolition Plan to the relevant local authority at least 6 weeks before any demolitions; and
 - ▶ The matters that a Demolition Plan must cover - ensuring that the matters set out in Section 82(1) are properly considered.



Next steps

- ▶ **8th February** - amendments to the Bill expected to be part of AP2 deposited to Parliament
- ▶ **Later in February** - amendments to draft Code of Construction Practice in relation to demolitions will be shared with the Planning Forum for comment

HS2

Draft Phase 2a Planning Forum Notes (5 – 8)

Lizzie Smith, HS2 Ltd

Paul Gilfedder, HS2 Ltd

Purpose

- Explain what a Planning Forum Note is
- Why a Planning Forum Note is required
- Introduce Planning Forum Notes:
 - Planning Forum Note 5: Model Conditions
 - Planning Forum Note 6: Lorry Route Approvals
 - Planning Forum Note 7: Bringing into use Approvals
 - Planning Forum Note 8: Use of the Planning Portal



What are Planning Forum Notes?

- A series of documents that provides detailed guidance on the Schedule 17 planning regime, which include:
 - Content of a request for approval submission
 - How the different requests for approval ought to be considered
 - Decision notice guidance
 - Statutory consultee engagement
- Provide clarity for planning authorities and the nominated undertaker on how Schedule 17 should work in practice
- Tool to guide planning authority officers handling future Schedule 17 applications
- URL Phase 1 PFNs - <https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-notes-for-local-authorities>



PFN5: Model Conditions

- This PFN defines how planning authorities can attach **conditions** AND/OR request **additional details** to requests for approval under Schedule 17
- **Example #1** – Plans & Specifications
 - Artificial Lighting – *'the lighting shall only be activated when the site is occupied for maintenance or emergency [or other – insert as appropriate] purposes'*
- **Example #2** – Construction Arrangements
 - Storage Sites – *'storage areas will be located, where practicable, to avoid affecting the amenity of adjoining residential properties, schools and places of worship'*

*the model conditions for construction arrangements have been copied from the Phase One and Phase 2a Construction Arrangements Class Approval

PFN6: Lorry Route Approvals

- This PFN explains the purpose of a lorry route approval, including how the nominated undertaker will submit these requests for approval and the detail the submission will include
- A lorry route approval is the approval of arrangements for movements of LGVs to and from working and storage sites, sites where material will be re-used and waste disposal sites.
- The requirement to obtain an approval for a lorry route only applies if there are predicted to be **more than 24 LGV movements** each day, to or from a site.

*this PFN includes a paragraph to explain the proposed Bill amendment to terminate a lorry route approval, so the inclusion of this text is subject to the Additional Provision being made.



PFN7: Bringing into use Approvals

- This PFN explains the purpose of a bringing into use approval, including how the nominated undertaker will submit these requests for approval and circumstances where an early bringing into use approval may be submitted.
- The nominated undertaker is required to submit a bringing into use approval to the planning authority for most scheduled works.
- The purpose of a bringing into use approval is to ensure the nominated undertaker delivers the mitigation works before bringing the Scheduled work into use.



PFN8: Use of the Planning Portal

- This PFN is a step-by-step guide explaining how a Schedule 17 request for approval is submitted to the planning authority using the Planning Portal.
- HS2 worked with Planning Portal to develop this PFN.
- PFN is primarily for the nominated undertaker submitting requests for approval.
- Requests for approval are submitted as 'discharge of conditions' applications.

*Planning Portal have recently made minor changes to their system, therefore this PFN needs updating to reflect this. HS2 will review this PFN when it is shared with the Planning Forum and track any changes.



Next Steps....

1. HS2 will share draft PFNs with Phase 2a Planning Forum
2. LAs review PFNs and send any comments within 4 weeks of receiving the PFNs
3. HS2 will record comments in the 'Schedule 17 documents comments & response table', (current table circulated to LAs on Monday 14 January)
4. HS2 will respond to comments and incorporate into PFN where appropriate
5. HS2 will highlight any amendments to PFNs at future Planning Forum meeting



HS2

2a Planning Forum Programme and Documents Tracker

Lizzie Smith, HS2

Forward Plan

Month	Sep-18	Nov-18	Jan-19	Mar-19	May-19	Jul-19	Sep-19
1.	Statutory Guidance (draft 2)	Statutory Guidance (draft 3) - response to comments	Planning Forum Notes 5 to 8 (draft 1)	Statutory Guidance (draft 4) – final update	Planning Forum Notes 5 to 8 (draft 2) – response to comments		Planning Forum Notes 8 – 10 (draft 1)
2.	Class Approval (draft 2)	Class Approval (draft 3) – response to comments	Fee and appeal regulations - update	Class Approval (draft 4) –final update	Appeals Guidance (draft 1)		Appeals Guidance (draft 2) – response to comments
3.		Planning Forum Notes 1 to 4 (draft 1)	EMRs – any changes coming from Commons process	Planning Forum Notes (draft 1) 1 to 3 – final update		EMRs – final update	Class Approval - update
4.		Process for becoming a qualifying authority		Planning Forum Note 4 (draft 2) – HE amendments			Process for becoming a qualifying authority

Planning Forum Documents Status

Title	Status
EMRs	Confirmed at May 18 meeting that members have no comments. Assuming no changes other than Building Act CoCP change and anything coming from Select Committee process.
Appeals Regulations	Principles for the regulations presented at July 2018 meeting. No comments received from the Forum. Lawyers have been instructed to commence drafting.
Fee Regulations	Principles for the regulations presented at July 2018 meeting. No comments received from the Forum. Lawyers have been instructed to commence drafting.
Statutory guidance	No comments from the Forum on first draft shared after Sep-18 meeting. Draft 4 shared Monday 14 Jan 2019. Final update at March meeting.
Class approval	No comments from the Forum on first draft shared after Sep-18 meeting. Draft 4 shared Monday 14 Jan 2019. Final update at March meeting.
Appeals guidance	Programmed to share draft 1 at May 2019 meeting.

Planning Forum Notes Status

Title	Status
PFN1: Content of submissions & standard templates	Shared with LAs on 28 Nov 2018. No comments received. Final update to be presented at March meeting.
PFN2: Drawings for plans & specifications approvals	
PFN3: Written statements and DAS'	
PFN4: Consultation	Shared with LAs on 28 Nov 2018. No comments received. HS2 amendments made as a result of Historic England developments. Draft 2 to be presented at March meeting.
PFN5: Model Conditions	To be shared with LAs after today's meeting.
PFN6: Lorry route approvals	
PFN7: Bringing into use approvals	
PFN8: Use of the Planning Portal	

HS2

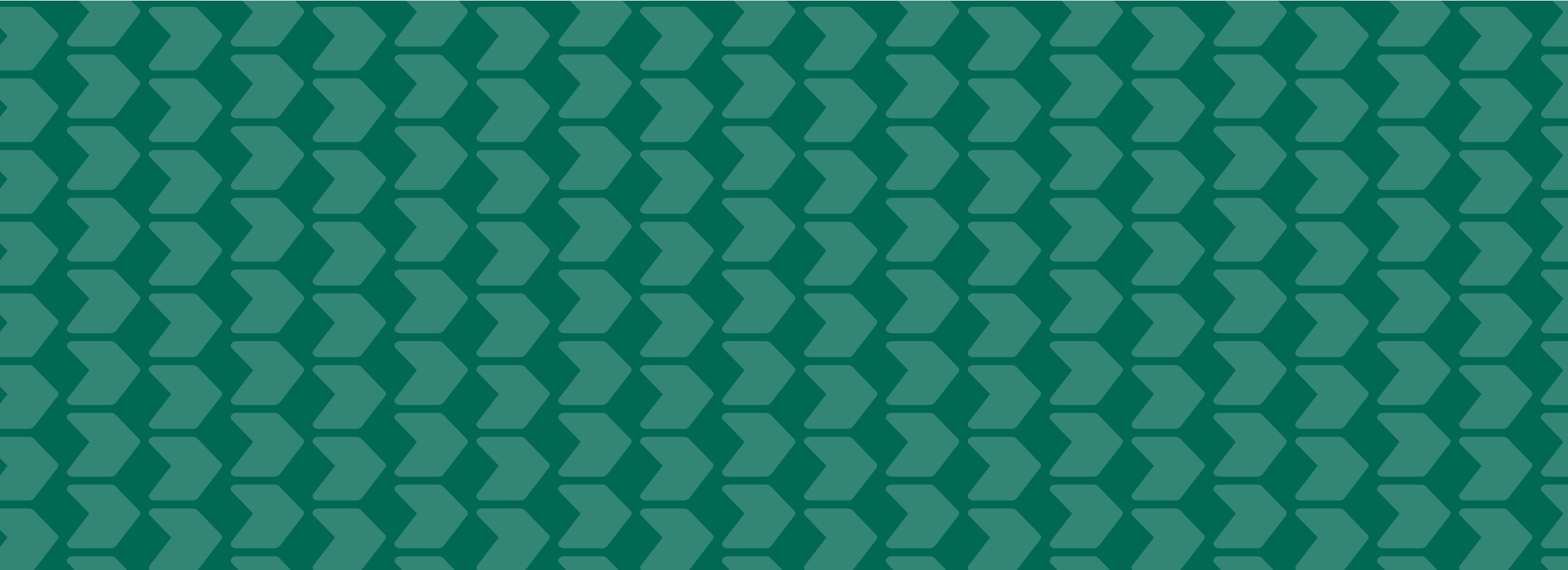
Project Updates

Department of Transport



Department
for Transport

HS2: DfT project update





Phase One

- ▶ **Enabling works** progressing at various locations along the line of route
- ▶ **Main civils design work** underway for bridges, tunnels, embankments and viaducts & pre-app discussions with local planning authorities, etc...
- ▶ Ongoing programme of **community information events**
- ▶ **Schedule 17 applications** continuing to be submitted
- ▶ **CEF and BLEF** – around £3m of £40m has now been allocated
- ▶ **Woodland Fund** – £1m mostly allocated with £4m remaining



Phase 2a

- ▶ Process to appoint a **Construction Commissioner for Phase 2a**:
 - ▶ There has been a need to be clearer in published material about the process for appointing a Construction Commissioner for Phase 2a
 - ▶ DfT's policy intention is set out in paragraph 5.1.8 of the draft Code of Construction Practice:

An independent Construction Commissioner will be appointed by the SoS
 - ▶ We have amended Information Paper D4 to ensure consistency with that policy intention and will also amend a related assurance (A37).



Phase 2b

Working draft Environmental Statement and Working draft Equality Impact Assessment Report consultations

- ▶ Point-in-time assessments of the likely impacts of constructing and operating the railway - **consultation closed 21 December**
- ▶ **6,034 people** attended information events held along the line of route
- ▶ Approximately 31,000 responses have been received (pending Ipsos analysis)

Hybrid Bill to be deposited in **mid - 2020**

HS2

AOB

HS2

End