

HS2

Phase 2b (Western Leg) Planning Forum

14 September 2022

Welcome and Introductions



Agenda

Item		Lead	Time
	Welcome and introductions	Forum Chair	10:00
1	Review of actions log	HS2 Ltd	10:05
2	Review of minutes	HS2 Ltd	10:10
3	Bill update	HS2 Ltd	10:15
4	Petitioning issues	HS2 Ltd	10:25
5	Operation of Schedule 17 and lessons learnt	HS2 Ltd	11:05
6	Ground Investigation Strategy	HS2 Ltd	11:45
7	Overview of Undertaking and Assurances	HS2 Ltd	11:55
8	General Principles of the Environmental Minimum Requirements (EMRs) feedback	HS2 Ltd	12:10
9	Community Engagement update	HS2 Ltd	12:15
10	Update from subgroup meetings	HS2 Ltd	12:25
11	Planning authority feedback and matters feedback from pre-meets with Chair	Local authorities (with Forum Chair)	12:30
12	Overview of content for future meetings	HS2 Ltd	12:45
13	Next meeting – 9th November 2022	All	12:50
14	AOB 2023 proposed meeting dates	All	12:55
	End		13:00

Published meeting minutes can be found here:

www.gov.uk/government/publications/meeting-minutes-for-the-hs2-phase-2b-planning-forum

Review of actions log



Action	Action Owner	Status
ITEM 1: Members to advise if they have access to SharePoint	HS2 Ltd	LPAs
ITEM 2: HS2 Ltd to upload the May 2022 minutes to GOV.UK	HS2 Ltd	Complete.
ITEM 5: Members were requested to identify any concerns regarding item 5 (General Principles) to the Chair prior to the local authority pre-meet on 17 th August 2022.	HS2 Ltd	Complete.
ITEM 6: HS2 Ltd to confirm if the car parks associated with the airport station form part of the Key Design Elements.	LPAs	Complete. HS2 have confirmed that public engagement on Stations will include car parks as indicated in Information Paper D1 (paragraph 6.2) Microsoft Word - D1 Design v2 (publishing.service.gov.uk)
ITEM 6: Members to provide any other locations prior to the local authority pre-meet on 17 th August.	HS2 Ltd	Complete.
ITEM 7: HS2 Ltd to include an item on HS2's ground investigation strategy.	LPAs	Complete.
ITEM 7: Action: HS2 Ltd to circulate a list with relevant contacts and highlight which community areas they cover.	HS2 Ltd	Complete.

Review of previous meeting minutes



HS2 Crewe to Manchester Bill

HS2 Ltd



Petitioning issues

HS2 Ltd



Schedule 17 and EMRs – petitioning issues

A total of 155 petitions were received against the Bill and AP1. Many petitioned against both, so the total number of stakeholders who petitioned is approximately 135.

Six members of the Phase 2b Planning Forum petitioned the against the Bill.

- Cheshire East Council;
- Cheshire West and Chester Council;
- Cumbria County Council;
- Lancashire County Council;
- Manchester City Council; and
- Trafford Council

Petitions were received on the planning provisions in the Bill and/or the Environmental Minimum Requirements (EMRs).

The next slides summarise the main themes from the petitions received and set out next steps and how HS2 Ltd/DfT will engage with petitioners.



Schedule 17 petition issues

The following issues relating to the drafting of Schedule 17 were raised in petitions:

- Requests for a major/minor split for the appropriate period defined in para 24(5)
- Requests for a requirement for public engagement under para 18
- Concern over the definition of temporary in para 3(9)
- Seeking commitments on the packaging of requests for approvals and handling of requests e.g:
 - Determination periods
 - Agreement of conditions
- Seeking advance notice for planning submissions (6 months)
- Should be a validation process for submissions



EMRs petition issues

The following broad issues relating to the drafting of the EMRs were raised in petitions:

- That documents such as prior LEMPs should be agreed with the planning authority
- Status/weight of pre-application advice
- That planning authorities should monitor HS2 works
- That various aspects controlled by the CoCP should be subject to planning authority approval
- Certain further assessments are required
- Requests for further local authority funding to enable sufficient resource.



Next steps

- Many of the petition issues that have been raised are bilateral matters seeking authority specific assurance rather than changing the controls for works authorised by the Bill.
- As the role of the Planning Forum is to manage route wide issues around processes, it is only these matters that will be considered and discussed at Forum meetings.
- Remaining issues that are local/more specific will be discussed bilaterally with the relevant petitioner.
- All issues will now be considered further and updates provided in due course with the intention that any proposed changes to the planning provisions or the EMRs will be considered and agreed by the Forum.



Schedule 17

Pre-Application Engagement and Lessons Learnt on Phase 1

HS2 Ltd



Case Studies

Chalfont St Peter Headhouse and Compound

- Located in Buckinghamshire
- Schedule 17 approval granted in January 2021

Western Valley Slopes

- Located in Three Rivers, Hertfordshire and Buckinghamshire
- Schedule 17 approval granted in May 2021



Chalfont St Peter Headhouse and Compound

One of five headhouses located above the shafts for the 16km Chiltern Tunnel

Required for operational, maintenance and emergency access

Rural location close to the Chilterns AONB

Key Design Element (KDE)

Railway including the tunnel and shaft are listed as a Schedule 1 work within the HS2 Act



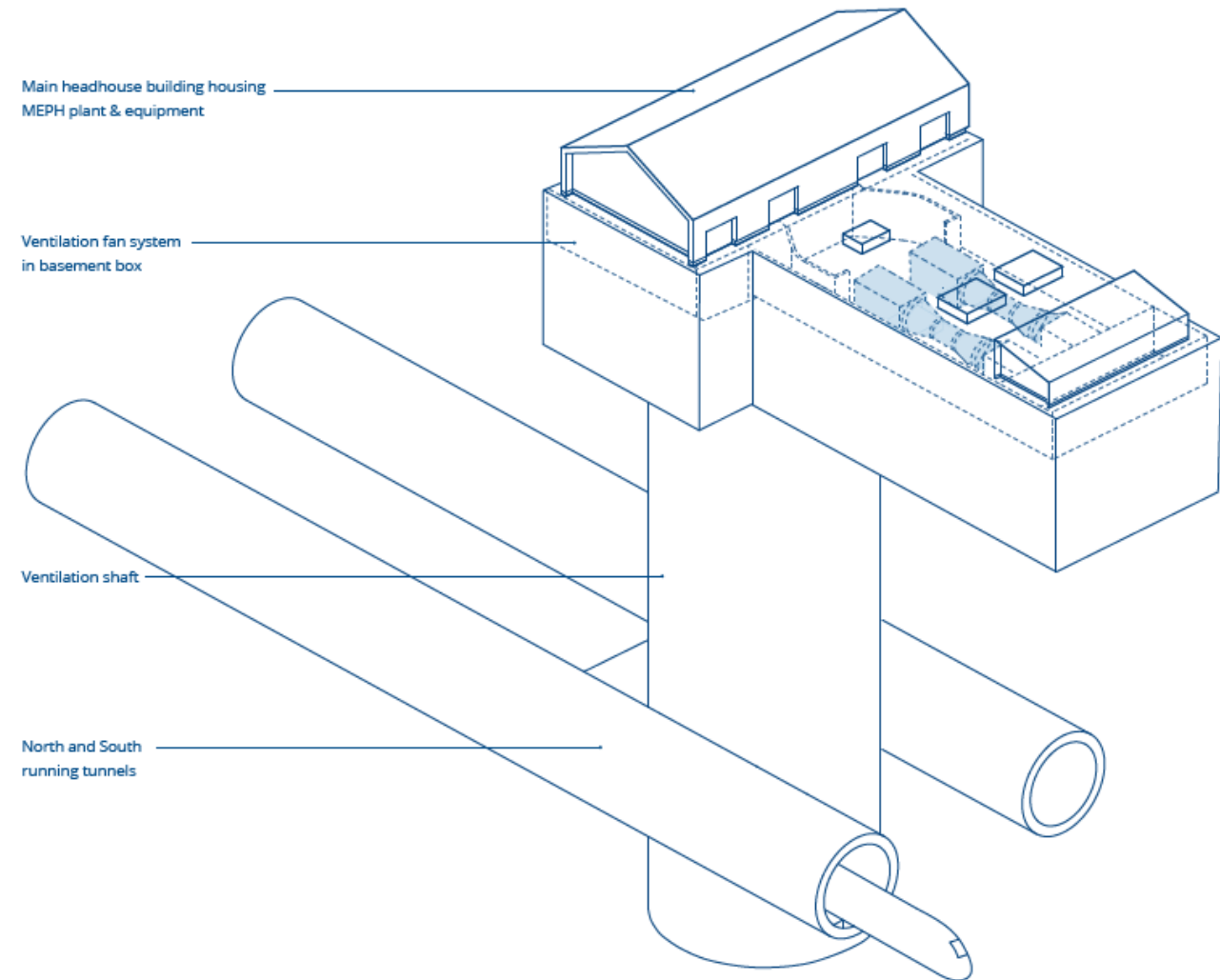
Chalfont St Peter Headhouse and Compound





Chalfont St Peter Headhouse and Compound

Chalfont St Peter Headhouse and Compound



Schedule 17 Approvals

Request for approval of Plans & Specs (paragraph 2 and 3)

- Design and external appearance of the buildings and earthworks and the location of fencing

Request for agreement of Site Restoration (paragraph 12)

- Design of the restoration of the site

Request for approval to Bring into Use the Schedule 1 work

- All reasonably practicable mitigation is proposed to protect the environment and amenity

Planning permission for a temporary access road to facilitate construction activities



Engagement

Local Planning Authorities – the local planning authority was engaged throughout the design phase in the form of meetings and workshops, with written feedback provided. The feedback set out the need for the building to be integrated within the landscape and respond to the local context. One of the main objectives was to ensure the design was as discreet as possible. Particular significance was given to the proposed landscaping design which the local authority, with a dedicated landscape officer providing key advice.

Chiltern ANOB Design Group – The ANOB Group developed a Detailed Design Principles (DDP) document to provide guidance to the design and appearance of HS2 works in the AONB. The proposals were discussed at length with the ANOB Group between 2017-2020 and significant regard was had to the DDP.

Statutory Consultees (Natural England, Environment Agency and Historic England) – Meetings were held with all the of the statutory consultees. Both Natural England and Historic England advised the site had limited interest from their perspective. Natural England provided guidance regarding grassland habitat creation and management.

Engagement

HS2 Independent Design Panel (IDP) – The IDP were presented to on three occasions, with the final presentation in June 2020. Each session was in the format of a presentation and then a round table discussion by panel members. Following each presentation the IDP provided constructive feedback considering the design against the HS2 Design Vision and encouraged the design team to investigate a range of options for the treatment of the building. Following the final presentation the IDP provided a report endorsing the design. The IDP had a specific role in the location of the headhouse building and the entrance of the access to the site.

Local community and relevant stakeholders – A public engagement event was held in October 2019. Feedback was gathered from freepost questionnaires, email, phone and an online survey. A further follow up event was held in July 2020 to present the design and explain how the feedback from the first set of events had been incorporated. Key local residents were also engaged with throughout the design phase.





**Chalfont St Peter
Headhouse and
Compound**



Chalfont St Peter Headhouse and Compound



Lessons Learnt

Schedule 17 is a different planning regime to work within. It provides a constrained set of grounds for determination. Initially, HS2 and its contractors could have done more to work with stakeholders to ensure the process is understood.

Schedule 17 requires **local planning authorities to propose any reasonable modifications** (in accordance with the Schedule 17 grounds for determination). On occasion some of the feedback received was not supportive of the design proposals, but failed to identify how the design should be modified. HS2 needs to work with local planning authorities to ensure the process is understood given the constrained nature of the Schedule 17 grounds for determination.

In this early stage of the Phase 1 consenting, much of the public feedback received was based on the **principle of HS2** itself, rather than the design . This was a challenge to overcome through educating all involved given that **planning permission had already been granted** by the Act.



Lessons Learnt

Undertaking **early engagement** with the local planning authority and Chiltern ANOB Design Group regarding the design was positive and well received, leading to a smoother determination process.

Clear advice from stakeholders is key understanding exactly their objectives are and how these can be incorporated into the Schedule 17 submission.

Important to provide information regarding the **brief and operational requirements of the buildings** as these set the parameters for much of the scale and massing of the buildings.

Difficulty in stakeholders understanding the **different Schedule 17 approvals** and how these relate to one another. During the determination, concerns were raised regarding mitigation of the design and operation. This is considered with at Schedule 17 Bringing into Use stage, but the contractor was able to provide sufficient information in the form of a submitted indicative mitigation scheme and noise demonstration report to allow determination and also provide comfort for future approvals.



Lessons Learnt

The majority of feedback from the public was concerned with **construction impact** which is outside of the consideration of the Schedule 17 submission. Whilst it may not be relevant to the approval sought, it was necessary for information to be provided regarding construction through the public engagement events.

The **Independent Design Panel's remit is much wider than the Schedule 17** grounds for determination. Whilst the IDP look at a range of design issues against the HS2 Design Vision, the Schedule 17 grounds are very constrained and specific. This caused some confusion with the local planning authority during pre-application engagement and required additional explanation to both the IDP and the local planning authority.

Quality and sufficiency of information is imperative in obtaining a Schedule 17 approval – something the contractor did well.



Western Valley Slopes

Southern entrance/exit to the Chiltern Tunnel

Required for operational, maintenance and emergency access

Largely existing agricultural land

Tunnel Portal is a Key Design Element (KDE)

Railway including the tunnel is listed as a Schedule 1 work within the HS2 Act

Approximately 138ha in size

In the construction phase, it is the largest site across Phase 1





Western Valley Slopes

Western Valley Slopes



South Portal

Schedule 17 Approvals

Request for approval of Plans & Specs (paragraph 2 and 3)

- Design and external appearance of the buildings and earthworks and the location of fencing

Request for agreement of Site Restoration (paragraph 12)

- Design of the restoration of the site

Request for approval to Bring into Use the Schedule 1 work

- All reasonably practicable mitigation is proposed to protect the environment and amenity

The site covers two local planning authority areas, with approval required for works within each authority area.



Engagement

Local Planning Authorities – both authorities were engaged throughout the design phase. Early meetings focussed on the wider proposals. In the year leading up to Schedule 17 submission, topic specific meetings were held with relevant officers in relation to the Schedule 17 grounds for determination. The local authorities were also part of the Colne Valley Regional Park Panel.

Colne Valley Regional Park Panel - Quarterly meetings have been held with the Panel since 2017. Proposals Western Valley Slopes was presented and discussed over a number of years including at focussed workshops, with the Panel providing advice and written feedback following meetings. Post receipt of Schedule 17 plans and specs approval, engagement has continued regarding the future Schedule 17 approvals required.

Statutory Consultees (Natural England, Environment Agency and Historic England) – Regular meetings were held with all the of the statutory consultees over a period of 3 years. Specialist advice was provided regarding grassland creation and management, as well as technical details of habitat creation, soils/substrates, seeding/planting, rewilding, species targets, and long-term management approaches.



Engagement

HS2 Independent Design Panel (IDP) – The IDP were presented to on three occasions, with the final presentation in June 2020. Each session was in the format of a presentation and then a round table discussion by panel members. Following each presentation the IDP provided constructive feedback considering the design against the HS2 Design Vision. Following the final presentation the IDP provided a report endorsing the design.

Hertfordshire and Middlesex Wildlife Trust – Regular meetings and site visits took place and advice was sought in relation to providing suitable ecological habitat on site.

Local community and relevant stakeholders – A series of public engagement events were held at the early stages of the design work in 2018 and 2019 to seek feedback. A number of follow up events were held in 2021 to present the design and explain how the feedback from the first set of events had been incorporated. Key local residents were also engaged with throughout the design phase.



Western Valley Slopes



Western Valley Slopes



Western Valley Slopes



Western Valley Slopes



Lessons Learnt

Undertaking **early engagement** with the local planning authorities and Colne Valley Regional Park Panel (CVRRP) was well received.

CVRRP consisted of a range of stakeholders with a **broad variety of objectives**. It was sometimes difficult to obtain consensus amongst the whole Panel regarding feedback which made satisfying all Panel members difficult. A lesson was learnt in needing to prioritise objectives and concerns, particularly in accordance with the Schedule 17 grounds for determination.

The local planning authority understood the Schedule 17 grounds for determination and **proposed a reasonable modification** (in accordance with the Schedule 17 grounds for determination) to the works as a condition. Through post submission engagement, it was agreed that the earthworks to facilitate the bridal route could be widened.



Lessons Learnt

Using **discipline/topic focussed pre-application engagement** with local planning authorities worked well, particularly on such a large submission. This allowed the right people to be engaged and the feedback to be focussed.

Large volume of Schedule 17 submission documents as a result of the size of the site and works. Through pre-application engagement, all parties were clear on what documents needed to be produced to allow for determination.

Important for HS2 explain to the **difference between plans for approval and plans for information**. This did cause some confusion, particularly regarding the grounds for determination.

It is important to explain the differences between **permanent works subject to approval** and significant amount of **temporary construction activities not subject to Schedule 17 approval**.



Ground Investigation Strategy

HS2 Ltd



What is Ground Investigation (GI)?

- Ground investigations are used to determine the condition of the ground, before beginning detailed design and commencement of Construction works of proposed structures.
- Undertaken by a variety of intrusive non-intrusive methodologies, including collections of samples.
- Installation of instrumentation within boreholes for sampling and monitoring
- Testing of samples in laboratory offsite
- Establish nature and extent of any contaminated land
- Works grouped into manageable packages for contractor to implement



Phase 2b – Route Wide GI Overview

- The Route Wide Ground Investigation Programme is planned to obtain ground data to allow design to be developed for Western Leg of Phase 2b.
- The route from Crewe to Manchester will be investigated by drilling, sampling and testing of the ground at approximately 3000 locations.
- HS2 Ltd propose to appoint a Ground Investigation Delivery Partner in Q4 of 2022 who will manage the GI Programme.
- The Programme will be developed with a selection of Ground Investigation specialist companies appointed on a framework by HS2.



Approximate Timeline

For Phase 2b RWGI West Leg Only; Crewe to Manchester

Event	Approx. Dates
Issue GI Licences to Landowners and Tenants	Q2 2022 – Complete
Appoint Delivery Partner	Q4 2022
Appoint Ground Investigation Specialists	Q1 2023
Pre-Commencement Meetings	Q4 2022 - Q1 2023
Commence GI Fieldwork	Q1 / Q2 2023
Completion of GI	2025



Planning – route wide approach

Permitted Development rights – site compounds

- GDPO Sch 2 Part 4 Class A and Class B
- Where compounds do not meet PD requirements full applications will be submitted

Primary Site Compound (Temporary)

- Planning Application submitted

Additional Satellite Compounds

- Delivery Partner to site; temporary short duration, likely to exceed 30 days

Section 61 applications (Control of Pollution Act 1974)

- TBC

Highways; local network traffic management applications

- Extent and locations TBC



Undertakings and Assurances

Martin Wells, HS2 Ltd



Undertakings & Assurances (U&As)

Commitments given:

- During passage of the Bill through Parliament;
- By, or on behalf of the Promoter of the Bill i.e. the Secretary of State for Transport;
- Recorded on the Register of Undertakings and Assurances



Why are U&As offered?

To minimize the need for a petitioner to appear in front of Select Committee

To reduce the need for further petitions from the same petitioner or other petitioners

To respond to the wishes of the Select Committee

To seek to address issues and/or concerns

What do U&As cover?

Amongst other things U&As can:

- Commit to do something in the future
- Apply specific constraints on exercising powers in the Bill
- Commit to do something in a certain way
- Promise to seek further powers to achieve a particular outcome



The principle differences

Assurances:

- Unilateral commitments
- Specific written statements in letters, emails, or extracts from Information Papers.
- Enforceable through the Secretary of State (SoS) under the Environmental Minimum Requirements (EMRs)

Undertakings:

- Bilateral/multilateral legal agreements or contracts enforceable through the courts; or
 - Commitments given directly to Parliament for which the SoS is directly answerable to Parliament
-

U&As – Which is “better”?

- Simple answer: neither
- U&As are treated exactly the same by the project
- Choice of undertaking or assurance driven by the nature of the commitment
- Over 3900 U&As given on Phase 1 and more than 1500 for Phase 2a...

...the majority of which were assurances



Who are the recipients?

- Undertakings:
 - Agreements are between the interested parties
- Assurances:
 - Offered to the most relevant recipient
 - Normally that would be the party that raised the issue...
...but it could be a statutory body (e.g. the planning authority)



U&As during delivery

- EMRs include a requirement to comply with the undertakings and assurances.
- The Secretary of State gives an undertaking to Parliament to enforce those EMRs in so far as they are not directly enforceable through the Courts
- On enactment, U&As become a legally binding part of the Act
- When appointing contractors the need to adhere to U&As are set out in contractual obligations



Publication of the Register

- Draft Register published on the gov.uk website during Bill passage
- Normally updated quarterly to capture the most recently issued U&As
- Following Royal Assent the final Register will be published containing all U&As still relevant (those already complied with are excluded)



Any questions?



General Principles of Environmental Minimum Requirements (EMRs) feedback

Paul Gilfedder - HS2 Ltd



Current Status and Next Steps

- A briefing on the General Principles of the Environmental Minimum Requirements (EMRs) was given to Forum Members at the 13th July meeting.
- An email requesting comments on the General Principles of the Environmental Minimum Requirements (EMRs) was sent on 15th July.
- Feedback was received on 25th August, with no specific points being identified but advised that further time was needed to consider the General Principles.
- Further comments are invited from Forum Members which will be subsequently discussed at a future Planning Forum.



Community Engagement

HS2 Ltd



Subgroup update

HS2 Ltd



Previous Subgroup meetings

Subgroup	Date (last quarter)	Meeting topic
Heritage	21.07.22	1. Comment sheet feedback 2. Schedule 18 Listed Buildings
EHO (Operational noise meeting)	04.07.22	1. IP E13: Control of construction noise and vibration
EHO (Operational noise meeting)	21.06.22	1. IP E11 & 12: Control of noise from the operation of stationary systems and operational noise and vibration monitoring framework
EHO (Operational noise meeting)	26.05.22	1. IP E10: Control of ground noise and vibration from the operation of temporary and permanent railways
Highways	26.05.22	1. Highways Information Papers



Upcoming Subgroup meetings

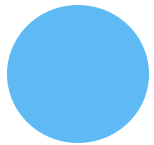
Subgroup	Upcoming meeting date	Meeting topic
Highways	15.09.22	1. Introduction into lorry routes
Flooding and Drainage	22.09.22	1. Climate change allowances 2. Design development works post Royal-Assent 3. Surface water and groundwater flooding along the line of route
EHO	27.09.22	1. TBC
Heritage	26.10.22	1. TBC



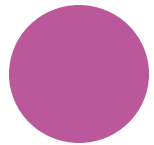
2022 Subgroup activity

2022												
Planning Forum Subgroup	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
EHO		8th	9th		24th				27th			
EHO Operational Noise Working Group				28th	30th	28th	4th					
Heritage		10th	2nd		18th		21st			26th		
Highways		22nd			26th				15th			
Flooding and Drainage		17th							22nd			

Subgroup common themes



Seeking clarity on works post Royal assent



Sharing examples of what has happened on Phase 1 and 2a



Seeking further clarity on associated Bill documentation



Planning authority feedback and matters

- Feedback from pre-meet with Chair



Overview of content for future meetings

HS2 Ltd



Provisional Forward Plan

	14 th Sept 2022	9 th Nov 2022	2023
1.	General Principles of the EMRs	Environmental Memorandum	Planning Regime review
2.	Schedule 17 – lessons learnt.	Process for becoming a Qualifying Authority	Planning Forum Notes
3.	Detailed Design (case studies) – LPA involvement	Statutory Undertakers and reinstated PDRs	Draft Statutory Guidance
4.	Undertakings and assurances	Planning Regime and EMRs	
5	Sub Groups update	Sub Groups Update	
6	Ground Investigation Strategy		
7	Meeting dates to be agreed		

Arrangements for next meeting:

- 9th November 2022



AOB/Questions?



2023 Proposed Planning Forum dates

Phase 2b 2023	
January	11
March	8
May	10
July	5
September	6
November	8



END

