

**INDEPENDENT Phase 2b Planning FORUM FOR HS2**

<b>Title:</b>	Planning Forum for HS2 Phase 2b	
<b>Date &amp; Time</b>	Wednesday 9 <sup>th</sup> March 2022 10:00 – 12:30 Microsoft Teams (Virtual meeting)	
<b>Chair</b>	[REDACTED]	[REDACTED]
<b>HS2 Ltd Attendees:</b>	[REDACTED]	[REDACTED]

<b>Local Authority</b>	[REDACTED]	[REDACTED]
<b>Promotor</b>	[REDACTED]	[REDACTED]
<b>Apologies:</b>		

<b>Item</b>		<b>Action Owner</b>
	<p><b>Welcome and Introductions</b></p> <p>Chair opened the meeting and welcomed those who were attending the Forum for the first time.</p>	

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<p><b>1</b></p>	<p><b>Review of actions log</b></p> <p>1.1 HS2 Ltd advised that all actions arising from the January Forum had been completed.</p>	
<p><b>2</b></p>	<p><b>Review of Minutes from Previous meeting</b></p> <p>2.1 The Chair explained that in the light of comments received, two minor changes were proposed to section 4.</p> <p>2.2 The first change would be to delete paragraph 4.10 which duplicated text made in paragraph 4.10. The second change would replace the words “then it is likely to” with “that could” at paragraph 4.12. The reason for this change was to clarify that whether or not there would be a delay to the Hybrid Bill depends on what it is the Secretary of State decides to do.</p> <p>2.3 MCC noted that section 5 (sub groups) included incorrect references to earlier phases and unnecessary duplication of text therefore HS2 Ltd should review this section again to ensure that it is correct. HS2 Ltd confirmed that this would be reviewed again.</p> <p>2.4 Subject to the satisfactory resolution of the matters raised in Paragraphs 2.1-2.3 above, the Chair proposed, and the Forum then accepted, that the January 2022 meeting minutes were agreed and can be published.</p> <p><b>Action:</b> HS2 Ltd to amend and then published the January 2022 minutes.</p>	<p><b>HS2 Ltd</b></p>
<p><b>3</b></p>	<p><b>Bill deposit – details of documents deposited</b></p> <p>3.1 HS2 Ltd provided an overview of the documents that were deposited, specifically the structure and content of the Bill (please refer to the slide deck).</p> <p>3.2 MCC asked if HS2 Ltd could present an overview of the Undertakings and Assurances (U&amp;A) already included in the draft Register on Bill deposit that would be relevant to each forum.</p> <p>3.3 HS2 Ltd acknowledged that some U&amp;As would be useful for the Planning Forum to be aware of (i.e., Design policy) and would consider the request further internally .</p> <p>3.4 The Chair welcomed the suggestion as it would provide members with an idea of how and why U&amp;As are used.</p>	

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	<p>3.5 Further information on U&amp;As can be found in Information Paper B5 Compliance with undertakings and assurances here:  <a href="https://www.gov.uk/government/publications/hs2-phase-2b-information-papers-hybrid-bill-b-series">https://www.gov.uk/government/publications/hs2-phase-2b-information-papers-hybrid-bill-b-series</a></p> <p><b>Action:</b> HS2 Ltd to update the lookahead of future meetings to include a presentation on U&amp;As</p>	<p><b>HS2 Ltd</b></p>
<p><b>4</b></p>	<p><b>Briefing on Planning Regime proposals in the Bill</b></p> <p>4.1 HS2 Ltd provided an overview of the main planning provisions in the Bill and changes from the 2a Act (please refer to the slide deck).</p> <p>4.2 The presentation was split into two parts: first part was a clause by clause review of the planning regime proposals in the Bill. HS2 explained the overall shape and content of the planning regime provisions is broadly similar to that scrutinised and tested through the passage of both HS2 Phase 1 Bill and subsequently the HS2 Phase 2a Bill.</p> <p>4.3 However, the light of experience gleaned from those earlier discussions and the practical experience of HS2 and authorities working together on the construction phase of Phase 1, HS2 Limited explained that further refinements and points of clarification to the legislation were proposed in the 2b Bill. The second part of the presentation therefore set out in detail all the principal changes to the legislative provisions from the Phase 2a Act and the reason for those amendments and additions.</p> <p>4.4 HS2 Ltd requested that local authorities submit questions and comments on planning provisions within 3 weeks of the circulation of the slide pack [ But see Item 5 for further discussion regarding timing of LPA comments].</p> <p>4.5 WBC sought clarification on the Qualifying Authority (QA) process.</p> <p>4.6 HS2 Ltd advised that the experience of local authorities in previous phases suggests that a Full Council decision is typically required and that in some cases a 6-month lead in time should be allowed. HS2 noted that the internal approval process was a matter for each authority to decide, but as the deadline for confirming (or not) their status as a QA is not until the end of the House of Lords Select Committee there is no immediate urgency for LAs to act now and the Forum will return to the matter later in 2022.</p>	

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	<p>4.7 WBC asked if full fees would be retained by a QA and if the fee for Schedule 17 applications would be akin to a full application or discharge of condition charge.</p> <p>4.8 HS2 Ltd confirmed that there will be separate fee regulations for 2b Schedule 17 and these will be consistent with fee rates for normal planning applications. It was also mentioned that most local authorities opt for a Service Level Agreement (SLA) whereby staff time is paid for rather than fees, but this would be a decision for the QA.</p> <p>4.9 MCC raised concern over the additional administration costs associated with wider consultation beyond the legal requirement, that may not be covered in an SLA and how an authority would be reimbursed.</p> <p>4.10 HS2 Ltd explained that the SLA seeks to reimburse local authorities for new burdens created by the project. However, HS2 Ltd could not confirm at the meeting if additional administration costs above and beyond the statutory legal requirement would be reimbursed.</p> <p>4.11 The Chair recognised that the topic of fees is substantive item, which would require a separate session at a future meeting.</p> <p>4.12 MCC sought clarification whether the local authorities would agree the fees at the Planning Forum.</p> <p>4.13 HS2 Ltd advised that in previous phases, the Planning forum have been engaged on the principles but ultimately it is the responsibility of DfT to draft and finalise the fee Regulations and not the Forum.</p> <p>4.14 MCC queried how other local authorities in Phase 1 and 2a have managed requests to take Schedule 17 applications to Planning Committee when there is a requirement to determine applications in a timely manner.</p> <p>4.15 HS2 Ltd noted that different authorities have taken different approach to this and the decision would be at the discretion of the individual authority.</p> <p>4.16 CEC shared their experience on Phase 2a, specifically explaining the process that they went through to obtain approval from Full Council regarding Qualifying Authority status. It was explained that a series of Schedule 17 application scenarios were presented to Planning Committee, with the intention of obtaining agreement about when delegated powers should be used and when a Schedule 17 application should be brought to Planning Committee. CEC noted</p>	
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	<p>that this has assisted in achieving the 8-week determination period associated with Schedule 17 applications.</p>	
4.17	<p>HS2 Ltd (Technical Engagement team) shared an email address where SLA and payment questions could be sent: <a href="mailto:hs2technicalengagement@hs2.org.uk">hs2technicalengagement@hs2.org.uk</a></p>	
4.18	<p>CWCC sought clarification on the number of Schedule 17 applications that each local authority should expect.</p>	
4.19	<p>HS2 Ltd explained that it was difficult to provide an estimate, as it was subject to the scale and volume of HS2 works in each area.</p>	
4.20	<p>The Chair queried whether the issue of future workloads of applications might be addressed in HS2's Context Report (referred to in Paper B2: Main Provisions of the planning regime).</p>	
4.21	<p>HS2 Ltd advised that paragraph 16 of Schedule 17 sets out two actions the nominated undertaker must take before an authority need determine a request for approval. First, is a document setting out its proposed programme with respect to the making of requests and the second is to provide information on how the application related to the wider HS2 works (which are provided with the submitted application)</p>	
4.22	<p>The Context Report meets the first of these requirements and provides an overview of the works in a local authority's area and provides a programme of likely consents. It was noted that the programme is subject to change as HS2 is a live construction project.</p>	
4.23	<p>HS2 Ltd explained to manage the changes from the programme in the Context Report and to assist in resource planning, there would be a commitment in the Planning Memorandum which required HS2 Ltd to give local authorities a 6 month lookahead of upcoming applications. However, it was stressed that forecasting submissions is difficult but dialogue between HS2 Ltd and local authorities would be maintained so that all parties are kept up to date.</p>	
4.24	<p>WBC queried at what stage did HS2 Ltd engage bilaterally with local authorities on Schedule 17 applications.</p>	
4.25	<p>HS2 Ltd advised that engagement would commence around Royal Assent.</p>	
4.26	<p>WBC asked for confirmation on the timetable for bilateral discussions for applications and funding.</p>	





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	<p>6.4. The Chair requested that future updates should include a brief summary of key actions and issues emerging for each sub group.</p> <p><b>Action:</b> HS2 Ltd to report back on each sub group at future meetings.</p>	<p><b>HS2 Ltd</b></p>
<p><b>7</b></p>	<p><b>Planning authority feedback and matters</b></p> <p>7.1 The Chair confirmed that meetings took place with local authorities on 9<sup>th</sup> February and some site visits have also been undertaken.</p> <p>7.2 The Chair also confirmed that at the next LA/Chair pre-meet would be held on 20<sup>th</sup> April at 2pm.</p>	
<p><b>8</b></p>	<p><b>Bill deposit – Feedback on the community engagement</b></p> <p>8.1 HS2 Ltd provided an overview of the engagement and community activities associated with the Bill deposit (see slide pack for further details).</p> <p>8.2 HS2 Ltd wanted to ensure that they were receiving the right feedback, specifically if local authorities have been alerted to issues. As this would enable HS2 Ltd to do additional work before the close of the ES consultation.</p> <p>8.3 MCC informed the Planning Forum that members of the public were seeking information on the process of petitioning. It was suggested that further guidance, such as a Frequently Asked Questions (FAQ) sheet, would be helpful for local authorities to point their residents to.</p> <p>8.4 HS2 Ltd advised that there was a petitioning leaflet and a note on the ‘right to be heard’ that had been published by Parliament. HS2 Ltd advised that the Promoter is likely to publish guidance on the ‘right to be heard’ which HS2 Ltd are working with the Department of Transport (DfT) to produce for April.</p> <p>8.4 HS2 Ltd explained that producing an FAQ document would be difficult, as this is a Parliamentary process. However, it was noted that they were working with DfT to produce a similar set of documents produced for Phase 1 and 2a, which will cover everything an individual would need to be aware of during the petitioning process.</p> <p>8.4 HS2 Ltd explained that they are in the process of finalising their Spring/Summer 2022 programme for engagement activities, which will include traditional face to face community engagement.</p>	



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	<p>8.4 The Chair mentioned that the Planning Forum could return to petitioning matters at the next meeting, given that it is likely the statutory guidance would have been published.</p> <p><b>Action:</b> HS2 Ltd to provide an update item on petitioning at the next Planning Forum meeting.</p>	<b>HS2 Ltd</b>
<b>9</b>	<p><b>Overview of content for future meetings</b></p> <p>9.1 HS2 Ltd provided an overview of content for future meeting until November 2022 (see slide pack for further details).</p> <p>9.2 HS2 Ltd highlighted that the process of engagement slide would need to be updated. This is to reflect local authority comments made on item 4 &amp; 5 (see section 5 paragraph 5.5).</p> <p>9.3 The Chair welcomed the inclusion of the table showing dates and items to be covered at future meetings. An error was spotted on the table; therefore, an amendment was requested to the table that the meeting after May would be in July not June.</p> <p><b>Action:</b> HS2 Ltd to change text from 'June' to 'July' before circulating the slides.</p>	<b>HS2 Ltd</b>
<b>10</b>	<p><b>AOB</b></p> <p>10.1 HS2 flagged its willingness to organise a site visit for local authorities to see the Phase 1 works.</p> <p><b>Action:</b> LAs to consider offer and discuss at the next LA Chair Pre meet on 20 April.</p>	<b>Chair &amp; LPAs</b>
	<b>END</b>	