

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

		<p>Buckinghamshire Council (Bucks C) Buckinghamshire Council (Bucks C) North Warwickshire Borough Council (NWBC) West Northamptonshire Council (WNC) West Northamptonshire Council (WNC) London Borough of Brent (LBB) Stratford District Council (SDC) London Borough of Camden (LBC) Staffordshire County Council (SCC) Three Rivers District Council (TRDC) London Borough of Camden (LBC) London Borough of Hammersmith & Fulham (LBHF) Solihull Metropolitan Borough Council (SMBC) Westminster City Council (WestCC) Old Oak & Park Royal Development Corporation (OPDC) Lichfield District Council (LDC)</p>
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Item		Action Owner						
1.	Introductions – were made.							
2.	<p>Review of minutes of the March meeting and outstanding actions.</p> <p>Additions to minutes of the March Planning Forum were presented and their inclusion into the minutes was agreed. Minutes were agreed.</p> <p>Outstanding actions were reviewed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Date</th> <th style="width: 45%;">Action</th> <th style="width: 45%;">Status</th> </tr> </thead> <tbody> <tr> <td>Jan 22</td> <td>Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT.</td> <td> HS2 have collated noise traffic and complaints data. HS2 Independent Construction Commissioner’s comments on 20/10/22 and Planning Forum members’ on 25/11/22 garnered feedback and insight. Suggestion the findings are discussed with the Environmental Health sub group ([REDACTED] (HS2)). Intention is for HS2 to put evidence through a report used for a basis for further discussion and policy position. DfT will have to agree position which then needs to be approved by Ministers. [REDACTED] has begun </td> </tr> </tbody> </table>	Date	Action	Status	Jan 22	Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT.	HS2 have collated noise traffic and complaints data. HS2 Independent Construction Commissioner’s comments on 20/10/22 and Planning Forum members’ on 25/11/22 garnered feedback and insight. Suggestion the findings are discussed with the Environmental Health sub group ([REDACTED] (HS2)). Intention is for HS2 to put evidence through a report used for a basis for further discussion and policy position. DfT will have to agree position which then needs to be approved by Ministers. [REDACTED] has begun	DfT
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			conversations within HS2 about a more flexible approach to mitigation with respect to noise from construction.	Chair
Jul 22	TA (Chair) asked all Phase 1 LPAs (email 7 June) to provide confirmation that they have processes for ensuring timely Schedule 17 decisions.		TA (Chair) issued a chasing email on 23/11/22 requesting updates from LPAs on the request for a Sch17 process. Not all LPAs have replied and they are urged to do so. TH (DfT) noted there was senior attention on this point and reiterated the request for LPAs to respond.	
Jul 22	HS2 to look at providing a presentation updating on early stage mitigation works.		To facilitate at a 2023 Planning Forum.	
Sep 22	Overbridge Parapets PFN 16a and 16b to be finalised and circulated to PF for agreement.		Update under Item 6.	
Nov 22	Request for PFN7 para 20 to refer to PFN14 instead of PFN16 when mentioning noise.		Action ongoing. Review following issue of revised Statutory Guidance.	
Nov 22	PFN2 Redraft by an LPA has been circulated with proposed changes to other LAs with a view of agreeing comments and issuing to HS2 by mid December.		Note on PFN2 sent to HS2 on 30/1/23. Proposed changes presented and discussed at March 2023 Planning Forum. Revised draft circulated for consultation (24/5/23 – 16/5/23). Update at Item 7.	
Nov 22	Discussion about developing a PFN that specifically relates to the discharge of conditions in relation to Sch17. The existing Non-Material Amendment proforma could be adapted for this purpose. HS2 to consider the matter and confirm their view		HS2 in process of reviewing PFN5. Update at Item 8.	
Feb 23	PFN on conditions needs to be clearer on the difference between conditions and requests for further details.		Update at Item 8	
Feb 23	Update on the rail systems (OCS) contract.		Action ongoing. Four briefings held previously. To be discussed at a later PF.	

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	Mar 23	How new significant effects work alongside Schedule 17. HS2 to include a future Forum agenda item to go through how it works.	Action ongoing.	
	Mar 23	HS2 proposal to adopt a similar wording as used in Phase 2A PFN13.	Action ongoing.	
	Mar 23	HS2 proposal to adopt a similar wording for consultations LPAs used in Phase 2A.	Action ongoing. Update at Item 10.	
3.	HS2 Project Update			
	The Phase 1 Project update was provided by PG (HS2), showing progress on enabling works, main works & station contracts.			
4.	Planning Consents Performance			
	<p>SA (HS2) presented charts showing the time taken to determine Schedule 17 applications in the last six months. SA noted performance is worsening compared to previous months with applications shifting to beyond 17 weeks and an increase in those above 25 weeks. There is a range of reasons for this, including some delays with contractors responding to requests for information and points of clarification. Aware of delays with regards to local authority determination around consultee responses and this is an agenda item to assist in reducing those timescales. Applications where there was debate around whether the deferral process was allowed which added to timescales for a couple of applications. Then there are a couple of particularly complex applications which might add to the timescale.</p> <p>PG (HS2) request for partial approvals to be added to agenda for next Forum. Surprised this issue is being raised after earlier consensus and legal advice and inspectors raising no issues. SA (HS2) these delays are being noted by the Exec and HS2 senior leadership team.</p> <p>SA (HS2) presented charts showing Schedule 17 applications currently awaiting determination. Aware some of those submissions going through a significant and detailed modification process, there are also requests for further information from local authorities but; we would welcome clarity over whether those concerns or queries are legitimate Schedule 17 concerns. Aware of one authority with no planning officer in place which is causing significant delays.</p> <p>SA (HS2) forward look shows a drop in Schedule 17 applications planned for April and then a rise in proposed submissions from May due to new forward plans. BVB are in the plans and spec submissions phase, whilst EKFB are moving into their site restoration and bringing into use submissions and therefore forecasting quite high numbers over the coming months.</p>			HS2

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	<p>Appeals and Judicial Reviews Update</p> <p>SA (HS2) updated on the five live planning appeals currently awaiting determination. Trend appears for increased lengths of time for appeals to be determined. Three appeals have been determined in May.</p> <p>Waste Lane #2 appeal (APP/HS2/19) Appeal allowed 10th May with one condition.</p> <p>WCC Borrow Pit No.2 (APP/HS2/20 WCC) Appeal allowed 24th May with no conditions.</p> <p>WCC Borrow Pit No.1 (APP/HS2/21 WCC) Appeal allowed 24th May with no conditions.</p> <p>There are two live appeals. Bromford Tunnel East Portal appeal (APP/HS2/18) is now the longest HS2 appeal. This appeal has been recovered for final decision by the SoS. Bowood Lane Bridge, submitted in September (APP/HS2/22) and is with PINS for determination. Statements of case have been exchanged.</p> <p>There are no currently live judicial reviews.</p> <p>Details of all appeals and JR decisions are available on the Planning Forum gov.uk website and the appeals digest will be updated to reflect any decisions. The last update was issued on 25/07/22.</p> <p>https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</p>	
<p>5.</p>	<p>Local Authority Feedback and Issues Arising</p> <p>VC (BCC) requested a discussion about the process for the discharge of conditions and how we do that so that we're consistent and it is not challengeable going forward. PG (HS2) can add to what the current proposed updates are with a short discussion around it at the end of that item at a future Forum.</p> <p>CE (WCC) raised packages coming in for submission prior to coding; HS2 have a separate meeting set up to discuss.</p>	<p>HS2</p> <p>WCC</p>
<p>6.</p>	<p>Update on CDEs & Updated PFN16a and 16b</p> <p>MS (HS2) updated on the amendments made to PFN16 (Parapets) which has been re-drafted as 16a & 16b. The new PFNs are largely agreed but have been held up by four technical issues - green verges, optimisation of the security arrangements to minimise the extent of higher parapet, crash testing and</p>	<p>HS2 Design Group</p>

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	<p>bridleways. Constructive workshops held with the Planning Forum Design Group (22/2/23 and 7/3/23). Revised units have now been tested but still inconclusive but await final test report. Governance issues with some of the proposals as await test results.</p> <p>JF (HCC) requested clarification on hedge height on green bridges. MS (HS2) confirmed PFN 16b likely to be relevant and can raise with contractors. ML (WNC) Design Group await more information on the transition/ VRS which has failed the testing. MS (HS2) will get back to the Design Group when answers received.</p>	HS2 Design Group
7.	<p>PFN2 Proposed Revision</p> <p>SA (HS2) PFN2 agreed in 2016 sets out drawings to be submitted for approval for plans and specifications applications, relevant to Schedule 17 paragraphs 2, 3, 7 and 21 (non-material change). A collective understanding about baseline level of information and revision to PFN2 would assist timely determinations by providing greater clarity for contractors and LPAs with a reflection of current process, and any subsequent HS2 contracts. Proposed changes discussed at March Forum and revised draft circulated to members for consultation in April. Comments were received on revised draft from NWDC including clarification on North points, suggested scale, amount of context plan information, retrospective status of note and typos.</p> <p>EL (NWDC) raises discrepancies between information provided by different contractors. SA (HS2) refers to PFN17 on information requirements that might be requested by LPAs, while this PFN is specifically dealing with plans subject to approval. EL (NWDC), BT (WestCC), AH (NWBC) and JF (HCC) raised points about site levels to be included on submissions.</p> <p>EL (NWDC) raised existing plans and context plans. SA (HS2) explained existing plans are not subject to approval and are therefore not included in the PFN which only deals with approved plans. Plans subject to approval and including some local context are listed with the revised PFN.</p> <p>TA (Chair): PFN2 is agreed and for the revisions to be published and for HS2 to take away the other requests for further deliberation.</p>	HS2
8.	<p>PFN5 Model Conditions</p> <p>SA (HS2) PFN5 provides guidance for imposition of Schedule 17 conditions and requests for additional details. It sets out the relevant paragraphs and requirements for conditions/ additional details based on approval type. Provides some example wording for model conditions and additional details. Previously updated and agreed at July 2021 Planning Forum.</p> <p>Propose to update PFN5 to 'Model Conditions & Requests for Additional Details'. Legislation behind conditions and requests for additional details was</p>	

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	<p>presented. Examples of condition and request for additional details wording was given and when it should be used.</p> <p>AR (TRDC) requested some examples for each Schedule 17 consent type to help give better context and understanding. TJ (Bucks C) hopes this revision will help with LPAs applying Schedule 17 conditions.</p> <p>HS2 to circulate a draft of proposed changes to PFN5 for consultation following this Planning Forum. HS2 to consider consultation responses and updates prior to July Planning Forum. Further discussion and potential agreement to updates to be sought at the July Planning Forum.</p>	<p>HS2 LAs</p>
<p>9.</p>	<p>PFN19 Principles for determining requests for approval</p> <p>PG (HS2): PFN19 will set out the principles that decision makers should apply when considering requests for approval. This includes to explore matters of evaluating adverse impacts, grounds for approval, modifications to works and the use of conditions in applying modifications. The proposed PFN will provide clarity and consistency in decision making, following experiences on Phase One including appeal decisions and JRs.</p> <p>PFN19 to be drafted and circulated to Phase One and 2a Planning Forums for consultation.</p>	<p>HS2</p>
<p>10.</p>	<p>PFN4 Consultation</p> <p>PG (HS2) identifies the responses from consultees not being received or not being received in in as timely manner (internal, statutory, and non-statutory) as being one of the causes of delay, pushing up average determination times. Responses from consultees to Schedule 17 often raise matters which would be material to TCPA applications but are not material to Schedule 17 requests for approval. Part of the role of authorities is to consider any request for approval on the basis of the relevant matters and grounds in Schedule 17.</p> <p>TA (Chair) ask if the principles set out are accepted by members. JF (HCC) notes her experience of quick responses from consultees. DW (WNC) no issues with the principles but feels there are practical issues that this throws up. PG (HS2) acknowledges we don't live in a perfect world, but feels these fundamental principles are ones to work to, even if sometimes realities and changes between final pre-app and submission occur.</p> <p>TA (Chair) asks for the status of any existing PFNs on consultation. PG (HS2) notes any references within the Phase One PFNs are quite light touch and don't fully address the principles. Requests if members are comfortable with these principles discussed in this item, then we could look at this and how this was set for Phase 2.</p>	
<p>11.</p>	<p>Service Level Agreements Update</p>	

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	<p>LPA's provided detailed feedback (JF (HCC) provided a presentation) and raised a number of concerns to HS2 on matters raised around the SLA process. HS2 have taken away actions from their feedback.</p> <p>SP (HS2): HS2 process now in place for agreement of SLA legacy claims where timesheets cannot be submitted. Legacy claims where timesheets are supplied progress through the usual SLA assurance process with higher level assurance for older claims. A new process is currently being assured and will be embedded and rolled out to LAs and HS2 teams in due course following HS2 review completion.</p>	
12.	<p>Helpdesk Update</p> <p>SG (HS2) noted an increase in Helpdesk calls in February to a more normal amount after a quiet December. 125 complaints were received during February, primarily on Phase 1. Noise & Vibration and Traffic & Transport are the most common reasons to complain. No escalations to the ICC or to the Step Two internal review process were recorded during February.</p> <p>EL (NWBC) requests if HS2 seek feedback on complaints raised through the Helpdesk.</p>	HS2
13.	<p>Forward Plan/ AOB</p> <p>Dates for future 2023 Planning Forums are as follows:</p> <ul style="list-style-type: none"> • July 20th • September 21st • November 23rd <p>JF (TRDC) requested proposed dates for 2024 Planning Forum meetings. HS2 initially proposed for members' comments the following dates for the first half of 2024:</p> <ul style="list-style-type: none"> • January 25th • March 28th • May 23rd <p>It is proposed that the Forum stays on the third/ fourth Thursday of every month as at present.</p> <p>JF (TRDC) requested the circulation of slides ahead of Forum meetings. HS2 noted the multi-disciplinary coordination required, but will endeavour to issue draft slides ahead of meetings.</p>	
	End	