

HS2

Phase 2a Planning Forum

Wednesday 25th November 2020

HS2

Review of previous minutes and outstanding actions

Phase 2a Planning Forum

HS2 Phase 2A Planning Forum: Outstanding Actions

Meeting	Date	Item	Action	Status
#6	March	6	Reoccurring Action (DO NOT REMOVE) - HS2 Ltd to provide sub-group update and circulate Highway Subgroup meeting agenda and minutes.	Agenda item 10.
#10	January	5	HS2 Ltd to continue its efforts to arrange for the Forum to experience the VR Phase 2a fly through and send invites to members	Ongoing. Arranged for March, but later cancelled due to COVID19 we will look to rearrange.
#13	September	3	SCC requested a meeting with HS2 Ltd regarding Parish Council representation.	Completed on 24/09/2020.
#13	September	5	HS2 Ltd to provide the <u>DfT</u> with forum member's contact details.	Completed on 10/11/2020.
#13	September	8	HS2 Ltd to amend/update the Context Report dates shown on the slide deck	Completed on 14/10/2020
#13	September	9	HS2 Ltd to agree dates for future forum meetings.	AOB.
#13	September	9	HS2 Ltd to include <u>EEW</u> as a future agenda item.	Agenda item 3
#13	September	AOB	Members to respond via email to the HS2 Commercial team	Outstanding.
#13	September	AOB	The Chair to arrange a separate pre-meet with forum members prior to the next main planning forum meeting.	Completed.

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The High Speed (West Midlands to Crewe) Bill

The High Speed (West Midlands to Crewe) Bill – House of Lords

- The House of Lords Select Committee published its Special Report on the Bill on 19 October (<http://committees.parliament.uk/committee/404/high-speed-rail-west-midlands-crewe-bill-select-committee-lords/news/120165/hs2-bill-committee-publishes-report/>).
- The Government published its response to the Select Committee report on 23 November (<http://www.gov.uk/government/publications/hs2-phase-2a-promoters-response-to-lords-select-committees-special-report>).
- On 24 November the Government published a Statement of Reasons Command Paper, setting out an overview of the case for the scheme and its environmental impacts (<http://www.gov.uk/government/speeches/statement-of-reasons-command-paper-for-the-high-speed-rail-west-midlands-to-crewe-bill>). The Command Paper is required by Standing Orders to be published at least a week in advance of Third Reading of the Bill in each House. The Command Paper is an updated version of the Command Paper published in advance of Third Reading in the House of Commons in June 2019.
- The Bill was considered in Grand Committee on 9 & 12 November. No amendments to the Bill were made.
- The Bill will now continue through its remaining ‘normal’ public Bill stages in the House of Lords – Report and Third Reading*.
- Report stage will take place on 30 November.
- No date has yet been fixed for Third Reading; there has to be a minimum period of a week between Report and Third Reading, so the earliest possible date is 7 December.
- After Third Reading, the Bill will return to the House of Commons for one final stage – Commons Consideration of Lords Amendments (where the House of Commons considers amendments to the Bill made in the Lords, often referred to as ‘ping-pong’).
- Royal Assent is expected in late 2020*

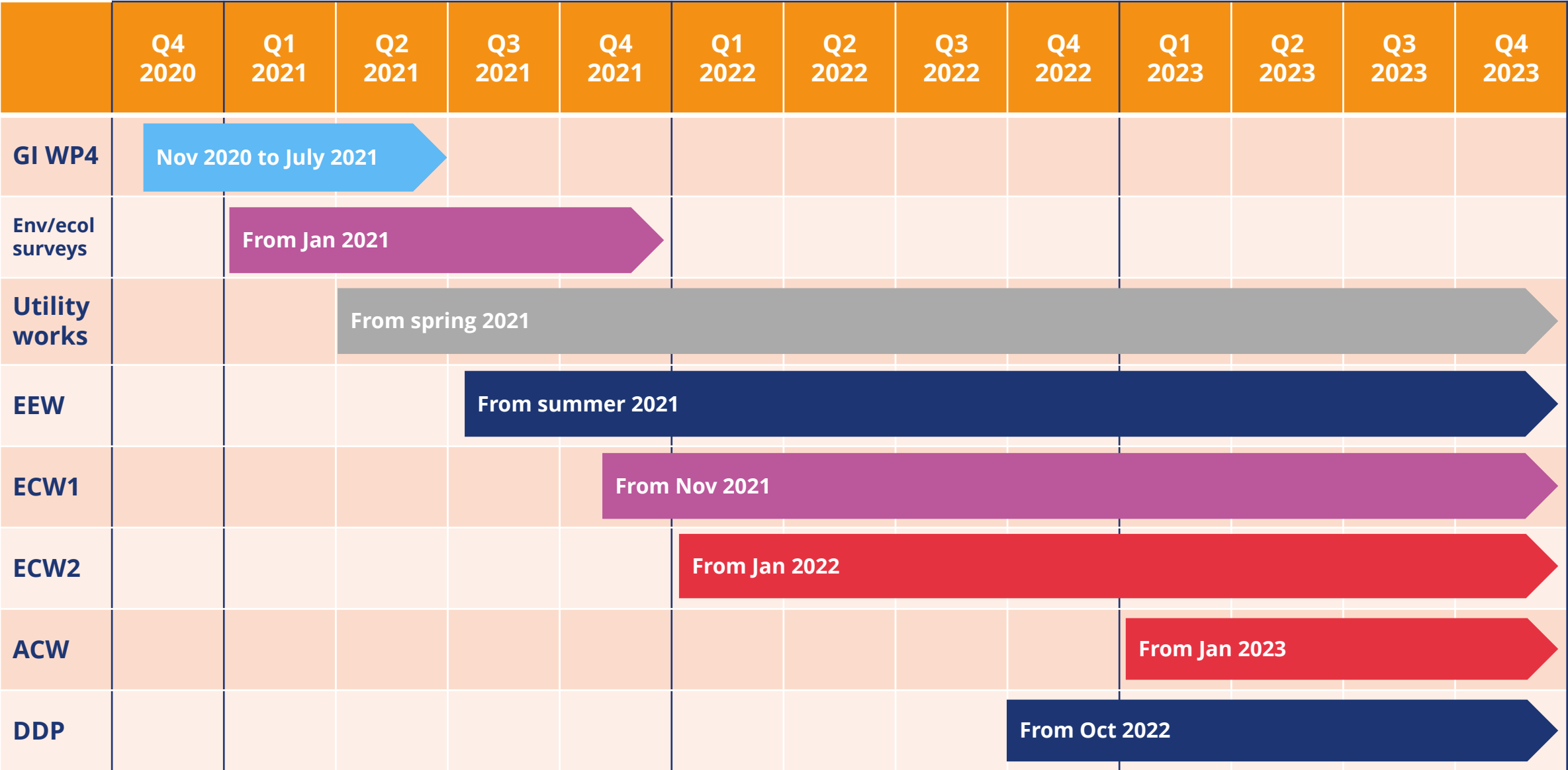
* *Subject to the Parliamentary timetable*



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Construction programme (EEW) update

Phase 2a construction activity (on the ground)





Department
for Transport

HS2 Phase 2a

Schedule 17 Statutory Guidance



Key changes include...

- ▶ Local Planning Authorities must not replicate controls in the EMRs unless they are relevant to the grounds for approval and necessary to give effect to their duties under the Schedule (para 21)
- ▶ The interpretation of 'other earthworks' and 'anything in the nature of plant and machinery' (paras 22-23)
- ▶ What information may be requested for LPAs to determine an application. The information should be relevant to their duties under Schedule 17 (paras 25-34; Annex 1)
- ▶ Approvals, modifications, conditions and refusals by the Local Planning Authority must be justified in relation to the relevant grounds as specified in Schedule 17 (paras 38-48).
- ▶ What modifications and conditions can be made by the LPA under paragraph 6 (paras 49-50)



- ▶ The justification for refusal to a submitted scheme where modifications are sought must relate to the relevant grounds (para 56)
- ▶ If conditions are sought by a LPA on an approval, the onus is on them to show that the conditions are justified and relevant to the grounds (para 62)
- ▶ Schedule 17 does not allow for Grampian conditions (para 63)
- ▶ Highlights the importance of collaboration between HS2 Ltd and LPAs (para 64-65)
- ▶ Reiterates that there is no process of validation as that under the Town and Country Planning Act 1990 (para 66s and 68)
- ▶ The date from when the eight-week determination period starts from when the request is received by the LPA (para 67)
- ▶ Requests for additional information from HS2 Ltd after applications have been made to the LPA should only be made in exceptional circumstances (para 69)



What does this mean?

- ▶ The Court of Appeal judgment does not create a validation regime.
- ▶ The Statutory Guidance has always been clear that Schedule 17 does not contain such a system, in clear contrast to the Town & Country Planning Act 1990 where it is expressly written into the Act.
- ▶ The Court of Appeal stated that HS2 Ltd must provide enough information for the LPA to make the decision.
- ▶ It also stated that if the LPA does not have the necessary information, it is not obliged to take a decision.
- ▶ However, the ruling said nothing to constrain HS2 Ltd's right to launch an appeal in the absence of a decision.
- ▶ It therefore follows that if there is a dispute regarding *whether sufficient information has been provided to support an application*, then this is properly something which can be determined by an independent Inspector/the Secretaries of State.
- ▶ This is what happened in relation to HS2 Appeal no. 7 in relation to the Colne Valley viaduct.

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Schedule 17 Forward Plan

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Nov/Dec-20	Jan-21	Feb-21	Mar-21-Spring
EEW Local Authority pre-app meetings (introduction to design refinements)	EEW revised draft S.17 submission packs issued to Local Authorities for comment	EEW bat house pre-app meetings	S.17 EEW and Lorry Route requests for approval (subject to RA)
S.17 Forward Plans Issued	EEW bat house pre-app meetings	Lorry Route draft S.17 submission packs issued to SCC and CEC	S.17 Forward Plans Issued

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Community Engagement - update

2a Community Engagement snapshot

Strategic activity

House of Lords Select Committee report published

HS2 Residents' Commissioner report published

Being a Good Neighbour community survey

MP survey

Continued political engagement

Wider community

Community and business funds online presentations

Skills, education and employment, and business opportunities online presentations

Route-wide ground investigation work started, with supporting comms

Construction commissioner engagement hotspots walk-through

Looking ahead

Online ecology and ground investigation presentations

Virtual Land and Property surgeries

Royal Assent communications

Launch of post Royal Assent property schemes

Launch of CEF and BLEF schemes

Managing community expectations

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Sub group - update

Subgroup Meetings

	Highways	Environmental Heath	Flood Water & Drainage	Heritage
Key HS2 Contacts				
Next Meeting Date	3 rd December 2020	23 rd November 2020 (TBC)	(TBC)	10 th November 2020 (TBC)

Note: All future subgroup meeting documents will be available on SharePoint and can be accessed by all members

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Phase 2a SharePoint Page

Phase 2a SharePoint page

- The purpose of the dedicated SharePoint page is to enable greater collaboration between HS2 Ltd and members.
- Collaboration ideas – a place where collective comments/amendments on draft consultations (or other documents) can be undertaken between members and HS2 Ltd. As it is a shared document, it will enable greater transparency and all with access can easily see any changes or comments that are made.
- The SharePoint page can only be accessed by the Chair, members and HS2 Ltd staff – contractors or other third parties do not have access to the dedicated Phase 2a page.
- Instant access to sub group forum information i.e. previous and upcoming meeting documents



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Phase 2a Forward Plan & Documents Tracker

Forward Plan

	Jan-21	March-21/Spring	May 21	
1.	Royal Assent Update	S.17 Submissions	S.17 LPA Feedback	
2.	LPA Context Reports	Sub Group update	Planning Forum Notes	
3.	Planning Forum Notes update	S.17 Forward Plans	Engagement Update	
4.	S.17 submission update	EEW review	CEF / BLEF Update	
5.				
6.				

Planning Forum Documents Status

Title	Status
Environmental Minimum Requirements	Confirmed at May 2018 meeting that the Forum have no comments. Assuming no changes other than Building Act CoCP change and anything coming from House of Lords process.
Draft Class approval	With DfT – it is expected the statutory consultation will take place after the House of Lords reports.
Appeals Regulations and Guidance	With DfT to take forward with appropriate Ministers as part of Royal Assent of the Bill
Fee Regulations	
Schedule 17 Statutory Guidance	

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AOB

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End