

INDEPENDENT PHASE 2a PLANNING FORUM FOR HS2

PLANNING FORUM NOTE 12

ENGAGEMENT WITH STATUTORY CONSULTEES

Introduction

1. This paper sets out the process for engagement with Historic England, Natural England, Canal and River Trust and the Environment Agency (the Sch 17 Statutory Consultees) prior and during the determination of requests for approval under Schedule 17.
2. Paragraph 18 of Sch 17 requires the Local Planning Authority (LPA) to consult with Historic England, Natural England, Canal and River Trust and the Environment Agency, within 5 days of a request for approval under Sch 17 where the planning authority considers that the request relates to matters which may affect the assets or matters defined in paragraph 18(1). It is the role of the LPA to issue the Sch 17 application to the Statutory Consultees, who should then respond within 21 days.
3. The process explained in the note below refers to consultation with Natural England, Historic England and Canal and River Trust. In regard to the Environment Agency, consultation requirements will be specific to water environment matters defined by the protective provisions in Sch 32. The EA are content that their requirements are captured by this mechanism and associated process rather than Sch 17 and therefore expect not to provide comments on the majority of submissions. Any exceptions to this will be captured at monthly meetings between HS2, the EA and contractors.

Process

4. As described in the Planning Memorandum all LPA's will receive a Sch 17 Forward Plan at least once every three months detailing the known Sch 17 applications to be submitted or pre-submission discussions to be started over a six-month period.
5. The Forward Plans (as agreed with 2a Planning Forum) will include proposed pre-submission start dates, proposed target Sch 17 submission dates, a description of the works consent is sought for and the location.
6. Once all the LPA Forward Plans have been issued the HS2 Statutory Consultee contact (HS2 Town Planning Managers) will email each Statutory Consultee with the Forward Plans. Once received the Statutory Consultee will review the Forward Plans and advise on which applications they would like additional information and/or pre-submission meetings.
7. The request for further information and/or pre submission meeting is then passed to the appropriate contractor. It is then the responsibility of the contractor on behalf of HS2 to provide the required information and/or arrange a pre-submission meetings. If a pre-submission meeting with a Statutory Consultee is required, the LPA will be informed and where possible invited to attend the meeting.
8. During the preparation and subsequent submission of the Sch 17 applications to the LPA, any pre-submission meetings and/or provision of additional information will be referenced in the written statement, (example table below) and where appropriate in the submission letter.

Example Table: Table of Pre-application Consultation			
Consultee	Date Consulted	Attendees	Summary of Consultation
Name of LPA include planning, highways and ecology	09/01/2018	Contractor attendees HS2 attendees LPA attendees	Summarise what was agreed as part of the pre-application discussions.
Natural England			
Historic England			
Canal and River Trust			

Schedule 17 Submission

9. As stated above, once a Sch 17 application has been submitted to the LPA (via Planning Portal or dedicated email), the LPA must forward the documents to the appropriate Statutory Consultee within 5 days from the date of submission. The Statutory Consultee must then respond to the LPA within 21 days with comments on the Sch 17 or a non-response.
10. Should a Statutory Consultee wish to recommend a refusal, this must refer to the refusal reasons as stated in the Act. This will also be the case where a Statutory Consultee wishes to impose conditions and or modifications to the submission.

Appendix A: Act Wording – Statutory Stakeholders

Consultation on requests for approval

18 (1) 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—

- (a) nature conservation,
- (b) the conservation of the natural beauty or amenity of the countryside,
- (c) the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,
- (d) the conservation of flora or fauna which are dependent on an aquatic environment,
- (e) the use of inland or coastal waters, or land associated with them, for recreational purposes, or
- (f) a site of archaeological or historic interest.

(2) The planning authority must, within 5 days of receiving the request, invite the appropriate body or bodies to make representations.

(3) The appropriate body is—

- (a) for the matters in sub-paragraph (1)(a) and (b), Natural England,
- (b) for the matters in sub-paragraph (1)(c) and (e), Canal & River Trust so far as the matters relate to inland waters owned or managed by the Trust or land associated with such waters,
- (c) for the matters in sub-paragraph (1)(c) and (e) other than as mentioned in paragraph (b), the Environment Agency,
- (d) for the matter in sub-paragraph (1)(d), the Environment Agency, and
- (e) for the matter in sub-paragraph (1)(f), the Historic Buildings and Monuments Commission for England.

(4) Where under sub-paragraph (2) a planning authority has invited a body to make representations about a request for approval under Part 1 of this Schedule, it must not make any decision about the request until—

- (a) it has received representations from the body about the request,
- (b) it has been informed by the body that it does not wish to make any representations, or
- (c) 21 days have elapsed since the date of the invitation.

(5) An invitation under sub-paragraph (2) must specify the time limit for making representations.

Appendix B: Statutory Consultees – Contact List

Environment Agency:

- HS2@environment-agency.gov.uk

Historic England:

- Chris.Welch@HistoricEngland.org.uk

Natural England:

- Sarah.Armstrong-Stacey@naturalengland.org.uk
- Imogen.Parker@naturalengland.org.uk

Canal and River Trust:

- John.Harris@canalrivertrust.org.uk

It has been agreed with the contacts listed above, that the Sch.17 Forward Plans will be sent to these contacts, then disseminated by them as required to regional contacts in those organisations.