

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

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| Title: | Independent Planning Forum for HS2 – Phase One | |
| Date & Time | South Meeting Wednesday 7 th December 2016 The Gridiron Building 1 Pancras Square London | North Meeting Thursday 8 th December 2016 The Falstaff Hotel 16-20 Warwick New Road Leamington Spa |
| Chair | ██████████ | Independent Chair |
| Promoter Attendees | ██████████ ██████████ ██████████ ██████████ | HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd |
| | South | |
| | ██████████ ██████████ ██████████ | HS2 Ltd DfT HS2 Ltd |
| | North | |
| | ██████████ ██████████ | HS2 Ltd HS2 Ltd |
| Local Authority Attendees | South | |
| | ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ | Aylesbury Vale District Council Aylesbury Vale District Council Bucks Country Council Bucks Country Council LBHF London Borough of Brent Cherwell District Council Oxfordshire Country Council GLA Chiltern District Council Chiltern District Council/South Bucks District Council Staffordshire County Warwickshire County London Borough of Camden Hertfordshire County Council |
| | North | |
| | ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ | Chiltern District Council Warwick District Council Birmingham City Council South Northamptonshire Lichfield District Council Warwick District Council Solihull Metropolitan Borough Council Northamptonshire County Council |

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| | ██████████ ██████████████████ ██████████ | Stratford-on-Avon District Council Warwickshire County Council Hertfordshire County Council |
| Guests | ██████████ | Interim Independent Construction Commissioner |
| Apologies | ██████████ ██████████ ██████████████ ██████████ ██████████ ██████████ ██████████ | North Warwickshire District Council North Warwickshire District Council OPDC South Northamptonshire Council LBHF London Borough of Brent Three Rivers District Council |

| Item | | Action Owner |
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| 1 | <p>Introductions</p> <p>Introductions were made. ██████████s (Programme Director – Area North) attended the North meeting and informed LAs of his role at HS2 Ltd.</p> | |
| 2 | <p>Review of notes & actions from last meeting</p> <p>South: CDC requested that the minutes from the previous meeting are amended to make clear a discussion regarding the role of the Constructions Commissioner and noise insulation. Action – CDC to send requested amendment to HS2 Ltd. Post Meeting Note: Amendment sent and agreed by Chair, ICC and ██████████.</p> <p>South: WCC said they had been contacted by a consultant (██████████) on behalf of DfT working on the cycle route proposal. WCC said that the consultant’s expectation does not seem to align with HS2’s. Action - HS2 Ltd to clarify DfT’s position on the cycle route proposals and JG’s status.</p> <p>South: AVDC informed the Forum that they have a planning application for a cycle route proposal pending. HS2 Ltd stated that they issued a holding objection to AVDC to enable the matter to be resolved as the proposal is within the safeguarding corridor.</p> <p>HS2 Ltd told the Forum that the paper relating to the appointment of the IAP has not yet been through internal governance. HS2 Ltd said that they would update the Planning Forum when further progress is made.</p> <p>██████████ (Interim Head of Engagement at HS2 Ltd) attended the South meeting and informed the Forum that ██████████ had been appointed as Director of Engagement at HS2 Ltd. ██████████ (Senior Engagement Manager at HS2 Ltd) attended the North meeting to inform the Forum of the appointment.</p> | CDC |

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| | <p>South: HCC queried if all the roles in the HS2 Engagement Team had now been filled. HS2 Ltd said that the structure of the team will be reviewed by [REDACTED] who reports directly to the interim CEO, [REDACTED].</p> <p>South: AVDC highlighted that item 3 was supposed to be regarding section 73, not section 72. HS2 Ltd accepted this was a typographical error.</p> <p>HS2 told the Forum that the Town Planning Team have briefed interface team colleagues who are taking forward the SLA discussions. This is because the SLAs cover a range of activities, not just planning consents. South: CDC said progress on the SLA was being made but had stopped for unknown reasons. They queried whether the Interface Team were going to continue discussions. North: WDC said they had not yet been contacted by HS2 Ltd to discuss their SLA.</p> <p>North: CDC said they are looking for an independent arbitration process for those refused noise insulation. CDC felt there was not a strategy in place to deal with a decision that aggrieves an individual and needs to be resolved. HS2 Ltd confirmed that there is no proposal to have such a process. This point had been raised through the parliamentary process and HS2 Ltd have been clear that it is not their intention to take such a process forward. Action – HS2 Ltd to discuss with noise and air quality colleagues.</p> <p>North: The Chair was surprised that a notification of works letter had not yet been produced. HS2 Ltd said they would circulate the draft that emerges – Action.</p> <p>North: HCC said that the PFNs had been circulated internally to check the terminology and perhaps words used needed considering for colleagues who have not been involved in the development of the PFNs. Action – HS2 Ltd to consider terminology.</p> <p>South & North: The Chair advised that the Planning Forum ToR should be revised in the New Year to reflect Royal Assent – Action.</p> <p>North: HS2 Ltd said that it needs to be decided how the town planning, construction and engagement discussions that take place at Planning Forum work together and ensure there is consistency across South, Central and North – Action.</p> <p>South & North: HS2 Ltd clarified that HS2 would not have its own website.</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>Planning Forum</p> <p>HS2 Ltd</p> |
| 3 | <p>Community Engagement Framework</p> <p>HS2 Ltd said there had been three rounds of LA consultation on the CEF. The document has been approved through internal governance, and so will now be issued to contractors for use. HS2 Ltd said they would circulate a table to show the comments received and responses provided – Action.</p> | <p>HS2 Ltd</p> |

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HS2 Ltd stated that the CEF can be viewed as a live document. If in the future it is considered that there has been a significant oversight and collectively LAs and HS2 Ltd thought there was something major missing, an amendment could be made.

South: BCC asked, where contractors change the design detail so much that a new environmental impact assessment has to be carried out, what the impacts would be on consultations as a result. BCC proceeded to ask if there were incentives to encourage contractors to act in a certain way. HS2 Ltd said that there are KPIs included in the contracts in terms of what is expected of contractors, which includes community engagement.

HS2 Ltd clarified that if the design change resulted in works outside of Bill limits, a separate consent would be required. Therefore, engagement would occur as under normal planning processes. The Bill does allow for design change, and HS2 engagement would occur in accordance with the the CEF.

South: BCC asked what a LA should do if it was felt that a contractor was not engaging sufficiently. HS2 Ltd said that LAs should inform their Area Engagement Manager.

South: SCC queried if the CEF sits above the CLPs. HS2 Ltd said that an engagement strategy should sit at the top but the enabling works contracts have already been awarded without that strategy in place. The CEF however will inform it. The CEF is a route wide document and the CLPs are locally specific.

South: CDC asked if the Delivery Plans could be shared with LAs. HS2 Ltd confirmed that Delivery Plans have been developed for the contractors rather than for LAs, but could be shared with LAs upon request.

South: BCC asked HS2 Ltd how they should advise their administration on what consultation to undertake as it is clear that HS2 Ltd are not paying to cover the expense. HCC stated that they had a meeting with a HS2 Area Manager who said that if it was felt more engagement was required, HS2 Ltd would accommodate. The Chair clarified that consultation on Schedule 17 requests for approval is discretionary by the determining LA.

North: The Forum discussed LAs role in terms of engagement regarding the complaints process as the message from HS2 Ltd thus far was that all complaints would be handled by the HS2 helpdesk. HS2 Ltd said that the further detail would be available as the complaints process develops.

South: LBC highlighted the assurance given that: *The Secretary of State will require the Nominated Undertaker to continue to engage on the detail of the route-wide Community Engagement Framework with the London*

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| | <p><i>Borough of Camden and other local authorities through the Planning Forum. The Promoter will use reasonable endeavours to incorporate comments received and where reasonable will provide explanation where comments have not been included.</i></p> | |
| 4 | <p>Complaints Process Update</p> <p>The process had originally been discussed at the EHO Subgroup where the key concern was timing of responses. HS2 Ltd presented revised slides on the process. Action – HS2 Ltd to circulate slides.</p> <p>South & North: LAs asked if HS2 Ltd could clarify the point regarding contractors reporting ‘all complaints within 24 hours’. Action – HS2 Ltd will clarify and update the presentation slides.</p> <p>North: HCC noted that there was no reference to periodic review and/or lessons learnt. HS2 Ltd clarified that the slide does not illustrate this as it illustrates the response process. It was not prepared to illustrate how lessons are learnt.</p> <p>South: LBC said it would be helpful to know the experience the complainant will have when making a complaint in line with this process.</p> <p>North: CDC said it would be helpful to present this to the public. HS2 Ltd said that there is a public-facing version to be shared at Community Engagement workshops.</p> <p>North: SNC said it is fundamental that all complaints go to the HS2 helpdesk, but the slide doesn’t seem to reflect that. HS2 Ltd said that the process is a work in progress and will be brought back to the Planning Forum as it develops.</p> <p>North: The Interim Independent Construction Commissioner (ICC) said that the discussion had highlighted some matters. It would be useful, for example, to have leaflets for LAs to issue to communities on the ICC’s role. Publicity material is required to ensure the role is clear. HS2 Helpdesk is the main stream of information.</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> |
| 5 | <p>Planning Forum Notes</p> <p>HS2 Ltd stated that they did not receive any further comments from LAs, except from HCC.</p> <p>HS2 Ltd told the Planning Forum that the Planning Portal Process PFN is the only note outstanding. It will be progressed in February 2017 once Planning Portal testing is complete.</p> | |

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| | <p>North: WDC queried the finality of the PFNs. HS2 Ltd clarified that the PFNs will be as final as possible but if matters emerge which LAs feel should be included, amendments would be considered to the appropriate PFN.</p> | |
| 6 | <p>Planning Portal Update</p> <p>HS2 Ltd informed the Planning Forum that of the tests that had been distributed to the volunteer LAs so far, feedback had been positive. Further tests with remaining LAs were scheduled to take place.</p> <p>South: WCC asked for clarity regarding the size of document uploaded to Planning Portal. WCC were aware that there was a limit. HS2 Ltd clarified that this limit was per document, therefore documents may have to be split up but they could all be captured in one application submission.</p> <p>South: LBC asked if part of the submission could include a list of what had been submitted. HCC explained that was standard practice for submissions via Planning Portal.</p> <p>South: AVDC asked if HS2 Ltd were able to clarify if paper copies would be available. HS2 Ltd said this would be on request.</p> <p>North: LDC suggested that once the testing with volunteer authorities was complete, each LA should receive a sample Schedule 17 application via Planning Portal to ensure it aligns with what is expected. Action – HS2 Ltd to initiate following completion of test submissions and circulation of draft PFN.</p> <p>North: SMBC said LAs would benefit from guidance on decision notices. Action – HS2 Ltd said they would consider including template in a PFN.</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> |
| 7 | <p>Fee & Appeal Regs</p> <p>HS2 Ltd presented slides with a summary of the content of the fee and appeal regulations. Action – HS2 Ltd to circulate slides.</p> <p>South: AVDC suggested that a flow chart might be useful for the appeal process. HS2 Ltd said that a guidance document similar to Crossrail's will be produced which contained a timeline.</p> <p><u>Fee Regs</u></p> <p>LBC: In the case where Schedule 17 submissions are covered by an SLA, no fee will be submitted. The SLA will also capture the pre-submission discussion. In the case of a refusal under the normal planning process there wouldn't be a fee applied to a re-submission but could the LA under the SLA charge for their time for a Schedule 17 re-submission. Action: HS2 said</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> |

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| | <p>they need to consider this point.</p> <p>South: CDC asked if the fees in the regs would change automatically if they change nationally. HS2 Ltd said that this would be a Ministerial decision.</p> <p>South: AVDC mentioned that it is anticipated that the fee regs are due to change.</p> <p>HS2 Ltd clarified that the fee regulations would apply to all Schedule 17 planning submissions. They are law and will not change depending on the LA to which the consent applies.</p> <p>The Chair noted that the regulations can't be issued before Royal Assent. <u>Appeal Regs</u></p> <p>North: LDC said it would be useful to highlight to Committee members that there could be costs to the Council should permission be refused by them resulting in an appeal. Members need to understand the narrow framework and what will or won't stand up at an appeal. Action – HS2 Ltd to consider if a briefing note would be appropriate to circulate.</p> <p>North: WDC said they produced a briefing note for members and would share with HS2 Ltd – Action.</p> <p>HS2 Ltd said that the significance of cost must not be lost, in terms of the contractor being unable to get on site because the consent has not been granted in time with the programme.</p> <p>North: SMBC asked if the fee regs include anything saying that if the payment is not received whether it affects the validity of the application. HS2 Ltd said that the clock would have started but if the payment has not been received in 6 weeks the LA needs to alert HS2 Ltd.</p> <p>North: HCC asked if the clock stops and starts again in such circumstances. HS2 Ltd said no it would not revert back to day 1. HS2 Ltd clarified that the application letter would include detail of the fee to be paid.</p> | <p>HS2 Ltd</p> <p>WDC</p> |
| <p>8</p> | <p>Introduction to Common Design Elements</p> <p>HS2 Ltd presented slides regarding Common Design Elements that are being developed to be used along the line of route. Action – HS2 Ltd to circulate slides.</p> <p>HS2 Ltd said that common design elements agreed by the Planning Forum will have a presumption in favour of approval (see paragraph 4.4.1 of the Planning Memorandum).</p> <p>North: LDC asked if the bridge design would be a Schedule 17 consent. HS2</p> | <p>HS2 Ltd</p> |

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| | <p>Ltd clarified that it would be. HS2 Ltd said it wanted to ensure consistent design along the route.</p> <p>North: WCC said that two historic sites need to be materially considered in terms of the design's impact on the sites. HS2 Ltd said that the common design elements need to be established first.</p> <p>North: HCC asked if it would be worth LAs providing the areas that they would not consider common design. The Chair suggested seeing the common designs first.</p> <p>North: NCC said that there was a desire from Planning Forum to see a presentation on gantries, to understand the technical issues and proposed design approach. HS2 Ltd confirmed that gantries are not subject to Schedule 17 approval, and that railway systems design has not yet been procured. Action – HS2 Ltd to feedback to relevant colleagues.</p> <p>HS2 Ltd stated that main works contractors are expected to be on board in mid to late summer, and then they will take at least 18 months to design the civils structures. Common design elements developed at this stage will be considered by the main works contractors. It is important to highlight that the design process is a journey and these discussions are not the end of the process. If LAs wish to highlight particular areas they should send details through to the Planning Forum mailbox.</p> | <p>HS2 Ltd</p> |
| <p>9</p> | <p>Parliamentary Process</p> <p>The DfT thanked the LAs for their signed copies of the Planning Memorandum.</p> <p>Class Approval for construction arrangements launch date for consultation yet to be decided, but LAs will be emailed informing them.</p> <p>South: LBC asked how long the consultation would be. DfT said it would likely be 8 weeks but that is to be confirmed.</p> <p>The DfT will publish their response to the House of Lords Committee report in the New Year.</p> | |
| | <p>Forward Plan</p> <p>HS2 Ltd presented the Forward Plan slides. Action – HS2 Ltd to circulate.</p> <p>Subgroup Update</p> <p>Highways Subgroup meeting scheduled to take place on the 9th December.</p> <p>Flood Risk & Drainage Subgroup meeting scheduled to take place on the 15th/16th December.</p> | <p>HS2 Ltd</p> |

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| | <p>South: WCC said that the Ecology Review Group meeting was scheduled to take place in January and was concerned that only the SPOC could attend.</p> <p>HS2 Ltd said that the next Planning Forum meeting is scheduled to take place on the 25th (South) and 26th (North) January. HS2 Ltd asked the North Planning Forum if the meeting could take place at the HS2 offices in Snow Hill. LAs agreed to the change of venue. Action – HS2 Ltd to send out future calendar invites.</p> | HS2 Ltd |
| 10 | <p>AOB</p> <p>South: CDC asked if there was any progress on the LEMPS. HS2 Ltd said they would feedback the query to colleagues – Action.</p> <p>South: OCC asked if the Flood Risk Subgroup would consider floodrisk to lorry routing. HS2 Ltd said that this would be picked up by the Traffic Liaison Groups when discussing specific lorry routes.</p> <p>South: LBC said that an EH colleague had asked if [REDACTED] would attend a future EHO Subgroup meeting. Action – HS2 Ltd to feedback to colleagues</p> <p>North: HCC asked if a Programme Director could attend future Planning Forum meetings.</p> | HS2 Ltd HS2 Ltd |