

GUIDANCE ON PRE-APPLICATION ENGAGEMENT

1. Introduction

The Planning Memorandum (section 7) places obligations on HS2 Ltd as the nominated undertaker and on local authorities in order to ensure the expeditious handling of requests for approval. Paragraph 7.5.1 places an obligation on HS2 Ltd as nominated undertaker to facilitate effective consultation:

'To facilitate effective consultation and ensure that requests for approval are determined within the timetable referred to above, the nominated undertaker shall engage in proportionate forward discussions about prospective requests for approval with the qualifying authority and statutory consultees. Forward discussions will, as relevant, include design development, submission dates and planning committee cycles.'

There may be certain requests for approval that require further information, Annex 1 to PFN17 provides general guidance on the level and type of information which may be appropriate to Schedule 17 decisions. Through pre-application discussions planning authorities should identify to the nominated undertaker any additional information it considers is necessary to make a decision on the forthcoming application.

This Planning Forum Note provides guidance on how proportionate forward discussions can be undertaken in an efficient manner so that the benefits of pre-application engagement can be maximised.

2. Guidance for HS2 / Contractors

- The number and frequency of pre-application meetings should be consistent with the scale and complexity of the works being discussed.
- Meeting agendas should be provided at least 2 weeks in advance, wherever possible and no later than 1 week in advance of the meeting date (unless the local authority has agreed to meet at shorter notice).
- Attendance at meetings should be agreed with the local authority in advance, with the aim of minimising the number of meetings with different parties on the same matter and to ensure that attendees are relevant to the matters covered by the Schedule 17 process. There may be opportunities for combining pre-application meetings with contractor-led multi-disciplinary design meetings, covering a range of matters.
- Where HS2 / Contractors are expecting feedback on drawings or documents at a pre-application meeting, these should be provided no later than 1 week in advance. This will allow local authorities to consider the subject prior to the meeting and provide considered feedback.
- Material provided at or prior to meetings should be proportionate in quantity and be clearly focused on the works that require Schedule 17 approval and also seek to include reference to other key consents (such as highways consent under Schedule 4) or undertakings or assurances relevant to the design proposal.
- Where designs are at an early stage, this should be indicated prior to or at meetings so that comments can be considered accordingly.
- Where a response is expected from the local authority (written or verbal), a reasonable timeframe should be agreed by which the response is required.
- Meeting actions and outcomes should be recorded systematically by HS2 / the contractor and agreed by meeting attendees. Meeting actions should be issued within 2 weeks.

- The intended programme for future submissions and consultation with other stakeholders as necessary, should be noted at meetings.
- Local authorities should be kept informed of engagement with the statutory consultees and other stakeholders as appropriate, and how that engagement has informed the planning submissions proposed. Where there has been, or is intended to be, engagement with the public on the design subject to a submission, the details should be noted at pre-application meetings.
- To assist pre-application discussions and where reasonably necessary to identify the site, location plans should identify the site in context of the Act limits, be on an OS base at an appropriate scale (1:1250 – 1:10,000) and include at least two named roads where possible.

3. Guidance for Planning Authorities

- As early as possible in the pre-application process, planning authorities should identify to HS2 / Contractors any additional information to that which is proposed to be provided in support of a request for approval that is considered to be necessary to make a decision, by reference to the relevant ground(s) for refusal.
- In the pre-application process planning authorities should consider the proposals in light of the relevant grounds in Schedule 17 and seek to raise any concerns at the pre-application stage so as to avoid issues being raised after the application had been made that could have been raised earlier.
- The planning authority will seek to ensure invitees to meetings are relevant to the subject matter related to the forthcoming request for approval that will be discussed.
- Where HS2 / Contractors are seeking specific topic feedback, the planning authority should ensure that all relevant internal stakeholders / departments have been given the opportunity to review and provide comment on the information provided within a set time period. This will be agreed with the LPA at the initial pre-application meeting.
- Planning authorities should seek to provide a single set of comments covering all relevant matters.
- Following the proportional pre-application process, the planning authority shall determine the submitted Schedule 17 within the agreed timeframes set out in the Planning Memorandum and legislation, including ensuring all required consultation has been completed.

4. Engagement on Class Approval Conditions

- Where a local authority has been engaged on a matter subject to a condition to the Class Approval (such as the location of temporary spoil stockpiles, or the height of temporary hoardings greater than 2.4m in height), a period of 2 weeks should normally be allowed for any comments to be made, and 2 weeks for HS2 to respond to any comments made where a response is necessary.