

## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

<b>Title:</b>	<b>Independent Phase One Planning Forum for HS2 - #70</b>	
<b>Date &amp; Time:</b>	Thursday 20 <sup>th</sup> July 2023  Microsoft Teams Meeting 13:00 – 15:30	
<b>Chair:</b>	[REDACTED]	Independent Chair
<b>Promoter Attendees:</b>	[REDACTED]	<p>HS2 Ltd (Planning Phase 1 Lead)            BBV            HS2 Ltd            DFT            HS2 Ltd (Town Planner)            HS2 Ltd (Town Planning Manager)            BBV            HS2 Ltd (Town Planning Manager)            HS2 Ltd            BBV            HS2 Ltd (Head of Town Planning)            HS2 Ltd (Head of Public Response)            Align            DFT            HS2 Engineering Director            HS2 Ltd (Town Planning Manager)            HS2 (Urban Design)            HS2 Ltd (Town Planning Manager)            HS2 Ltd (Town Planning Manager)            HS2 Ltd            SCS            HS2 Ltd (Lead Architect)            HS2 Ltd (Town Planning Manager)            HS2 Ltd (Senior Environment Manager)            HS2 Ltd            HS2 Ltd (Town Planning Manager)            SCS            BBVS            BBV</p>
<b>Local Authority Attendees:</b>	[REDACTED]	<p>Lichfield District Council (LDC)            Solihull Metropolitan Borough Council (SMBC)            Warwick District Council (WDC)            Birmingham City Council (BCC)            Warwickshire County Council (WCC)            Hertfordshire County Council (HCC)            Lichfield District Council (LDC)            Buckinghamshire Council (Bucks C)            North Warwickshire Borough Council (NWBC)            Buckinghamshire Council (Bucks C)</p>

**INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2**

		<p>Staffordshire County Council (SCC)          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 &amp; Fulham (LBHF)          Solihull Metropolitan Borough Council (SMBC)          Westminster City Council (WestCC)          Old Oak &amp; Park Royal Development Corporation (OPDC)          Lichfield District Council (LDC)</p>
--	--	--

Item		Action Owner						
1.	<b>Introductions</b> – were made.							
2.	<p><b>Review of minutes of the May meeting and outstanding actions.</b></p> <p>Additions to minutes of the May 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. DfT to provide updated timeline.</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.</td> </tr> </tbody> </table>	Date	Action	Status	Jan 22	Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT. DfT to provide updated timeline.	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.	<b>DfT</b>
Date	Action	Status						
Jan 22	Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT. DfT to provide updated timeline.	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.						

**INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2**

			<p>██████████ has begun conversations within HS2 about a more flexible approach to mitigation with respect to noise from construction. External consultancy working to pull together evidence and information from stakeholders. HS2 are currently considering some changes to its processes as a result of this, and will need to take this through internal governance.</p>	<p><b>Chair</b></p>
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.		
Sep 22	Overbridge Parapets PFN 16a and 16b to be finalised and circulated to PF for agreement.	Update under Item 8.		
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	Discussion about developing a PFN that specifically relates to the discharge of conditions.	Update at Item 6.		
Feb 23	Update on the rail systems (OCS) contract.	Action ongoing. Four planning authorities have been briefed to date. Phase One update will be discussed at a later PF.		
Mar 23	How new significant effects work alongside Schedule 17. HS2 to include an agenda item at a future Forum.	Action ongoing.		
Mar 23	PFN5 on conditions need to be clearer on the difference between conditions and requests for further details. HS2 to circulate a draft change to PFN5 for and to consider	Action ongoing. Update at Item 6. HS2 in process of reviewing PFN5. Proposed changes presented and		

## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

		consultation responses prior to July Planning Forum. Requests for some additional examples to help give better context and understanding.	discussed at May 2023 Planning Forum. Revised draft circulated for consultation (26/6/23 – 16/7/23).	
	Mar 23	HS2 proposal to adopt a similar wording for pre-submission consultations as used in Phase 2A PFN13.	Action ongoing. Update at Item 7.	
	May 23	Partial approvals to be added to future agenda for next Forum.	Update at Item 9.	
	May 23	Discharge of conditions process to be added to future agenda for next Forum	Consider under Item 6 (PFN5)	
	May 23	PFN2 is agreed and for the revisions to be published and for HS2 to take away the other requests for further deliberation.	PFN agreed at PF #69 on 25/5/23. Action on-going.	
	May 23	PFN19 to be drafted and circulated to Phase One and 2a Planning Forums for consultation.	Action ongoing.	
<b>3.</b>	<b>HS2 Project Update</b>			
	<p>The Phase 1 Project update was provided by PG (HS2), showing progress on enabling works, main works &amp; station contracts.</p> <p>Mark Thurston has announced that he is stepping down as CEO of HS2 at the end of September. The current Chair, Sir Jonathan Thompson, is going to stand in as interim executive chairman until a new CEO is appointed.</p>			
<b>4.</b>	<b>Planning Consents Performance &amp; Appeals and Judicial Reviews Update</b>			
	<p>SA (HS2) presented charts showing the time taken to determine Schedule 17 (S.17) applications in the last six months. SA noted performance appeared to be improving compared to previous months with more applications determined under 16 weeks. However, the volume of submissions has increased, with an increase in the number of applications determined beyond 16 weeks, so in that respect performance is not improving. There are 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. There was debate around whether the deferral process was allowed, which added to timescales for a couple of applications. There are also a couple of particularly complex applications which added to the timescales.</p>			

## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>SA (HS2) presented charts showing S.17 applications currently awaiting determination. Aware some of those submissions going through a significant and detailed modification process. There are also requests from local authorities for further information but HS2 would welcome clarity over whether those are relevant to the grounds in S.17. Aware of one authority with no planning officer in place which is causing significant delays: MB (WDC) acknowledged this and expected improvements now an officer is in place.</p> <p>SA (HS2) forward look shows a new phase of the S.17 consenting regime that some contractors are now beginning to enter and there is quite a high volume of submissions forecast over the coming months, primarily in the central and northern parts of Phase One. Project will be moving into the subsequent phases of the S.17 regime (site restoration and bringing into use) while also taking account of possible design changes as and when required.</p> <p>JF (HCC) asked what happens to forecast submissions that don't get made: how do they roll into future months and why is the performance so low compared to what is forecast? SA (HS2) responded that April, May and June figures are based on the April forward look and subsequently rolled over to the next quarterly forward look if not made. Forecasts can be optimistic but there is often an expectation of meeting these forecasts. However, as contractors go through the process of design work, pre-app engagement and stakeholder engagement, and then the process of review, things do come up which slow down the actual submissions. This varies considerably across contractors, particularly those making very high volumes of S.17 submissions, which is a challenge compared to other contractors using very large package areas. PG (HS2) HS2 is one of the biggest projects in the world and the resource required is drawn from consultancies and contractors across the UK and the world. Even so, this is not an unlimited resource, with specialists required to sign off, assure etc. which can add time to get an application submitted.</p> <p>TJ (Bucks C) asked if authorities being paid for their time even when they are being underutilised? PG (HS2) responded that authorities with the largest volume of applications have funded posts by HS2 and what has been previously agreed is that if HS2 over-predict forecasts and authorities make resources available, the financial consequences are on HS2 not the authority.</p> <p><b>Appeals and Judicial Reviews Update</b></p> <p>SA (HS2) updated on planning appeals currently awaiting determination. The trend appears to be continuing for increased lengths of time for appeals to be determined. HS2 provided an overview of the contents of the decision letters for each of the three appeals determined in May:</p> <p>Waste Lane #2 (APP/HS2/19) Appeal allowed 10<sup>th</sup> May with one condition.</p> <p>WCC Borrow Pit No.2 (APP/HS2/20 WCC) Appeal allowed 24<sup>th</sup> May with no conditions.</p>	
--	--	--

## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>WCC Borrow Pit No.1 (APP/HS2/21 WCC) Appeal allowed 24<sup>th</sup> 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 2022 (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><a href="https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions">https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</a></p>	
<p><b>5.</b></p>	<p><b>PFN4 Consultation</b></p> <p>Responses from consultees to S.17 submissions often raise matters which would be material to TCPA applications but are not material to S.17 requests for approval. An important part of the role of authorities is to consider any request for approval only on the basis of the relevant matters and grounds in S.17.</p> <p>PG (HS2) identified responses from consultees not being received or not being received in a timely manner (internal, statutory, and non-statutory), as being one of the causes of delay, pushing up average determination times.</p> <p>An update to PFN4 had been circulated to members on 12 June. An overview was given of the comments received from members and HS2's responses. HS2 will provide a resulting tracked changes version of PFN4 to members.</p>	<p><b>HS2</b></p>
<p><b>6.</b></p>	<p><b>PFN5 Model Conditions</b></p> <p>PFN5 provides guidance for the imposition of conditions and requests for additional details under S.17. Previously updated and agreed at July 2021 Planning Forum, it is now proposed to update PFN5 to 'Model Conditions &amp; Requests for Additional Details' and broaden scope.</p> <p>SA (HS2) presented the legislation behind conditions and requests for additional details. PFN5 sets out the relevant paragraphs and requirements for conditions/ additional details based on approval type and provides some example wording for model conditions and additional details.</p>	

## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>Feedback received from HCC and TRDC on a draft of proposed changes to PFN5 circulated for consultation following May Planning Forum. TJ (Bucks C) acknowledged not having provided comments but now proposed a subgroup or separate discussion to take an approach where conditions can help make progress, but agrees there is some useful information contained in the update and can see where there is overlap with PFN13. PG (HS2) happy to undertake further discussion and work collaboratively but note that these changes have been made in the light of the various court judgments and appeal decisions. TA (Chair) HS2 to arrange separate meeting to discuss PFN5 and PFN13.</p>	<p><b>Chair</b></p>
<p><b>7.</b></p>	<p><b>PFN13 Pre-application Engagement</b></p> <p>PFN13 was agreed at the July 2021 Phase 1 Planning Forum. It provides guidance on how pre-submission engagement should be undertaken, and whilst not entirely, it was primarily aimed at contractors. In 2022 the Phase 2a Planning Forum considered its version of PFN13 and decided to include a section giving specific advice to Qualifying Authorities on pre-submission discussions. HS2 seeks to have PFN13 consistent across the Phases and feels that the additional section in the 2a PFN is useful.</p> <p>It was therefore proposed at the last Planning Forum meeting HS2 would circulate (6 July) for comment the Phase 2a PFN ahead of a discussion at this meeting of the Forum. TJ (Bucks C) acknowledged not having provided comments but Bucks C has a lot of ideas and enthusiasm to help improve PFN13. The Chair proposed and it was agreed that the PFN5 working group also reviews PFN13, taking the 2a version as the starting point for discussions.</p>	<p><b>Chair</b></p>
<p><b>8.</b></p>	<p><b>Update on CDEs &amp; Parapets</b></p> <p>MH (HS2) updated on the amendments made to PFN16 (Parapets) which has been re-drafted as 16a &amp; 16b. The fundamental requirement for these parapets is that any crossing over the HS2 railway is defined as an Overbridge for which the HS2 Technical Standards require provision of 'H4a – Very High Containment' solid form parapet. Previously parapets could be designed using BS 6779-2 without the need for physical testing, however this was withdrawn in October 2017, requiring the design to revert to CD 377 within the DMRB. CD 377 requires physical impact testing to BS EN 1317-2 with National Highways rejecting a potential departure to use BS 6779-2. There is no proprietary system which meets the technical requirements and therefore HS2 had to design and test suitable parapets.</p> <p>H4a Test undertaken at the MIRA Testing Facility with a full-size parapet mock-up subjected to impact by a Family Vehicle and a Rigid Vehicle. HS2 does not interpret the results and has no influence on the results/conclusions. Independent accreditation bodies (SGS &amp; BSI) provide the final conclusions in line with the existing British Standards. Results are reviewed and accepted/rejected by National Highways for use on the network. Since the May Planning</p>	

**INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2**

	<p>Forum, HS2 have finalised the second round of impact testing which do not support the proposals outlined previously.</p> <p>Original testing of the transition from 2.125m to VRS was not ideal and the transition from 1.5m to VRS failed. Re-engineered transition profiles were re-tested, where the transition from 2.125m to VRS (CPT-4) passed, but the transition from 1.5m to VRS (CPT-5) again failed. During both the original test and the revised test the Rigid Vehicle overturned as a result of the initial impact with the parapet. National Highways have confirmed that they cannot accept CPT-5 on any of their network: this is not discretionary and is irrespective of road speed/ type. With no way to transition from the 1.5m high parapet to the VRS, HS2 now cannot use the 1.5m high parapet on the outer spans of a bridge.</p> <p>Impact testing the parapet units has taken over 18 months and the Main Works Civils Contractors now urgently need to proceed in order to meet the dates for handover to Local Highways Authorities, Rail Systems Contractors etc. The proposed 2.125m high parapet with inclined inner face substantially improves the user experience compared to the vertical face of the original Parapets CDE.</p> <p>TJ (Bucks C) can see that improvement but requested another Design Group meeting to see if there is a different option that might become available. HS2 happy for such a meeting to be arranged but it is not feasible now to be creating further designs. CE (WCC) suggested discussions include the treatment and maintenance of the parapets. MS (HS2) responded that typically the intention is to overpaint graffiti as set out in the forum note. JN (LBC) questioned if this is for all proposed new parapets or will HS2 need to look at redesigning existing approval parapets. MS (HS2) confirmed that there are a few locations which use the old CDE (as per PFN16), which doesn't provide measures to limit vehicle impact severity. MH (HS2) pointed out that we won't obtain a global departure to cover bridges already constructed; these are already compliant with regards electrical (overhead lines) standards, and a departure for vehicle impact is in place for each bridge.</p>	<p><b>HS2 Design Group</b></p>
<p><b>9.</b></p>	<p><b>Schedule 17 Requests – Partial Decisions</b></p> <p>PG (HS2) reminded the Forum that in late 2021/early 2022 it had discussed whether partial decisions were possible. This item is in response to an action to return to this issue to try and achieve a common understanding of the situation and legislation. Paragraph 7.4.2 of the Planning Memorandum implies it is possible in that if only part of the request can be determined within this timetable of eight weeks, the qualifying authority shall not seek unreasonably to delay the other part. Buckinghamshire Council have in the past made a split decision with the part that was not approved then being subject to appeal and JR, with neither the Planning Inspector nor the High Court raising a concern with the split decision.</p>	



## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>Recently some authorities have declined to make partial decisions which causes delays and increased costs to HS2.</p> <p>TJ (Bucks C) is happy to accept the principle of partial decisions on future requests but requested a protocol around this to add clarity. VC (BCC) seeks clarity on what partial entails for the proposals contained within a submission. AR (TRDC) doesn't necessarily agree that silence from PINS or Judge implies they accept the principle but does accept that it's contained in the Memorandum and proposes a working group on the administration of partial approvals. JN (LBC) wanted to understand how Bucks C issued more than one decision notice under one application reference. PG (HS2) happy to meet to discuss this and look at protocol guidelines.</p>	<b>HS2</b>
<b>10.</b>	<p><b>Local Authority Feedback and Issues Arising</b></p> <p>JF (HCC) requested the results of the SLA review. TA (Chair) noted that in the LAs' pre-meeting some continuing frustrations with the SLA were discussed, but some historic claims had been resolved.</p>	
<b>11.</b>	<p><b>Helpdesk Update</b></p> <p>VB (HS2) noted an increase in Helpdesk calls in June. 137 complaints were received during June, primarily on Phase 1. Noise &amp; Vibration and Traffic &amp; 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>	
<b>12.</b>	<p><b>Forward Plan/ AOB</b></p> <p>Dates for future 2023 Planning Forums are as follows:</p> <ul style="list-style-type: none"> <li>• September 21st</li> <li>• November 23rd</li> </ul> <p>It is proposed that the Forum stays on the third/ fourth Thursday of every month as at present. HS2 proposed for members' comments the following dates for the first half of 2024:</p> <ul style="list-style-type: none"> <li>• January 25th</li> <li>• March 28th</li> <li>• May 23rd</li> </ul> <p>JF (TRDC) highlighted the March date might fall within the pre-election period and for a new date to be proposed.</p> <p>JF (TRDC) was disappointed with HS2 comments made to academic researchers from ICL. Discussion about their research ensued.</p>	
	<b>End</b>	