

## **Planning Forum Note: Bringing Into Use Planning DRAFT**

### **Purpose and Scope**

1. The purpose of this note is to set out the purpose of a bringing into use approval, the form of submission and the timing of such approvals including the circumstances where an early bringing into use approval may be submitted to a local authority.

### **Scheduled works**

2. Schedule 1 to the High Speed Rail (London – West Midlands) [Act] sets out the ‘Scheduled Works’ the nominated undertaker is authorised to construct and maintain for Phase One of High Speed 2. A description is provided of the type of work and their location, for example:

*“Work No. 3/205 – A railway (5.09 kilometres in length) partly on a viaduct commencing by a junction with Work No. 3/203 at its termination, passing south-westwards and terminating at a point 545 metres north-west of the junction of Freeman Street with Park Street”.*

### **Bringing Into Use Approvals**

3. Paragraph 9 of Schedule 17 to the Act requires the Nominated Undertaker to submit a Bringing Into Use request for most ‘Scheduled Works’ and railway depots.

Paragraph 9 (1) of Schedule 17 states: *If the relevant planning authority is a qualifying authority, no work to which this paragraph applies may be brought into use without the approval of that local authority.*

4. This requirement applies to all scheduled works, except to the extent that the work is underground and any depots constructed for or in connection with the maintenance of railway vehicles or track (paragraph 9 (2)).
5. The purpose of Bringing Into Use approvals is to ensure that the nominated undertaker for the work take all reasonably practicable measures for the mitigation of the work.
6. Under paragraph 9 (4), approval must be granted if:
  - no reasonably practicable measures for mitigating the effect on the environment or local amenity need to be taken or
  - the planning authority has approved a mitigation scheme submitted by the nominated undertaker.
7. Under paragraph 10 where a scheme is approved the nominated undertaker must carry out the scheme and comply with any conditions subject to which the scheme is approved, but implementation of the scheme is not a pre-condition of the bringing of the works into use

### **Mitigation in approved design**

8. The design of HS2 will seek to blend the operational infrastructure into the landscape and townscape and to generally reduce the effect on the environment. Some works, such as

earthworks and permanent noise barriers, will be purely for mitigation. To a large extent, therefore, the mitigation will be an integral part of the design rather than a separate element and have previously been approved by the local authority under paragraphs 2 and 3 of Schedule 17. The reasonably practicable mitigation of the scheme will therefore be largely built into design that will require plans and specifications approval.

9. In approving the Plans and Specifications submission relating to the scheduled works, the Local Planning Authority is approving the form of the works that will comprise a large portion of the mitigation for the scheme. As required by the Planning Memorandum where reasonably necessary for the determination of the request for approval of plans and specifications an indicative mitigation scheme beyond that subject to the approval of plans and specifications will be provided for information, for example planting and seeding.

#### Form of Submission

10. Bringing into use submissions will consist of a letter identifying the Scheduled work(s) for which Bringing Into Use approval is being sought. The letter will list all the relevant plan numbers and submissions in relation to the approval for the Plans and Specifications approval received under paragraphs 2, and 3 of Schedule 17 for the work(s). Where necessary it will list plans additional to those approved under paragraphs 2 and 3 where these are needed to provide reasonably practicable mitigation measures.
11. In order to assist with determination the nominated undertaker will have pre-submissions discussions on the form and content of any mitigation scheme in line with the requirements of the Planning Memorandum.

#### Scheduled Works (Temporary)

12. Approval for Plans and Specifications is not required for temporary building works (Schedule 17, Paragraph 2 (8)). Therefore for temporary scheduled works submissions for bringing into use cannot include approved plans.
13. In most instances all practicable mitigation measures for temporary scheduled works such as conveyors will already been imposed through the HS2 Phase 1 Code of Construction Practice. Therefore no additional mitigation plans will be required. However, the nominated undertaker will through the pre-submission process consider with the relevant planning authority whether any further mitigation measures are appropriate.

#### Timing of Submissions

14. Generally bringing into use approval will be sought towards the end of construction and approval for several scheduled works may be sought at once. However, some scheduled works will need to be brought into use before the railway and hence approval will be sought earlier. For such works request for bringing into use may be made prior to, or at the same time as construction.