

INDEPENDENT Phase 2a Planning FORUM FOR HS2

Title:	Phase 2a Planning Forum for HS2	
Date & Time:	Wednesday 17 May 2023, 10:30 – 12:22 Hybrid Meeting held at HS2 Offices, Snow Hill, (and Virtual Microsoft Teams)	
Chair:		Independent Chair
HS2 Ltd Attendees:		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 – Traffic and Transport Manager, Logistics HS2 Ltd - Town Planning Administrator

Local Authority Attendees:		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) Staffordshire County Council (SCC) Stafford Borough Council (SBC)
Promoter Attendees:		Department for Transport (DfT)
Apologies:		HS2 Ltd - Head of Urban Design and Integration East Staffs Borough Council (ESBC) Lichfield District Council (LDC) Lichfield District Council (LDC) Lichfield District Council (LDC) Newcastle-Under-Lyme Borough Council (NULBC) Shropshire County Council (CC) Stafford Borough Council (SBC) Stafford Borough Council (SBC)

Item		Action Owner
	Introductions The Chair requested all attendees who were new or who had not attended for some time to introduce themselves.	

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1.	<p>Review of previous meeting minutes and actions</p> <p>The draft minutes of the previous meeting (March) had been circulated. The Chair apologized for the late distribution and asked the Forum if any amendments were required. None were highlighted and it was agreed they could be published on gov.uk. ACTION.</p> <p>HS2 reviewed the actions log and the following actions were discussed with the majority being removed going forward (as noted below):</p> <ul style="list-style-type: none"> • Urban Integration to return in 2024 following appointment of the DDP. ACTION HS2 to suggest as agenda item at an appropriate time. • HS2 will update on the award of the DDP contract and the forward strategy in due course. ACTION • The Chair suggested a further discussion on Decision Making Processes when all LAs have provided 'what triggers submissions going to planning committee and the percentage involved'. ACTION • The Chair to email LAs stating which Delegated Authorities he has and has not received for future discussion (<i>as 3rd point above</i>). The item was deferred because not all LAs had yet shared their process. This will help ensure LAs have appropriate processes in place early on. ACTION <p><u>Removed from Actions List</u></p> <ul style="list-style-type: none"> • HS2 Ltd to circulate all subgroup meeting agendas and minutes - ongoing • HS2 Ltd to publish all meeting minutes on GOV.UK – ongoing • Urban Integration to return in March 2023 (moved to July) – ongoing • The Chair requested redacted minutes black out attendees' identity and not their organisations. Ongoing • HS2 Ltd to send out 'live' Forward Plan to Members after November Forum and ongoing. The live FP is updated in SharePoint for members to view. • 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 • HS2 Ltd's Public Response Team will present to future 2a Forum meetings being closer to the detail – Closed • Early Works Slide: An updated slide was presented and will be updated for the next meeting to show future years. • 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 • 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. • Schedule 17 decision timescales, HS2 to check if further breakdown required. • Complaints – LAs to forward registration numbers, photograph(s) and time where HS2 vehicles do not follow correct routes. • Further details on the complaints process, steps, escalations etc. can be delivered at the next Forum if LAs request. 	<p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>ALL LAs</p> <p>Chair</p>
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	<ul style="list-style-type: none"> Any members proposing Planning Forum items to advise the Chair/HS2 so it can be added to the agenda. All members entitled to propose items. There is no indication when the DfT will be able to share the [Statutory Guidance] wording, when clearance from the legal team DfT will provide more information. The Chair requested that when circulated, the slides have hotlinks to each PFN – ongoing 	
2.	<p>Phase 2a Construction Programme and Contracts Update and Questions</p> <p>HS2 gave an update on the construction program for the enabling works, an update on the previous presentations following the recent Government announcement.</p> <p>HS2 Ltd presented four slides and stated that words in the presentation were agreed lines with the DfT at the highest level. The rephrasing details are still being worked through.</p> <p>The pause will last for approximately 2 years, up to the end of the current spending review period, namely March 2025.</p> <p>HS2 continue with the land acquisition programme. BBV will continue to possess land route-wide in line with the published Integrated Land Possession Programme (ILPP).</p> <p>■ (SCC) asked what happens five years from now?</p> <p>HS2 explained it was looking to commence an End of Powers Programme (EPP) towards the middle of 2024, before expiry of powers five years from Royal Assent, in February 2026.</p> <p>The Chair asked, as the land acquisition programme winds down in a year's time, on the assumption that HS2 took, or began the process of taking all the land required, will HS2 need the EPP?</p> <p>HS2 confirmed that the EPP will pick up any areas of land not taken by the ILPP or any changes to the land area and will seek to look at areas where land has been taken temporarily that may need to be converted to permanent possessions. There are numerous facets to that program.</p> <p>The Chair enquired if the EPP was only to do with land acquisition?</p> <p>HS2 confirmed it was, that the scheme design will progress pending the DDP award, with more news in the next meeting or the one after that. HS2 are currently working through it with the government and DfT.</p> <p>The Chair asked if HS2 know when DDP will start design and will Consenting work also be an activity?</p>	

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	<p>HS2 confirmed they will undertake consenting work with the DDP once the scheme design matures and starts to feed submissions through the S17 process, possibly in 2024-25.</p> <p>The Chair explained that on a shorter HS1 hiatus, the design and consenting work continued, which ensured that on the restart of works they hit the ground running.</p> <p>HS2 stated the plan is to make full use of the construction hiatus by bringing the design up to scheme design level for all important approvals.</p> <p>HS2 confirmed it is undertaking a detailed review of the works at 76 EEW sites already underway and that they will not all be completed. Approximately 40 ecology sites are complete, and these will be maintained throughout the pause process.</p> <p>The Chair asked if it's the physical part of the land acquisition programme, thus HS2 do the paperwork and the EEW contractor do the physical taking possession e.g. changing locks?</p> <p>HS2 confirmed it is a partnership with HS2 Land and Property doing referencing, understanding who the landowner is, and issuing notices. HS2's Construction Team and the Contractor erect fencing, undertake accommodation works, and reconfigure areas of land.</p> <p>HS2 stated ECW1 will complete designs and bring them up to HS2 Assured L3 level, seeking as many of the LA and Highways consents within the time and funding available, then pause construction.</p> <p>ECW2 will pause with immediate effect. HS2 will create a project archive to pass forward predominantly to the DDP, the sole designer going forward.</p> <p>Ecological surveys will also be paused and HS2 will work through in the future with the DDP and subsequent contractors on how to resume the programme.</p> <p>■ (SCC) raised a point in relation to ECW2 works, that they had received enquiries about developments in areas where some of the ECW2 works would have been undertaken. Developers had factored those works into their transport plans but now those works won't proceed for a number of years. HS2 said developers may need to look again at the highways studies, modelling and assumptions made. It is assumed the HS2 works will not be carried out for at least two years.</p> <p>HS2 recommend that LAs refer their colleagues to the safeguarding email address as such enquiries are best managed through HS2's Safeguarding Team. ACTION HS2 to circulate the Safeguarding Team email address.</p> <p>The Chair queried whether the DDP in doing their designs would need further ground investigation work and asked if it would be in their contract to do so or if they depend on other contractors to do it. He asked if the current ground investigation and topographical works were not being completed?</p>	HS2 Ltd
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	<p>HS2 stated they have been completed at specific locations on site, the results of which form part of the project archive. As part of the enabling works ground investigation programme HS2 drilled approximately 2,000 holes across the route and carried out various other testing including groundwater, core sampling and other processes. It should give the DDP a considerable amount of information required to design the route to scheme design level.</p> <p>HS2 stated they continue to work through 3 non contestable utility diversions, at Charlton, Tolldish Lane and Hanyards Lane. These critical diversions will be completed and delivered by National Grid and Cadent. The remaining diversions have all been deferred and will remobilise with the relevant utility companies at the end of the two-year pause.</p> <p>The Chair thanked HS2 and asked if there were any questions.</p> <p>■ (SCC) asked about the Government's commitment to deliver the works - if there is a change of government at the general election, is HS2 still a commitment?</p> <p>HS2 Ltd stated that when the announcement was made in March 2023, Labour was critical of the pause. HS2 added that there has always been cross party support for HS2 and it is strongly reinforced.</p> <p>The Chair suggested that if there is a new Government they may decide to continue with the works.</p> <p>HS2 Ltd stated they are continuing the detailed design, the consenting process and the budgeting process. The current assumption is that Phase 2a funding returns to normal levels at the start of the financial year 2025/26. HS2's plans are being based on that for the restart of construction.</p> <p>The DfT confirmed HS2's summary and stated they hadn't heard any more in terms of discussions of other parties or the impact of a general election. There is wide party consensus on HS2 with nothing to indicate that those plans have changed.</p>	
3.	<p>Schedule 17 Consents - Forward Lookahead – SharePoint and Live Tracker</p> <p>HS2 Ltd presented the numbers of forecast and actual Schedule 17 requests and summarised performance at the start of the year, periods of uncertainty over the ECW2 contract, progress with EEW submissions and anticipated submissions planned for May, June and July. HS2 explained that after this point it is anticipated that there will be no further Schedule 17 submissions for the rest of 2023, but moving into mid-2024 with the DDP on board, the graph should show some planned submissions as the scheme design moves forward.</p>	

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	<p>The Chair asked the LAs how that leaves them with appointments made specifically for this work, or if they had not reached that stage, and if LAs envisage any obvious difficulties in resourcing?</p> <p>■ (SCC) stated that it depends on what happens with Phase 1. SCC have already lost two team members since the March announcement because there is not enough work to keep them busy. They are hopeful the remaining staff can be redeployed during the hiatus so no more are lost before the restart. There are secondments available.</p> <p>The Chair asked if there were any others or if it was manageable.</p> <p>HS2 stated there were no other dedicated planning officers in post and that resourcing is covered through SLA time sheets. It was also stated that with the pause in work, the requirement for resources for Lichfield District Council will drop away.</p> <p>HS2 summarised the pie charts pointing out that there continued to be good performance on decisions in 8 weeks, with approvals during 2023 so far in Stafford Borough, Newcastle and Staffordshire. The Chair congratulated the three Authorities.</p>	
4.	<p>Statutory Guidance Update</p> <p>HS2 Ltd presented a brief update noting previously circulated draft updates to the Schedule 17 Statutory Guidance. Comments were principally received from the Phase 1 Authorities which are being reviewed. DfT will issue responses to comments raised in due course. HS2 welcomed any further comments.</p> <p>The Chair asked if that was the corporate DfT and HS2.</p> <p>HS2 stated the Guidance is a Government document and that DfT asked for HS2's view on the LAs' comments, which HS2 are undertaking and will respond to the DfT shortly.</p> <p>The Chair asked if HS2 were issuing a response to the DfT. HS2 stated it was a collective, with HS2 responding but the DfT will issue out.</p> <p>The DfT stated the Department will be summarizing the responses sent in by the LPAs and will give an update on the process and timing for revising the guidance. There is a suite of comments to work through and discuss with Parliamentary Agents before any changes are made. The DfT will go back to the LPAs with any further changes needed.</p>	
5.	<p>Planning Forum Notes 2, 4, 5 and 19 – Update</p>	

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	<p>HS2 Ltd gave a detailed update with several slides on the following PFNs and amendments working their way through Phase 1 and Phase 2a.</p> <p>Planning Forum Note 2 – Drawings for Plans and Specifications approvals</p> <p>As a recap, HS2 explained this was introduced at the March Planning Forum, with an overview of changes proposed based on the amendment of PFN2 for Phase 1. HS2 received feedback from Phase 1 PF and will issue the amended PFN2 to Phase 2a after this Forum, with an action to discuss further at the July Planning Forum. ACTION HS2 to issue PFN2 to LAs and request comment on the consultation version. ACTION</p> <p>PFN4 – consultation on requests for approval under Schedule 17</p> <p>HS2 explained that it has briefed Phase 1 LAs and proceeded to brief Phase 2a, on amendments to the PFN. The same process will apply for HS2 to issue to LAs with a request to review and return comments. ACTION</p> <p>The Chair asked when HS2 will send PFN4 out. HS2 stated there were two more PFN updates to work through, two are ready and two have further work required before they can be circulated. HS2 asked if the LAs would like the PFNs in one go or as they are ready. The Chair requested that they be sent two at a time.</p> <p>PFN5 – Model Conditions</p> <p>HS2 gave a more detailed overview regarding updates to PFN5 outlining the need to update the PFN with learning from Phase 1 and conclusions from Appeal Decisions and Judicial Reviews.</p> <p>The Chair stated the need for that update was driven by the Phase 1 LAs and HS2, regarding confusion between conditions and additional details. This revision will encapsulate a better understanding.</p> <p>HS2 presented a slide outlining paragraphs affected by conditions on approvals to be imposed and regarding the provision to require additional details of the work or operation to be submitted for approval.</p> <p>HS2 outlined clarification between what a request for ‘additional details’ means and matters to be covered by a condition A condition should be used to clarify materials, but it should not seek to change the substance of an approved pack, e.g. a structural element that already has consent.</p> <p>■ (SCC) asked that if you have a final specification, why would a condition be asking for further details?</p>	<p>HS2 Ltd LAs</p> <p>HS2 Ltd LAs</p>
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	<p>HS2 gave an example of a brick building being approved, with additional details of materials or detailed finishes, e.g. brick type (<i>using samples</i>) or patterning on concrete, covered by a condition. This would be further modifying what has been approved. HS2 clarified that a condition can be used to modify a scheme, but it must be specific and cannot refer to further a subsequent approval being required. The condition must specify what the change is.</p> <p>HS2 stated there will be further discussion on the PFN at the next Planning Forum in July. ACTION (<i>Agenda Item</i>)</p> <p>HS2 presented further slides on where in the Act, conditions can only be imposed with the approval of the nominated undertaker (for lorry routes), requests for additional details and the requirement for prompt collaboration between the planning authority and the nominated undertaker on conditions.</p> <p>The Chair noted that the Act states, ‘with the agreement of the undertaker’ not the ‘approval’. He requested that word be changed on the slide before circulating. ACTION</p> <p>HS2 gave an update on proposed changes to Paragraph 12, 12(6), and that the operation, maintenance, management and monitoring of works are outside S17 control. A number of model conditions were presented covering proposed changes to works, lorry routing and provision of additional details.</p> <p>HS2 to circulate a draft of proposed changes to PFN5 for consultation following discussion at this Planning Forum. ACTION (<i>as above</i>)</p> <p>PFN19 – Principles for determining requests for approval under paragraphs 2 and 3 of Schedule 17.</p> <p>HS2 stated this was a new PFN with further guidance on decision making and principles to apply when determining requests for approvals. HS2 will draft and circulate it to Phase 1 and Phase 2a Planning Forums for consultation in the next few weeks as it is in early development. ACTION</p> <p>The Chair asked if this was the PFN that addresses the EIA regulations and their role.</p> <p>HS2 stated that that is an Agenda item for the Phase 1 Forum on 25th May. PFN19 details how and when designs should be modified, what justification is required for the scheme to be modified and how it should be framed. It notes the logic recent Inspectors have used in appeal decisions.</p>	<p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p>
6.	Planning Appeals Update	

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	<p>HS2 Ltd gave an update on the appeal decision for Balsall Common (Waste Lane) Lorry Route, Solihull (<i>a link to the letter was provided in the meeting chat</i>). The appeal was allowed subject to one condition. Two key elements in the appeal were the reasonableness of an alternative route using land outside HS2's control, and highway safety on the proposed route. Ministers decided that as there was no guaranteed access to land outside HS2's control, it cannot be considered a reasonable alternative.</p> <p>A condition was included covering traffic safety work being undertaken before the route is used. HS2 added that it is a helpful appeal decision clarifying some principles. It took over a year to be determined.</p> <p>The Bromford Tunnel East Portal Appeal is ongoing and the Inspector's recommendation is now with Ministers for the final decision.</p> <p>Two ongoing borrow pit appeals in Warwickshire concern the flexibility to undertake works different to those assessed in the ES and the generic Section 2 powers in the Act. HS2 is awaiting the decisions.</p> <p>The Bowood Lane Bridge Appeal (Bucks) covering design specifications for a bridge, is ongoing. The Inspector recently set HS2 and Bucks Council questions to respond to and responses have been returned. It is understood that the decision is now being written.</p> <p>HS2 will update the Gov.uk page with the appeal decisions (<i>link provided on the slide</i>) along with the appeals digest in due course. ACTION</p> <p>The Chair asked if there were questions: there were none.</p>	HS2 Ltd
7.	<p>Feedback from Local Authorities</p> <p>The Chair asked the Forum if they wanted to raise any matters. He noted there is still no regular pre-meeting of LAs, and that he hasn't received any email queries.</p> <p>█ commented that SCC no longer has an HS2 Compliance Officer, following █ leaving. █ was allocated and SCC made an introduction by email, but █ hasn't responded despite chasing her up.</p> <p>HS2 to follow up as they are in regular contact with █. ACTION</p>	HS2 Ltd

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	<p>The Chair asked if that matter was in connection with the SLA, noting the Phase 1 Authorities had an additional pre-meeting (prompted by themselves specifically on the SLA) and it is an agenda item on the next Phase 1 Planning Forum.</p> <p>SCC confirmed a representative was present at the extra SLA meeting. SCC envisage some outcomes and resolutions, as matters have been dragging on. HS2 and the Chair had prior discussions and HS2 relayed concerns to the relevant people.</p> <p>The Chair understood there were no further queries at this time given the consequences of the Government announcement.</p> <p>SCC stated they were awaiting further information at the Phase 1 Planning Forum as they understandably have worried team members.</p>	
8.	<p>Public Response Update</p> <p>HS2 presented an update on public response statistics over the last year and the month of April. Details are provided on the slides.</p>	
9.	<p>Community Engagement Snapshot</p> <p>HS2 presented an update on Community Engagement.</p> <ul style="list-style-type: none"> • Strategic Activity: a big milestone was met with the Long Ichington tunnels completed so both directional drills of the 1-kilometre tunnel are completed. • Wider Community – Two fund awards: £74,000 for Stone Cricket Club for car parking, hard standing and landscaping, and improving disabled access and £75,000 for White Start Football Club to improve changing rooms, the café and bar on site. This takes the spending on 8 projects to just below £300,000. • Look Ahead – Drafting newsletters on rephasing, then following up with virtual and face to face meetings for follow up discussions. <p>The Chair thanked HS2 for the succinct presentation.</p>	
10.	<p>Subgroup Meetings – update</p> <p>HS2 Ltd presented a slide which included items discussed at recent meetings, and dates of previous and planned meetings for the Subgroups.</p> <p>The Chair asked that any questions or requests for further information be sent to HS2.</p>	
11.	<p>Planning Forum Forward Plan</p>	

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	<p>HS2 Ltd presented a slide detailing agenda items for meetings in July, September/October, November 2023 and January 2024. The proposed July agenda included the standard items and a presentation on PFNs, Statutory Guidance, and Decision-Making Processes.</p> <p>The Chair proposed that following July's Planning Forum, meetings would best be held quarterly, with the next meeting on October 2023 followed by January 2024. This was agreed by the Forum on the basis that quarterly meetings could be changed back in the future if required. In October there should be a DDP programme update with a possible representative attending.</p> <p>It was agreed that all future meetings would be Hybrid at alternate locations, Stafford Borough Council (12 July) and HS2, Snow Hill (11 October). ACTION</p> <p>[Post meeting update, HS2 Ltd to send an updated invite for 11 October and cancel November's Phase 2a Planning Forum meeting.] ACTION</p> <p>The Chair asked LAs if they were content with the proposed items: there were no comments. He requested [REDACTED] be invited to July's meeting to introduce himself. ACTION</p>	<p>SBC / HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p>
12.	<p>AOB</p> <p>HS2 Ltd commented that in relation to the pause in works, letters are to be sent to the relevant LAs where approximately 10 temporary stockpiles are to be placed for a time period exceeding 12 months. HS2 will rely on the Class Approval arrangements for the stockpiles, which are an average volume of 300-400 cubic metres. LAs will be invited to comment in the next few weeks - Arup will send a letter and the contractor will have reasonable regard to any comments.</p> <p>The Chair asked if it was earthworks, or materials? HS2 confirmed it was soil from excavated ponds that hadn't yet been put into bunds, which were approved under the S17 process, and now to be stored on site during the pause. The soil is not waste and will be reused as part of the design. HS2 pointed out there is a condition on the Class Approval storage of materials for more than 12 months, that HS2 must liaise with the Local Planning Authority on it, so that obligation applies.</p> <p>The Chair suggested this was not contentious but needed to be done.</p> <p>There being no other business, the Chair thanked everyone for attending and contributing and closed the meeting.</p>	
13.	END	