

Heritage sub-group

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Welcome & introductions

Agenda

- HS2's Planning Regime Schedule 17
- The Community and Environment (CEF) and Business and Local Economy (BLEF) Funds: An introduction
- Procedure for the unexpected discovery of archaeological remains of national importance
- Phase 1 update
 - Bill progress
 - Procurement
 - GWSI: HERDS
- AOB

Conditions on Sch 17 Approvals – principles and model conditions

Planning Forum – Heritage Subgroup

January 2016 – June 2016

Conditions & requests for additional details under Schedule 17

Conditions

- Conditions may be attached to approvals.
- Paragraphs 2(7), 3(7), 4(7), 6(6) 7(10) & 9(5).

Requests for additional details

- On approval authorities may require the submission of additional details for approval.
- Paragraphs 2(3) & 3(4).

Overview

- Unlike planning applications Sch 17 requests for approval are not primary consents.
- Most matters and controls are established at Royal Assent at the grant of deemed planning permission.
- Sch 17 defines conditions for approvals.
- Unusual to attach conditions to condition discharges.
- Considerably fewer than normal planning.

Conditions (1)

When considering conditions, model or otherwise there are certain principles which apply:

- i. The condition must be relevant to the development / matter for approval
- ii. The condition must be relevant to the grounds relevant to the approval

Conditions (2)

III. Conditions should not replicate other controls

Issue	Control
Construction noise	S61 COPA
Operational Noise	Commitments in IPs E20, E21 & E22
Water	Sch 32 Part 5 and commitments in IPs E4, E17, E25 & E27
Environmental effects	EMRs
Highways works	Schs 4 & 32
Ecology	Env Memo, commitments in IPs E2, E16, E26

Conditions (3)

- iv. Conditions should not impose requirements that duplicate approval the NU will be obliged to make (obtain) in the future.

Topic	Approval
Site restoration	Site restoration – paragraph 8
Mitigation	Bringing into use – paragraph 9 (nb commitment in Planning Memorandum to provide an indication of likely mitigation)

Conditions (4)

National Planning Policy Framework

Paragraph 206 of the NPPF is relevant to conditions under Schedule 17:

- necessary
- relevant to planning
- relevant development
- enforceable
- precise
- reasonable

Requests for additional information

- Paragraphs 2(3) and 3(4) allow authorities, when approving requests for approval, to require additional details of the works to be submitted for approval.
- Akin to planning conditions requiring the submission of materials or detailing.
- Likely to be the most frequently attached 'conditions'.

Model Conditions

- Based on the principles set out in preceding slides.
- Not an exhaustive list. Consideration needed of conditions on a request-by-request basis where necessary.
- Purpose of the PFN not to constrain planning authorities but to identify conditions that may be appropriate.
- Comments and suggestions sought.

Consultation with Historic England

- Para. 18 requires a planning authority to consult with Historic England where the planning authority considers that a request for approval relates to matters which may affect a site of archaeological or historic interest.
- In practice, it is proposed to apply para. 57 of PPG: Conserving and enhancing the historic environment – consultation and notification requirements for heritage related applications - as appropriate to Schedule 17.

Consultation with Historic England

Sch. 17 requests for approval:

- That would affect the setting of a grade I or II* listed building
- Likely to affect the site and/or setting of a scheduled monument
- Likely to affect a registered battlefield of grade I or grade II* park or garden, and/or its setting, on Historic England's Register of Historic Parks and Gardens of Special Historic Interest in England
- Likely to affect certain strategically important views in London

Questions?



Community and Environment Fund and the Business and Local Economy Fund

Introduction

The two funds; The Community and Environment Fund (CEF) and Business and Local Economy Fund (BLEF) were announced by the Government in October 2014.

**Total
Amount:**

**£40
million**
(For both funds)

Objective:

To support local communities and businesses along the HS2 Phase 1 route and offset disturbance associated with construction of the railway.

These funds are provided in addition to the comprehensive mitigation outlined in the Bill and ES to address the environmental impacts of Phase One.

The Community and Environment Fund (CEF)

The objective of the CEF is:

To add benefit over and above committed mitigation and statutory compensation to communities along the route that are demonstrably disrupted by the construction of HS2.

There will be two types of CEF grant;

Two types of CEFs

- 1) CEF Local**, this grant will fund smaller projects (up to a maximum of £75,000 per project) which will benefit quality of life for individual communities.
- 2) CEF Strategic**, these larger grants (from £75,000 up to a maximum of £1 million per project) will provide a legacy by supporting projects which benefit multiple communities along the Phase One route. These grants may fund projects that cross a number of local authority areas. Both capital and revenue grants will be available.

The Business and Local Economy Fund (BLEF)

The objective of the BLEF is:

To add benefit over and above committed mitigation and statutory compensation to support local economies that are demonstrably disrupted by the construction of HS2.

Examples of initiatives to be supported

Initiatives the CEF may support might include:

- improved pedestrian, equestrian, or cycle access;
- landscape and nature conservation enhancement projects which increase biodiversity;
- enhancement or replacement of sports and recreational facilities;
- improved access and enhancements to public open space;
- provision of enhanced or new community facilities; and
- refurbishment/re-use of historic buildings and monuments.

Initiatives BLEF may support might include:

- schemes to improve the local public realm, especially in retail and tourist areas;
- improved local cycling and pedestrian access to local economic centres;
- general promotional activity;
- creating and running events that increase footfall or promote business activity during seasonal periods; and
- projects that aim to increase tourist visits to an area.

Who can apply?

For the CEF-

Applications for both CEF grants will be invited from community-based voluntary organisations, charitable and not-for-profit bodies, social enterprises, schools and local authorities.

For the BLEF-

It will be for local business support organisations, including local authorities, to identify appropriate projects which will help maintain business activity in local communities. Applications will be invited for capital or revenue grants from £10,000 up to a maximum of £1 million.

Fund Management

Grant Administration

Administration of the funds will be outsourced to an existing **grant-management body**, which will be selected through a competitive process.

Grant Governance

The funds will be overseen by an independent Panel with relevant expertise appointed by HS2 Ltd on behalf of the Department for Transport.

The board will be responsible for making decisions on projects above an agreed threshold, and for monitoring spend and performance of the funds.

Eligibility for the funds

Detailed criteria and guidance for applicants will be finalised by the grant-management body. All applicants will be required to demonstrate that proposed projects will benefit communities or businesses affected by works.

In assessing applications greater weight will be given to eligible projects which will benefit communities which lie within 1km of HS2 related construction works.

Grants will be awarded on the basis of the quality of the projects. However, measures will be taken to assist and encourage all communities across the length of the route to develop fundable bids

Key dates

In January 2016, Cathy Elliott, currently Chief Executive of Community Foundations for Lancashire and Merseyside was appointed as the Independent Panel Chair for the funds.

Cathy will now work with HS2 Ltd and DfT to appoint the other members of the Panel towards the end of 2016.

Once the Panel has been established, we will work in collaboration with members to appoint the Grant Management Body with the aim that detailed guidance for applicants will be published by the end of 2016, in advance of the first call for applications.

The first grants from both funds will be awarded once the Bill has received Royal Assent.



Questions?

For more information on the funds:

- Information Paper C12 on the .Gov website
- Contact Louise.Portelly@hs2.org.uk

Procedure for the **unexpected**
discovery of archaeological
remains of **national** importance

Expect the unexpected

- Secretary of State's Commitment
 - Addressed in Section 5 of Heritage Memorandum
- Previously employed on HS1
 - *Palaeoloxodon antiquus*



Expect the unexpected

- Procedure includes:
 - Circumstances when employed
 - Mechanisms to be used by all parties
 - Roles and responsibilities
- Fits with the GWSI: HERDS
- Includes for the development of a LS-WSI

Expect the unexpected: key stages

- Stop works
- Establish reasonable basis for believing discovery is of national importance
- Notify internal stakeholders
- NU informs relevant external stakeholders
 - Call meeting
- NU assesses significance: complete the form
- NU determine response: e.g. preservation in situ/investigation in consultation with...

Expect the unexpected: key stages continued

- NU prepares LS-WSI in consultation with...
- NU undertakes works commensurate with the construction timetable, but not less than 28 days.
- **However**, if circumstances are exceptional with respect to any remains investigation under these provisions and after representations, the SoS for Transport may extend period for investigation or require the NU to take steps to preserve in situ.

Discussions and questions?

Phase 1 Update

Bill progress

- House of Lords
 - Committee familiarisation visits and teach-ins, inc route overview, sound/noise/vibration, land compensation and control of environmental effects, the EMRs and planning regime
 - Locus challenges: hearing cases where the promoter has challenged the locus of the petitioner
 - Petitioner hearings: scheduled to commence 27th June, broadly working north to south

Phase 1 Construction

MWCC ITT issued

- Work divided into seven work packages
- Bidders invited to tender for up to four packages and limited to two package awards
- All but one of the bidders are joint ventures
- Majority formed of major UK construction firms teamed up with partners bringing recent experience of European high speed rail projects.

GWSI: HERDS

- Historic England comments
 - Resource assessment; snapshot
 - Landscape approach
 - Flexibility of specific objectives
 - Unexpected discoveries of national importance
 - Burial grounds
 - Method of contractual delivery
 - HS2 management mechanisms and resources
 - Industry capacity
 - Risk

Next steps

- Revision and update of GWSI: HERDS
- Revision and update of Technical Standards, Strategies and Procedures
- 30th June for any other comments on those already issued.

Other activities

- Supporting hybrid Bill
- On-going geophysical survey
- Inputting to procurement process
- Process of appointing a HERDS team
- Continuing development of strategies and procedures
- New staff briefings 'on-boarding'

- Phase 2a and Phase 2

Next Heritage Sub-group

London

Thursday 15th September

AOB Questions

Agendas, notes and resources

<https://www.gov.uk/government/collections/hs2-phase-one-planning-forum-heritage-subgroup>

Thank you

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