

# HS2

## Phase 2b (Western Leg) Planning Forum

15 September 2021

# Agenda and Introductions



Item		Lead	Time
	Welcome and introductions	Forum Chair	14:00
1	Review of minutes and actions from previous meeting	HS2 Ltd	14:05
2	Purpose of current meeting	HS2 Ltd	14:20
3	Confirmation of: <ul style="list-style-type: none"> <li>• Permanent Chair</li> <li>• Terms of Reference</li> </ul>	HS2 Ltd	14:30
4	Updates to Planning Regime	HS2 Ltd	14:35
	Break		15:20
5	Community Engagement	HS2 Ltd	15:30
6	Hybrid Bill process: <ul style="list-style-type: none"> <li>• Influencing scheme during Bill passage</li> <li>• Lead Local Authority Process</li> </ul>	HS2 Ltd	15:40
7	Planning authority feedback and matters	Planning authorities	16:00
8	Arrangements for next meeting: <ul style="list-style-type: none"> <li>• 10<sup>th</sup> November 2021.</li> <li>• Venue</li> </ul>	All	16:15
9	AOB	All	16:20
	End		16:30

# Review of minutes and actions from previous meeting



Action	Action Owner	Status
Members should send comments on the Terms of Reference to the 2b Planning Forum email address by 31st of July.	All Members	Complete. Covered under item 3.
HS2 Ltd will circulate the revised draft Terms of Reference/response to comments two weeks before the next meeting and these will be agreed at the next meeting.	HS2 Ltd	One response received. Covered under item 3.
Members to email the Phase 2b Planning Forum email address by 31st July with their preferences on the recruitment of the role.	All Members	Complete. One response received. Covered under item 3.
To confirm the dates of future meetings.	HS2 Ltd	Invites for 15/9/21 circulated. Future dates covered under item 8 with invites to follow
Interim Chair should request to meet with representatives of each planning authority to gain a better understanding of the benefits and impacts of the HS2 project in their area.	HS2 Ltd	Complete - Email sent 15/06/2021 to introduce chair but also request pre-meetings with authorities and request individual meetings with authorities.
HS2 confirmed that they will circulate the slide packs of all presentations made at the meeting.	HS2 Ltd	Complete - Email sent 01/07/2021
Committed to producing a planning forum paper on Bill Process.	HS2 Ltd	Complete. Overview circulated 13/09/21

# HS2

## Questions?



# Purpose of Current meeting



# Confirmation of:

- Permanent Chair
- Terms of Reference





# Appointment of Chair and agreeing ToR

- Chair

- Appointment of permanent Chair discussed at the previous meeting of the Forum.
- Options for appointment were discussed.
- Members were asked to email HS2 Ltd with their preferences for appointing the permanent chair.
- One response received supporting the appointment of the temporary chair to the permanent role.
- **Recommendation: that the Forum appoints the interim chair to the permanent role.**

- Terms of Reference

- The draft ToR for the Forum have been circulated to the Forum.
- They were discussed at the last meeting and members asked to send any comments to HS2 Ltd.
- One comment was received.
- **Recommendation: that the Forum agrees the Terms of Reference as circulated.**



# Updates to the Planning Regime



# HS2

## **Proposed clarifications & amendments for inclusion in 2b Bill (Western Leg) - Planning Schedule**

15<sup>th</sup> September 2021

# Overview

- Recap – The Phase 2b hybrid Bill will include a special planning regime for the approval of certain details from the relevant LPA (largely replicating the regime in Phase 1 and Phase 2a).
  - Based on learning and experience from the Phase 1 operation of the planning regime, a number of clarifications and minor amendments are now proposed for inclusion in the 2b bill. These changes also align with consultation requirements as set out in the Development Management Procedure Order.
  - These minor clarifications are intended to remove ambiguity and provide a more effective planning schedule for all parties.
  - These clarifications are shared today for information. Consensus on the amendments will be ultimately sought from the Forum.
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# No validation process

**Background:** The determination period of submissions made under the planning schedule is 8 weeks from the date on which the submission is received by the LPA or such an extended period as may be agreed between the planning authority and the nominated undertaker.

**Reason for clarification:** Although clear in the existing legislation, there has been some ambiguity in Phase 1 Planning Forum discussions concerning the commencement of the determination period. This followed a Court of Appeal decision related to a limited issue of the scope of information required for submission.

**Proposed clarification:** Additional clarifying text is proposed in 2b Bill, setting out that it is the submission of the information for which there is a statutory requirement that is relevant to the determination period timescales.

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# Requirements for Statutory Consultation

**Background:** There is a requirement for statutory consultation on submissions for approval related to certain specified matters.

**Reason for amendment:** Phase 1 Planning Forum has reported ambiguity and a lack of clarity regarding when Natural England ('nature conservation') & Historic England ('Site of archaeological or historic interest') should be consulted. More issues have been referred to NE & HE than was intended, resulting in a burden on these bodies, a burden on LPAs and a prolonged determination process.

## **Proposed amendment:**

- For NE replace 'nature conservation' with 'SSSI'.
  - For HE replace 'site of archaeological or historic interest' with specific criteria related to historic sites and status.
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# The role of EMRs in the planning regime

**Background:** The EMRs are commitments intended to control the impact of the project on the environment. They are contained in documents which sit outside of the Bill. The Secretary of State will impose an obligation to comply with the EMRs in the development agreement with the nominated undertaker. These controls have played a key role in controlling environmental impact on previous infrastructure projects such as Crossrail and Channel Tunnel Rail Link.

**Reason for clarification:** There has been the perception that the relationship between the EMRs and the planning schedule has not been clear within the existing high speed rail legislation, leading to ambiguity over how environmental impact is controlled.

**Proposed clarification:** The inclusion of explicit text within the Bill which makes clear the role of the EMRs in the context of the planning schedule and requires the planning authority to have regard to the EMRs in making its decision. As further clarification, it is also intended to explain the relationship in the planning memorandum.

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# The scope of approvals for Lorry Routes

**Background:** Under the planning schedule, there are requirements relating to the approval of arrangements for movements of large goods vehicles ('LGVs') to and from working and storage sites- commonly referred to as lorry route approvals. This approach follows that undertaken for previous infrastructure projects.

**Reason for clarification:** In the operation of the Phase 1 planning schedule, there has been some ambiguity over lorry route approvals and what information is required to be submitted for approval.

**Proposed clarification:** The Bill wording to clarify and be more explicit 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.

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# Defining 'local environment'

**Background:** Within the existing Ph1 and 2a legislation, one of the grounds on which a planning authority can refuse an application for approval or impose conditions is to preserve the *local environment* or *local amenity*.

**Reason for clarification:** The intention was for the terms to cover the elements of the environment that contribute towards the human enjoyment of the local area. Again, there has been ambiguity of the meaning of these terms.

**Proposed change:** 2b Bill to clarify the terminology, defining "local environment and amenity" in terms of the elements of the environment that contribute towards the human enjoyment of the local area', in line with the human enjoyment focussed GPDO definition. Statutory guidance to also expand and clarify the meaning of local environment in addition to the text in the Bill.

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# Site restoration requirements

**Background:** The nominated undertaker must restore a site in accordance with a scheme agreed with the relevant planning authority. Under Phase 1 & 2a, this requirement applies to **any** site which has been used for carrying out operations ancillary to the construction of any of the scheduled works.

**Reason for clarification:** Most sites used by the nominated undertaker will be materially altered or affected by the HS2 works. However, there will also be some sites where the use made of the site by the nominated undertaker does not change or materially alter the site. For example, the use of an existing access road as an access road; or use a site for storing materials without changing the site. There is little merit in requiring a site restoration scheme in such cases and it places an unnecessary administrative burden on parties.

**Proposed clarification:** The 2b Bill to include clarifying text that sets out there being 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.

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# Aligning 'temporary' works definitions

**Background:** Phase 1 and 2a High Speed Rail Acts set out that for building works, further approval of detail is not needed for **temporary** buildings. The Acts set out that a building is only temporary "if it is intended to remain in place for no longer than two years after the date on which the scheduled work is brought into general use"

**Reason for clarification:** For other construction works (e.g lighting equipment, fencing, noise screens), the Acts again set out that further approval of detail is not required for temporary works, yet 'temporary' is not defined in this specific context.

**Proposed clarification:** The 2b Bill to include a definition of temporary in the context of other construction works, aligning with that which covers building works.

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# Extension of the determination period by the nominated undertaker

**Background:** Under the Phase 1 and 2a Act, once the determination period has lapsed, the planning authority is deemed to have refused the application for approval.

**Reason for amendment:** The determination period may be extended by agreement between the nominated undertaker and the planning authority but occasions have arisen where an extension has not been formally agreed, leading to a deemed refusal and the potential for an 'accidental' appeal.

**Proposed amendment:** The 2b Bill to include ability of the Nominated Undertaker to unilaterally extend the determination period by written notice in relevant circumstances and without the need for a formal agreement with the LPA.



# Appeal costs

**Background:** In the event that the nominated undertaker is not content with a planning authority's decision following a request by the nominated undertaker for approval, the nominated undertaker may appeal that decision. There is no provision in the existing Acts for costs of such appeals to be reclaimed either by the nominated undertaker or the planning authority.

**Reason for change:** This is at odds with the approach under the 'Planning Acts'.

**Proposed change:** 2b Bill to align an appeal cost process with that under the Town and Country Planning Acts, to enable both the local authority or nominated undertaker to seek the recovery of costs in relevant circumstances.



# Timeframe for Judicial Review

**Background:** Under the Phase 1 and 2a Acts, judicial review of determinations of appeals by the appropriate Ministers are subject to a time limit of 3 months in accordance with the Civil Procedure Rules.

**Reason for amendment:** This is inconsistent with the 6 week period following the issuing of a determination under the 'Planning Acts'.

**Proposed amendment:** 2b Bill to replace the 12 week with a 6 week timeframe, in line with the 'Planning Acts'.



**Break**  
(10 Minutes)



# Community Engagement





# Phase 2b Western Leg Route Wide Update: June – July 2021

## Stormont Hall event, Gretna Green

“great employment opportunity for our area”

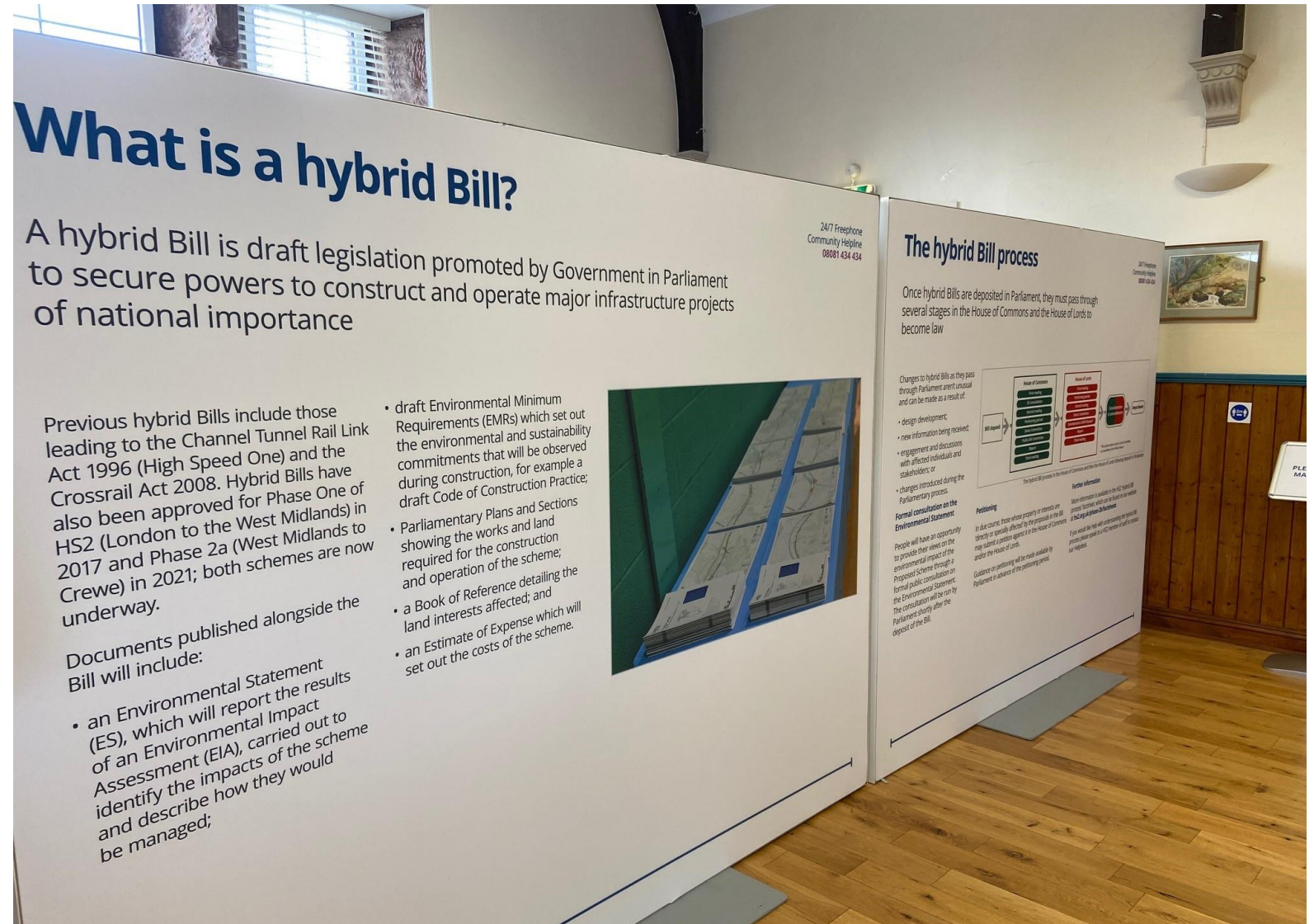
“Very professional and informative”

“pleased that you bought info to a Gretna local hall. thank you”

## Manchester Airport Marriott event

“Excellent event, very good room set up and nice to speak to very knowledgeable HS2 employees.”

“Listen and be willing to change modify plan without having end up at petition stage”



The image shows an exhibition with two large white panels. The left panel is titled "What is a hybrid Bill?" and the right panel is titled "The hybrid Bill process". Both panels contain text, diagrams, and lists of documents included with a hybrid bill. The exhibition is set in a room with wooden flooring and a picture on the wall.

## What is a hybrid Bill?

A hybrid Bill is draft legislation promoted by Government in Parliament to secure powers to construct and operate major infrastructure projects of national importance

2477 Freephone  
Community Helpline  
08001 434 434

Previous hybrid Bills include those leading to the Channel Tunnel Rail Link Act 1996 (High Speed One) and the Crossrail Act 2008. Hybrid Bills have also been approved for Phase One of HS2 (London to the West Midlands) in 2017 and Phase 2a (West Midlands to Crewe) in 2021; both schemes are now underway.

- draft Environmental Minimum Requirements (EMRs) which set out the environmental and sustainability commitments that will be observed during construction, for example a draft Code of Construction Practice;
- Parliamentary Plans and Sections showing the works and land required for the construction and operation of the scheme;
- a Book of Reference detailing the land interests affected; and
- an Estimate of Expense which will set out the costs of the scheme.

Documents published alongside the Bill will include:

- an Environmental Statement (ES), which will report the results of an Environmental Impact Assessment (EIA), carried out to identify the impacts of the scheme and describe how they would be managed;

## The hybrid Bill process

Once hybrid Bills are deposited in Parliament, they must pass through several stages in the House of Commons and the House of Lords to become law

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0800 1434 434

Changes to hybrid Bills as they pass through Parliament are minimal and can be made as a result of:

- design development;
- new information being received;
- engagement and discussions with affected individuals and stakeholders; or
- changes introduced during the Parliamentary process.

**Formal consultation on the Environmental Statement**

People will have an opportunity to provide their views on the environmental impact of the Proposed Scheme through a formal public consultation on the Environmental Statement. The consultation will be run by Parliament shortly after the deposit of the Bill.

**Petitioning**

In due course, those whose property or interests are likely to be specially affected by the proposed Bill may submit a petition against the Bill to the House of Lords.

Guidance on petitioning will be made available by Parliament in advance of the petitioning period.

**Further information**

More information is available on the hybrid Bill process, which can be found on the website: [https://www.hs2.gov.uk/legislation/legislation-bills-and-acts](#)

If you would like help with understanding the impact of the proposed Bill on your property or interests, please contact the HS2 Helpline on 0800 1434 434.

FILE 144

# At a glance

## ONE TO ONE APPOINTMENTS

56 appointments booked

## WEBSITE

Western Leg page  
7,146 views,  
4,875 P2b page views

## NAVIGATOR

2,478 views  
Most viewed - Hulseheath to  
Manchester Airport (MA06)

## PUBLIC INFORMATION EVENTS

263 attendees at 6 events  
Highest attendance- High  
Legh Village Hall, Knutsford  
(MA03)

## WEBINARS

183 joined 6 webinars  
Most registrations -  
Introduction to RWU 2021  
and the Hybrid Bill Process

## SOCIAL MEDIA ADVERTISING

Total reach - 612775  
Total link clicks - 7972



# Hybrid Bill process:

- Influencing scheme during Bill passage
- Lead Local Authority Process



# HS2

## Influencing the scheme during Bill passage

September 2021



# Influencing the scheme during Bill passage

At the first meeting in June HS2 Ltd was asked to produce a paper explaining what opportunities there were for people to influence the scheme during the Parliamentary process.

The paper has been circulated separately.

The intention is that the substantive content of the paper will be published on the HS2 Ltd website shortly, together with additional material about petitioning and appearing before a Select Committee.



# HS2

## Lead local authority approach

September 2021



# Lead local authority approach

During the passage of the Phase 1 Bill it was agreed with the local authorities that where there were generic issues that were of concern to a number of local authorities (eg operational noise and vibration) the local authorities would identify amongst themselves an authority that would lead on the issue on behalf of all the other local authorities. That local authority would take the lead in engaging with HS2 Ltd, and, if necessary, in appearing before the Select Committee to give evidence.

This approach was welcomed by the Select Committee, and had a number of advantages for both HS2 Ltd and the local authorities, as it meant that:

- HS2 Ltd could engage with a single point of contact; and
- the local authorities could spread the workload amongst themselves.

During the passage of the Phase 2a Bill the local authorities did not identify any such generic issues, not least because the issues of most concern had been fully considered during the passage of the Phase 1 Bill.



# Planning authority feedback and matters





# Arrangement for next meeting:

- 10<sup>th</sup> November 2021
- Venue



# AOB/Questions?

