



Cabinet Meeting on Wednesday 17 July 2019

HS2 Phase 2a Qualifying Authority Process

Cllr Mark Winnington, Cabinet Member for Economic Growth said:

“From the outset we have pledged to get the best deal for Staffordshire and our communities and have ensured that the county’s voice is heard by both Government and HS2 Limited at every stage.

While becoming a qualifying authority will still only provide us limited control on planning, we feel strongly that we need to be at the very least “at the table” to ensure we can continue to seize every opportunity to lessen the impact of construction and operation of the high speed project on our fantastic county.

The County Council recently passed a motion at Full Council, reiterating our commitment to seeking maximum mitigation and environmental benefit, and to minimise disruption resulting from the enabling works for our communities”

Report Summary:

Becoming a Qualifying Authority for Phase 2a of means that the County Council will gain a wider range of controls over the detailed planning matters which it has a statutory responsibility to approve, including certain construction lorry routes. The County Council will be fully funded by HS2 Ltd to undertake this work and is already a Qualifying Authority for Phase One of the scheme, as are all affected authorities along the line of route. It should be noted that while becoming a qualifying authority awards the Council a wider range of powers, in the event of a dispute HS2 Ltd can appeal a decision. If no agreement is reached this will be arbitrated by the Secretary of State.

Recommendation

I recommend that:

- a. The County Council become a Qualifying Authority for the construction of Phase 2a of the HS2 Hybrid Bill.

Local Members Interest
N/A

Cabinet – Wednesday 17 July 2019

HS2 Phase 2a Qualifying Authority Process

Recommendation of the Cabinet Member for Economic Growth

I recommend that:

- a. The County Council become a Qualifying Authority for the construction of Phase 2a of the HS2 Hybrid Bill.

Report of the Director of Economy, Infrastructure and Skills

Reasons for Recommendations:

1. The HS2 Hybrid Bill (Phase 2a) will grant planning permission for the construction of a high-speed railway from Handsacre in Lichfield to Crewe. However, this “planning permission” will be subject to conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the consent or approval of the Local Authorities along the route for certain matters.
2. As with Phase One, the Bill gives each Local Authority a choice between having a wide or narrow range of controls over the approval of construction details. Local Planning Authorities opting for a wider range of controls are referred to as “Qualifying Authorities”. If it chooses to become a Qualifying Authority, the County Council will have responsibility for approving details that are “county matters” in planning terms as follows:
 - a. Plans and specifications and construction arrangements about waste and soil disposal and excavation of bulk materials from borrow pits.
 - b. Construction arrangements comprising lorry routing.
3. It should be noted that the County Council must also handle requests for interference with the highways network; however, these powers are not affected by the Qualifying Authority process.
4. The District/Borough Councils will have responsibility for approving all other planning matters for approval under the Planning Conditions Schedule. This will include bridges which are deemed buildings for the purpose of the Bill. Consents and approvals relate to the detailed design and appearance of structures and other elements of the scheme, but that responsibility does not extend to the principle of their construction which is permitted by the Bill itself.
5. Non-Qualifying Authorities will have a much more restricted role in the approval of construction matters, and will only be required to approve plans and specifications for buildings.

6. There are two main sets of grounds on which works may be refused or conditioned by a qualifying authority. These are;
 - a. That the design or external appearance of the works ought to be modified:
 - i. to preserve the local environment or local amenity
 - ii. to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area
 - iii. to preserve a site of archaeological or historic interest or nature conservation value
 - b. and is reasonably capable of being so modified.
 - c. That the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
7. Non-qualifying authorities will only be able to refuse approval if the design or external appearance of the works ought to be modified to preserve the local environment/local amenity (and is reasonably capable of being so modified) or the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
8. Councils wishing to become Qualifying Authorities are required to sign the "Planning Memorandum". The Planning Memorandum is a document that sets out rules of conduct and administrative arrangements for both the Local Planning Authorities and the nominated undertaker. Importantly, it requires the Council to commit to dealing with applications for consent in an expedient manner and to being sufficiently resourced to be able to do so.
9. The Planning Memorandum replicates that used for Phase One, which the County Council, along with other Councils along the route, were involved in negotiating.
10. Becoming a Qualifying Authority therefore involves a commitment by the Council to deal with applications appropriately and within specified timescales, in return for control over a wider range of matters than it would otherwise have.
11. The Council will be reimbursed for dealing with these consents and approvals by way of recharging HS2 Ltd, via an appropriate Service Level Agreement which is likely to mirror that currently being used for Phase One.
12. In addition to gaining an increased level of control over approval of construction routes and waste and soil disposal matters as described above, the County Council benefits through access to the Local Authority Planning Forum and its subgroups, which can only be attended by qualifying authorities. This provides the opportunity to shape and input into key route wide documents and a wide range of technical and design documents. The forum is the primary method by which HS2 Ltd. communicates its general approach, forward plan and provides information on the project to local authorities.

List of Background Documents/Appendices:

[The HS2 Phase 2a Planning Memorandum](#)

Community Impact Assessment – Summary Document

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