Phase 2b Planning Forum Agenda

Meeting Wednesday 11th May 2022

Date & Time:	Phase 2b Planning Forum Meeting
	Wednesday 11 th May 2022 10:00 – 13:00 Planning Forum
	Microsoft Teams (See calendar invite)
Independent Chair:	

ltem		Lead	Time
	Welcome and introductions	Forum Chair	10:00
1	Review of actions log	HS2 Ltd	10:10
2	Review of minutes	HS2 Ltd	10:20
3	Bill update	HS2 Ltd	10:30
4	Planning Regime proposals in the Bill and Planning Memorandum Response to LPA feedback	HS2 Ltd	10:45
5	 Engagement on the Environmental Minimum Requirements (EMRs) Responsibilities of Planning Forum and Sub-groups Relationship between Planning Forum and sub groups 	HS2 Ltd	11:15
6	Update from subgroup meetings	HS2 Ltd	11:45
7	Community engagement update	HS2 Ltd	12:00
8	Planning authority feedback and matters Feedback from pre-meets with Chair	Local authorities (with Forum Chair)	12:15
9	Overview of content for future meetings	HS2 Ltd	12:35
10	Next meeting – 13th July 2022.	All	12:45
11	AOB	All	12:50
	End		13:00

INDEPENDENT Phase 2b Planning FORUM FOR HS2

Title:	Planning Forum for HS2 Phase 2b
Date & Time	Wednesday 11 th May 2022 10:00 – 12:30 Microsoft Teams (Virtual meeting)
Chair	
HS2 Ltd	
Attendees:	

Item		Action Owner
	Welcome and Introductions	

INDEPENDENT Phase 2b Planning FORUM FOR HS2

	Chair opened the meeting and welcomed those who were attending the Forum for the first time.	
1	Review of actions log	
	1.1 HS2 Ltd advised that all actions arising from the January Forum had been completed, with the exception of item 4 (SLA process) and AOB (Phase 1 site visit request – see item 11 AOB).	
	1.2 HS2 Ltd suggested that item 4 on the SLA process should be discussed in a separate meeting with all local authorities outside of the Planning Forum. It was anticipated that a meeting on SLAs would take place in June and would cover the following:	
	 Post-Royal Assent local authority funding as set out in Information Paper C12 Lessons learnt from Phase 1 and 2a 	
	 The current situation regarding SLAs on Phase 2b (pre- Royal Assent). 	
2	Review of Minutes from Previous meeting	
	2.1 The March 2022 meeting minutes were agreed and will be published on GOV.UK.	
	Action: HS2 Ltd to upload the March 2022 minutes to GOV.UK.	HS2 Ltd
3	Bill deposit – details of documents deposited	
	3.1 HS2 Ltd presented on the progress of the Bill in Parliament (please refer to the slide deck).	
	3.2 CWC queried if a decision to not progress with the western leg of Phase 2b could be taken in Parliament on the Second Reading of the Bill.	
	3.3 HS2 Ltd explained the Second Reading process and acknowledged that a vote to not give the Bill its Second Reading was possible. Were that to happen, the Bill would end its journey through Parliament.	

4	Planni	ing Regime proposals in the Bill and Planning Memorandum	
	4.1	HS2 Ltd presented their response to members initial questions on the planning regime in the Bill and the draft Planning Memorandum (please refer to the slide deck).	
	4.2	HS2 Ltd invited members to review the slides and then provide any comments to HS2 Ltd within 21 days of receiving the slide pack.	
	4.3	MCC questioned whether damage that could be caused to the highway over time by HS2 construction lorries could be controlled or addressed though lorry route approvals under paragraph 6 of Schedule 17 to the Bill. HS2 Ltd responded that under the drafting of the 2b Bill, which follows the approach taken in the Phase 1 and 2a Acts it could not. However, HS2 Ltd explained that it does have a policy on highways repairs that can be discussed at Highways Sub- Group to the Planning Forum along with further information on HS2's highway strategy i.e. local management plans and/or route- wide management plans.	
	4.4	HS2 Ltd noted that highway repairs were an important topic that will be addressed at a future sub group meeting.	
		Action: HS2 Ltd update members on the policy on highways repairs	HS2 Ltd
	4.5	The Chair clarified that the concern with site restoration within the Bill under clause 12 (1)(2) was regarding the definition of 'materially altered'.	
	4.6	MCC explained that the authority would not want a situation where there are numerous construction compounds on potential redevelopment sites that could be left for a long time in a poor condition.	
	4.7	HS2 Ltd advised that 'materially altered' would apply to sites used as construction compounds, including those which will require the demolition of buildings. HS2 said that it expects only a small number of sites to not be 'materially altered', for example ground investigation sites where vehicles are driven on to a site and holes bored before the use ends.	
		Action: HS2 Ltd provide their interpretation of the term 'materially altered'.	HS2 Ltd
	4.8	MCC also sought clarity on the term 'relevant site' under clause 12(1)(2).	

	HS2 Ltd advised that the term 'relevant site' is defined in paragraph 12(2) of Schedule 17.	
4.9	There was a discussion around the consultation requirements relating to Historic England (HE) under Schedule 17 during which HS2 Ltd briefly outlined how Schedule 18 to the Bill and Heritage Agreements will work (which will be discussed at a future meeting of the Heritage Sub-group).	
4.10	 MCC raised concerns over the change to the consultation arrangements in paragraph 18 of Schedule 17 but also into wider principles relating to listed buildings affected by works that will be authorised by the Bill. These were: Firstly, that planning authorities would not have control over the principle of works to listed buildings at the Schedule 17 consent stage. Secondly, If HS2 Ltd proposed works that 'substantially altered development' on Grade II Listed Buildings, particularly that the Bill text change removes the requirement for local authorities to consult Historic England. Finally, concern was also raised around consulting Historic England on Grade II Listed Buildings, and if local authorities could consult upon receipt of a Schedule 17 application and if HS2 Ltd take those comments into account. 	
4.11	 HS2 Ltd responded to these points in turn: It is correct that the principle of works to listed buildings is settled through the Bill process. That is necessary to ensure the project can be delivered. Therefore, the principle is established through Schedule 18 to the Bill with details of how the works being approved by the relevant planning authority under a Heritage Agreement (in consultation with HE as required). If an authority has concerns over the principle of the works to a listed building, then this needs to be addressed through the Bill process bilaterally with HS2 Ltd. It is correct that the wording of paragraph 18 would not require the planning authority to consult HE on a Schedule 17 request for approval affecting a grade II listed building; this is consistent with standard TCPA process that similarly have no such requirement. The consultation requirements in paragraph 18 are requirements not limits. If a planning authority wishes to consult HE on a request for approval affecting a grade II listed building it can do so. 	

 4.12 To explain the process HS2 Ltd used the example of Piccadilly Station (Grade II Listed Building). It was noted that in Schedule 18 (9)(3) Table 1, it describes the works that HS2 Ltd propose to undertake that would be authorised through the Bill process. 4.13 In order to undertake these works to the listed building two main planning/heritage approvals would be required. Firstly, the design and external appearance of the works would be approved by the City Council under paragraph 2 of Schedule 17. Secondly, whatever method statements requirements are set out in the Heritage Agreement will need to be submitted to, and approved by, the City Council. As the Station is grade II listed the Council would not be required to consult HE but could opt to do so. 4.14 MCC acknowledged the process points on Schedule 18 but highlighted that under the current planning legislation if you are substantially altering a Grade II Listed Building, Historic England should be consulted. 4.15 HS2 Ltd necommended MCC to attend the next Heritage sub group, to obtain further information specifically on Schedule 18. Action: Members to provide any further comments on the Phase 2b Bill planning provisions to HS2 Ltd within 21 days of receiving the slide pack. 4.17 The Forum then discussed the responses to comments on the Plase 1AD and the importance of pre-submission engagement. HS2 Ltd emphasised the importance of pre-submission engagement. HS2 Ltd and that it di ont consider the requirements to be more onerous on the planning authorities. It was noted that further details on the process have been set out in Planning Forum Notes for Phases 1 and 2a related to the requirements imposed on HS2 Ltd during the pre-application engagement. 			
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	4.19	Phase 1 and 2a related to the requirements imposed on HS2 Ltd	

		Action: HS2 Ltd to provide members with Planning Forum Notes	HS2 Ltd
		(PFNs) from Phase 1 and 2a for context.	
	4.20	MCC noted that if insufficient information is provided by HS2 Ltd or its contractors during the pre-application stage, then any comments that MCC provide will be limited.	
	4.21	HS2 Ltd noted MCC's comments and reassured members that they would share the relevant PFNs which outline HS2's pre-application approach and guidance provided to their contractors.	
	4.22	TC had a substantial concern that pre-application comments 'will' be taken has a material consideration. It was acknowledged that productive engagement on pre-app is desirable on both sides, but the emphasis on 'will' is disconcerting and further comments will be sent to HS2 Ltd.	
	4.23	TC also had concerns of the wording of 'best endeavours' when referring to 'no new information should this be raised at application stage' there was a preference for this to be 'reasonable endeavours', as that would remove the potential financial burden for local authorities that 'best endeavours' may imply.	
	4.24	HS2 Ltd noted TC comments and welcomed further comments.	
	4.25	The Chair welcomed any further comments from members that have not already been raised on any aspect of the Bill or suite of documents associated with the Bill.	
	4.26	MCC considered that some of the wording in the Planning Memorandum appeared to be contradictory.	
	4.27	HS2 Ltd welcomed any further comments on the Planning Memorandum, which should be sent to HS2 Ltd for discussion at the next forum meeting.	
		Action: Members to provide any further comments on the Phase 2b draft Planning Memorandum to HS2 Ltd within 21 days of receiving the slide pack.	Planning authorities
5		2b Environmental Minimum Requirements (EMRs) – Table of	
	-	nsibilities HS2 Ltd provided an overview of the purpose, responsibilities and method of engagement for each sub group (further information can be found in the slide pack)	

INDEPENDENT Phase 2b Planning FORUM FOR HS2

6	Sub group update	
	6.1. HS2 Ltd provided an overview of the sub-groups, which included the	
	content of previous sub group meetings to date and proposed future	
	meeting dates (see slide pack for more information).	
	6.2. MCC asked if HS2 Ltd could provide a live version of the sub group	
	tracker on SharePoint.	
	6.3. HS2 Ltd agreed to explore this and advised that links to relevant documents will be included in future slide packs.	
	Action: HS2 Ltd to explore the potential to set up a live version of the	
	sub-group tracker on SharePoint.	
		HS2 Ltd
7	Community Engagement – ES consultation	
	7.1 HS2 Ltd provided an overview of the Environmental Statement (ES)	
	and Equality Impact Assessment (EqIA) (see slide pack for further	
	information).	
	7.2 MCC asked when HS2 Ltd will contact them to discuss their ES	
	response.	
	7.3 HS2 Ltd confirmed that a joint meeting will be held with relevant	
	organisations who have similar petition points, and an invite has	
	been sent to MCC. It was explained that the purpose of the meeting	
	will be to understand the reasoning behind each consultation	
8	response and discuss petitioning matters in further detail. Planning authority feedback and matters	
0	Flamming authority recuback and matters	
	8.1 The Chair confirmed that a pre meeting had taken place with local	
	authorities on 20 th April. He confirmed that all the matters that had	
	been identified for discussion at the Forum had been discussed at	
	the current meeting.	
	8.2 The Chair also confirmed that at the next LA/Chair pre-meet would	
	be held (via Teams) on 22 nd June, starting at 14:00.	
	8.3 The Chair invited members to raise any other comments – no	
	comments were raised.	
9	Overview of content for future meetings	
	9.1 HS2 Ltd provided an indicative overview of content for future	
	meeting until November 2022 (see slide pack for further details).	

	It was noted that this programme would be kept under review to allow opportunities for further discussion of matters if required.	
10	Arrangements for the next meeting on 13 July	
	10.1 HS2 Ltd advised that a meeting room in Manchester has been booked for the next forum meeting but noted this will be a Hybrid meeting.	
	10.2 Updated invites will be sent out with information about the meeting venue. HS2 noted it would be helpful if Forum Members confirmed if they proposed to attend in person to ensure the right scale of accommodation was provided.	
11	AOB	
	The Chair advised that any members would be interested in a site visit to a	
	Phase 1 live work site should email HS2 Ltd directly to arrange.	
	END	11:40