

Draft Planning Memorandum Planning Forum consolidated comments (March 2014)

No.	Reference – (Nov. 2013)	Issue	HS2/DfT Response
1	General (South) para. 1.1.2	a) Note: the general dissatisfaction with the tone of the Memorandum which appears to assume that Qualifying Authorities will hinder the approvals process, and more is required from the qualifying authorities than the nominated undertaker (best endeavours v reasonably practicable) b) Suggested wording change: It is binding upon any authority which has chosen to sign it so as to have the additional powers available to qualifying authorities....	a) Noted b) To consider
2	para 1.1.1 (North)	Note: the differences in the Introduction between the Draft HS2 Planning Memorandum and the Crossrail Planning Memorandum; notably that there was no reference to the Heritage Memorandum, mitigation or Environmental Management System	The Memo now includes an explanation as to how it relates to the other EMRs. Include General Principles in list. To include Include text ' <i>The Nominated Undertaker is required to comply with</i> – list controls or reference where they are. To consider
3	Section 2 (North)	Consider the Aim of the Memorandum does not place sufficient onus on the role of nominated undertaker, particularly with regard to their role in the effective implementation of the system and ensuring good design. Example is 4.1.2 v 4.1.6 – take account of v have regard to.	To consider
4	para 3.1.2 (South)	Recognise that the 3m vertical LoD would not be suitable for stations, depots etc. and that individual authorities would likely petition on this point.	This is reflecting what is in the Bill in this regard, and it is not a Memorandum issue. Closed
5	para 1.1.2 (South)	Reword 'unduly hinder the construction of HS2'	Closed
6	para 8.1.2 (South)	Should depots be included in the list of examples of structures where OSD might be constructed?	The sentences states 'such as stations and vent shafts' and does not exclude depots, however including 'depots' in this context is not considered appropriate given that no OSD is planned at proposed depot sites. Closed
7	para 4.1.2 (North and South)	Acoustic sub-group? Some members of the Planning Forum noted that there should be an ecology sub-group	Include reference to Planning Forum ToR, which recognises sub-groups can be established by the Planning Forum. To include

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8	para 4.1.2 (South)	Suggest rather than listing sub groups in the last line, text is changed to 'Where appropriate, statutory matters of relevance to the qualifying authorities will be referred to the relevant sub-group' or equivalent.	Closed.
9	para 4.1.3 (North)	It was felt that the use of the word "consider" in the second sentence was too weak. It was felt that the Forum should "support" planning forum notes	Additional suggestion: '...the Forum will agree consider –Planning Forum Notes...' To consider
10	para 4.1.6 (North)	It was asked how decisions of the forum are arrived at.	Planning Forum ToR state 'consensus'. ToR to be referenced in section 4. To include
11	para 4.1.4 (North)	Does not need to state "remarkable and exceptional"	"remarkable" omitted. Closed (north) . South: standard designs would not be appropriate in locally specific circumstances. To explain
12	para 4.1.4 (South)	a) 'Remarkable' should be removed and 'exceptional circumstances' should be defined. b) Common design items should be changed to 'generic' design items.	Closed To consider
13	para 4.1.5 (South)	Guidance referred to in the last sentence should be clarified as Statutory Guidance if that is what it is	'statutory' included. Closed
14	para 7.5.3 (South)	No local authority will sign the Memorandum unless a 12 month programme is provided in advance, and a commitment is given to provide funding and resources.	To consider 6 month v quarterly programme, peaks of LPA and NU need to be understood. To consider
15	para 7.1.1 (North)	Change "HS2 consents" to 'HS2 Approvals'	Included "requests for approval" Closed
16	para 7.1.1 (North)	1 st sentence add "...ensure that sufficient planning staff (and other <u>relevant</u> disciplines..."	Text included. Closed
17	para 7.2.1 (South)	1 st sentence should be removed or it should be made clear that it is the government's view that it is a project of national importance	No change. This sentence provides context for expeditious handling of requests. Closed
18	para 7.2.1 (North and South)	Not clear what "unreasonably stringent" means in second sentence	Suggested wording change: to 'unreasonable' instead of 'unreasonably stringent'. To consider
19	para 7.2.1 (South)	Nominated undertaker should have to justify what is an unreasonable cost	To consider
20	para 7.2.1 (North and South)	It is felt that the last sentence should also apply to the nominated undertaker	To consider. Also to consider what are the 'conclusions' of Select Committee v undertakings and assurances.

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21	para 7.3.1 (North and South)	Last sentence – is “where appropriate” the correct phrase here?	To consider removing ‘where appropriate’.
22	para 7.3.1 (North)	It was noted that the Statutory Guidance is likely to add further detail to this process	Noted
23	para 7.4.1 – 7.4.2 (South)	Consider there is no need for this paragraph 2 nd sentence is unnecessary 3 rd sentence is repetition	Closed Closed Chris Wragg to consider alternative wording. Look at meaning of 7.4.2.
24	para 7.5.1 (North)	Felt that this paragraph needs to be strengthened and the LPAs would consider some wording	To consider removing ‘reasonably practicable’ and include ‘save for in exceptional circumstances’ or ‘constructively and proportionately’ ‘fully supported’
25	para 7.5.1 (North)	Should be expanded to say that the NU will also provide information	No change necessary. Closed
26	para.7.5.1 (South)	‘..whenever reasonably practicable’ should be removed Should include consultation with the other consultees not just statutory Should include the requirement/need for the nominated undertaker to undertake up front discussions with qualifying authorities	Addressed at 24 above. Closed
27	para 7.5.2 (North)	Paragraph needs to be expanded and further explanation of what it seeks to achieve is needed	To consider including explanatory text. Consider removing ‘ reasonably necessary’.
28	para 7.5.2 (South)	Should include ‘detailed mitigation’ rather than ‘an indication or outline’	As at 27 above.
29	para 7.5.3 (North)	Welcome the commitment but think this should be more regular than every 6 months – quarterly would be better	As at 14 above. Closed
30	para 7.5.3 (South)	Should state that this is a 12 month programme updated quarterly.	As at 14 above. Closed
31	para 7.5.4 (South)	Revised wording from issues table to be included Upper tier authority should receive the detail of requests for approval made to lower tier authorities and vice versa	Included. Closed . South: whether there is a commitment to engage with neighbouring authority.
32	para 7.6.1 (North)	More explanation needed about the mechanisms that would trigger this	To provide further explanation.
33	para 7.6.2 (North)	Should make it clear that there will be warnings to local authorities first and that it would not happen out of the blue	To consider wording

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34	para 7.6.2 (South)	The nominated undertaker should have an audit trail to justify the decision to de-qualify	As at 33 above. Closed
35	para 5.1.1 (South)	Waste, spoil and excavated materials – who deals with what should be clarified as often the upper tier authority is best placed to deal with large scale waste matters	Included. Closed
36	Section 9 (South)	Assume Statutory Guidance will be included here	To include
37	9.1.1 (South)	The nominated undertaker should be included (as the Qualifying Authority is)	No change. Closed