

INDEPENDENT Phase 2b Planning FORUM FOR HS2

Title:	Phase 2b Planning Forum for HS2	
Date & Time	Wednesday 30th June 2021 10:00 – 12:20 Microsoft Teams (virtual meeting)	
Chair		Interim Independent Chair
HS2 Ltd Attendees:		HS2 Ltd - Town Planning Lead, Phase 2 HS2 Ltd – Town Planning Assistant HS2 Ltd - Head of Town Planning HS2 Ltd- Senior Town Planning Manager HS2 Ltd- Town Planning Manager HS2 Ltd- Community Engagement Manager HS2 Ltd- Head of Consultation and Engagement HS2 Ltd- Senior Petition Manager HS2 Ltd- Town Planning Advisor HS2 Ltd- Hybrid Bill Delivery Director

Local Authority Attendees:		Cumbria County Council Lancashire County Council Manchester City Council Manchester City Council Warrington Borough Council Warrington Borough Council Wigan Council Wigan Council Cheshire West and Chester Council Cheshire West and Chester Council Trafford Council Trafford Council Cheshire East Council Dumfries and Galloway Council Carlisle City Council Carlisle City Council Carlisle City Council Carlisle City Council
Promoter Attendee:		Department for Transport (DfT) Department for Transport (DfT)
Apologies:		

Item		Action Owner
	Introductions	

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	<p>As this was the first meeting of the Forum, the Chair asked all attending to introduce themselves.</p>	
<p>1</p>	<p>Phase 2b Planning Forum</p> <p>Purpose of meeting and draft term of reference (HS2) gave an overview of the purpose of the Planning and its draft terms of reference -</p> <ul style="list-style-type: none"> • Explained that the Planning Forum is where HS2 Ltd (which will be the nominated undertaker for Phase 2b), the Department for Transport and local authorities along the line of route come together to coordinate the effective delivery of town planning matters for Phase 2b. The Forum forms part of a wider set of engagement processes on planning matters between HS2, DfT and local authorities defined in the Planning Memorandum. • Forum has a long duration extending through the Parliamentary process, construction, and delivery phases. • The focus of individual Forum meetings will change over time. Initially HS2 will be seeking to engage views from the Forum on matters of route-wide control including legislation, EMRs, certain route-wide undertakings and draft statutory guidance as these have to be settled on a route-wide basis. • There cannot be different standards and controls in each local authority along as this would be impractical. Therefore, consensus will be sought in the Forum on route wide processes and controls. • Once the planning regime is operational, the Nominated Undertaker and other members (the Nominated Undertakers is the body appointed under railway hybrid Bills to implement the powers after Royal Assent) will work to ensure the effective implementation of the planning schedule, looking at matters such as trends in determination periods and whether further guidance or standards are needed. • If an authority has a concern about something in its locality then this is handled bilaterally through the Bill and Engagement teams. This is a separate process from the Planning Forum. • It was noted that the planning authority membership of the Forum is defined as being those with land within Bill limits. • Mentioned that the draft terms of reference have been circulated. Members are requested to send any comments they have on them to the Phase 2b Planning emails address by 31st July. • The Forum will have an independent chair; this is considered important as the meeting is collectively owned by its members, not by HS2 Ltd. • Output of the meeting will change over time. The frequency of the meetings of the Forum will be monitored and adjusted accordingly, usually these will be generally quarterly although currently the 	

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	<p>Phase 1 and 2a Forums have sufficient matters to address that they meet every two months.</p> <ul style="list-style-type: none"> • Flagged that the other HS2 Planning Forums have established subgroups for environmental health, highways and heritage and this may be useful for this Forum at a later stage in the process. <p>Discussion / Questions Chair noted that there is a proposal for the Forum to meet in September hence the need for comments to be received in July.</p> <p>Action- Members should send comments on the Terms of Reference to the 2b Planning Forum email address by 31st of July.</p> <p>Action- HS2 Ltd will circulate the revised draft/response to comments two weeks before the next meeting and these will be agreed at the next meeting.</p> <p>Appointment of permanent chair Paul Gilfedder (HS2) explained that the draft terms of reference are not prescriptive over how the permanent chair is appointed. On Phase 2a the interim chair was appointed to permanent following a discussion at the Forum while Phase 1 the role was appointed after it was advertised, and interviews were conducted. HS2 Ltd has no strong view on the process for appointing the permanent chair and will be guided by members of the Forum.</p> <p>It was asked if members had any thoughts on the process. No comments were made. It was agreed that members should send any views they have on the appointment process to HS2 by the 31st July. Paul Gilfedder (HS2) suggested that If no one expresses an opinion by this date, then the interim chair will be made permanent at the next meeting.</p> <p>Action- Members to email the Phase 2b Planning Forum email address by 31st July with their preferences on the recruitment of the role.</p> <p>Member costs associated with Planning Forum HS2 Ltd explained that it has entered service level agreements with authorities on previous phases for certain costs associated with the scheme including those associated with Planning Forum. Some 2b authorities have already entered into such agreements for Phase 2b. See slide for further details. Any questions on this should be sent to hs2technicalengagement@hs2.org.uk.</p> <p>Discussion / Questions</p> <p>Dates of Future meetings Interim Chair - asked HS2 to indicate when the best timings for the next meetings of the Forum would be later this year. Paul Gilfedder- Intend to</p>	<p>All Members</p> <p>HS2 Ltd</p> <p>All Members</p>
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	<p>meet 15th of September and 10th of November and will aim to avoid school holidays.</p> <p>Action- To confirm the dates of future meetings.</p> <p>Interim Chair- Asked for opinions from members of authorities who had taken part in previous phases planning Forums</p> <p>(CEC)- Offered to share her experience with the local authorities as CEC is already involved in Phase 2a Forum.</p>	<p>HS2 Ltd</p>
<p>2</p>	<p>Status of Project- Update</p> <ul style="list-style-type: none"> • Construction work on Phase 1 has commenced along many parts of the route, including the start of work on the tunnels under the Chilterns. • Phase 2a scheme has just got Royal Assent- currently working on detailed ecology surveys and starting land acquisition program. Changed the contracting method and have more of a detailed design before appointing the main contractors. Learning from phase one and putting into practice in 2a. This is a smaller scheme than 2b so there are different challenges • Phase 2b Eastern Leg - We are waiting for the publication of the Government’s Integrated Rail Plan (IRP). As soon as this is published the Forum will be informed. • Phase 2b- Phase 2B bill will be deposited in early 2022 or sooner if possible. Forum members should have been notified of the latest route wide update. The purpose of the update is to ensure communities are aware of the design that will form the hybrid bill. Once the bill has been submitted HS2 will enter a different stage of engaging with communities so it’s important to help them understand that we are coming to the end of the pre Bill deposit consultation and reaching the parliamentary stage. Recently undertaken the first in person events since the pandemic. In some circumstances engagement through the digital format has been beneficial for reaching people at some time periods so this is a lesson learnt from the pandemic and will be taken forward. 	
<p>3</p>	<p>Introduction to Hybrid Bills</p> <p>(HS2) gave an overview of what hybrid Bills are and the processes associated with them as they go through Parliament.</p> <ul style="list-style-type: none"> • Hybrid Bills are a combination of elements of public and private Bills. HS2 Bills seek to secure all the powers needed to build and operate the railway. The Bill will seek deemed planning consent 	

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	<p>subject to approval of details in the planning regime under Schedule 17.</p> <ul style="list-style-type: none">• Hybrid Bills remain the process of choice for authorising large linear infrastructure projects of national significance. Government's promote schemes by hybrid Bill to show government support and show political commitment in the early days of the scheme.• Petitioning is the process by which those whose property or interests are directly and specially affected by the proposals in the Bill can object and seek modification to the proposed scheme. Guidance on petitioning is published by Parliament in advance of the petitioning period.• Undertakings and Assurances can be given to those affected by the Bill during its passage through Parliament. These are commitments given to those affected by the proposals. A Register of the commitments given will be maintained and they will be delivered by whoever builds the railway.• The scheme set out in the Bill can be altered through Additional Provisions, which are changes to the powers in the Bill. Additional Provisions are in effect be mini Bills, with similar components (eg Bill text, Environmental Statement, Book of Reference etc) and can be petitioned against. The proposed scheme can also be altered through Supplementary Environmental Statements which, while not altering the powers being sought in the Bill, alter the environmental impact of the scheme.• It takes approximately 3 years for a Bill to pass through Parliament. <p>Discussion/Questions-</p> <p>(DGC)- Noting that the proposed Annandale depot was in Scotland, queried the approach proposed in the Bill for the construction of this depot as the Scottish Parliament has devolved powers for planning in Scotland?</p> <p>(HS2)- The intention is that the Bill will include the powers necessary for the proposed works in Scotland. The Bill will create bespoke regimes for planning and other consents which will apply to all HS2 works authorised under the Bill.</p> <p>Interim Chair- The Bill is intended to be deposited early next year, or sooner. What are the factors affecting the timing of deposit?</p> <p>(HS2)- As far as HS2 Ltd is concerned, we expect to have all the necessary documentation ready by the end of this year. The timing of deposit will largely be driven by Government decision making and the outcome of the IRP. There is clear political interest in depositing the Bill as soon as possible.</p>	
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	<p>(HS2)- We will know more after publication of the IRP and the Summer Recess, and so will hopefully have a better indication of the likely Bill deposit date in October.</p> <p>(CWCC)- Interested to know how communities can be informed of the process to prepare their submissions and responses and feel as though they are engaged in the process.</p> <p>(HS2)- It is important that we collectively help communities understand what the hybrid Bill process means for them, as it is not well understood – it is not like a planning inquiry – and there are Parliamentary rules on who can be involved at each stage and what changes can be made to the Bill. Agree that it is important to help communities understand what they will be able to influence. Currently finalising the engagement plan, in September this will be discussed. The HS2 helpdesk is a resource for local communities.</p> <p>(HS2)- As part of Route-Wide Update 2 (RWU2) there is a video online explaining the hybrid Bill process and we are holding two webinars on the hybrid Bill process which can be signed up to alongside the other webinars on the scheme itself in order to understand the Bill process. Would also encourage people to watch videos of the Select Committee hearings on Phase 1 and Phase 2a to understand what participation looks and feels like. [Post-meeting note: the RWU2 video and webinar recording can be found on our RWU2 website at:</p> <p>https://www.hs2.org.uk/in-your-area/local-community-webpages/western-leg/.</p> <p>Parliament TV recordings of hearings of the Phase 2a House of Commons Select Committee can be found here and hearings of the Phase 1 House of Lords Select Committee can be found here.]</p> <p>(CWCC)- - What lessons have been learnt on earlier phases on how to educate people on what they can influence?</p> <p>(HS2)- The format of engagement has been influenced from previous phases. The affected parties’ programme has been introduced where affected parties are approached for discussions to really understand what the design means on them and how they can influence realistically. The local MP is often well informed on how the process works and can be a good alternative source to HS2 Ltd.</p> <p>Action- Interim chair- Asked HS2 if a one-page explanation would be useful to explain how people can or cannot influence the Bill process. Could Leonie possibly report on how this may be achieved in the next meeting</p> <p>- Committed to giving an update on the possibility of producing a one-page explanation at the next meeting.</p>	<p>HS2 Ltd</p>
<p>4</p>	<p>Overview of hybrid bill planning regimes</p>	

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	<p>Paul Gilfedder (HS2) gave an overview of town planning regimes in hybrid bills. It noted that the presentation is based on the Phase 2a Act and if the Phase 2b regime is different this will be considered by the Forum. He summarised the key features of hybrid bill planning regimes:</p> <ul style="list-style-type: none">• The framework of controls that will apply to 2b works will comprise controls in the 2b Bill, in the EMRs and existing legislation. The planning regimes fits into this framework and needs to be viewed in the context of these controls.• The planning authority for hybrid bills is Parliament. On Royal Assent the works authorized by the Bill are granted deemed planning permission. This deemed planning permission is subject to a special planning regime set out in a Schedule to the Act (hopefully Schedule 17 as this would then match earlier Acts for Phase 1 and II2a) under which certain approvals are required from the relevant planning authorities .• The planning regime is needed as Parliament only grants the principle of the works rather than the details. The planning regime is the route through which certain details are approved before the relevant works begin.• The range of approvals required depends on if the authority is a qualifying authority. Qualifying Authorities are those which sign the Planning Memorandum thereby making commitments on the implementation of the planning regime.• All authorities on Phase 2a opted to become qualifying authorities. On Phase 1 all but two authorities became qualifying authorities, those that did not both have very limited works in their area. Non qualifying authorities have a narrower range of control, approving the design of buildings and site restoration.• The planning regime defines the grounds local authorities can consider when determining applications.• Plans and specifications are the biggest set of approvals needed from planning authorities, almost everything built above ground will need approval. See the plans and specifications slide for a list of these.• An example from Phase 1 were used to illustrate the process. The design of Wendover Dean Viaduct evolved and was refined from the design used to inform the environmental statement to the schedule 17 design. This was done in with consultation of the authorities. Similarly, Curzon Street Station design was refined from a simple structure to a more refined structure that the City Council approved of. This shows the importance plans and specifications are in getting the right design.• Matters ancillary to development is how certain construction related matters are dealt with during the construction process such as the control of dust and site lighting.	
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	<ul style="list-style-type: none"> • The Class approval process is a route-wide approval of matters ancillary to development. It ensures that the right controls are put in place in an efficient manner. • Lorry route movements from sites with more than 24 movements a day require approval. • Site restoration approval is also required, ensuring sites used temporarily are restored appropriately once works have ceased. Depending on how the land was acquired this can be needed from both the planning authority and the landowner or just the planning authority. • Minerals and Waste- where materials such as gravel will need to be extracted and excess material be disposed of, the planning authority will approve the method of working and the restoration of the scheme before work starts. In two tier authorities these applications go to counties rather than districts. • Other requirements- See the slide. There are fees for applications- the fees regulations are based on the TCPA rates. <p>Discussion/Questions</p> <p>David Proctor (WC)- Reference was made to the pre-application process during various elements of the design, could you say some more about the window within the process you have described?</p> <p>Paul Gilfedder (HS2)- This takes place after contractors have been put in place after Royal Assent, the contractors do the design and HS2 oversee the work. It is usually down to the contractors to instigate it. The scale of pre application engagement varies depending on the work – in some instances (like at Curzon Street) it can be substantial and detailed engagement.</p>	
<p>5</p>	<p>Overview of Environmental Minimum Requirements</p> <ul style="list-style-type: none"> • Environmental Minimum Requirements (EMRs) are the Government’s environmental and sustainability commitments alongside the Act. These requirements impact on how the railway will be built and operated. The EMRs are set out in a General Principles document and its annexes which are three memoranda ,the Code of Construction Practice and the Register of Undertakings and Assurances. • The Planning Memorandum is the only EMR that puts responsibility on authorities other than HS2. • Heritage Memorandum- this will detail the approach to managing of heritage assets. It will cover both archaeology and above ground heritage assets and cover both statutorily designated and undesignated assets. 	

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	<ul style="list-style-type: none"> • The Environmental Memorandum- sets out the aims of the project in relation to the environment and the mechanisms for working with the National Environment Forum to achieve them. • Code of Construction Practice- sets out the series of standards and measures of work that will be applied by HS2 and its contractors during construction. This outlines principles for governing construction and requirement, to control impacts on people, businesses, and the natural environment. This also provides mechanisms to engage with the local community throughout the construction period. • In summary these are extensive controls on the project. There is a clear process for ensuring compliance which ultimately could end with disputes being considered by Parliament. <p>Discussion / Questions-</p> <p>Interim Chair- When in the process are you expecting to start the process of discussing the EMRs with the Forum? Dominic Moore- The draft EMRs are currently being prepared by HS2 Ltd. These are drawn directly from the EMRs that are in place for earlier phases of the scheme. Any changes from those on phases 1 or 2a will be flagged and considered by the Planning Forum.</p> <p>Interim Chair- Is this before the bill or after it has been deposited? Paul Gilfedder- If there are any changes to the planning legislation on phase 2b which require substantive alterations to the EMR model used for earlier Phases the Forum will discuss these before the bill deposit. If not (which is far more likely), then detailed engagement on EMR documents will be started post bill deposit.</p>	
<p>6</p>	<p>Planning authority feedback and matters</p> <p>No points raised</p>	
<p>7</p>	<p>AOB/Questions</p> <p>Interim Chair- sought the views of Forum members on whether future meetings should be in person or on line , acknowledging that as the Forum was newly established it would be useful to meet in person as soon as possible to allow people to get to know each other better. He also noted that meeting electronically has benefits also.</p> <p>(CWCC)- Appreciate value of face to face but have become accustomed to this format of working over time. There are time and cost efficiencies with the online approach and might be most appropriate. Maybe a rotation based on the key themes of the meetings, would be good to know the agenda prior to the meeting to achieve the best value out of Planning Forum.</p>	

