

# HS2

## Phase 2b (Western Leg) Planning Forum

9 March 2022

# Welcome and Introductions



# Agenda

Item		Lead	Time
	Welcome and introductions	Forum Chair	10:00
1	Review of actions log	HS2 Ltd	10:10
2	Review of minutes	HS2 Ltd	10:15
3	Bill deposit – details of documents deposited	HS2 Ltd	10:20
4	Briefing on Planning Regime proposals in the Bill	HS2 Ltd	10:35
5	Briefing on Planning Memorandum in the Bill	HS2 Ltd	11:00
6	Other Environmental Minimum Requirements (EMRs)	HS2 Ltd	11:20
7	Sub group update	HS2 Ltd	11:30
8	Planning authority feedback and matters <ul style="list-style-type: none"><li>• Feedback from pre-meets with Chair</li></ul>	HS2 Ltd & Planning authorities	11:45
9	Bill deposit - Feedback on the community engagement	Planning authorities	12:00
10	Overview of content for future meetings	HS2 Ltd	12:10
11	Next meeting – 11th May 2022.	All	12:20
12	AOB <ul style="list-style-type: none"><li>• On-site visit to Phase 1 works</li></ul>	All	12:30
	End		

**Published meeting minutes can be found here:**

**[www.gov.uk/government/publications/meeting-minutes-for-the-hs2-phase-2b-planning-forum](http://www.gov.uk/government/publications/meeting-minutes-for-the-hs2-phase-2b-planning-forum)**

# Review of actions log



Actions from January Forum	Owner	Status
ITEM 1: HS2 Ltd agreed to circulate a Phase 2a Information Paper on the funding of local authority costs (there will be an equivalent version for Phase 2b).	HS2 Ltd	Completed. Email sent to members on 31/01/2022 with the link to the 2b document.
ITEM 6: The Chair to contact local planning authorities to arrange site visits.	Chair	Completed.
ITEM 8: HS2 Ltd to confirm the ES consultation period.	HS2 Ltd	Completed. Email sent to members on 31/01/2022 advising that the consultation opened on 25/01/22 and closes at 11:45pm on 31/03/22.



# Review of previous meeting minutes



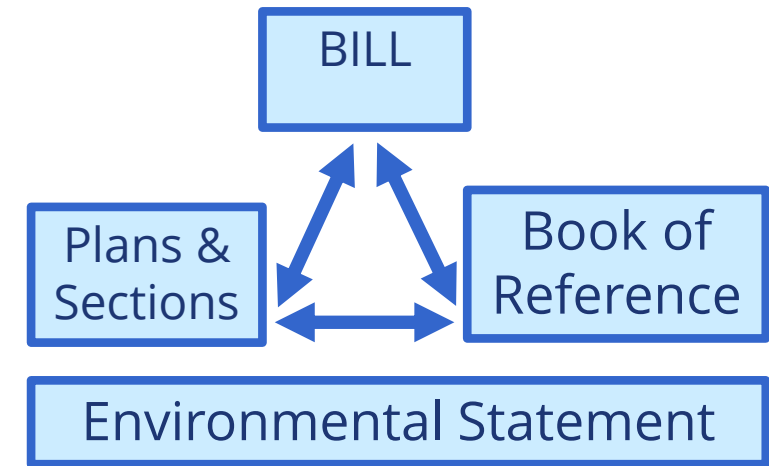
# Bill deposit – details of documents deposited

HS2 Ltd



# Structure of the Bill

- The Bill itself
- Deposited Plans and Sections
- Estimate of Expense
- Supporting documentation:
  - Environmental Statement (including the Code of Construction Practice)
  - Additional documents (e.g. Second DRC report and update in the SOBC, Phase 2b Information Papers and draft register of Undertakings & Assurances )



- Rules for preparing and promoting *private* Bills are set out in the Parliamentary Standing Orders of both Houses – rules originally prepared in the 1840s which have evolved over time and been amended to reflect legal and policy changes
- For example, SO27A relates to environmental assessment and SO224A relates to public participation





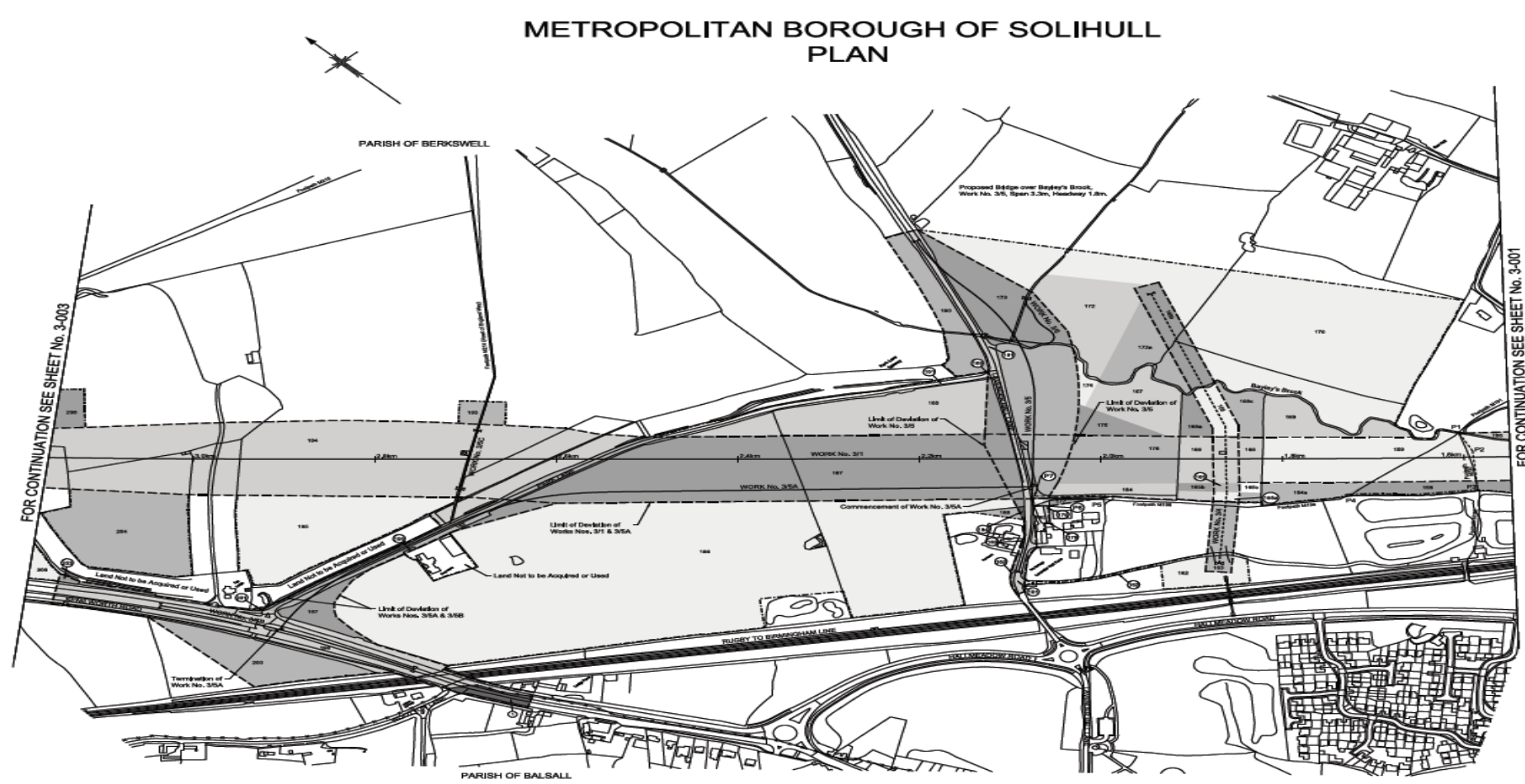
# The Bill

- A railway Bill promoted and sponsored by Government (not HS2 Ltd)
- Authorises works to construct and operate railway
- Grants development consent (deemed planning permission)
- Authorises compulsory purchase of land and rights required for Bill purposes
- Authorises wide range of ancillary and incidental activities:
  - Interfere with highways – temporary and permanent stopping up, diversion
  - Interfere with and divert utilities
  - Carry out surveys, strengthen buildings
  - Disapply listed building, ancient monument, burial grounds, tree etc legislation
  - Amend railway legislation
  - Disapply other legislation – building Regs, Party Wall Act



# Typical plan

## METROPOLITAN BOROUGH OF SOLIHULL PLAN



FOR CONTINUATION SEE SHEET No. 3-003

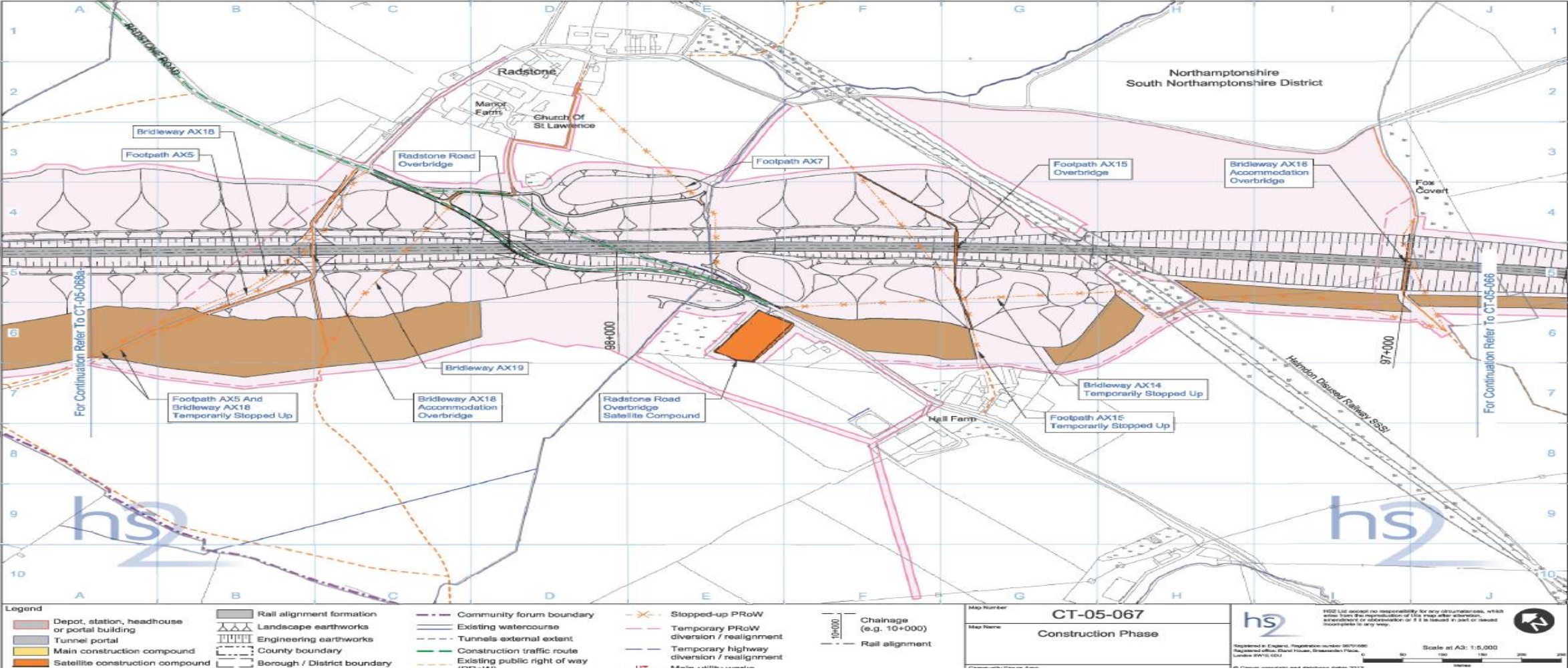
FOR CONTINUATION SEE SHEET No. 3-001

Scale 1:2500 at A1 size, 1:5000 at A3 size  
metres 100 0 100 200 300

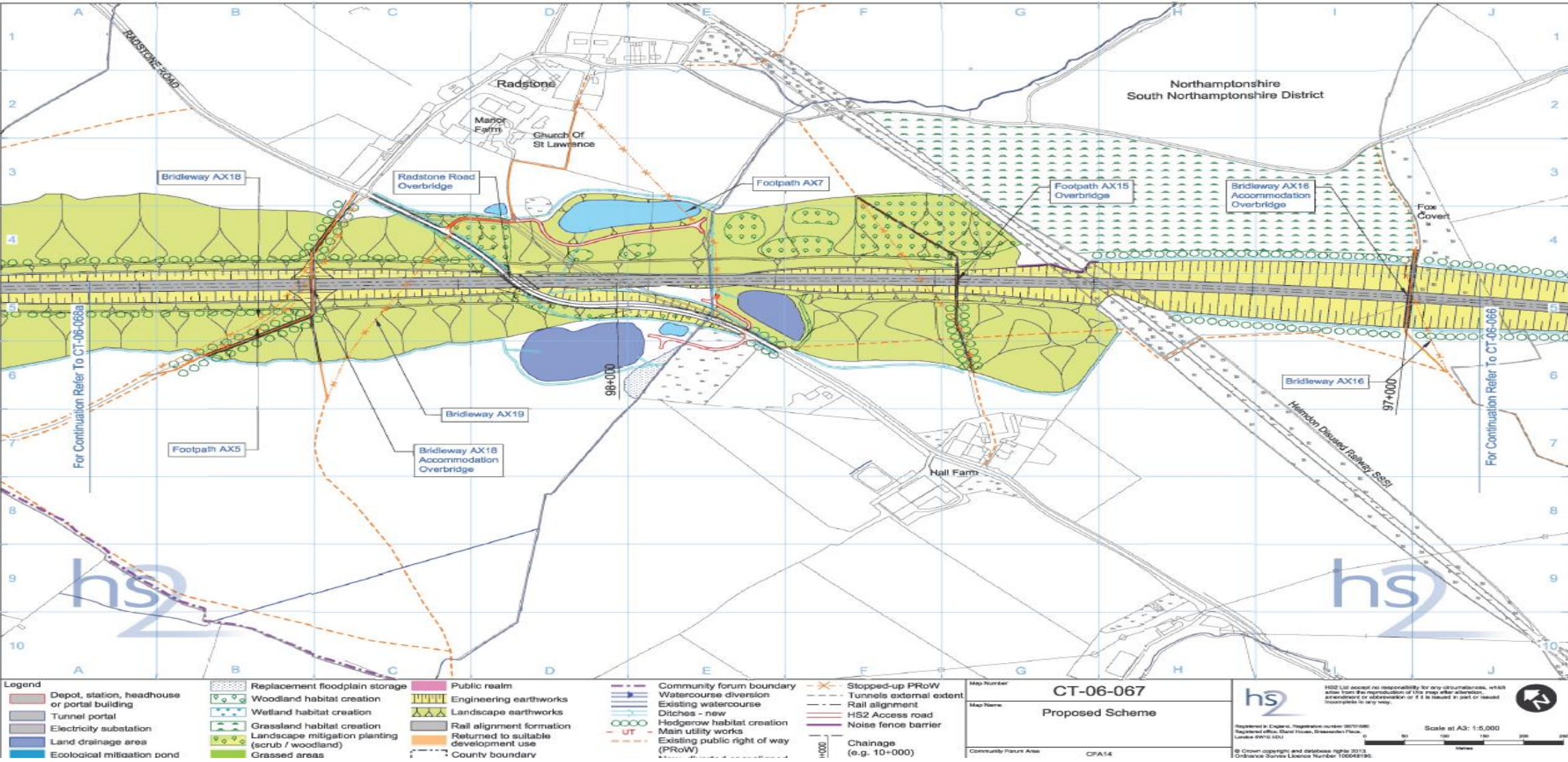
SHEET No. 3-002  
IN PARLIAMENT • SESSION 2013-14  
HIGH SPEED RAIL  
(LONDON • WEST MIDLANDS)  
Work No. 3/1 (Railway)  
Works Nos. 3/5, 3/5A, 3/5B (Roads)  
Work No. 3/5C (Footbridge)  
Work No. 3/5 (Watercourse)  
For Section of Work No. 3/1 see Sheet No. 6-001  
For Section of Work No. 3/4 see Sheet No. 6-003  
For Section of Work No. 3/5 see Sheet No. 6-003  
For Section of Work No. 3/5A see Sheet No. 6-003  
For Section of Work No. 3/5B see Sheet No. 6-003  
For Section of Work No. 3/5C see Sheet No. 6-003  
For Section of Work No. 3/5 see Sheet No. 6-003  
The area enclosed by any line of deviation or by any line of level to be employed or used by the Commission or its contractors shall be marked as from this plan.  
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Drawing No. C224-ARPHY-DPL-040-220500 RevHB01

# Environmental Statement – construction drawings



# Environmental Statement - operation drawings



# Briefing on Planning Regime proposals in the Bill

HS2 Ltd



# Process for engagement

- Presentation covering the main planning provisions in the Bill (not comprehensive) and changes from the 2a Act
- After the meeting a table with details of all the changes from the 2a Bill will be circulated
- Proposed members provide written questions/comments on the planning provisions by three weeks from the circulation of the table
- HS2 will respond to all questions/comments at the next meeting and circulate a written response



# Clause 18 - Deemed planning permission

- 18(1) Planning permission is deemed to be granted under Part 3 of TCPA 1990 for the carrying out of development authorised by this Act.
- 18(2) covers the link between the deemed planning permission and significant environmental effects for ancillary works
- 18(3) brings Schedule 17 into effect
- 18(5) Turns off Permitted Development Rights for works authorised by the Bill



# Clause 19 Time limit on deemed planning permission

- 19(1) Development consisting of the construction of a scheduled work must be begun not later than the end of 10 years beginning with the day on which this Act is passed.
- 19(2) Allows the Secretary of State to extend this limit.
- 19(3) requires that this is done by statutory instrument.





# Clause 20 Power to disapply deemed planning permission

- 20(1) allows the Secretary of State to switch off the Bill planning permission by regulation
- After this normal planning processes and PDRs will apply
- Will not happen until after construction



# Clause 43 Extension of planning permission for statutory undertakers

- Brings Schedule 31 into effect
- Returns certain Permitted Development Rights normally turned off by Article 3(10) of the GPDO.
- Subject to conditions:
  - Covered by an HS2 environmental assessment
  - avoiding a breach of an undertaking given by the Secretary of State to the Select Committee of either House of Parliament to which the High Speed Rail (Crewe - Manchester) Bill was committed



# Clause 48 Planning permission: works involving reinstatement of undertaking

- Allows the Secretary of State to make planning directions granting planning permission for the relocation of facilities discontinued or substantially impaired by the Bill works
- Policy on the use of this power set out in Phase 2b Western Leg Information Paper C7: Business relocation [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1048813/C7\\_Business\\_relocation\\_v1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1048813/C7_Business_relocation_v1.pdf)



# Schedule 17 – Key general points

- 13(1) planning authorities may become qualifying authorities (QAs) by giving undertaking regarding the handling of Sch 17 to the Secretary of State (ie signing the Planning Memorandum by the end of the House of Lords Select Committee)
  - 13(3) The Secretary of State may remove an authority's qualifying status
  - 17(1) The Secretary of State may make fee regulations for Sch 17. The TCPA fee regulations do not apply. Fee regulations have been made for Phases 1 and 2a and can be viewed online.
  - 18(1) identifies the criteria for statutory consultation on Sch 17 requests for approval and 18(2) identifies the relevant consultees. No requirement for consultation beyond this.
  - 20(1) allows Ministers by directions restrict a planning authority's powers in relation to the giving of approval.
-

# Schedule 17 – Key general points

- 21(1) allows Ministers to call-in requests for approval.
- 22(1) allows for non-material amendments.
- 24(5)(a) creates an eight week determination period for requests for approval
- 24(1) creates a right to appeal decisions; 24(2) either refusal or conditions. 25(1) Default is that decisions are delegated [to PINS]. 25(4) appeals can be recovered. 27(1) the default is a written reps process.
- 28(1) allows the Secretary of State to issue guidance which 28(2) authorities must have regard to.



# Schedule 17 – Key general points

- Schedule 17 specifies the **grounds** for refusal of approval for each type of approval.
- These are the grounds apply when authorities wish to refuse, condition or seek modifications to requests for approval 2(5), 2(6), 3(6), 4(6), 6(5), 7(7), 7(8), 8(3), 9(5)
- The grounds vary depending on the matter for approval.
- An example of grounds:
  - *If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—*
    - a) *the design or external appearance of the building works ought to be modified—*
      - i. *to preserve the local environment or local amenity,*
      - ii. *to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or*
      - iii. *to preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or*
    - b) *the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.*

# Schedule 17 approvals: paragraphs 2 and 3

- Approval of **plans & specifications** (ie design) of buildings (para 2) and other construction works (para 3)
- For buildings the grounds on which qualifying authorities can require changes/condition/refuse application are set out in 2(5)
- 3(2) lists the other types of works that require approval of **plans & specifications**:
  - a) a road vehicle park;
  - b) earthworks;
  - c) sight, noise or dust screens;
  - d) transformers, telecommunications masts or pedestrian accesses to railway lines;
  - e) fences or walls;
  - f) lighting equipment



# Schedule 17 approvals: paragraphs 4 and 5

- **Condition relating to matters ancillary to development** (generally referred to as construction arrangements)
  - These are the approval of how certain matters are managed during construction 4(2):
    - a) handling of re-useable spoil or topsoil;
    - b) storage sites for construction materials, spoil or topsoil;
    - c) construction camps;
    - d) works screening;
    - e) artificial lighting;
    - f) dust suppression;
    - g) road mud control measures.
  - Approval of control measures through text.
  - 5(1) allows the Secretary of State to make a **Class Approval**. Route wide approval.
-



# Schedule 17 approvals: paragraphs 6, 7 and 8

- Paragraph 6 relates to **Road Transport** (generally referred to as lorry routes)
  - Requires the approval lorry routes (LGVs>7.5t) to work sites with 24 or more vehicle movements per day from the special/trunk road network.
  
  - Paragraphs 7 and 8 relate to **waste and spoil disposal and excavation**
  - Applies to the (a) disposal of waste or spoil, or (b) the excavation of bulk materials from borrow pits.
  - Requires the approval of:
    - The design of the works, methods of working and arrangements of certain environmental matters 7(7)
    - The location of the works (in certain cases) 7(8)
    - The restoration scheme before works commence 8(1)
-

# Schedule 17 approvals: paragraphs 9 and 12

- Paragraph 9 relates to **Bringing Into Use**
  - Applies to scheduled works (where no underground) and depots
  - Authority must grant approval for the works to be brought into use if "*there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect*" or "*it has approved...a scheme...for that purpose.*" 9(4)
  
  - Paragraph 12 relates to **Site Restoration**
  - Sites temporarily occupied for the must be restored to a scheme agreed with the relevant planning authority 12(1)
  - Must be submitted within 4 months of the discontinuation of the use of the site 12(3)
  - Sub-clause 61 "*Planning permission is not required for the resumption...of the use of the land for the purpose for which it was normally used immediately before...*"
-

## Town Planning amendments and additions in the Phase 2b Bill compared with the 2a Act

- The Phase 2b hybrid Bill includes a special planning regime for the approval of certain details from the relevant planning authority. This largely replicates the regime in operation for Phase 1 and Phase 2a of the project.
- Based on learning and experience from the Phases 1 & 2a operation of the planning regime, several clarifications and minor amendments have been included in the 2b bill.
- These minor clarifications are intended to remove ambiguity and provide a more effective planning schedule for all parties.
- The following pages set out a log of these amendments within the deposited Bill, for the purpose of engaging with 2b Planning Forum members. Also included for reference is where key Planning text in the Bill has remained unchanged from the wording in the 2a Act.
- The use of **bold** text in the comparison of wording is only to highlight specific changes where relevant to this Planning Forum briefing log.



# Changes from the Phase 2a Act

## Defining temporary works for other construction works

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
N/A	N/A	3 (8) (9)	<p><i>'(8) Any reference in sub-paragraph (2) or (6) to a description of works does not include works of that description of a temporary nature.</i></p> <p><i>(9) For the purposes of sub-paragraph (8), works are of a temporary nature only if the works are intended to remain in place for no longer than two years after the date on which the works are brought into general use'</i></p>	<p>For other construction works (e.g lighting equipment, fencing, noise screens), the 2a Act set out that further approval of detail is not required for temporary works, yet 'temporary' is not defined in this specific context.</p> <p>The 2b Bill includes a definition of temporary in the context of other construction works, aligning with that which covers building works in both the 2a Act and 2b Bill wording.</p>

# Changes from the Phase 2a Act

Lorry route approvals				
2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
6	<p><i>'Where—</i>  <i>(a)the relevant planning authority is a qualifying authority, and</i>  <i>(b)development consists of the use of an authorised site,</i></p> <p><b>arrangements relating to the routes by which anything is to be transported to the site on a highway by a large goods vehicle must be approved by the relevant planning authority'</b></p> <p>NB – references to 'arrangements' continue across Par 6</p>	6	<p><i>'Where—</i>  <i>(a) the relevant planning authority is a qualifying authority, and</i>  <i>(b) development consists of the use of an authorised site,</i></p> <p><i>the <b>route</b> by which anything is to be transported to the site on a highway by a large goods vehicle must be approved by the relevant planning authority'</i></p> <p>NB – references to 'route' continue across Para 6</p>	<p>To clarify that it is only the routes alone that are to be submitted and approved under the planning schedule i.e. which roads to be used and in what order. How the routes will be used will be subject to the controls in the Code of Construction Practice and the Route Wide Traffic Management Plan.</p>

# Changes from the Phase 2a Act

## Site restoration

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
12 (1) (2)	<p><i>‘The nominated undertaker must, after discontinuation of the use of <b>any</b> site for carrying out operations ancillary to the construction of any of the scheduled works, restore the site in accordance with a scheme agreed with the relevant planning authority</i></p> <p><i>In this paragraph “relevant planning authority” means the unitary authority or, in a non-unitary area, the district council in whose area the work is carried out’</i></p>	12 (1) (2)	<p><i>‘The nominated undertaker must, after discontinuation of the use of a <b>relevant</b> site, restore the site in accordance with a scheme agreed with the relevant planning authority. ‘In this paragraph—</i></p> <p><i>“relevant planning authority” means the unitary authority or, in a nonunitary area, the district council in whose area the work is carried out;</i></p> <p><i>“relevant site” means a site—</i></p> <p><i>(a) on which operations ancillary to the construction of any of the scheduled works have been carried out, and (b) <b>that has been materially altered by those operations’</b></i></p>	To clarify that there is no requirement for the LPA to consider a restoration scheme where the use of the site under the powers of the Bill has not materially changed the site. The intent is to remove unnecessary administrative burden on all parties.

# Changes from the Phase 2a Act

## Statutory consultation requirements

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
18(1)	<p><i>'This paragraph applies where a planning authority considers that a request for approval under Part 1 of this Schedule relates to matters which may affect any of the following—</i></p> <p>...</p> <p><b><i>(f) a site of archaeological or historic interest'</i></b></p>	<p>18(1)</p> <p>18(7)</p>	<p><i>'This paragraph applies where a planning authority considers that a request... for approval under Part 1 of this Schedule relates to matters which may affect any of the following—</i></p> <p>...</p> <p><b><i>(f) a site of a scheduled monument,</i></b> <b><i>(g) a battlefield of special historic interest which is registered in</i></b> <b><i>accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953,</i></b> <b><i>(h) a garden or park of special historic interest which is registered in</i></b> <b><i>accordance with that section and which is classified as grade I or</i></b> <b><i>grade II*, or</i></b> <b><i>(i) the demolition, in whole or in part, or the material alteration of a</i></b> <b><i>listed building which is classified as grade I or II*'</i></b></p>	<p>To provide clarity on the specific circumstances when Natural England and Historic England should be consulted. This is to prevent unnecessary consultations and the associated administrative burden and prolonged decision making.</p>

# Changes from the Phase 2a Act

## Statutory consultation requirements

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	18(6)	<p><i>The Secretary of State may by regulations—</i></p> <ul style="list-style-type: none"> <li><i>(a) amend sub-paragraph (1)(g) or (h) to add, modify or remove a type of battlefield, garden or park;</i></li> <li><i>(b) amend sub-paragraph (1)(i) in consequence of any change to the way in which listed buildings are classified;</i></li> <li><i>(c) amend paragraph (g) or (h) as substituted by paragraph 38(4)(a)(i) of Schedule 33 to add, modify or remove a type of battlefield, garden or landscape;</i></li> <li><i>(d) amend paragraph 38(4)(a)(ii) of that Schedule in consequence of any change to the way in which listed buildings (within the meaning of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) are categorised.</i></li> </ul>	<p>A new provision is inserted allowing the Secretary of State by regulations to update the categories of heritage assets on which consultation is required. This is to reflect changes in the nature of sites or buildings that are identified as being of heritage or historic interest through legislation or national policy.</p>
18(7)	<p><i>Regulations under sub-paragraph (6) may contain supplementary, incidental, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to this paragraph or paragraph 38 of Schedule 33.</i></p>			



# Changes from the Phase 2a Act

## Role of EMRs in decision making

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	19	<p><i>'In taking any decision in relation to a request for approval under Part 1 of this Schedule, the planning authority must have regard to any environmental minimum requirements which—</i></p> <p><i>(a) are imposed (whether by contract or otherwise) on the nominated undertaker by the Secretary of State in relation to the carrying out of</i></p> <p><i>the works authorised by this Act, and</i></p> <p><i>(b) the Secretary of State has given an undertaking to Parliament to Enforce'</i></p>	<p>To provide clarity on the role of the EMRs in the context of the planning schedule and decision making.</p>



# Changes from the Phase 2a Act

## Appeal Costs

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	24 (3)	<i>'On an appeal under this paragraph, the appropriate Ministers may make an order as to the costs of the parties at the appeal and as to the parties by whom the costs are to be paid, and every such order may be made a rule of the High Court on the application of any party named in the order'</i>	To align an appeal cost process with that which already exists under the Town and Country Planning Acts, enabling both the local authority or nominated undertaker to seek the recovery of costs in relevant circumstances.

# Changes from the Phase 2a Act

## NU to unilaterally extend determination period

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
23 (4)	<p><i>For the purposes of sub-paragraph (3), the appropriate period is—</i></p> <p><i>(a) the period of 8 weeks beginning with the date on which the request was received by the planning authority, or</i></p> <p><i>(b) such extended period as may be agreed upon in writing between the authority and the nominated undertaker.</i></p>	24 (5)	<p><i>For the purposes of sub-paragraph (4), the appropriate period is—</i></p> <p><i>(a) the period of 8 weeks beginning with the date on which the request, together with any document required by paragraph 16(1)(b) to accompany the request, was received by the planning authority, or</i></p> <p><i>(b) such extended period as may be—</i></p> <p><i>(i) agreed upon in writing between the authority and the nominated undertaker, or</i></p> <p><b><i>(ii) specified in a notice given to the authority before the end of the appropriate period by the nominated undertaker.</i></b></p>	<p>To streamline the processes of extending the ‘appropriate period’ for decisions and thereby the avoid the risk of appeals because the nominated undertaker has not received written confirmation of an extension. This does not alter an authorities’ ability to make decisions on applications.</p>

# Changes from the Phase 2a Act

## The 'appropriate period' for determination

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
23 (4)	<i>'For the purposes of sub-paragraph (3), the appropriate period is— (a)the period of 8 weeks beginning with the date on which the request was received by the planning authority'</i>	24 (5)	<i>'For the purposes of sub-paragraph (4), the appropriate period is—  (a)the period of 8 weeks beginning with the date on which the request, <b>together with any document required by paragraph 16(1)(b) to accompany the request,</b> was received by the planning authority'</i>	To provide clarity that it is the submission of the information for which there is a statutory requirement that is relevant to the determination period timescales.

# Changes from the Phase 2a Act

Timeframe for Judicial Review				
2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	No provisions on planning judicial review period in the Phase 2a Act	26(3) ( see also 21 (5) which has similar effect in relation to determinations of referred requests for approvals)	<i>'A court may entertain proceedings for questioning the decision of the person appointed under paragraph 25, or, as the case may be, of the appropriate Ministers, on an appeal under paragraph 24 only if— (a) the proceedings are brought by a claim for judicial review, and (b) the claim form is filed before the end of the period of <b>six weeks</b> beginning with the day on which notice of the decision is given under sub-paragraph (1)'</i>	To align with the 6 week period following the issuing of a determination under the 'Planning Acts'.



# Changes from the Phase 2a Act

## Local Environment - definition

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	30	<i>'In this Schedule—  "local environment" means any aspect of the environment that contributes to people's enjoyment of the local area in question'</i>	To clarify the intent for the term 'local environment' is to cover the elements of the environment that contribute towards the human enjoyment of the local area.

# Changes from the Phase 2a Act

## Schedule 33 — Land and works in Scotland

### Modifications to clauses

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	16 (1) - (5) mods to deemed planning 17(1)- (2) mods to time limit on deemed planning 18(1)-(2)mods to disapplication of deemed planning	See paragraph 16  See paragraph 17  See paragraph 18	To align with Sottish legislation  To align with Sottish legislation  To align with Sottish legislation

# Changes from the Phase 2a Act

## Schedule 33 — Land and works in Scotland

### Modifications to schedules

2a Paragraph	Phase 2a Act text	2b Paragraph	Phase 2b Bill text	Reason for amendment/addition
n/a	n/a	38 (1) - (8) mods to Schedule 17	See paragraph 38	To align with Scottish legislation



# Briefing on Planning Memorandum in the Bill

HS2 Ltd

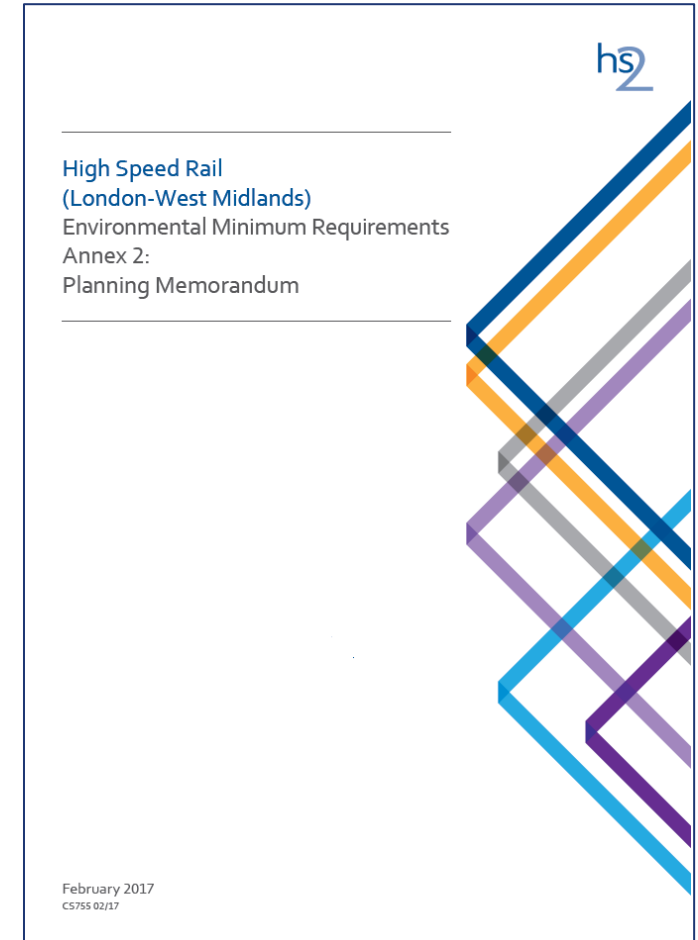


# Environmental Minimum Requirements

Standards HS2 is bound to when designing, building and operating the railway to ensure appropriate management and protection of the environment.

These controls have played a key role in controlling environmental impact on previous infrastructure projects such as Crossrail and Channel Tunnel Rail Link.

- General Principles
- Code of Construction Practice
- **Planning Memorandum**
- Environmental Memorandum
- Heritage Memorandum
- Register of Undertakings and Assurances



# Controls on HS2

## Controls within the Bill

- Scope of works (Sch 1 & 2)
- Planning Conditions (Sch 17)
- Bringing into use scheduled works (Sch 17)
- Restoration of construction sites (Sch 17)
- Restoration of land following temporary possession and use (Sch 15)
- Construction of replacement buildings (Clause 55)
- Protective provisions (Sch 32)
- Highways approvals (Sch 4)

## Controls outside the Bill

### Environmental Minimum Requirements

- General Principles
- Code of Construction Practice (Information paper D3)
- Planning Memorandum
- Heritage Memorandum
- Environmental Memorandum
- Undertakings and Assurances

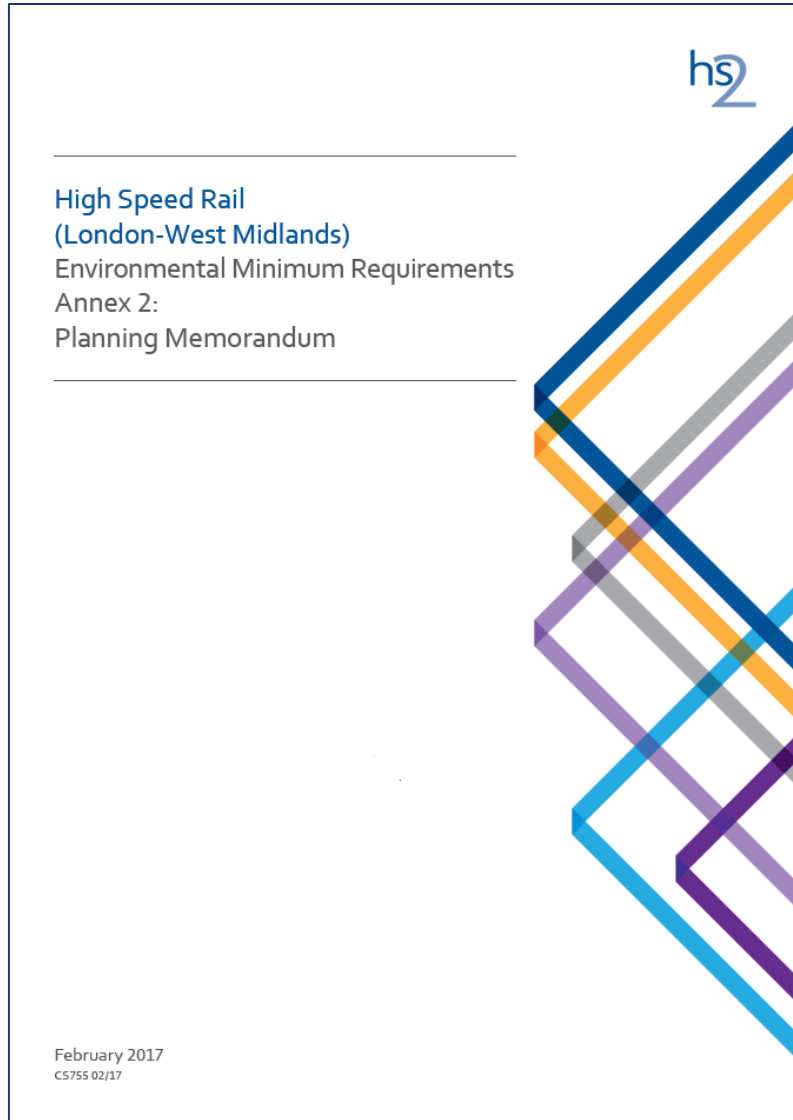
## Existing Legislation

Unless expressly or impliedly disapplied or modified by the Bill, existing legislation will apply

- e.g. Section 61 of the Control of Pollution Act (noise)
- e.g. Licences for affected species
- e.g. Environmental permitting for waste

# Planning Memorandum

- Arrangements for processing of submissions
- Obligations and responsibilities of HS2 and LPAs:
- Membership of Planning Forum
- Expeditious handling of planning matters



# Planning Memorandum – 2b Changes

Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
3.1.1	<p>A description is provided of the type of work and their location, for example:</p> <p><i>"Work No. 67D – A railway (1.56 kilometres in length) being a realignment of the Norton Bridge to Stone railway commencing at a point 115 metres north-east of the bridge carrying the M6 Motorway over that railway and terminating at a point 25 metres southwest of the bridge carrying that railway over the A34 The Fillybrooks."</i></p>	3.1.1	<p>A description is provided of the type of work and their location, for example:</p> <p><b><u>"Work No. 1/8 - A railway (1.38km in length) commencing by a junction with the West Coast Main Line at a point 275 metres south-east of the junction of Bexington Drive with Hythe Avenue and terminating by a junction with the West Coast Main Line at a point 35 metres north-east of the junction of Footpath Warmingham 16/2 with Footpath Minshull Vernon 2/1".</u></b></p>	New description substituted so it is specific to Phase 2b
4.1.5	Qualifying authorities will also have regard to any statutory guidance given under paragraph 27 of the Planning Conditions Schedule	4.1.5	Qualifying authorities will also have regard to any statutory guidance given under <b><u>paragraph 28</u></b> of the Planning Conditions Schedule	Updated to reflect 2b Bill numbering
-		7.2.1	<b><u>Qualifying authorities shall work with the Nominated Undertaker or appointed contractor to ensure effective and positive pre-engagement. The number and frequency of pre-application meetings should be consistent with the scale and complexity of the works being discussed. All requests for further information during the pre-application process shall be requested as early as possible.</u></b>	New paragraphs inserted in respect of Pre-Submission. This aims to strengthen the pre-engagement process with qualifying authorities.
		7.2.2	<b><u>Written comments shall be provided within an agreed timetable and will be a material consideration when a request for approval is being determined by the qualifying authority. The qualifying authority shall make best endeavors to ensure that no new substantive issues are raised during determination that haven't previously been identified during pre-</u></b>	

Planning Memorandum – 2b Changes				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
-		7.4.1	<b><u>The Act does not provide for a validation process akin to that for applications under the Town and Country Planning Act (1990) and information submitted will not be required to comply with a planning authority's Planning Application Validation Check List.</u></b>	New paragraph added to reinforce the fact there is no validation process
		7.4.2	<b><u>An extension of time to provide information may be agreed where appropriate, but in the absence of such agreement the 8 week period begins with the date on which the request is received by the planning authority</u></b>	New paragraph added to clarify agreements to an extension of time
7.4.2	Where only part of a request can be determined within this timetable, the qualifying authority shall not seek unreasonably to delay determination of the remainder. In consultation with the nominated undertaker the qualifying authority may grant approval for those aspects or subsidiary packages of works which they have been able to determine	7.5.2	Where only part of a request can be determined within this timetable, the qualifying authority shall not <b><u>withhold approval and</u></b> unreasonably delay determination. In consultation with the nominated undertaker, the qualifying authority <b><u>may take a phased approach and grant a partial approval</u></b> for those aspects or subsidiary packages of works which they have been able to determine.	Added wording to provide greater clarity on the use of phased approvals.

# Planning Memorandum – 2b Changes

Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
		9.1	<b><u>The EMRs sit alongside the statutory regime. They do not replace it and it is not the purpose of the Schedule 17 regime to modify or replicate the controls in place under the EMRs. Under paragraph 19 of Schedule 17 Authorities must have regard to the EMRs in making any decision under the Schedule and should determine requests for approval on this basis.</u></b>	New paragraph added to clarify relationship with schedule 17 and the EMRs
		9.2.1	<b><u>The objective of the EMRs is to ensure that the HS2 project is delivered in accordance with the environmental statement for the project that was produced when the Bill was passing through Parliament. Under the Development Agreement between HS2 Ltd and the Secretary of State, HS2 Ltd is contractually obliged to comply with the EMRs</u></b>	New paragraphs added to clearly state the objectives and relationship of the EMRs and ES with the planning regime
		9.2.2	<b><u>The EMRs ensure that the impacts would not exceed those assessed in the ES and HS2 should make reasonable endeavours to reduce the impacts further</u></b>	

Additional document wide changes:

- Updated references to Phase 2b.
- Updated schedule and paragraph numbers to reflect 2b Bill
- Addition of reference to Historic Environment Scotland.
- Inclusion of references to Scottish Government.

# Other Environmental Minimum Requirements (EMRs)

HS2 Ltd

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General Principles of the EMRs				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
1.1.1	The High Speed Two (HS2) Phase 2a Environmental Statement (ES) was published in July 2017. It has been supplemented by a number of additional volumes as further information has become available, and in light of proposed changes to the project. It is the intention of the Secretary of State to carry out the project so that its impact is as assessed in the ES. The Secretary of State will require the nominated undertaker to adhere to the arrangements provided for in the Environmental Minimum Requirements (EMRs) in designing and constructing Phase 2a of High Speed Two Works.	1.1.1	The High Speed Two (HS2) <b><u>Phase 2b (Crewe - Manchester) Environmental Statement (ES) was published in January 2022.</u></b> It is the intention of the Secretary of State to carry out the project so that its impact is as assessed in the ES. The Secretary of State will require the nominated undertaker to adhere to the arrangements provided for in the Environmental Minimum Requirements (EMRs) in designing and constructing <b><u>Phase 2b (Crewe - Manchester) of High Speed Two Works</u></b>	To make specific reference to Phase 2b
1.1.3 (3 <sup>rd</sup> bullet)	results from a change or extension to the project, where that change or extension does not itself require environmental impact assessment (EIA) under either (i) article 4(1) of and paragraph 24 of Annex 1 to the EIA Directive <sup>4</sup> ; or (ii) article 4(2) of and paragraph 13 of Annex 2 to the EIA Directive	1.1.3 (3 <sup>rd</sup> bullet)	<ul style="list-style-type: none"> <li>results from a change or extension to the project, where that change or extension would not itself <b><u>fall within the description of EIA development under paragraph 24 of Schedule 1, or paragraph 13 of the table in Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or the equivalent Regulations applicable in Scotland</u></b></li> </ul>	Updated to reflect most recent EIA legislation
2.1.1	It should be noted that the term ‘impact’ is used in the title of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	2.1.1	It should be noted that the term ‘impact’ is used in the title of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) <b><u>Regulations 2017.</u></b>	Updated to reflect most recent EIA legislation

# General Principles of the EMRs

Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
2.1.2	'Environmental Statement' (ES) means the Phase 2a HS2 Environmental Statement submitted in July 2017, as amended by the Supplementary Environmental Statements and Additional Provision Environmental Statements submitted in March 2018 and February 2019	2.1.2	'Environmental Statement' (ES) means the Phase 2b (Crewe - Manchester) HS2 Environmental Statement.	Reflects the current position. The definition will be updated as necessary.

Additional document wide changes:

- Updated references to Phase 2b in place of Phase 2a.



Code of Construction Practice				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
1.1.3	The Proposed Scheme extends across five local authorities (LAs). The CoCP will provide a consistent approach to the management of construction activities across local authority boundaries, and with a wide range of key stakeholders	1.1.3	The Proposed Scheme extends <b><u>across 13 local authorities (LA), located across both England and Scotland.</u></b> The CoCP will provide a consistent approach to the management of construction activities across local authority boundaries, and with a wide range of key stakeholders. <b><u>For the purposes of this draft CoCP, where works fall within Scotland, the relevant references to standards, policies, stakeholders and legislation that should be implemented, are provided in Annex 5</u></b>	Updated to reflect differences in the 2b Scheme
		1.1.4	<b><u>The CoCP will evolve and is subject to refinement, amendment and expansion as necessary, as the project design, assessment and Parliamentary processes develop. Engagement with stakeholders - especially through the planning forum, the national environment forum and with local communities - will inform its future development</u></b>	New paragraph to reflect the fact the CoCP is draft until Royal Assent. Paragraph will be removed at Royal Assent.

Code of Construction Practice				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
3.3.3	In respect of the following matters, approvals can be obtained only from the planning authority: <ul style="list-style-type: none"> <li>• construction compounds; and</li> <li>• road transport</li> </ul>	3.3.2 (should be 3.3.3, will be corrected in final document)	In respect of the following matters, approvals can be obtained only from the planning authority: <ul style="list-style-type: none"> <li>• construction <i><b><u>camps</u></b></i>, and</li> <li>• road transport.</li> </ul>	Correcting a previous error identified in the Phase 2a CoCP where the term ‘construction compound’ was incorrectly used (which does not reflect terminology in the Bill)
3.4.1	As part of the Sustainability Policy, the nominated undertaker has developed an EMS in accordance with BS EN ISO 14001.	3.4.1	<b><i><u>The nominated undertaker will develop an EMS</u></i></b> in accordance with BS EN ISO 14001.	HS2 still proposes to have an EMS (Environmental Management System) but it is no longer referred to in the Sustainability Policy which has changed since the Phase 1 and 2a CoCPs were prepared.
		6.2.9	<b><i><u>Where the disturbance of soils cannot reasonably be avoided in areas of peat and peaty soils, special provisions for handling these soils will be adopted as set out in Scottish Environment Protection Agency Guidance; Restoration Techniques Using Peat Spoil from Construction Works, July 2011.</u></i></b>	Added as Phase 2b has the potential to affect peaty soils not present on phases 1 or 2a.

ANNEX 5

ANNEX 5 - WORKS IN SCOTLAND

New annex added which provides a reference table showing how the CoCP differs for works in Scotland

Additional document wide changes:

- Updated references to Phase 2b.
- 'Act' is replaced by 'Bill' until Royal Assent
- Updated schedule and paragraph numbers to reflect 2b Bill
- Addition of reference to Historic Environment Scotland.
- Inclusion of references to Scottish Government.



# Heritage Memorandum

Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
4.6	Title:  Generic written scheme of investigation: Historic Environment Research and Delivery Strategy	4.6	Title:  <b>Historic Environment Research and Delivery Strategy</b>	Document name shortened by removal of GWSI to simplify naming convention to the acronym HERDS.
-		6.2.3	<b><u>Paragraph 3 of Schedule 18 to the Bill disapplies controls under the Planning (Listed Buildings and Conservation Areas) Act 1990 and Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, for those listed buildings specified in Table 3 of Schedule 18, specifically with regards to works to be carried out in relation to the building for noise mitigation purposes. This has the effect of removing the need for listed building consent for the instalment of noise mitigation measures to limit the adverse effects, of HS2 works during construction and operation. It is proposed that a Heritage Agreement will be made with each affected local authority and with Historic England or Historic Environment Scotland, setting out arrangements for the obtaining of approvals for any noise mitigation works to these buildings that, but for the Bill, would normally require listed building consent.</u></b>	New table 3 introduced to Schedule 18 to specifically address noise mitigation works, (as separate from table 2 buildings authorised to be altered or extended for heritage or monitoring purposes).

Additional document wide changes:

- Updated references to Phase 2b.
- Addition of reference to Historic Environment Scotland.
- Inclusion of references to Scottish Government bodies.

Environmental Memorandum				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
4.2.1	To monitor the commitments made within the Sustainability and Environmental Policies we will be assessing the design and construction of the maintenance facility to be constructed as part of the Proposed Scheme with BREEAM (Building Research Establishment Environmental Assessment Method) New Construction Non Domestic criteria.	4.2.1	To monitor the commitments made within the Sustainability and Environmental Policies we will be assessing the design and construction of <b><u>stations, depots and other railway buildings</u></b> , to be constructed as part of the Proposed Scheme, with the BREEAM (Building Research Establishment Environmental Assessment Method) New Construction Non Domestic <b><u>Buildings Scheme</u></b>	To reflect the specifics of the Phase 2b scheme
4.2.2	To ensure that our infrastructure is designed and constructed to a similar high standard, HS2 Ltd plans to use a recognised environmental rating system to assess the infrastructure works – Enabling Works, Main Works Civils and Rail Systems.	4.2.2	To ensure that our infrastructure is designed and constructed to a similar high standard, <b><u>we will be assessing the design and construction of infrastructure works – Enabling Works, Main Works Civils and Rail Systems, to be constructed as part of the Proposed Scheme, with the CEEQUAL Scheme (Civil Engineering Environmental Quality Assessment &amp; Award Scheme). Hs2 Ltd has set a target that all its infrastructure works, to be constructed for the HS2 project, will achieve a minimum of an Excellent rating against this standard.</u></b>	Updated with reference to CEEQUAL Scheme
4.6.5	For further detail, see HS2 Information Paper E28: Green Infrastructure and the Green Corridor	4.6.5	For further detail, see HS2 Information Paper E28: <b><u>The green corridor.</u></b>	Updated reference

Environmental Memorandum				
Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
4.8.1	Where effects on protected species are identified, the appropriate licenses will be obtained from Natural England prior to any works being undertaken. This includes species protected by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.	4.8.1	Where effects on protected species are identified, the appropriate licenses will be obtained from Natural England and / or NatureScot prior to any works being undertaken. This includes ( <b><i>but is not limited to</i></b> ) species protected by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981	Updated to include reference to Scottish regulator as well as acknowledging that licenses are needed for species protected outside these to pieces of legislation (e.g. Badger Act 1992)
4.8.2	In addition, clarity will be sought for the measures and controls on the excavation of the borrow pit in the water catchment that includes Betley Mere SSSI (part of the Meres and Mosses Phase 1 Ramsar site), so as to avoid significant impact to the flow or quality of groundwater and surface water reaching Betley Mere	4.8.2	<b><i><u>In addition, clarity will be sought for the measures and controls on where works could impact designated sites to avoid significant impacts.</u></i></b>	Removal of references to specific Phase 2a works
4.8.7	Subject to any relevant approvals or agreements required for any restoration or mitigation schemes under Schedule 17 to the Act, land which is used temporarily in connection with the project will be considered for restoration as part of HS2 Ltd's overall approach to seek no net loss to biodiversity	4.8.7	Subject to any relevant approvals or agreements required for any restoration or mitigation schemes under Schedule 17 to the Act, land which is used temporarily in connection with the project will be considered for restoration as part of HS2 Ltd's overall approach to seek <b><i><u>to achieve biodiversity gains</u></i></b>	Updated in respect of the need to seek to achieve biodiversity net gains.



# Environmental Memorandum

Paragraph	Phase 2a text	Paragraph	Phase 2b text	Reason for change
		4.10.8	New paragraph added:  <b><u><i>The overarching approach to water resources and flood risk is set out in Information Paper E15: Water resources flood risk and authorisation of related works.</i></u></b>	
4.12.3	Where sustainable placement is to be undertaken this will be permitted in line with the Environmental Permitting Regulations (England and Wales) 2016 and approval may be required in accordance with Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act	4.12.3	Where sustainable placement is to be undertaken this will be permitted in line with the Environmental Permitting Regulations (England and Wales) 2016 <b><u><i>and the Environmental Authorisation (Scotland) Regulations 2018.</i></u></b> and approval may be required in accordance with Schedule 17 of the High Speed Rail Phase 2b (Crewe – Manchester) Bill.	Addition of Scottish Legislation
4.13.1	All waste generated from the design, construction and operation of Phase 2a of HS2 will be managed in accordance with the waste hierarchy as described in the Government Review of Waste Policy in England 20112	4.13.1	All waste generated from the design, construction and operation of Phase 2b (Crewe – Manchester) of HS2 will be managed in accordance with the waste hierarchy as described in <b><u><i>The Environmental Protection Act 1990</i></u></b>	Updated Policy references

Additional document wide changes:

- Updated references to Phase 2b
- Addition of references to Historic Environment Scotland
- Addition of references to Scottish Environment Protection Agency (SEPA)
- Addition of references to NatureScot, Scottish Forestry, Scotland's Soils and Dumfries and Galloway Council

# Sub group update

HS2 Ltd



# Subgroup Meetings

	Highways	Environmental Heath	Flood Water & Drainage	Heritage
Key HS2 Contacts	Richard Adam & Gary Moreira	Neil Wait, Andrea Davidson (AQ), Oliver Bewes (SNV), Steve Box (LQ)	Joe Brigly, James Agg	Helen Wass, Emily Plunkett
Admin	Alan Phelan & Shanica Hutchinson <a href="mailto:hs2technicalengagement@hs2.org.uk">hs2technicalengagement@hs2.org.uk</a>			
Previous meeting date	24 <sup>th</sup> Feb 2022	8 <sup>th</sup> Feb 2022	17 <sup>th</sup> Feb 2022	10 <sup>th</sup> Feb 22 & 2 <sup>nd</sup> Mar 22
Next Meeting Date	May 2022 (TBC)	9 <sup>th</sup> March 2022	Sept 2022 (TBC)	April 2022 (TBC)



# Subgroup update

Inaugural meetings held to discuss:

- Project Overview
- Introduction to Hybrid Bills
- Purpose of meeting
- ToR
- Navigating the ES

Some additional meetings being held at the request of participants

Schedule of future meeting currently being created



# Planning authority feedback and matters

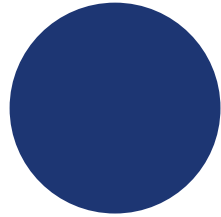
- Feedback from pre-meet with Chair



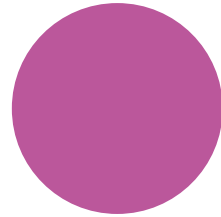
# Bill deposit – Feedback on the community engagement

HS2 Ltd

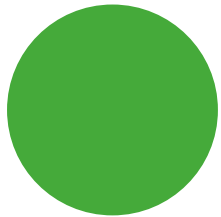




Advertise Bill deposit and provide useful info about it



Ensure Bill documents delivered to the right places at the right times



Advertise public consultations and make it easy to respond



## HS2 Phase 2b Crewe – Manchester

January 2022

We're sending you this leaflet to let you know that the UK Government has introduced the High Speed Rail (Crewe – Manchester) Bill into Parliament for the next part of the HS2 railway network.

In this leaflet you will find information about:

- the Bill;
- the launch of public consultations;
- webinars that we'll be holding; and
- ways to find out more.

### What is happening now?

The Government has introduced a Bill into Parliament to seek authorisation to build and operate a new high-speed railway, as part of the HS2 network, between Crewe and Manchester, with links to the West Coast Main Line to enable trains to serve stations in Scotland and the North West. They take a number of years.

Information about the outcomes of consultations held in 2018 (Working draft Environmental Consultation) and 2020 (Western Leg Design Refinement Consultation) has also been published.

You can find out more by visiting [www.hs2.org.uk/crewe-manchester](http://www.hs2.org.uk/crewe-manchester) or by getting in touch with our Helpdesk using the contact details at the end of this leaflet.

If your land or property is directly affected we have written to you separately.

### What will happen next?

The Bill is accompanied by an Environmental Statement that reports the environmental impacts of the planned new railway.

Public consultations are taking place on the Environmental Statement, as well as the Equality Impact Assessment Report, and you can find out more about these in the next section of this leaflet.



### What to do if you need help

If you need any help understanding proposals or accessing documents, contact our Helpdesk.

We recognise HS2 will affect the communities along the route and how important it is to project with compassion and understanding.



**Information booklet** – sent to 150K addresses

storymaps.arcgis.com/stories/1ee72a6a6889415dbbc23a32f78a4ddd

## HS2 HS2 Phase 2b Crewe - Manchester ES Navigator

Introduction MA01 MA02 MA03 MA04 MA05 MA06

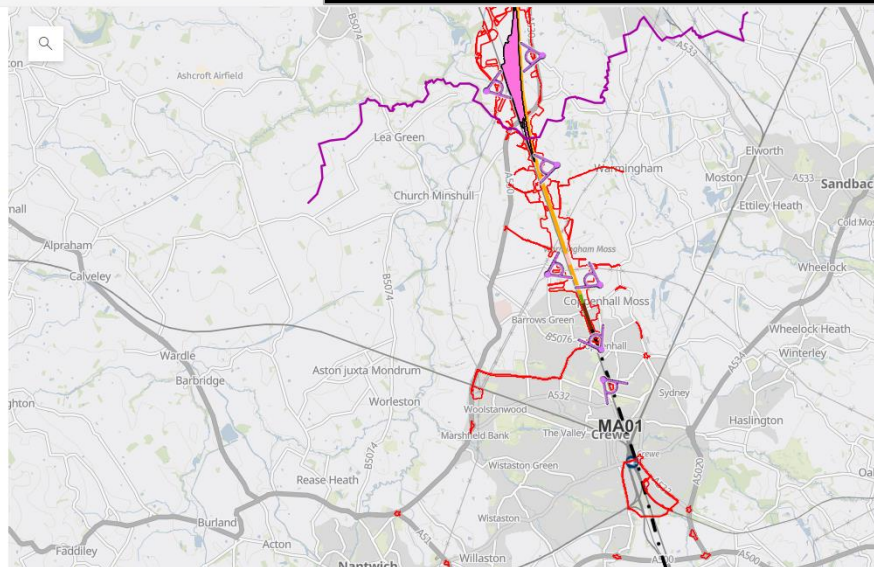
resources and flood risk. Likely significant environmental effects arising during operation have been identified for community; health; landscape and visual; socio-economics; sound, noise and vibration; and traffic and transport.

Information on the likely significant residual environmental effects identified for the Hough to Walley's Green area can be found in the full Environmental Statement Volume 2 Community Area report, a link to which is provided below.

Area Report

Area Maps

Area Photomontages



## HS2 Crewe-Manchester hybrid Bill



- Bill deposited 24 January
- Examined by Parliament
- Process likely to take a number of years
- Public consultations launched

### HS2 Have your say

Phase 2b:  
Crewe – Manchester,  
the North West and Scotland

New consultations launched

[hs2.org.uk/crewe-manchester](http://hs2.org.uk/crewe-manchester)

**Webinars** – 500 registrations

**ES "Navigator"**  
– 2000 visits

HS2





## Communications

- Info booklet
- Social media / newspaper ads
- Communities reached / not reached
- Stakeholder contact
- Affected parties

## Tools and resources

- Website
- ES "Navigator" tool
- Hybrid Bill explainer video
- Webinars
- Public Helpdesk
- Information papers

## Public consultation

- Clarity
- Response portal
- Accessibility

## Bill materials

- Deliveries to local authority buildings and libraries
- Format (USB / hard copies)

Feedback please – to [jack.day@hs2.org.uk](mailto:jack.day@hs2.org.uk)

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# Overview of content for future meetings

Dominic Moore - HS2 Ltd



# Process for engaging on documents

- Sub Group documents (e.g. Heritage Memorandum) go through same process but at sub group meetings. Any matters that cannot be resolved at a sub group meeting can be brought to the next Planning Forum meeting

HS2 presents document to PF

After PF document is circulated to PF members

PF members have 21 days to comment

If PF members have further comments they can respond in 21 days

HS2 will circulate the written response after PF

HS2 will respond to all comments at PF

# Forward Plan

	11 <sup>th</sup> May 2022	13 <sup>th</sup> July 2022	14 <sup>th</sup> Sept 2022	9 <sup>th</sup> Nov 2022
1.	Changes to the planning Regime	Planning Regime Changes	Remaining 2b EMRs	Process for becoming a Qualifying Authority
2.	Changes to the Planning Memorandum	Planning Memorandum Changes	Schedule 17 - lessons learnt.	Statutory Undertakers
3.	Key Design Elements (KDE's)	2b EMRs update	Detailed Design - LPA involvement	2023 Meetings
4.	Sub Groups Update	Update on KDEs	Sub Groups Update	



# Arrangements for next meeting:

- 11<sup>th</sup> May 2022



# AOB/Questions?



**END**

