

## HS2 PLANNING FORUM NOTE: CONSULTATION ON REQUESTS FOR APPROVAL UNDER SCHEDULE 17

### Introduction

1. Schedule 17 (paragraph 18) to the High Speed Rail (London – West Midlands) Bill defines the instances when three statutory bodies: Environment Agency (EA), the Historic Buildings and Monuments Commission for England (Historic England - HE) and Natural England (NE) will be invited to make representations on requests for approval. The purpose of this note is to establish the process for sharing the material with consultees in practice.

### Process for consultation with statutory consultees

2. Table 1 identifies which type of requests for approval are likely to be referred to the statutory bodies (any request for approval beyond those identified in the table that meets the criteria in Schedule 17 paragraph 18 will also be referred to the relevant body). Table 1 provides guidance and does not preclude any request for approval being referred to one of the statutory consultees.

**Table 1: Types of approval under Schedule 17 which are likely to be relevant to the Schedule 17 statutory consultees**

| Requests for Approval     | EA                | HE                | NE                |
|---------------------------|-------------------|-------------------|-------------------|
| Plans and Specs           | Where appropriate | Where appropriate | Where appropriate |
| Lorry Routes              | N/A               | N/A               | N/A               |
| Construction Arrangements | N/A               | N/A               | Where appropriate |
| Site Restoration          | N/A               | N/A               | Where appropriate |
| Non-material change       | N/A               | N/A               | N/A               |
| Bringing into use         | Where appropriate | Where appropriate | Where appropriate |

3. Regarding the use of the term 'where appropriate' in the above Table 1 – the following defines the circumstances when these bodies will be invited to make representations:
  - a. Environment Agency: requests for approval of Plans and Specifications will be sent to the Environment Agency when they meet the criteria in paragraph 18(1)(c) to (e) of Schedule 17.
  - b. English Heritage: requests for approval of Plans and Specifications will be sent to English Heritage when they meet the criteria set out in paragraph 18(1)(f) of Schedule 17. Paragraph 57 of PPG: Conserving and enhancing the historic environment – consultation and notification requirements for heritage related applications will be applied to assess whether the criteria have been met.
  - c. Natural England: requests for approval of Plans and Specifications will be sent to Natural England when they meet the criteria in paragraph 18(1)(a) and (b) of Schedule 17.

4. HS2 Ltd will submit Schedule 17 requests for approval via the planning portal (see PFN X). It is assumed that requests for approval will be shared with the relevant statutory consultees through existing Planning Portal systems. The relevant statutory consultee/s will be notified of the submission by the relevant planning authority.

**Process for non-statutory consultation**

5. Planning authorities may, within the determination period, consult on requests for approvals beyond the requirements of paragraph 18. It is for planning authorities to decide the extent of any consultation beyond that required by statute.
6. HS2 Ltd will submit Schedule 17 requests for approval via the planning portal (see PFN X). It is assumed that requests for approval will be shared with the relevant non-statutory consultees through existing Planning Portal systems.