

HS2 Draft Planning Memorandum – Change to Constitution

Cabinet Member: Councillor A Lax and Councillor I Eadie

Date: 16th July 2019
Agenda Item: 14
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Key Decision? YES
Local Ward Members: All Wards within Phase 2a of HS2 – Alrewas and Fradley, and Armitage with Handsacre, Colton and The Ridwares


Lichfield
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COUNCIL

1. Executive Summary

- 1.1 The purpose of this report is to seek a change to the constitution to ensure appropriate delegated authority and Committee procedures are in place to deal with requests for approval of detailed design and external appearance of buildings and structures along the route of Phase 2a of HS2. The route is anticipated to be approved in principle via the enactment of the High Speed Rail (West Midlands - Crewe) Bill (the Bill). This change to the constitution will enable the council to handle requests for approval of relevant details in an expeditious manner.

2. Recommendations

- 2.1 That Council approves the amendment to the Constitution to include the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill, in line with the current provisions that already exist for Phase 1 of HS2 matters under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 as set out in the attached Appendix A.

3. Background

- 3.1 The Bill will grant planning permission for the construction of a high speed railway between the West Midlands and Crewe. The line would be built between a junction with Phase 1 of HS2, near Fradley Wood, and a junction with the West Coast Main Line, near Crewe. The permission will be subject to a number of conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the approval of Local Planning Authorities along the route for matters of detail, including the design of buildings and structures – such as bridges and tunnel portals.
- 3.2 The Bill gives each Local Planning Authority a choice between having a wide or narrow range of controls over the approval of such details. Local Authorities opting for a wider range of control are referred to as ‘Qualifying Authorities.’ At its meeting of 9 July 2019, Cabinet approved the signing of the Planning Memorandum to become a Qualifying Authority for the purposes of the High Speed Rail (West Midlands – Crewe) Bill.
- 3.3 The Cabinet on 9 July also resolved to request that Council amend the constitution to include the determination of all planning matters submitted under Schedule 17 (the Planning Conditions Schedule) of the Bill, in line with the current provisions that already exist for Phase 1 of HS2 matters under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017.
- 3.4 This is important as the Planning Memorandum accompanying the Bill requires the Council to commit to dealing with applications in an expeditious manner (i.e. within 8 weeks), and to being sufficiently

resourced to do so. The applications are likely to be for relatively minor works, but could be substantial in number and frequency.

3.5 In view of the level of interest that is likely to be generated by the proposals that come forward; the possibility that numerous such applications will be submitted either at the same time or in short succession; and the need to ensure they are dealt with particularly expeditiously, there is a risk that the anticipated volume of work could have significant impact upon the capacity of the Planning Committee to consider these additional items within the required period.

3.6 For this reason, in relation to Phase 1, delegated authority was given to Senior Officers to determine approvals under Schedule 17 (the Planning Conditions Schedule) of the Bill, subject to conditions in which such approvals will be reported to the Planning Committee. The approach to Committee reporting reflected that of the existing process for determining planning applications, allowing Members the opportunity to ‘call-in’ such approvals – subject to specifying planning reasons. It is recommended that this approach is also taken for the consideration of Schedule 17 submissions for Phase 2a. This will require the necessary update of the wording of the scheme of delegation to include reference to HS2 Phase 2a.

Alternative Options	1. Should the Council not amend the Constitution it would have no delegated authority to determine Schedule 17 approvals – impacting on its ability to determine applications expeditiously within the required timeframes. Failure to meet those timeframes could result in the Council losing the additional powers of a Qualifying Authority.
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Consultation	1. None.
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Financial Implications	1. None – there would be a Service Level Agreement, as there is for the Phase 1 HS2 work, to ensure that the work undertaken by Council in determining these applications is fully reimbursed on a cost recovery basis.
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Contribution to the Delivery of the Strategic Plan	1. Being able to deliver an effective service as a Qualifying Authority will ensure that the Council has influence over the physical development of HS2 - seeking to preserve the historic, built and natural environment along its route and maintaining the District as a clean, green and welcoming place to live.
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Equality, Diversity and Human Rights Implications	1. Being able to deliver an effective service as a qualifying authority will ensure the Council can engage with stakeholders in the process, thus enabling them to contribute and influence the decision making process in an open and transparent manner.
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Crime & Safety Issues	1. There will be no impact upon our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988).
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Constitution is not updated to ensure appropriate delegated powers are in place to handle applications within the required timescales.	Amend the Constitution at Full Council.	Yellow. Without appropriate delegated authority in place the Council runs the risk of losing powers conferred as a result of not being able to

		meet those challenging deadlines.
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Background documents : Cabinet Report of 9 July 2019

Relevant web links:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627556/E177 Draft EMRs Planning Memorandum WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627556/E177_Draft_EMRs_Planning_Memorandum_WEB.pdf)

Appendix A

CONSTITUTION

PART 3

SCHEME OF DELEGATION TO OFFICERS

APPENDIX A

SCHEME OF DELEGATION OF PLANNING DECISIONS

1.17 To determine all matters submitted under Schedule 17 (the Planning Conditions Schedule) of either the High Speed Rail (London-West Midlands) Act 2017 or the High Speed Rail (West Midlands – Crewe) Act 20xx, unless the application includes Council owned land or buildings; or a written call-in request is made by a Member which is in accordance with the HS2 Planning Memorandum proforma, which explains the planning reasons for the call-in. In relation to any application (Schedule 17 approval), which benefits from delegated authority to determine, if in the opinion of at least two of the following officers: Director of Place and Community; Head of Development Services, Planning Development Manager, and Principal Planning Officers, it is considered appropriate for the Planning Committee to determine the application, then the matter shall be reported accordingly.