

Phase 2a Planning Forum Agenda Meeting 23rd September 2020

Date & Time:	Phase 2a Planning Forum Meeting Wednesday 23rd September 2020 11:00 – 12:30 Planning Forum (LAs pre-meeting at 10:30 arranged independently) Microsoft Teams (See calendar invite)
Independent Chair:	

Item		Lead	Time
	Introductions	All	11:00
1	Review of previous meeting minutes and actions	All	11:05
2	2a Bill – update	HS2 Ltd	11:10
3	Community engagement – update	HS2 Ltd	11:20
4	Sub group - update	HS2 Ltd	11:30
5	Class approval - update	HS2 Ltd	11:35
6	Planning Forum Notes - update	HS2 Ltd	11:55
7	Court of Appeal judgement	DfT/HS2 Ltd	12:05
8	Context Reports	HS2 Ltd	12:15
9	Planning Forum Forward Plan and Documents	HS2 Ltd	12:25
10	AOB	All	12:30
	End		

Title:	Independent Phase 2a Planning Forum for HS2
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INDEPENDENT Phase 2a Planning FORUM FOR HS2

Date & Time	Wednesday 23rd September 2020 11:00 – 12:30 Microsoft Teams (virtual meeting)	
Chair		Independent Chair
HS2 Ltd Attendees:		HS2 Ltd - Town Planning Lead, Phase 2 HS2 Ltd – Senior Town Planning Manager HS2 Ltd – Senior Engagement Manager, Phase 2a HS2 Ltd - Head of Town Planning HS2 Ltd – Town Planning Manager HS2 Ltd – Town Planning Advisor HS2 Ltd – Senior Commercial Manager HS2 Ltd – Hybrid Bill Delivery Director

Local Authority Attendees:		Cheshire East Council (CEC) Shropshire Council (SPC) Stafford Borough Council (SBC) Lichfield District Council (LDC) Staffordshire County Council (SCC) Newcastle-under-Lyme Borough Council (NUL)
Promoter Attendee:		Department for Transport (DfT) Department for Transport (DfT)
Apologies:		East Staffordshire District Council (ESC) Cheshire East Council (CEC) East Staffordshire District Council (ESC) Senior Interface Manager (interim) Phase 2a Director

Item		Action Owner
	Introductions The Chair invited new attendees to introduce themselves.	
1	Review of notes & actions from last meeting The previous minutes were agreed (subject to 'will' being replaced by 'with' in the first action under AOB) and will be uploaded to GOV.UK. All outstanding actions, except the deferred VR fly-through experience for members, were complete.	
2	Phase 2a Bill – update HS2 Ltd explained that the Select Committee were considering the 36 petitions against the Bill in the House of Lords. The Select Committee had	

	<p>held virtual hearings in July and virtual/hybrid hearings in September and is expected to complete its public hearings on 23 September (see slide pack for further information).</p> <p>HS2 Ltd noted that, of the 36 petitions submitted against the Bill, just 15 (42%) appeared before the Select Committee, with HS2 Ltd having settled the remainder or the petitioner having either decided not to appear or to withdraw their petition.</p> <p>The next step is for the Select Committee to publish its report. The Government will respond to the report in due course, in advance of Third Reading. Royal Assent is expected in late 2020.</p> <p>Full details of the Select Committee can be found on their website here.</p>	
3	<p>Community Engagement Update</p> <p>HS2 Ltd provided an update on three key areas: Strategic activity, Communities and Looking ahead.</p> <p>Strategic activity</p> <ul style="list-style-type: none"> • House of Lords Select Committee hearings concluding today • COVID-19 impact on face-to-face engagement • Formal start of construction on Phase One • Continued political engagement continues to be in line with the latest guidance on COVID-19 <p>Communities</p> <ul style="list-style-type: none"> • Archaeology online presentations delivered • Ongoing engagement activity with stakeholders and petitioners • Responding to safeguarding refresh queries • Community websites updated • Support for survey activity <p>Looking ahead</p> <ul style="list-style-type: none"> • CEF/BLEF and Skills, Education and Employment, Business and ecology online presentations • Web based land and property surgeries • Supporting route-wide ground investigation surveys • Royal Assent communications • Managing community expectations <p>HS2 Ltd will continue with its virtual online series of engagement events, firstly with the CEF/BLEF and then followed up by Skills, Education and Employment and finally the roll out of Land and Property schemes to the public.</p> <p>HS2 Ltd emphasised that they will be supporting Balfour Beatty in their</p>	

	<p>engagement with the communities that HS2 work with for upcoming ground investigations.</p> <p>HS2 Ltd informed members that they will be managing community expectations, particularly informing communities that they will see a phased approach to construction work: it will not be shovels in the ground from day one.</p> <p>Action: SCC requested a meeting with HS2 Ltd regarding a Parish Council's representation.</p> <p>The Chair queried whether Parish Councils and other stakeholder groups were up to speed with virtual meeting and expressed that HS2 Ltd may want to consider how and if local authorities could do more to support communities to engage.</p> <p>NUL queried if the general public could attend the events or would they be required to be involved with their Parish Council to obtain access. HS2 Ltd explained that invites to Parish Councils have been specifically for Parish Councils. However, some events are open access public events where anyone can attend, for example archaeology, ecology or CEF/BLEF sessions.</p> <p>NUL inquired if HS2 Ltd kept records of all the steps that have taken to engage with communities and will this be reflected in the feedback following engagement events. HS2 Ltd confirmed that evidence of engagement was recorded and utilised to improve engagement. HS2 Ltd also explained that feedback sessions would be taking place and that virtual engagement has been an iterative process following each engagement event. Furthermore, it was stressed that HS2 Ltd had and will continue to take as many steps as practically possible to ensure active engagement in the project. It was noted that procedures normally implemented for public events had been employed alongside the Commonplace portal, websites, magazine etc.</p> <p>The Chair recognised the importance of keeping the community up to date and engaged. It was explained that previous major infrastructure projects have been criticised for a lack of engagement with communities 'feeling forgot', between authorisation of the project and the start of work when little appears to be happening.</p> <p>HS2 Ltd agreed with the comments and noted that HS2 Ltd will be working with communities to prepare them for what is to come.</p>	HS2 Ltd
4	<p>Subgroup update</p> <p>HS2 Ltd provided a summary of the key items from the previous subgroup meetings and the dates for future subgroup meetings. Further information</p>	

INDEPENDENT Phase 2a Planning FORUM FOR HS2

	<p>can be found in the slide pack.</p> <p>HS2 Ltd also explained that SharePoint will be used in future as a quicker and easier way for all members to access relevant information related to the Forum and its subgroups.</p> <p>It was agreed that once the Forum SharePoint page was in use then the Highway subgroup minutes will no longer need to be circulated via email.</p>	
5	<p>Class Approval - update</p> <p>The DfT provided an overview of the statutory process in relation to the Class Approval and what members were to expect (see slide pack for more details). It was noted that due to COVID-19, the department cannot receive signed paper copies so only emails will be accepted.</p> <p>SBC queried whether members of the Forum would receive the notification, or would it just be Chief Executives?</p> <p>The DfT and HS2 Ltd confirmed that all members would be copied into the email, to ensure that everyone is made aware at the same time.</p> <p>Action: HS2 Ltd to provide DfT with Forum members' email addresses.</p>	HS2 Ltd
6	<p>Planning Forum Notes - updates</p> <p>HS2 Ltd provided a brief update on the status of the Planning Forum Notes (PFNs), especially in light of the recent Court of Appeal decision on an appeal by LB Hillingdon on Schedule 17 request.</p> <p>It was explained that HS2 Ltd have taken a decision to put all future PFNs on hold, whilst they work through how the Appeal decision may alter their approach to Schedule 17 moving forward. However, it was explained that once the statutory guidance has been issued by DfT then HS2 Ltd would be working with members to explore how any changes would work in practice.</p>	
7	<p>Court of Appeal judgement</p> <p>HS2 Ltd provided an overview of the Court of Appeal judgment for Colne Valley wetlands which related to a Phase 1 Sch 17 appeal decision. It was explained that HS2 will respect the judgement and highlighted that the outcome of the judgement will change ways of working.</p> <p>HS2 Ltd outlined that the HS2 planning regime and EMRs was set up on HS2 to operate in the same way has the Channel Tunnel Rail Link and Crossrail. Essentially this regime allows local planning authorities to make decisions on Schedule 17 planning submissions without some information,</p>	

INDEPENDENT Phase 2a Planning FORUM FOR HS2

	<p>such as archaeology surveys, because there is already a legal protection in place though the EMRs.</p> <p>The appeal decision changes the above emphasis and permits local planning authorities to request that eg survey information is made available at the point of decision, rather than relying on the EMRs. However, the practical reality of how this will work is still being determined.</p> <p>HS2 Ltd drew attention to paragraph 11 of the judgement, which highlights that the HS2 planning regime is still considered to be a streamlined planning process which requires collaboration between parties. As such there is more continuity than change as a result of the appeal.</p> <p>HS2 Ltd explained that the next steps will be for the Department for Transport to update the Statutory Guidance. It is hoped that this will address any ambiguities and provide a clear position on the practicalities of the outcome. As a result, some Planning Forum Notes may need to be updated in collaboration with the Planning Forum.</p> <p>In the interim HS2 Ltd explained that pre-application discussions will continue to operate in line with the currently agreed Planning Forum Notes. However if local planning authorities feel that further information is needed, this should be flagged at the earliest opportunity. The need and relevance of the information will need to be discussed on a case by case basis. It was also confirmed that in the Project's view, the judgement does not introduce a validation process.</p> <p>The DfT added that they are working through the statutory guidance on Phase 1 to clarify timings and the information required to support Schedule 17 applications. It was made clear that the Secretary of State (SoS) does not believe that the judgement creates a validation requirement to trigger the 8-week determination period. Therefore, the 8-week determination for requests for approval begins from the time the determining authority receives the Schedule 17 application and not from the date the determining authority believes an application is complete.</p> <p>The DfT explained that it was expected that HS2 Ltd and the planning authorities will work proactively and collaboratively to identify what information is required (as far in advance as possible) and what is reasonably required in order for the authority to determine the Schedule 17 application.</p> <p>The DfT reiterated that the SoS still had the power to determine Schedule 17 applications, in circumstances where there is a dispute between HS2 Ltd and the planning authority.</p>	
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	<p>NUL explained that local validation requirements throw up lots of issues and the authority did not want to be in a situation where missing information could delay the process.</p> <p>HS2 Ltd explained that there is no validation process associated with the Phase 2a Bill unlike the Town and Country Planning Act (TCPA), therefore Schedule 17 requests become live from the point of submission.</p> <p>HS2 Ltd also explained that as the primary consent was granted by Parliament at Royal Assent, Schedule 17 applications are not applications for planning permission. As such, the TCPA validation stage does not apply, as the planning regime associated with the Bill is bespoke with defined matters for approval and defined grounds in which local planning authorities can consider them. It was recommended that members review the PFNs for context and as a starting point as to how the regime works in practice.</p> <p>HS2 Ltd reminded members that in the Planning Memorandum there is an obligation on HS2 to enter pre-submission engagement with local authorities. It is at this stage when HS2 expects discussions regarding requests for additional information to be raised.</p>	
8	<p>Context Reports</p> <p>HS2 Ltd explained that a Context Report will be sent out to each local authority, which will contain:</p> <ul style="list-style-type: none"> • Overview of HS2 Planning Regime • Overview of key works to be carried out in LPA area • Operational Phase and Construction Phase plans for key works to be carried out in LPA area • High level programme of works <p>It was emphasised that a local authority is under no obligation to consider a request for approval until HS2 Ltd have provided them with a programme of consents / information. This is a requirement to the Bill (and in the Planning Memorandum) and specifies that information needs to be provided prior to any Schedule 17 submission.</p> <p>SBC queried the dates shown on the slide deck, as the dates showed that the Context Report would be issued after the first Schedule 17 submission. HS2 Ltd noted this error and agreed to amend the slide to display the correct dates.</p> <p>Action: HS2 Ltd to amend/update the Context Report dates shown on the slide deck</p>	HS2 Ltd

INDEPENDENT Phase 2a Planning FORUM FOR HS2

9	<p>Forward Plan</p> <p>HS2 Ltd provided an overview of business for the Forum meetings up until March 2021. It was noted that the latest Schedule 17 forward plans were sent to members w/c 28th September 2020.</p> <p>Action: Future Forum meeting dates to be agreed.</p> <p>The Chair expressed that it would be useful if the Early Environmental Works (EEW) could be included as a standard future agenda item, specifically a description of what is happening on the ground for the Phase 2a project.</p> <p>Action: HS2 Ltd to include EEW as a future agenda item.</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p>
	<p>AOB</p> <p>HS2 Ltd reminded members who have not responded to the SLA template email to respond at their earliest convenience.</p> <p>Action – Members to respond via email to the HS2 Commercial team</p> <p>Action – The Chair to arrange a separate pre-meet with LPA Forum members prior to the next planning Forum meeting.</p>	<p>Members</p> <p>Chair</p>
	Meeting concluded at 12:25pm	