

## INDEPENDENT Phase 2a Planning FORUM FOR HS2

<b>Title:</b>	<b>Phase 2a Planning Forum for HS2 Limited</b>	
<b>Date &amp; Time:</b>	<b>Wednesday 15 March 2023, 10:30 – 12:06</b> <b>Microsoft Teams (Virtual meeting)</b>	
<b>Chair:</b>		Independent Chair
<b>HS2 Ltd Attendees:</b>		HS2 Ltd - Head of Town Planning HS2 Ltd - (Acting) Town Planning Lead, Phase 2 HS2 Ltd - Town Planning Manager HS2 Ltd - Head of Early Works (Phase 2a) HS2 Ltd - Head of Phase 2a - Community and Stakeholder Engagement HS2 Ltd - Lead Urban Designer HS2 Ltd - Town Planning Assistant HS2 Ltd - Public Response Manager HS2 Ltd - Lead Urban Designer HS2 Ltd - Town Planning Administrator

<b>Local Authority Attendees:</b>		Lichfield District Council (LDC) Lichfield District Council (LDC) Lichfield District Council (LDC) Cheshire East Council (CEC) East Staffordshire Borough Council (ESBC) Newcastle-Under-Lyme Borough Council (NULBC) Staffordshire County Council (SCC) Staffordshire County Council (SCC) Stafford Borough Council (SBC) Stafford Borough Council (SBC)
<b>Promoter Attendees:</b>	None	
<b>Apologies:</b>		Department for Transport (DfT) East Staffs Borough Council (ESBC) HS2 Ltd - Head of Urban Design and Integration Lichfield District Council (LDC) Newcastle-Under-Lyme Borough Council (NULBC) Shropshire County Council (CC) Staffordshire County Council (SCC) Stafford Borough Council (SBC)

Item		Action Owner
	<b>Introductions</b>  The Chair requested all attendees present introduce themselves as there were several new members present.	
1.	<b>Review of previous meeting minutes and actions</b>	

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	<p>The draft minutes of the previous meeting (January) had been circulated so the Chair asked the Forum if any amendments were required. The Chair noted a minor typing error for correction prior to publishing on Gov.uk. <b>ACTION.</b></p> <p>The actions log was reviewed and the following items discussed:</p> <ul style="list-style-type: none"> <li>• <b>HS2 Ltd to circulate all subgroup meeting agendas and minutes</b> - ongoing</li> <li>• <b>HS2 Ltd to publish all meeting minutes on GOV.UK</b> – ongoing</li> <li>• Urban Integration to return in March 2023 (moved to July) – ongoing</li> <li>• The Chair requested redacted minutes black out attendees' identity and not their organisations. Ongoing</li> <li>• HS2 Ltd to send out 'live' Forward Plan to Members after November Forum and ongoing. The live forward plan is updated in SharePoint for members to view.</li> <li>• HS2 Ltd to send notification emails to Members flagging if forecast submission dates change and LAs will not receive the volume of S17 requests indicated – ongoing</li> <li>• The Chair suggested a further discussion on Decision Making Processes and all LAs to provide 'what triggers submissions going to planning committee and the percentage involved'. <b>ALL LAs</b>, for May The Chair explained the item was deferred to May because not all LAs had shared their process, particularly what sort of special delegation they have for S.17s. Therefore he requested they do so prior to the next Forum. The Chair to email LAs after the Forum as to which LAs have/have not submitted. LAs to submit to ensure a full picture before May's Planning Forum. <b>ACTION</b></li> <li>• HS2 Ltd's Public Response Team will present to future 2a Forum meetings being closer to the detail – Closed</li> <li>• HS2 will update on the award of the DDP contract and the forward strategy in due course once it is agreed and formally awarded. <b>ACTION</b></li> <li>• Early Works Slide: An updated slide was presented and will be updated for the next meeting to show future years.</li> <li>• HS2 said Forum Members to disregard the most recent consent lookaheads as HS2 would work with its supply chain to review them and produce a more robust forecast which will be circulated. - completed</li> <li>• HS2 noted the complexity of design and predicting submission dates with precision is not practicable but will work to make its forecasts more accurate to assist authorities.</li> <li>• Schedule 17 decision timescales, HS2 to check if further breakdown required.</li> <li>• Complaints – LAs to forward registration numbers, photograph(s) and time where HS2 vehicles do not follow correct routes.</li> <li>• Further details on the complaints process, steps, escalations etc. can be delivered at the next Forum if LAs request.</li> <li>• Any members proposing Planning Forum items to advise the Chair/HS2 so it can be added to the agenda. All members are entitled to propose items to discuss.</li> <li>• There is no indication when the DfT will be able to share the [Statutory Guidance] wording but when there's clearance from the legal team DfT will provide more information.</li> <li>• The Chair requested that when circulated, the slides have hotlinks to all the PF notes individually – ongoing</li> </ul>	<p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b> <b>HS2 Ltd</b> <b>HS2 Ltd</b></p> <p><b>Chair/HS2</b></p> <p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b></p> <p><b>ALL LAs</b></p> <p><b>Chair</b></p> <p><b>HS2 Ltd</b></p> <p><b>HS2 Ltd</b> <b>HS2 Ltd</b></p> <p><b>LAs</b></p> <p><b>HS2 Ltd</b></p>
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2.	<p><b>Phase 2a Construction Program - Update</b></p> <p>HS2 presented updated slides on the construction program for the enabling works, rolled on to provide more information on the current phase.</p> <p><u>Design and Construction Overview</u></p> <p>The land possession program bar indicates HS2 progressively taking land specified under the Act into HS2's control over the next 16 months for care, maintenance and construction contractors' use. The process began in quarter 4, 2022 rolling to mid-2024.</p> <p>Two bottom bars added represent a high-level update where it is expected the DDP contract will be placed. HS2 are working with government colleagues, the Treasury and DfT to get the DDP contract awarded. It is predicted early in the second quarter of 2023. The current award date HS2 are working to is April.</p> <p>On-boarding, mobilising and getting up to speed for an entity such as DDP takes time. During the tender process HS2 preloaded as much information as possible. The Scheme Design bar indicates DDP's function to move HS2's design readiness and design status to the main construction. DDP will carry out the scheme design over the next year: it's currently at RIBA 3, to then be taken to RIBA 4 before construction. The main works contractors take responsibility when on board in 1-2 years. Further slides on DDP can be presented at May's Planning Forum. <b>ACTION</b></p> <p><u>Early Environmental Works (EEW) - update</u></p> <p>2022 saw involvement in designing and creating pond habitats. Beginning of 2023 saw seasonal winter tree planting, which ends with improved weather. The tree planting program restarts towards the end of 2023.</p> <p>Bat and badger habitats are the next focus, having spent most of 2022 building new habitats, ponds and grassland.</p> <p>The orange bar is planned species translocation, only possible in late summer/autumn, with some in 2023. It then moves into a maintenance phase for created habitats to be maintained by the EEW contractor until a subsequent contractor takes over through the remainder of the HS2 construction process.</p> <p><u>Enabling Civils Works Activities</u></p> <p>Wood End Lane possibly starts towards autumn 2023 aligning with Phase 1 work, minimising the impact of HS2's construction on residents and the travelling public. Work at M6, Jct. 15, Hanchurch is expected to commence at the start of 2024 with some route-wide schemes that KEIR will deliver on HS2's behalf.</p> <p>The Chair thanked HS2 and asked if there were any questions.</p>	HS2 Ltd
3.	<p><b>Schedule 17 Consents - Forward Lookahead – SharePoint and Live Tracker</b></p> <p>HS2 presented the numbers of forecast and actual Schedule 17 requests.</p> <p>The Forward Plan (FP) was refined since January's Planning Forum following an action to liaise with project management teams and contractors to review dates and</p>	

	<p>targets for pre-apps and submissions in the forward plan. The ECW2 contract data were inaccurate at that time, indicated by TBCs across the board: HS2 worked with KEIR to provide accurate dates to work to in April and over the next six months. The interim February update did not include ECW2 because HS2 could not provide certainty. The EEW and ECW1 contract dates were updated, and now looking towards a fully consolidated Forward Plan in April.</p> <p>The Forward Plan accuracy is challenging given the complexity of the work. Nevertheless, it's a resource planning tool to provide information on packs forthcoming and the works involved to help LAs as much as possible to plan ahead. HS2 are conscious it should be as useful and accurate as possible and are focusing on the quantum of submissions, continued Forum discussions, regular LPA meetings and pre-app discussions to supplement the issue with the FP. The three areas of work go together and HS2 will update Forum members regularly on consenting work as the 'live' FP plan changes throughout 2023.</p> <p><u>Bar Chart</u></p> <p>Data looking towards August is based on the interim FP issued at the end of February. Some interim numbers for the ECW2 contract were since added with a broad spread of submissions across all contracts in the coming months. Eight in the next two months is the submissions target, a slightly lower number for May and June, then increasing in July, mostly for ECW2. At May's Forum the numbers will be based on April's Forward Plan with a higher level of accuracy.</p> <p>The Chair asked which authority will receive five in April and if they were aware. HS2 confirmed it was Stafford Borough Council, largely for EEW: SBC confirmed they were aware. Current applications under determination are within eight weeks. The number of cumulative determinations looks positive. Over half are within the eight-week target and none slipping beyond 16 weeks – a good overall picture.</p> <p>HS2 acknowledged that in some cases they agree to extend over eight weeks but try to avoid going beyond 16 weeks.</p> <p><u>Approved S.17s in 2022 and 2023</u></p> <p>The Chair asked if it was correct Staffordshire and Shropshire had not received any.</p> <p>HS2 confirmed they have minimal work scopes: East Staffordshire's is a long power cable diversion involving large National Grid pylons to power the railway, but work has not started. Shropshire Council, if they had S.17 applications, would be minor road widening and passing places. Neither have major parts of the railway.</p> <p>ESBC asked if HS2 know an approximate start date for works on the power cable diversion.</p> <p>HS2 confirmed the power connection's current program is 2029 for construction, albeit that with a heavily caveated prewritten Ministerial Statement, the date could move, but only backwards.</p> <p>The Chair stated power for the railway is not required until the railway is close to ready. He enquired which contractor is carrying out the power line work.</p>	
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	<p>HS2 stated they are large National Grid transmission cables, so National Grid will be doing the works using HS2 powers.</p>	
4.	<p><b>Planning Appeals - Update</b></p> <p>There are no decisions or new appeals since the last update. There are five live appeals and no live Judicial Reviews:</p> <p><u>Bromford Tunnel East Portal (North Warwickshire)</u>: Particularly complicated around a portal that's been relocated since it was assessed in Phase 1 ES. It was submitted in November 2021, still no decision, approaching the end of the process.</p> <p><u>Balsall Common (Waste Lane) Lorry Route (Solihull)</u>: HS2 expected a decision very soon. Hopeful it will be in for the appeal's 1st anniversary.</p> <p><u>WCC Borrow Pit No.2 (Warwickshire CC) and Borrow Pit No.1 (Warwickshire CC)</u>: The Inspectors have finished all the stages of their process and are now writing up their reports. HS2 are unsure when they will be received.</p> <p><u>Bowood Lane Bride (Bucks)</u>: It is understood all stages have been completed, and the site was understood to be visited recently by the Inspector.</p> <p>The Chair queried if two appeals were going to go to the Secretary of State when the Inspector reported, rather than the Inspector deciding?</p> <p>HS2 confirmed the Bromford tunnel east portal and Waste Lane appeals were both decisions recovered by the Ministers. It is a joint decision by Ministers at both DfT and DLUCH so requires coordination between the two government departments. It is understood the Waste Lane appeal decision is imminent.</p> <p>The Chair highlighted that on HS1 the program for PINS to determine appeals was three months. It was all very carefully programmed to the week. HS2 put in the same sort of program and DfT have funded PINS to resource and do that, but they are taking considerably in excess of three months.</p> <p>HS2 stated appeals regulations and guidance documents are set out far in advance, it is designed as a streamlined process with quite demanding turnaround times for both HS2 and Authorities, necessary to keep the project on programme.</p>	
5.	<p><b>Consultee Responses and Decision Making</b></p> <p>This Agenda Item is not currently an issue on Phase 2a but is a challenge on Phase 1 so HS2 thought it would be useful to see what is/not working on Phase 1, to learn lessons and think about how to manage work, both on HS2 and the local Authority side, in order to prevent falling into some of the same challenges. This will also be presented at the Phase 1 Planning Forum on 15<sup>th</sup> March (pm) for consistency of messages and understanding across the two phases.</p> <p><u>Background:</u> One contribution to delays to S.17 decisions on Phase 1 is late responses to requests from both internal and external consultees.</p>	

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	<p>The requirements for statutory consultation on S.17 requests for approval is more constrained than normal applications under the Town and Country Planning Act. The requirements are set out in paragraph 18. There are limited requirements for statutory consultation with only four statutory consultees on Phase 2a. Planning authorities can move to a determination if a response has not been received in 21 days. Normal requirements under a development management order to consult more extensively or consult communities do not apply to S.17 statutory terms.</p> <p>A relevant part of the planning memorandum includes a requirement on Authorities to have sufficient planners and other staff resources to cover responses on matters such as traffic, heritage, environmental health. A challenge flagged by some Authorities on Phase 1, is that planners struggle to make decisions because they were not getting responses from their internal consultees e.g. an EHO.</p> <p><u>Non-responses from consultees:</u></p> <p>HS2's reading of the legislation is that paragraph 18(4) of Schedule 17 doesn't say Authorities can't make a decision until a consultee has responded, it says they can't make a decision until 21 days, then effectively they can proceed to a decision. The onus is on the planning authority to make a decision. Statutory Consultees have a window of opportunity to comment: if they have not done so, then it could be taken that they have no comments and LAs should proceed to decision.</p> <p>HS2 suggest that if a planning officer has not received a response from an internal consultee in 21 days, again the planners should proceed to decision. Some authorities opt to consult beyond statutory and LA officers, to parish councils for example. This is discretionary consultation and if planning authorities have not received a response this should not delay their decision making.</p> <p>HS2 asked LAs if that is how they see it working or have concerns.</p> <p>The Chair pointed out that LDC had attended a Phase 1 meeting which had discussed this subject as it had been perceived as problem in their contractor area: they could share their views with the other Phase 2a LPAs.</p> <p>What do LAs do if they consult more widely and receive a lot of responses – how do they filter them?</p> <p>When LAs receive comments, they might ask HS2 if they can do this/that? If a comment is not relevant to the grounds for refusal under S.17, LAs should filter it out and give that message to the consultee if necessary. It is important to consider at this stage because some applications on Phase 1 became tied up with authorities raising issues, not necessarily unimportant, but they could be tackled outside of the planning process.</p> <p>The Chair thanked HS2 for setting out the position under the planning regime in the Act, and took it as being accepted by members as a statement of the position.</p> <p>LDC stated the importance of contractors providing clear details and under which part of the Act a submission is made, having recently had a few instances when they had had to query precisely what the contractors were asking for.</p>	
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	<p>Then LDC manage the consultation responses to ensure some of the more unhelpful comments received are filtered out. It is a management and learning exercise.</p> <p>HS2 thanked LDC for the helpful contribution, noting it highlights how pre-app is important if there's uncertainty whether it is an application under paragraph two or three for a structure on earthwork for example, or under paragraph 8 or 11 for a mitigation.</p> <p>Sometimes there can be a lack of clarity: for example, indicative mitigation drawings may be provided for clarity of what is coming later under paragraph 12 or 9 for approvals or for approval under paragraph 2 or 3.</p>	
6.	<p><b>Feedback from Local Authorities</b></p> <p>The Chair asked the planning authorities if they would like to raise any matters. There being none the Chair closed this item.</p>	
7.	<p><b>Planning Forum Note 2 Update</b></p> <p><u>PFN2 – Drawings for plans and specifications approvals – Need for Update</u> Following several years of experience of Schedule 17 submissions, an update of PFN2, is going through the Phase 1 Planning Forum.</p> <p>HS2 will bring the amended PFN2 to the May Phase 2a Forum and circulate for comment. <b>ACTION.</b></p> <p>The Chair noted this was an initiative by the Phase 1 LAs with a positive response by HS2. He emphasized it must be agreed at Phase 2a and does not need to be the same as Phase 1.</p>	HS2 Ltd
8.	<p><b>Community Engagement Snapshot</b></p> <p>HS2 presented an update on Community Engagement.</p> <p>The first slide detailed the contacts received by the HS2 helpdesk team over the past year, which were consistent with levels received in recent years.</p> <p><u>Complaints, February 2023:</u> In the Community Engagement Strategy, HS2's public commitment is to acknowledge all complaints within 48 hours and, where possible, provide a full response within 20 working days. Complaints involving any risk to safety are always dealt with immediately. In the last year, 99% of these were resolved within 20 working days. In the period, two matters escalated to Step 2 and are currently under review with the Independent Construction Commissioner.</p> <p>The Chair queried if the 940 complaints were Phase 2a or route wide. HS2 confirmed they were routewide: Phase 2a's 38 complaints in 2022 were all dealt with at Step 1.</p> <p><u>Strategic Activity:</u> HS2 recently announced the appointment for a year, of Sir John Thompson as HS2 Chair, previously Vice Chair.</p> <p><u>The Ministerial Statement:</u> There were several questions from external community</p>	

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	<p>groups and stakeholders. From a Phase 2a perspective the detail needs working through what it means for different contracts and the program. The headline is that civils work is to be pushed back two years, but it's more nuanced than that. Once scrutinised HS2 will publicly share what it means for the two-way program. <b>ACTION</b></p> <p>The land possession program began in early 2023. HS2 is communicating the approach to a wide range of stakeholders from MPs to parish councils. It's now in the standard slide pack to ensure everyone is aware of the process underway, the order HS2 takes land and how it does it.</p> <p>LDC would like more feedback on engagement: they receive snapshots of what may come out of engagement activity but nothing formal. People attend quarterly briefing meetings with elected councillors and ask questions that officers are unable to answer. LDC would like any published meeting minutes from Parish Council meetings and Member Briefings.</p>	HS2 Ltd
9.	<p><b>Subgroup Meetings – update</b></p> <p>HS2 presented a slide which included items discussed at previous Subgroup meetings, also dates of previous and planned meetings for:</p> <ul style="list-style-type: none"> <li>• Highways</li> <li>• Environmental Health</li> <li>• Flood Water &amp; Drainage</li> <li>• Heritage</li> </ul> <p>The Highways, Environmental Health and Heritage Subgroups had all met since the last Planning Forum. The Highways Subgroup minutes were circulated on 6<sup>th</sup> March 2023 with Environmental Health and Heritage Subgroups yet to circulate.</p> <p>A Flood Water &amp; Drainage Subgroup meeting is being arranged in April.</p>	
10.	<p><b>Planning Forum Forward Plan</b></p> <p>HS2 presented a slide detailing agenda items for meetings in May-November.</p> <p>There was discussion on the items for the May forum, noting that the slide items were correct, but in the wrong month. HS2 apologised for the error on the slide and confirmed it would be corrected before sending to Forum members. <b>ACTION.</b></p> <p>Further agenda items to be added as progress on the DDP contract takes shape and it moves towards a scheme design phase. HS2 reminded members that the Phase 2a Planning Forum is a collective meeting and LAs should raise any issues they wish to be added to the Agenda with the Chair and HS2.</p> <p>The Chair said it was planned to revisit the LPAs' Processes and Delegations at the May meeting.</p> <p>The Chair asked LAs if they were content with the proposed items.</p>	HS2 Ltd
11.	<p><b>AOB</b></p> <p>HS2 reminded members the May Phase 2a Planning Forum will be being held in person at Stafford Borough Council. [Post meeting note: now at HS2, Snow Hill]</p>	



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	There being no other business, the Chair thanked everyone for attending and contributing and closed the meeting.	
<b>12.</b>	<b>END</b>	