

HS2

Phase 2b (Western Leg) Planning Forum

9 November 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	Community Engagement update	HS2 Ltd	10:25
5	Petitioning responses - overview of key themes and HS2 Ltd's response	HS2 Ltd	10:35
6	Key Design Elements (KDEs) – next steps	HS2 Ltd	11:05
7	Independent Design Panel - overview	HS2 Ltd	11:10
8	Environmental Memorandum - overview	HS2 Ltd	11:25
9	Qualifying Authorities - process	HS2 Ltd	11:40
10	Update from subgroup meetings	HS2 Ltd	12:00
11	Planning authority feedback and matters feedback from pre-meets with Chair	LAs (with Forum Chair)	12:15
12	Overview of content for future meetings	HS2 Ltd	12:30
13	Next meeting – 11 th January 2022	All	12:40
14	AOB	All	12:45
	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 2: HS2 Ltd to upload the July 2022 minutes to GOV.UK	HS2 Ltd	Complete.
ITEM 5: HS2 Ltd to include the following items at a future meeting (1) on differences between the scope of the Independent Design Panel (IDP) and the remit of Schedule 17. (2) Temporary construction activities and the scope of Schedule 17.	HS2 Ltd	(1) Features on the agenda. (2) Will be addressed at a future meeting.
ITEM 6: HS2 Ltd to provide the Project Manager's contact details to the Forum.	HS2 Ltd	Complete. Email sent on 21.09.2022



Review of previous meeting minutes



HS2 Crewe to Manchester Bill

HS2 Ltd



Petitioning responses - overview of key themes and HS2 Ltd's response

HS2 Ltd



Petition themes

- At the last Forum we summarised the main petition themes relating to the Bill planning provisions and the EMRs
- This presentation sets out HS2's response to these issues
- We have condensed petition text into themes so these are not responses to individual petition points but are indicative of the approach to planning and the EMRs



Petition issue	Issue	Response
Schedule 17 - Planning Regime	Requests for a major/minor split for the appropriate period defined in para 24(5)	<p>There is no clear need to introduce separate determination periods for submissions. Ultimately Schedule 17 requests for approval are condition discharges and hence the eight week determination period is appropriate.</p> <p>There are processes in place for:</p> <ul style="list-style-type: none"> • effective pre-application discussions; • content of submissions; and • regular advance warning of future submissions. <p>Together these ensure that LPAs have information on all submissions they are responsible for determining. In addition, there is also the ability to agree an extension of time where this may be appropriate. Experience from Phase 1 has demonstrated that that the flexibility in in determination periods is sufficient to manage occasions where a longer determination period may be needed.</p>
	Requests to widen the scope for public engagement under paragraph 18	<p>Schedule 17 is designed to be a streamlined approvals process recognising the national importance of the project and the need for timely delivery. As such it is not appropriate to require public engagement. However, should a planning authority choose to consult on requests for approval it can do so although it in doing so it would still need to meet its commitments on timely decision making.</p> <p>However, in Information Paper D1 a commitment has been given to engage with the public on the design of stations, on the Elements listed in annex 1, and on common design elements.</p>



Petition issue	Issue	Response
Schedule 17 - Planning Regime	Seeking advance notice for planning submissions (6 months)	<p>The Planning Memorandum in paragraph 7.6.3 requires the nominated undertaker to provide every quarter, a forward plan of requests for approval anticipated in the next six months.</p> <p>In addition, the nominated undertaker will notify the relevant qualifying authority if there is a significant change to the forward plan. This is reinforced by the requirement for forward discussions in paragraph 7.6.1 of the Planning Memorandum.</p> <p>Given the highly complex nature of design and construction on such large scale projects greater degrees of certainty and commitment on the programme for submissions is not practicable.</p>



Petition issue	Issue	Response
Schedule 17 - Planning regime	Concern over the definition of temporary in para 3(9)	<p>The change proposed seeks only to define 'temporary' in the context of other construction works in a way that is consistent with the existing definition of temporary building in paragraph 2(9). The change clarifies 'temporary' in this context and would align with the 'temporary' definition for temporary buildings which has been established in the two existing Acts for Phase 1 and Phase 2a. The change simply makes explicit what is implicit in the Phase 1 and Phase 2a Acts, and aims to prevent confusion by avoiding any inconsistency in the interpretation of paragraphs 2 and 3.</p> <p>These provisions of the Bill effectively give the nominated undertaker the same flexibility as Schedule 2, Part 4, Class A of the General Permitted Development Order (2015). Their inclusion is necessary to ensure the satisfactory construction and delivery of the project.</p>
	<p>Seeking commitments on the packaging of requests for approvals and handling of requests e.g: -</p> <p>Determination periods</p> <p>Concern that conditions on approvals must be agreed with the nominated undertaker.</p>	<p>It will be for the nominated undertaker as applicant to determine how works are packaged for submission. This is because the consenting programme is inexorably linked to the design and construction for the railway. However, discussion of the scope of packages is in the ambit of the forward discussions required by paragraph 7.6.1 of the Planning Memorandum.</p> <p>Paragraph 24 (5) (b) of Schedule 17 allows for the determination of a request for approval to be extended. Paragraph 7.4.2 of the Planning Memorandum reinforces this. While it is expected qualifying authorities will endeavour to make decisions in line within the determination period it is recognised that this is not always practicable and the system has flexibility.</p> <p>It is only conditions on approvals under paragraphs 4 and 6 that must be agreed with the nominated undertaker. This follows the model established in the CTRL, Crossrail, HS2 P1 and HS2 P2a Acts. The reason for this is to ensure an effective discussion between the planning authority and the nominated undertaker and avoid the risk of ultra vires conditions which are increased given the unusual nature the approvals. On previous projects this requirement has effectively ensured correct conditions and avoided unnecessary appeals. It should be noted that ultimately the control still rests with the planning authority as is agreement cannot be reached with the nominated undertaker on a condition the planning authority considers necessary then the planning authority can refuse the request for approval.</p>
	Should be a validation process for submission	<p>It is agreed there needs to be clear expectations on the scope of Schedule 17 submissions. The content and scope of submissions will be set out in Planning Forum Notes that will be agreed by members of the Forum.</p> <p>Paragraph 7.4.2 of the Planning Memorandum allows agreement to delay or pause the determination period if the necessary information has been omitted. The nominated undertaker will seek to work with LPAs to ensure they have everything that is required for each submission.</p>

EMRs		
	<p>Role of the nominated undertaker and local authority</p> <p>That documents such as LEMPs and other environmental management documents should be agreed with the local authority</p> <p>That planning authorities should have a role in the monitoring of HS2 works and receive funding to carry out this work.</p>	<p>The EMRs impose a range of obligations on the nominated undertaker in relation to the protection of the environment, these include the preparation and implementation of LEMPs and other documents. The nominated undertaker is obliged to require its contractors to comply with the LEMPs and to take action to enforce them . This provides stakeholders with the certainty that they will be correctly prepared and complied with. The nominated undertaker is also required by the CoCP to engage with local authorities and local communities. Adding an approval by the local authority would not increase the protection of the environment but would increase cost and delay. It must be recognised that the role of the nominated undertaker, which is created by the Bill, is different to that of a normal developer. It is appointed by the Secretary of State to implement the powers in the Bill, this includes the obligation to correctly implement the EMRs. If it is felt that the nominated undertaker is not correctly implementing the EMRs then there is a process, set out in Information Paper E1 to address the concern.</p> <p>Similarly, the nominated undertaker will put in place processes to ensure the correct measures are implemented such as having an Environmental Management System. Therefore, there is no need for local authorities to monitor HS2 works.</p> <p>The role of the nominated undertaker has been demonstrated to work effectively on the Channel Tunnel Rail Link, Crossrail and Phase 1 of HS2.</p>
	<p>Status/weight of Schedule 17 pre-application advice</p>	<p>Pre-engagement is a well-established and important element of the planning system. It is required by the Planning Memorandum to ensure an efficient and smooth process for both the LPA and HS2 and aims to reduce additional burdens, delays and increased cost that can arise where there is ineffective engagement.</p> <p>Following the experiences from earlier phases of the project, it has been concluded that to ensure that pre-application is given sufficient priority and attention it merits and thereby reduce the risk of delays and additional costs pre-application advice should be material to decisions under Schedule 17. As stated previously, the word 'material' does not mean binding and hence the discretion of the planning authority is not unduly fettered by the wording.</p>
	<p>Requests for further local authority funding to enable sufficient resource</p>	<p>Information paper C12 sets out DfT's response on Local Authority funding for carrying out HS2 work.</p>

EMRs		
	<p>Certain further environment assessments are required during the development process and further mitigation measures agreed</p>	<p>The Promoter considers that the environmental statement together with the supplementary environmental information published during the passage of the Bill properly assesses the effects of the project.</p> <p>Paragraph 1.1.3 of the draft General Principles of the Phase 2b EMRs explains that the controls contained in the Bill and the EMRs are expected to ensure that those effects cannot be exceeded except in the circumstances set out in that paragraph. In addition the Bill modified regulation 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and requires supplementary environmental information to be submitted with a Schedule 17 application where the proposed development falls outside the scope of the Bill environmental assessment.</p>



Key Design Elements (KDEs) – next steps

HS2 Ltd



Proposed 2b Key Design Elements (KDEs)

Existing KDEs

- Crewe Tunnel North Porous Portal
- Crewe Rolling Stock Depot
- River Dane Viaduct
- Trent and Mersey Canal Viaduct
- Gad Brook Viaduct
- Smoker Brook Viaduct
- Manchester Tunnel South Porous Portal
- Palatine Road Vent Shaft
- Birchfield Road Vent Shaft
- Piccadilly Approach Viaduct & Piccadilly Station Viaduct

Additional KDEs

- North Tunnel Portal
- Annandale depot
- Altringham Road Vent Shaft
- Wilmslow Road Vent Shaft
- The stretch of embankment between Gad Brook Viaduct and Smoker Brook Viaduct
- Viaduct over the River Bollin

Next steps

- HS2 is reviewing the additional KDEs listed.
- A response will be provided at an early 2023 Forum meeting whether these will be included or not, with reasons for the decision
- HS2 will provide an overview of what will happen next for the agreed KDEs and how the consultation process works.

Independent Design Panel - overview

HS2 Ltd



Agenda

1. What is the Design Panel?
2. The Design Vision
3. Design Panel remit + scope
4. Who are the Panel?
5. What have they done?

What is the Design Panel?



What is the HS2 Design Panel?

- Set up at the request of the Secretary of State for Transport (SoS)
- Independent
- Quarterly reports to the Director General for High Speed Two at the DfT
- **Ph2b Western Leg Information Paper D1: Design (July 2022):**



“The Design Panel will assist HS2 Ltd through advice, and HS2 Ltd will work in partnership with a range of organisations, including planning authorities. ...The aim will be to deliver a high standard of design that is also cost effective, sustainable and meets HS2 environmental policies.”

Para 7.1-7.3

Independent Design Panel Secretariat

FRAME Projects



Deborah Denner

Director



Edward Bailey

Panel manager



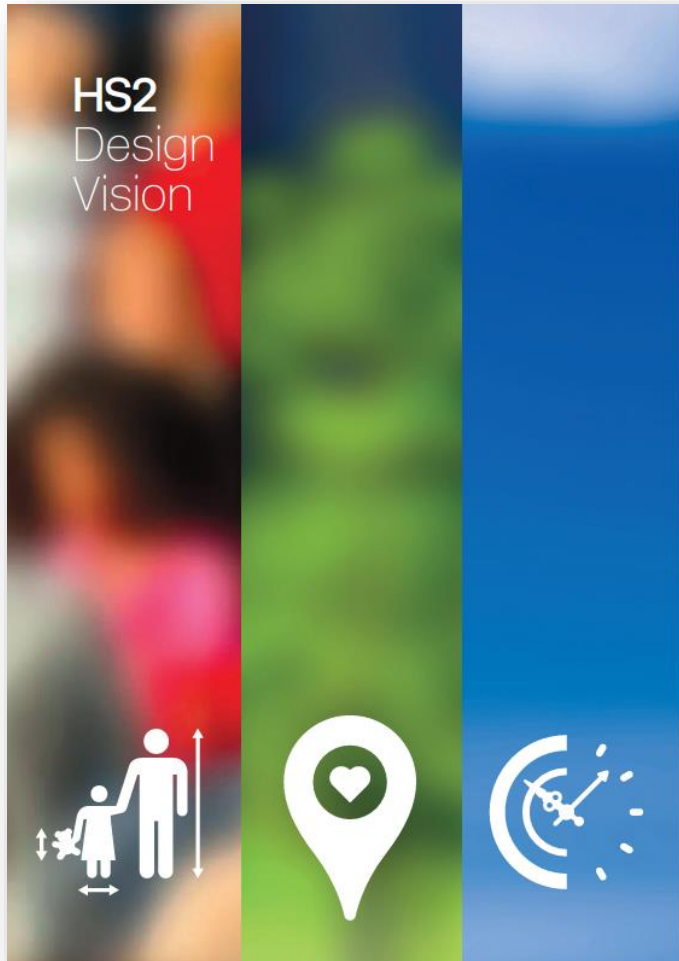
Joe Brennan

Panel coordinator

The Design Vision



HS2 Design Vision



People

Design for everyone to benefit and enjoy

- Diverse audiences
- Engage communities
- Inspire excellence



Place

Design for a sense of place

- Quality of life
- Celebrate the local
- Natural world



Time

Design to stand the test of time

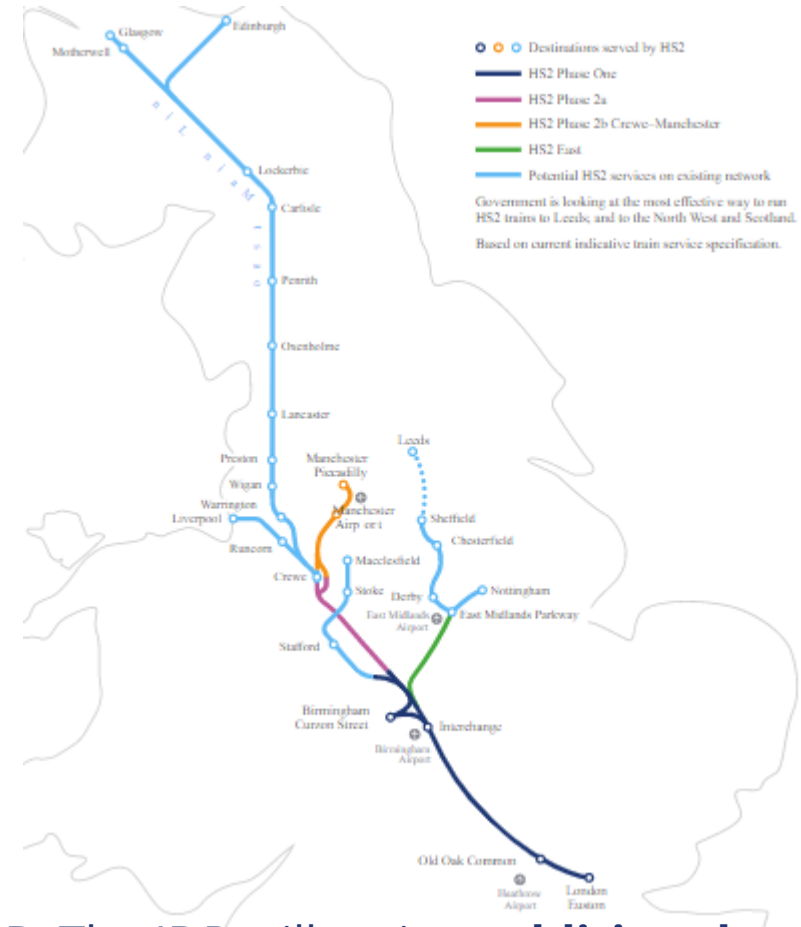
- Future generations
- Personal time
- Time to design

Design panel remit + scope



Remit

- The IDP will use the framework of the **Design Vision** to ensure design decisions deliver against the aims and objectives.
- Advise HS2 and other client parties on the implementation of the:
 - **Sustainability policy**
 - **Environmental policy**
 - **Customer Experience Vision**
- Advise HS2 on the design quality of **Key Design Elements** (KDE's) for organisation and project. (Listed in D1:Design Policy documents for each phase)



N.B. The IDP will review **additional identified assets**, identified by localised interest and agreed with HS2. Treated in the same manner as a Key Design Element.

Types of review

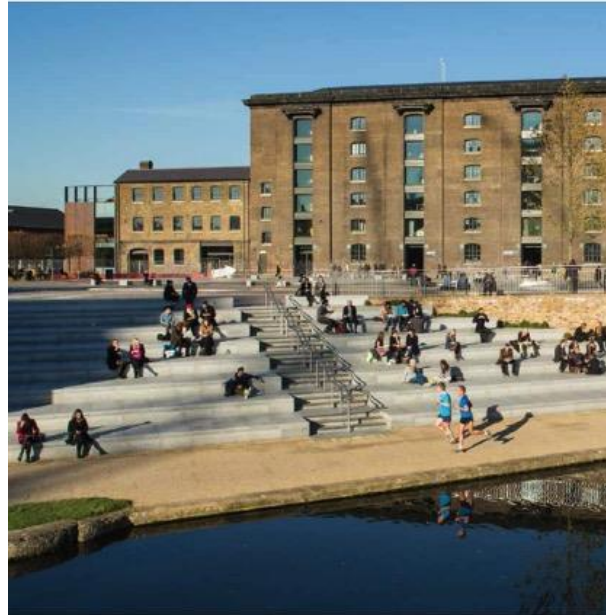
- **Full design panel**
 - Large-scale project review where there is significant impact on landscape and communities
- **Workshop**
 - Thematic topic review for design approach documents, procurement strategies or significant engineering/architecture works
 - **Chairs review**
 - HS2 specific session to discuss responses to IDP recommendations
- **Mentoring session**
 - Focussed advice on topics or comments on smaller projects



Design Review principles and practice

1. Independent
2. Expert
3. Multidisciplinary
4. Accountable
5. Transparent
6. Proportionate
7. Timely
8. Advisory
9. Objective
10. Accessible

Design Review
Principles and Practice



Who are the Panel?



IDP Board



Prof. Sadie Morgan (chair)

Director, dRMM

Sadie Morgan is a founding director of Stirling Prize winning architecture practice dRMM. She lectures internationally on the importance of infrastructure which connects back to people and place. Sadie was named 'New Londoner of the Year' by the NLA and has won 'Female Architectural Leader of the Year' at the BD awards and the AJ100 Contribution to the Profession. In 2019, she was awarded a RIBA honorary fellowship and appointed as a member to the Homes England board. She recently founded the Quality of Life Foundation. Sadie was recognised with an OBE in 2020 for services to the advocacy of design in the built environment.



Tony Burton (vice chair)

Community engagement consultant

Tony Burton works on a range of community, design and environmental projects and has 30 years of board level experience. Tony is one of the country's leading neighbourhood planners, and an Independent Examiner. He chairs two community review panels and is an independent member of Tarmac's sustainability panel. He is a design advisor to the National Infrastructure Commission and chair of Campaign to Protect Rural England (London). Tony advised HS2 Ltd on establishing the Independent Design Panel and was recently chair of the National Lottery Community Fund. In 2010 he founded Civic Voice - the national charity for the civic movement. Tony was recognised with a CBE in 2012 for services to planning, local government and community.



Xanthe Quayle (deputy chair)

Director, Xanthe Quayle Landscape Architects

Xanthe Quayle is a landscape architect with experience in urban design. She founded Xanthe Quayle Landscape Architects, an independent design studio in West Yorkshire. She relishes stakeholder engagement on projects in the interest of supporting successful outcomes, and raising awareness of the power of good landscape design to transform the quality of people's everyday lives. Her expertise has evolved through work on a broad range of regeneration schemes at national, regional and local levels, commonly with public realm at their heart, most recently at Holland Park in London and Sowerby Bridge in Calderdale.



David Ubaka (deputy chair)

Director, D.U.P Limited

David Ubaka is an architect and urban designer with both public and private sector experience in transport infrastructure, public realm, housing, heritage centred regeneration, masterplanning, strategic design guidance, policy creation, and stakeholder engagement. In a previous role with the GLA / TfL he provided design leadership and advice on major transport, regeneration, and public realm projects. He was also involved in founding Urban Design London to develop better design understanding in London local authorities. He continues to champion design as a chair or panel member for Design Council, Historic England and the London Boroughs of Hounslow, Havering, Haringey, Tower Hamlets and Barking and Dagenham.

Who are the Panel?



What have they done?



What have they done to date?

Since September 2015 there has been...

Phase	Number of Meetings
Phase 1	236
Phase 2A	16
Phase 2B	41
Thematic and CX	125
Governance	26
Total:	444 meetings

from which the panel has made...

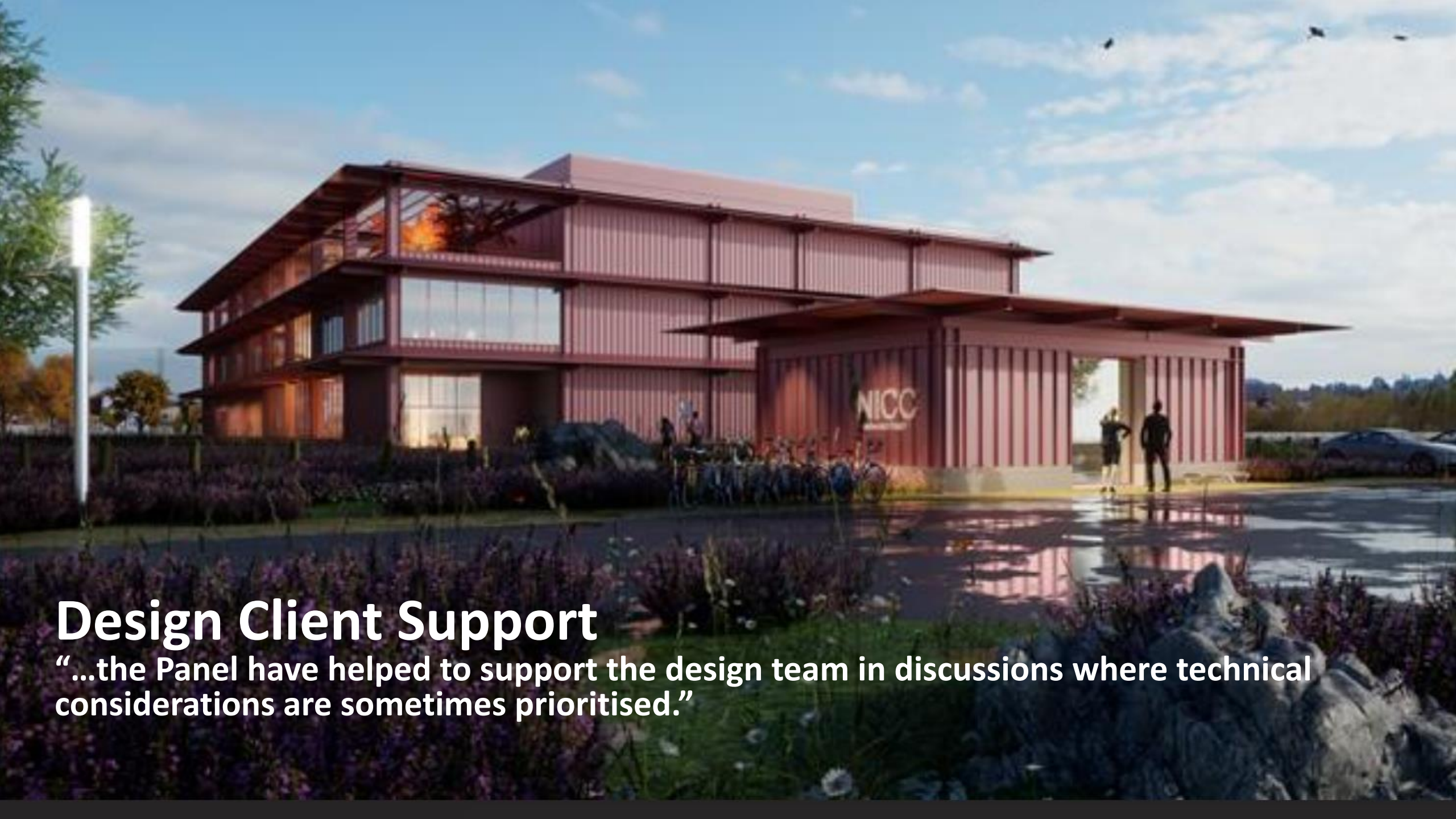
~3125 Panel recommendations directed towards HS2, Supply chain, local authorities, and DfT.



Design Approaches

...contributing and championing newly created Design guidance documentation and requirements.





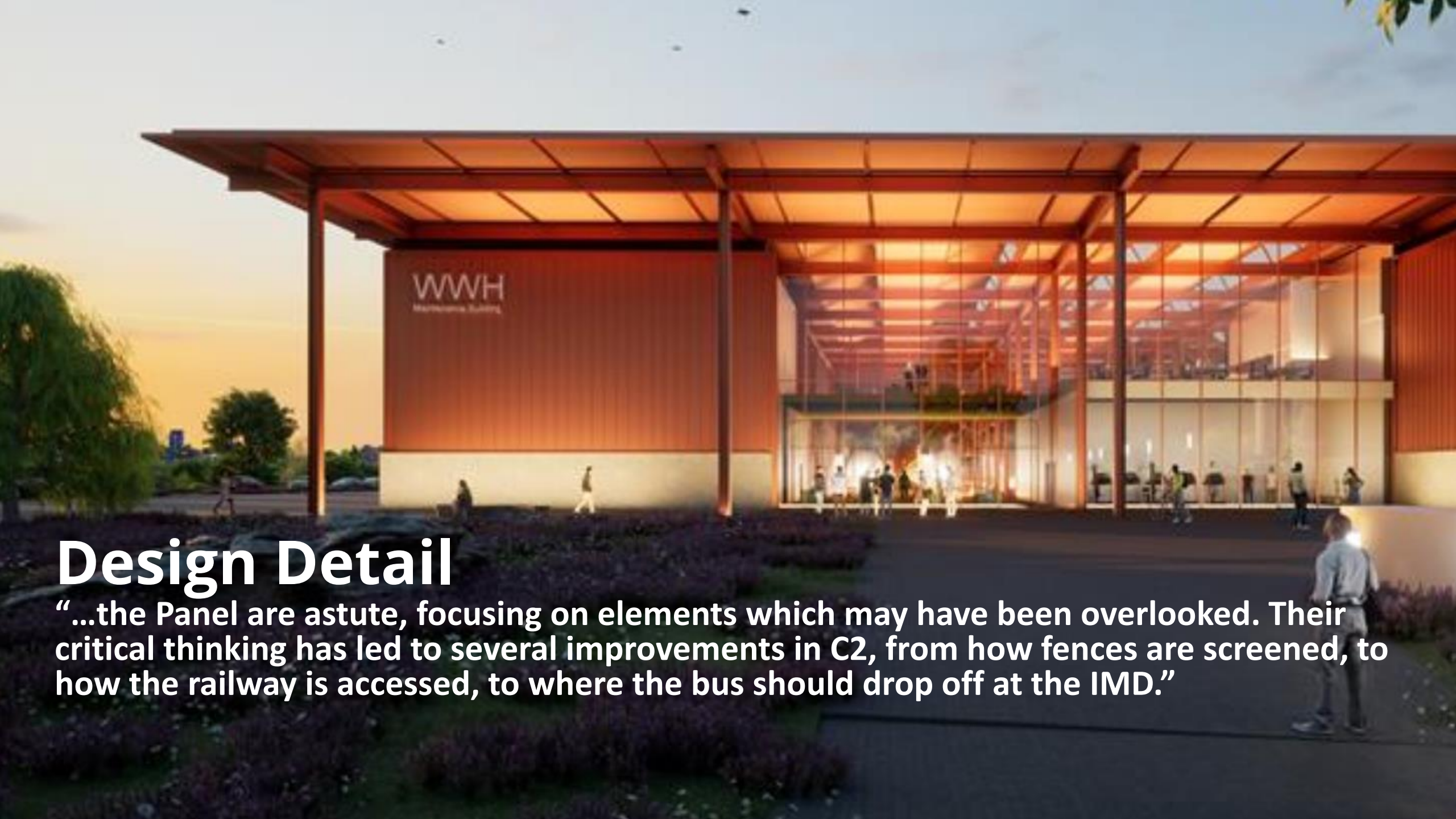
Design Client Support

“...the Panel have helped to support the design team in discussions where technical considerations are sometimes prioritised.”



Programme Integration

...supporting areas of the programme which support the aims of the design vision, such a Sustainability Vision, Active Travel, Customer Experience, Green Corridor... to build the best railway in the best way.



WWH
Mathematics Building

Design Detail

“...the Panel are astute, focusing on elements which may have been overlooked. Their critical thinking has led to several improvements in C2, from how fences are screened, to how the railway is accessed, to where the bus should drop off at the IMD.”



Arts & Culture

...advocating the importance of Arts & Culture in infrastructure and supporting the team.



Panel Reports

“...the reports are good and a helpful tool during our discussions with contractors. They are often referenced in internal design reviews.”

Thank you

HS2 INDEPENDENT
DESIGN PANEL

Key IDP document links

HS2 Design Vision [HS2_Design_Vision_Booklet.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041667/HS2_Design_Vision_Booklet.pdf)

IDP Handbook [2002_HS2_IDP_Handbook_without_Appendices .pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041667/2002_HS2_IDP_Handbook_without_Appendices.pdf)

**Schedule 17
overview** [Schedule 17 stage - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1041667/Schedule_17_stage_-_GOV.UK.pdf)

Example:

Curzon St Station:

IDP Sch 17 Report [190909-HS2-IDP-02U-S17 Report-Curzon Street Station_Non Confidential_DRAFT \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041667/190909-HS2-IDP-02U-S17_Report-Curzon_Street_Station_Non_Confidential_DRAFT.pdf)

**Design and
Access
Statement** https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041667/1SN04-WSP-AR-STA-NS08-000001_C02_screen_compressed.pdf

Environmental Memorandum - overview

HS2 Ltd



Draft Environmental Memorandum

The draft Environmental Memorandum relates to the environmental aspects of the design and construction of Phase 2b of HS2.

It provides a framework for the nominated undertaker and representatives of the National Environment Forum (NEF) to work together to ensure that the design and construction of Phase 2b of HS2 is carried out with due regard for environmental considerations, including the historic environment.

NEF:

- Historic England
- Historic Environment Scotland
- Environment Agency
- Scottish Environment Protection Agency
- NatureScot
- Natural England
- Representatives from relevant UK and Scottish Government departments, including the Forestry Commission and Scottish Forestry.



Draft Environmental Memorandum - Aims

The nominated undertaker and National Environmental Forum agree to:

- design and construct Phase 2b of HS2 such that significant environmental effects are eliminated, controlled or reduced where reasonably practicable;
- prevent environmental risks and avoid or control the extent of environmental damage by developing mitigation measures to an appropriate standard and monitoring and enforcing them effectively;
- address sustainability principles in on-going design development, taking opportunities for environmental enhancement and compensation where practicable and reasonable; and
- in doing so, recognise that the nominated undertaker will take a responsible approach to balancing the achievement of environmental principles set out in Section 4 with the overall objectives of Phase 2b of HS2.

The draft Memorandum sets out the mechanisms for achieving these aims.



Draft Environmental Memorandum

The draft Memorandum is concerned with impacts on:

- nature conservation;
- terrestrial and aquatic ecology;
- water resources and flood risk;
- geological features;
- recreation and amenity impacts;
- landscape and visual;
- public open space;
- soils;
- agricultural and forestry land; and
- excavated material.



Draft Environmental Memorandum

Changes from previous phases:

- Updated references and text to reflect the specifics of the Phase 2b scheme
- Reference to CEEQUAL scheme
- Inclusion of reference to Scottish regulator
- Updated in respect of the need to seek to achieve biodiversity net gains
- Updated policy references and addition of Scottish Legislation



Next steps

- HS2 believes these are a sound set of controls that have been well established through the previous phases of the project.
- We will consider and respond to Member's questions and provide comments although it should be noted that the principal engagement on the on the EM takes place with the Statutory Bodies through the NEF.
- Further technical meetings can be arranged as required.
- Given potential Select Committee timetable we are keen to understand and respond to any concerns as soon as possible.
- Comments requested on the EM by the end of **30th November**.



Qualifying Authorities - process

HS2 Ltd



Background

- Schedule 17 to the Bill establishes a special planning regime
- Aim of this planning regime is to give planning authorities a control on works in their area, and ensure a streamlined planning approvals process.
- The level of control planning authorities have depends on whether they choose to become a **qualifying authority**
- 26 of the 28 Phase 1 planning authorities chose to become a qualifying authority
- All 5 of the 2a authorities signed up to become a qualifying authority



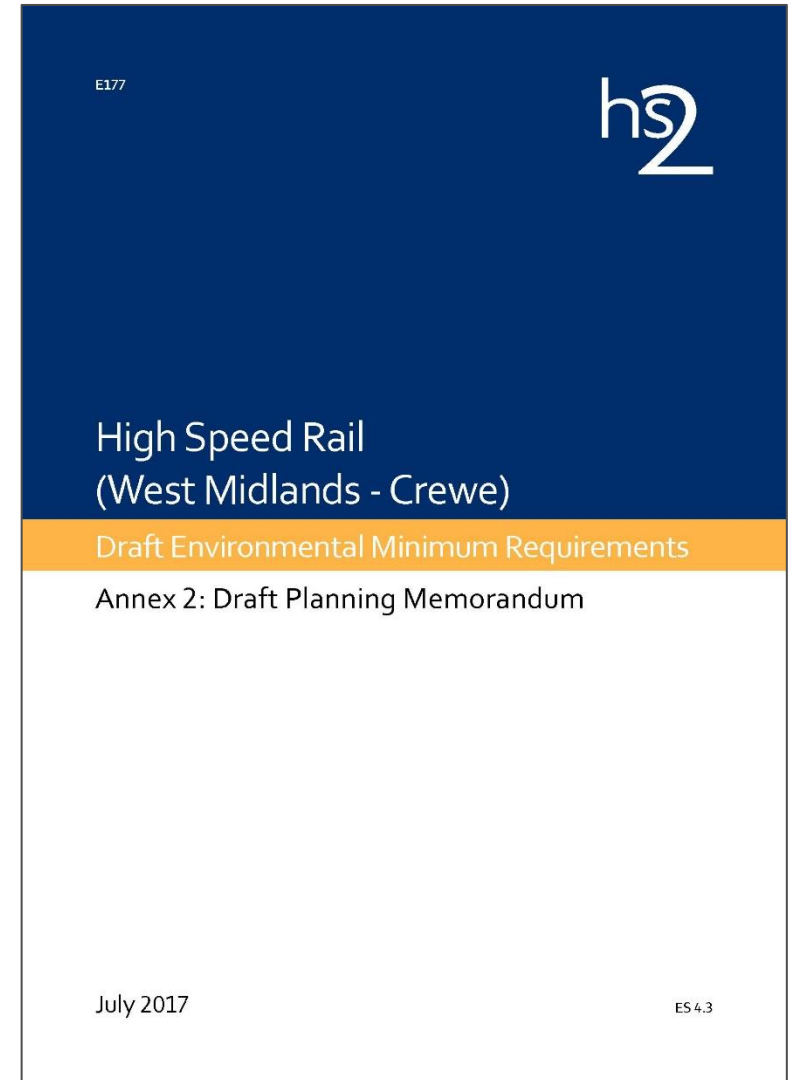
Schedule 17 Request for Approval

Request for Approval	Qualifying Authority	Non-qualifying Authority
1) Plans & Specifications	✓	✓
Buildings Works	✓	✓
Other Construction Works - e.g. earthworks, fences	✓	✗
2) Construction Arrangements	✓	✗
3) Road Transport	✓	✗
4) Waste and spoil disposal and excavation	✓	✗
5) Bringing into Use	✓	✗
6) Site Restoration	✓	✓

The draft Planning Memorandum

Annex 2 of the Environmental Minimum Requirements

- The Planning Memorandum sets out undertakings on the planning authority for the handling of planning matters under Schedule 17, which include:
 - participating in pre-app discussions with the nominated undertaker
 - determining a request for approval within 8 weeks
 - ensuring adequately experienced staff are available to process applications
 - Attending Phase 2b Planning Forum



Process for becoming a Qualifying Authority

- Para 13 of Sch 17:
- *13 (1) As soon after the day on which this Act is passed as the Secretary of State considers reasonably practicable, the Secretary of State must by regulations specify every planning authority which—*
 - (a) had, **on or before the day on which the Bill for this Act was reported from Select Committee in the House of Lords**, given the Secretary of State undertakings with respect to the handling of planning matters arising under this Schedule which the Secretary of State considered satisfactory, and*
 - (b) has not subsequently been released from its undertakings*
- Planning authorities will need to formally sign a copy of the Memorandum
- To do this a full decision of the Council will be required
- The Forum will return to this closer to the time
- Led by DfT



Subgroup update

HS2 Ltd



Previous Subgroup meetings

Subgroup	Date (last quarter)	Meeting topic
Highways	15.09.22	1. Introduction into Lorry Routes
Flooding and Drainage	22.09.22	1. Design development works post Royal-Assent 2. Surface water and groundwater flooding along line of route
EHO	27.09.22	1. EHO updates
Heritage	27.10.22	1. Schedule 18



Upcoming Subgroup meetings

Subgroup	Upcoming meeting date	Meeting topic
Highways	07.12.22 (hybrid)	1. TBC
EHO	TBC	1. TBC
Heritage	TBC	1. TBC
Flooding and Drainage	TBC (March)	1. TBC



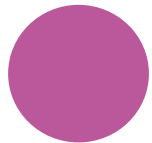
2022 Subgroup activity

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			27th		
Highways		22nd			26th				15th			7th
Flooding and Drainage		17th							22nd			

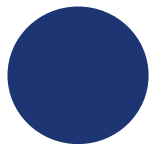
Subgroup common themes



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



Provide in-depth reasonings when documentations have changed/been updated



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

	9 th Nov 2022	January 2023	2023
1.	Petitioning responses - overview of key themes and HS2 Ltd's response	Statutory Undertakers and reinstated PDRs	Planning Regime review
2.	Environmental Memorandum	KDE update	Planning Forum Notes
3.	Process for becoming a Qualifying Authority	Environmental Memorandum recap	Draft Statutory Guidance
4.	Sub Groups Update	Overview of 2023 meeting content	
5	Key Design Elements (KDEs)		
6	Independent Design Panel - overview		



Arrangements for next meeting:

- 11th January 2023



AOB/Questions?



2023 Planning Forum dates

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

*Two meetings to be hybrid



END

