

## INDEPENDENT Phase 2a Planning FORUM FOR HS2

<b>Title:</b>	<b>Independent Phase 2a Planning Forum for HS2</b>	
<b>Date &amp; Time</b>	<b>Wednesday 16<sup>th</sup> January 2019 11.00 – 13:00</b> <b>Staffordshire County Council</b> <b>No. 1 Staffordshire Place</b> <b>Stafford</b> <b>ST16 2LP</b>	
<b>Chair</b>	Ted Allett	Independent Chair
<b>Promoter Attendees:</b>	Paul Gilfedder Reiss Graham Terry Stafford Dominic Moore Nick Hilton	HS2 Ltd - Head of Town Planning HS2 Ltd – Town Planning Advisor HS2 Ltd – Senior Community Engagement Manager HS2 Ltd – Town Planning Lead, Phase 2 HS2 Ltd – Project Director, Phase 2a
<b>Local Authority Attendees:</b>	Ashley Baldwin Sarah Mallen John Holmes Guy Benson Dale Malcolm Anna Miller Liam Cowden	Lichfield District Council (LDC) Staffordshire County Council (SCC) Stafford Borough Council (SBC) Newcastle-under-Lyme Borough Council (NUL) Cheshire East Council (CEC) East Staffordshire Borough Council (ESC) Shropshire Council (SC)
<b>Promoter Attendee:</b>	James Henderson	Department for Transport (DfT)
<b>Apologies:</b>	Emma Williams Ian Dale Craig Jordan	Cheshire East Council (CEC) Cheshire East Council (CEC) Lichfield District Council (LDC)

Item		Action Owner
<b>1</b>	<b>Pre-meet for local authorities</b>  The Chair and the LAs held a brief pre-meeting to exchange views and discuss matters to be raised in the Forum meeting.	
<b>2.</b>	<b>Introductions</b>  The Chair invited attendees to introduce themselves.	
<b>3.</b>	<b>Review of notes &amp; actions from last meeting</b>  Minutes from last meeting (26 <sup>th</sup> November 2018) were agreed, subject to the following changes: <ul style="list-style-type: none"> <li>• Quotation marks to be added to 'guidance on guidance' for clarification purposes (item 5).</li> <li>• Deletion of 'will' at (item 5).</li> <li>• Deletion of 'summaries' and replaced with 'summarise' at (item 9)</li> </ul>	<b>HS2 Ltd</b>

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	<p><b><u>Actions</u></b></p> <p>The Chair requested that item #4 from the September 2018 meeting should be deleted and removed from the outstanding action log, as it is not an action.</p> <p>HS2 Ltd will produce a Schedule 17 presentation that local authorities can use to brief members and officers: it is anticipated that this will be provided prior to the next forum meeting.</p> <p>HS2 Ltd advised that there was one outstanding action, to determine whether post-royal assent SLAs cover planning enforcement activities: this will be carried forward and clarified at the next forum meeting.</p> <p>All other previous actions were reported as completed or an update would be provided during the meeting.</p>	<p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b></p>
<b>4.</b>	<p><b>Phase 2a Bill – update</b></p> <p>PG (HS2 Ltd) provided an update on the 2a Bill (please refer to slide pack for more details).</p> <p>SM (SCC) sought clarity as to how long local authorities would have to petition. PG confirmed that this would be set by Select Committee as opposed to HS2 Ltd, but it can be taken as an action to seek clarity on this point. SM noted that 5 weeks were given for Phase 1 AP2 and this was a comparable submission.</p> <p>The Chair noted that the consultation on the ES runs parallel with petitioning period.</p> <p>SM highlighted that the deadline for comments are not always the same and noted that what authorities would like to do is avoid the need to put in a petition because we have not been given sufficient time to respond to the ES consultation.</p> <p>PG explained that generally the ES consultation is longer than the petitioning period. HS2 Ltd will seek clarity from the Bill team.</p> <p>The Chair enquired whether HS2 Ltd would have to wait before they could send out clarification to members on the consultation period. NH (HS2 Ltd) advised that he had contacted the Bill team and received a response which read “there is no minimum petitioning period for APs, but we have to keep in mind that there was 25 days with the main Bill and that was agreed between the House and the Government. HS2 Ltd are advising that it will not be less than 25 days, but will not be much more. It will run from the last newspaper notice which will be around 12 February, following on from deposit in parliament on 8 February”.</p>	

5.	<p><b>Bill amendments</b></p> <p>JH (DfT) provided an update on the three main amendments to the clauses to the Bill (see slide pack).</p> <p>The three clauses discussed were:</p> <ul style="list-style-type: none"> <li>• Schedule 17 Canal Trust (included as a statutory consultee on certain Schedule 17 applications).</li> <li>• Schedule 17 Lorry route approvals</li> <li>• Schedule 22 Building Act (removal of S81 notice re demolition)</li> </ul> <p>SM sought clarity as to whether the nominated undertaker could just terminate the Schedule 17 lorry route approval (providing this did not exceed 24 movements) and it would not require local authority approval.</p> <p>The Chair queried whether the six week notice period would be written into the Bill. JH confirmed that this would be the case, but the authority would still be notified and then a period would exist to allow the cessation of the approved route.</p> <p>The Chair sought clarification as to whether the Bill states the notice period? JH and PG both agreed that the Bill would specify the notice period.</p> <p>SM (SCC) questioned whether the amendment actually addressed previous local authority concerns.</p> <p>PG highlighted that the main cause of concern was in the way the original lorry route approval was drafted – that paragraph has now been deleted. The deleted paragraph stated that lorry routes only applied on days where there were 24 or more lorry movements, therefore on days where numbers were fewer than 24 approved routes were not required to be used (as no approval would be required). The concerns raised by the Forum were around confusion, as to how would the relevant local authority would know if numbers were below 24 or above on any particular day and importantly how would this be enforced.</p> <p>PG clarified that this amendment to the Bill reduced the contractor's flexibility around using unapproved routes when movements fell below 24.</p> <p>PG explained that the effect of the notice period (switch-off period) when lorry movements are less than 24 movements a day, is that the local authority will have a suitable amount of notice as to when this will happen. By doing this it addresses concerns around confusion and ambiguity: it will</p>	

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	<p>also allow HS2 to notify and work with communities so that they are also aware. In combination with the new assurance and a strengthened CoCP, it will address the concerns raised by members.</p> <p>SM sought further clarification, as to whether contractors could choose to keep the approved route active and adhere to the approved routes.</p> <p>NH (HS2 Ltd) confirmed this was correct and went on to explain that once the route had been approved, no unapproved routes could be used until a notice had been served to the local authority. It was stated that the intention is that once the main construction is finished, for example during de-mobilisation of the site, the contractor would serve notice to switch off approved routes which would involve consultation with the relevant authority.</p> <p>SM stated there is still a concern over using unapproved routes, not particularly on volume of traffic, but the safety aspects on using some unapproved routes. It was also confirmed that SCC would still include this in their petition response.</p> <p>PG noted that the provisions around Traffic Liaison Groups and Traffic Management Plans in the CoCP are binding and will ensure that the necessary discussions on low bridges etc will take place. HS2 Ltd believe these will address the safety concern raised.</p> <p>PG also noted that if there were low bridges or weight limits restrictions on unapproved routes, then Road Traffic Regulation Legislation still applied. It was therefore concluded that through the duty to engage through the TLG and existing highway legislation, there were sufficient controls to address members' concerns.</p> <p>AB (LDC) enquired as to when the draft Code of Construction Practice would be finalised.</p> <p>PG confirmed that the draft CoCP would become finalised at Royal Assent. It was also explained that the CoCP formed part of a suite of documents known as Environment Minimum Requirements binding on the project. It was also stated that the documents had been to Planning Forum previously and members were content with the document, in part due to the fact they had recently been settled for use on Phase 1.</p> <p>JH gave an overview of the demolition procedure under the Building Control Act sought to be amendment by the Bill.</p> <p>JH (SBC) questioned why the local planning authority was listed as the authority a demolition notice should be served on, when in fact it should be Building Control within their capacity. It appeared that it combined two separate parts of legislation between the Building Act and Planning Act. It</p>	
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	<p>was explained that a prior notification was required to be submitted under the planning provisions and a separate notice (demolition plan) would be submitted to the Building Control part of the local authority.</p> <p>PG noted this error on the slide and stated that the amendment should in fact refer to the local authority rather than the local planning authority. It was emphasised that in other documents, such as the draft CoCP it referred to the local authority.</p> <p>JH stated that provided the plan was served to the same people, it would avoid any confusion. PG confirmed that it would go to the Building Control department and /or environmental control officer.</p> <p>GB (NuLB) sought confirmation whether the Bill covered the planning permission aspect, for example prior approval. PG confirmed that the Bill granted general planning permission for all the works, therefore any planning notices normally required for demolition are no longer needed.</p> <p>LC (SC) queried what would happen in the instance of demolition to a non-designated heritage asset. PG stated that the principle of demolition would have been established at Royal Assent and the environmental effects of it reported in the Environmental Statement. If the demolition was in a Conversation Area or to a Listed Building, then the Bill seeks the relevant powers to modify those controls as well.</p> <p>LC questioned whether HS2 considered the impact on the general public or special interest groups affected, as a result of the disapplication of the amended legislation. PG noted that whenever HS2 Ltd dis-apply a control or legislation it seeks to replace it with another mechanism of control, effectively changing where that control sits. HS2 Ltd are happy to meet with local authorities or communities to explain where the controls sit.</p> <p>PG noted that HS2 Ltd would include slides with the simplified Schedule 17 presentations, which are intended for members to brief parish councils on the planning regime. These could include a section on where the control sits after any legislation has been dis-applied.</p> <p>The Chair summarised that this amendment is not changing the planning controls as to whether a building should be demolished, it is the way it should be demolished and that the local authority cannot dictate how the demolition should be undertaken.</p> <p>The Chair sought clarification from HS2 Ltd as to whether a demolition plan submitted is for approval, comments or consultation. PG stated that around the submission of AP2, HS2 Ltd would circulate the draft CoCP amendments to members for comment. It was confirmed that the plan would for consultation.</p>	
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	<p>The Chair stated that this not just a transfer of control, it is the removal of a potential control and replaced with a consultation. PG confirmed that the control is maintained but the approval is not, but the changes to the draft CoCP will provide those protections.</p> <p>SM queried if changes to the draft CoCP would be part of the parliamentary consultation, or will it be brought to the Forum. PG confirmed that it would be brought the Forum, as it was not a live change to the Bill, but would be done parallel.</p> <p>This was acknowledged by all members.</p> <p>The Chair provided background on the reason for this change, stating that a local authority on Phase 1 had challenged HS2 Ltd and it was found that it was a split decision (the local authority were entitled to change some elements and but all).</p> <p>PG offered to include the amendments to Bill as an item at the next Forum meeting, so members could discuss the changes further.</p> <p>It was noted that members would have limited time due to the AP petitioning and it would be acknowledged by HS2 Ltd.</p>	HS2 Ltd
6.	<p><b>Draft Planning Forum Notes 5 - 8:</b></p> <p>PG, HS2 Ltd, presented the Planning Forum notes below (please refer to slide pack for more details):</p> <ul style="list-style-type: none"> <li>• PFN 5 – Model Conditions</li> <li>• PFN 6 – Lory Route Approval</li> <li>• PFN 7 – Bringing into Use Approvals</li> <li>• PFN 8 – Use of the Planning Portal</li> </ul> <p>Following the meeting the Planning Forum notes will be emailed to all Planning Forum Members for review and comment (4 weeks from the date sent out via email) and then brought back to a future Planning Forum meeting for approval.</p> <p>The Chair pointed out that the Planning Forum notes are owned by the Planning Forum and that all notes can be revisited if required in the future.</p> <p>GB (NuLB) queried if a tick list was provided to ensure if all 'Bringing into Use Approvals' that been done.</p> <p>The Chair stated that on Channel Tunnel Rail Link, the BIU was not a check on whether all mitigations have been implemented, it was to seek</p>	HS2 Ltd

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	<p>confirmation that a local authority had seen all the approvals that they expected to see i.e. approval of screen barriers, planting etc.</p> <p>The Chair also stated that if the works had not been done, the local authority could always enforce.</p> <p>PG agreed that the Chair was correct in his explanation. It was noted that one of the distinctions between Schedule 17 and T&amp;C Planning, is that there is an obligation to build what is approved.</p> <p>The Chair also mentioned that a Schedule 17 Bringing into Use could be applied for before the mitigation works had begun.</p> <p>GB sought clarification that if the local authority noticed, at a later date, that the mitigation works had not been done then the local authority would be able to enforce against this. PG and the Chair agreed that this was correct.</p> <p>DM (CEC) stated that local authorities may be moving from using the planning portal, as a fee has been introduced for agents, but there is no obligation on the local planning authority to use this service. PG acknowledged this and if this became an issue, HS2 Ltd would have to revisit this.</p>	
7.	<p><b>Phase 2a Planning Forum Programme</b></p> <p>HS2 Ltd provided an overview of the proposed programme (please refer to slide pack for more details).</p> <p>March Meeting – look to finalise Draft Statutory Guidance and Planning Forum notes 1 – 3</p> <p>PG confirmed that for Planning Forum note 4, Historic England have requested a minor amendment on Phase 1, so this will be brought back to the next meeting. PG also advised that HS2 Ltd would add a CoCP update to the agenda and present at the March meeting.</p> <p>Future meetings:</p> <ul style="list-style-type: none"><li>• May 2019 - Planning Forum notes 5 – 8 and first draft on the appeals guidance.</li><li>• July 2019 – Final EMRs update (no changes expected other the Building Act amendment)</li><li>• September – further PFN, appeals guidance and an update of the class approval guidance</li></ul> <p>Members were invited to add any other items to the programme.</p>	

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	<p>PG (HS2 Ltd) confirmed that the PFNs would be sent out after the meeting.</p> <p>The Chair asked for an update on SLA. PG advised that the commercial team will update the master template on pre and post Royal Assent by 18 January.</p> <p>SM requested an update from HS2 Ltd on the pre-royal assent SLA at the next meeting and for it to be included as an agenda item.</p> <p>The Chair requested that following the issuing of the SLA, members should provide feedback in advance of the next meeting to confirm if SLA should be included as an item on the next agenda.</p>	<p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b></p> <p><b>LAs</b></p>
<b>10.</b>	<p><b>Project Updates</b></p> <p>JH provided an update covering all three Phases (please refer to slide pack for more details).</p> <p>The Chair pointed out that a challenge had been made by LAs on Phase 1, as the undertakings and assurances said that the appointment of the construction commissioner would be by an independent body and it has been questioned whether this was done.</p>	
<b>11.</b>	<p><b>AOB</b></p> <p>Chair requested an update on the Phase 2a sub-groups.</p> <p>Paul Gilfedder explained that a highways sub group had established, but heritage and environmental health sub-groups are yet to be established.</p> <p>The Chair requested that Phase 2a sub groups should be included as an item for next forum meeting.</p> <p>PG requested that members send through the relevant counterparts who are likely to attend sub-groups via email to <a href="mailto:2Aplanningforum@hs2.org.uk">2Aplanningforum@hs2.org.uk</a></p> <p>John Holmes (STC) asked whether HS2 Ltd could relocate a site (Ingrestre Golf Course) onto agricultural land? Does the Bill provide planning permission for the subsequent change of use that would be required.</p> <p>PG explained that as the reconfiguration works at Ingrestre Golf course are being done to mitigate a community affect, it is deemed as environmental mitigation. It will therefore gain permission for change of use from the Act.</p> <p>Paul Gilfedder advised that he would speak the Hybrid Bill team and discuss the matters further in a bilateral meeting with Stafford Borough Council as it only impacts that local authority.</p>	<p><b>HS2 Ltd</b></p> <p><b>LAs</b></p> <p><b>HS2 Ltd</b></p>

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