

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

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| Title: | Independent Planning Forum for HS2 – Phase One | |
| Date & Time | South Meeting Wednesday 26th October 2016 The Euston Office One Euston Square 40 Melton Street London, NW1 2FD | North Meeting Thursday 27th October Hilton, Warwick Stratford Road Warwick, CV34 6RE |
| Chair | ██████████ | Independent Chair |
| Promoter Attendees: | ██████████ ██████████ ██████████ ██████████ ██████████ | HS2 Ltd HS2 Ltd HS2 Ltd HS2 Ltd DfT (South meeting) |
| Guest Speaker | ██████████ | Interim Construction Commissioner |
| Local Authority Attendees: | South | |
| | ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ | Three Rivers District Council Hertfordshire County Council London Borough of Camden Chiltern District Council Chiltern District Council Buckinghamshire County Council Aylesbury Vale District Council South Bucks District Council Staffordshire County Council Warwickshire County Council London Borough of Brent Oxfordshire County Council OPDC GLA London Borough of Ealing Westminster City Council London Borough of Hammersmith & Fulham |
| | North | |
| | ██████████ ██████████ ██████████ ██████████ ██████████ | Lichfield District Council South Northamptonshire Council Warwick District Council Birmingham City Council Stratford on Avon District Council |
| Apologies | ██████████ | Northamptonshire County Council |

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| Item | | Action Owner |
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| 1 | <p>Introductions Introductions were made.</p> | |
| 2 | <p>Review of notes & actions from last meeting</p> <p>North & South: The minutes of the previous meeting were agreed. Action – Publish September minutes on the Planning Forum webpage.</p> <p>The Chair went through the outstanding actions log which had been shared with the Forum. The following actions were discussed in further detail during the meeting:</p> <ul style="list-style-type: none"> • May 2016 – HS2 Ltd clarified that was no update to provide the Forum with regard to the appointment of the IAP. The Chair asked HS2 Ltd to confirm the process to appoint the IAP and report at the next meeting - Action • Sept 2016 Item 2 – HCC said they had not received any communication from Planning Portal. HS2 Ltd said that Planning Portal will be sending out test submissions to volunteer LAs during the week commencing 31st October. HS2 Ltd had been working on the content for Planning Portal to include in their test submissions. HS2 Ltd clarified that Planning Portal will be for <u>Schedule 17 consents only</u>. • Sept 2016 Item 4 – HCC requested further information about the HS2 complaints process. Action – HS2 Ltd will ask the Community Response team if there is a gap between the number of complaints received and the number of complaints handled through the formal complaints process. TRDC asked how many public inquiries HS2 have ever received. HS2 Ltd said they would take the query back to the Public Inquiries team and update at the next meeting but were unsure of the relativity of this request - Action • HS2 Ltd confirmed that there had been no suggested changes to the draft BIU PFN. The Chair highlighted to LAs the importance of considering all PFNs because their purpose is to aid fellow LA colleagues. HS2 Ltd extended the deadline for comments on <u>all</u> draft PFNs to 30th November. Action – HS2 Ltd to circulate the tracked changes on the PFNs. Action – LAs to consider the draft PFNs and send any comments by 30th November to the Planning Forum mailbox. • Sept 2016 Item 10 – The Chair suggested keeping the SPOC list as ongoing on the actions log. | <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd LAs</p> |

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| <p>3</p> | <p>Planning Forum Notes</p> <p>HS2 Ltd exhibited the PFNs comments response table which contained comments LAs had made on a particular PFN followed by HS2 Ltd's response.</p> <p><u>Planning Forum Note - Consultation</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> <p>South: LBC mentioned that during Select Committee, the Camden Town Conservation Area Advisory Committee had asked to be consulted on Schedule 17 requests - Action – HS2 Ltd to follow up with LBC outside of the Planning Forum.</p> <p>South: There was LA discussion regarding the responsibility and liability for community engagement, specifically whether LAs are open to being challenged on their consultation process if they do not consult communities properly. HCC suggested pushing back onto HS2 Ltd as they have a Community Engagement Team. HS2 Ltd clarified that the Community Engagement Team would not consult on Schedule 17 submissions as this was not within their remit. The requirements for consultation on Schedule 17 requests are clear in the Bill.</p> <p>North: SNC said that it needs to be stated that it is not unlawful should statutory bodies not respond to a consultation. LDC stated that it is not the consulting local authorities' fault if statutory consultees do not respond. The consulting authority have performed their statutory obligation therefore it is not unlawful and open to challenge.</p> <p>North: Following the South meeting the day before, the Chair suggested that guidance for LAs would be useful to clarify who notifies which consultee and how Planning Portal interacts with this process. LDC stated that this is a development control issue so would only apply to District and Unitary Authorities.</p> <p>North: HS2 Ltd said that if there is a lack of response from statutory consultees then the issue can be approached at future Planning Forum meetings.</p> <p><u>Planning Forum Note - Written Statements</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> <p><u>Planning Forum Note - Model Conditions</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> <p><u>Planning Forum Note - Lorry Route Approvals</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> | <p>HS2 Ltd</p> |

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| | <p>South: The Chair suggested that the PFN make clear as to why enforcement is not included in the PFN to inform future readers. Action – HS2 Ltd to clarify further in the comments and responses table.</p> <p><u>Planning Forum Note – Planning Portal</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> <p>South: HS2 Ltd stated that there is no Bill equivalent to a section 73, therefore they do apply to Schedule 17 requests for approval. AVDC queried this response and asked HS2 Ltd to seek legal advice. Action – HS2 Ltd to seek appropriate legal advice and report back to the Planning Forum.</p> <p><u>Planning Forum Note - Content of Sch. 17 submissions</u> HS2 Ltd read out the LA comments and HS2 responses – see table.</p> <p>South: AVDC highlighted that it would be difficult for their team to plot the location of a request if it is in the middle of nowhere so would it be possible for HS2 Ltd to provide an electronic location? Action – HS2 Ltd to feedback query and update the Planning Forum.</p> <p>North: The Chair reiterated that the PFN’s are owned by the Forum and they can be amended after RA. They are a guide and should be considered by all LAs to aid future LA colleagues who deal with Schedule 17 requests but have not attended Planning Forum.</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> <p>HS2 Ltd</p> |
| <p>4</p> | <p>SLA Update</p> <p>HS2 Ltd had issued the 4th draft earlier in the week and asked the Forum for their thoughts.</p> <p>South & North: The Chair summarised from the pre-meetings, that LAs were more in agreement with the terms so the 4th draft was worth doing.</p> <p>South & North: HS2 Ltd confirmed that LA upfront funding would not be included in the SLA as it is about the reimbursement of costs. However, this matter could be discussed outside of the SLA in bilateral meetings.</p> <p>South: HCC asked if there was scope to get small tweaks. HS2 Ltd clarified that this would be possible. Once the generic version is confirmed, individual LA amendments can be discussed with HS2 Ltd in future bilateral meetings. HCC said they were happy to share the tweaks that HCC were going to ask HS2 Ltd to amend in their individual SLA. BCC stated the importance of all LAs sharing the outcome of their bilateral meetings.</p> <p>South: AVDC stated that the SLA does not make reference to training new LA staff and the time and cost incurred by LAs. AVDC said that HS2 Ltd staff would not be able to train new LA staff because they may not know the</p> | |

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| | <p>systems LAs use.</p> <p>South: BCC asked for further clarity on the term ‘Nominated Undertaker’ used in the agreement because it might not be HS2 Ltd who are made the NU. The Chair confirmed that the SLA is a transferrable agreement so would apply even if HS2 Ltd were not the NU.</p> <p>South: LBB reiterated that the right people need to be in the bilateral meetings and with Christmas approaching it puts a constraint on time. Action – HS2 Ltd said they would find out when bilateral discussions will start and update the Planning Forum.</p> <p>South: BCC said there is concern that Community Engagement resources have not been agreed with HS2 Ltd. There is concern that LAs do not know the forward programme of works which is why there was a problem when GI works were carried out on Napier Road. HS2 Ltd said that this specific matter was being dealt with at a very high level but reiterated that the company is aware that HS2’s reputation is impacted by contractor work.</p> <p>South: LAs were content that the 4th version SLA was the generic template to inform bilateral discussions. The Chair stated that the aim is to get the SLA in place by RA.</p> | <p>HS2 Ltd</p> |
| <p>5</p> | <p>Complaints Process</p> <p>HS2 were requested to put this on the agenda following the EHO Subgroup presentation in September.</p> <p>South & North: The Chair highlighted that complaints do not just deal with noise, hence why this item should be addressed in the Planning Forum.</p> <p>HS2 Ltd said that following feedback from last EHO subgroup the process was developing and responses would be given to the next EHO Subgroup. The Complaints Process would then on the agenda for the Planning Forum’s December meeting.</p> | |
| <p>6</p> | <p>Introduction to Interim Construction Commissioner – ██████████</p> <p>South & North: ██████████ attended the meeting to introduce himself to LAs and provide an overview of his role.</p> <p>Action – ██████████ asked HS2 Ltd to provide his email address to Planning Forum SPOCS.</p> <p>South & North: GE gave examples of the types of complaints he had been involved on previously for Crossrail works.</p> <p>South: The Chair clarified that the Interim Construction Commissioner</p> | <p>HS2 Ltd</p> |

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| | <p>would be held accountable by the IAP.</p> <p>South & North: GE clarified that the IAP will provide guidance as to what is within the remit of the Construction Commissioner’s work, for example whether or not the CC will handle property matters including secondary glazing for noise mitigation. Action – HS2 Ltd will feedback to colleagues and report back to the Planning Forum.</p> <p>South: TRDC queried that if the EMRs were breached, whether a resulting complaint should be directed to the CC instead. HS2 Ltd responded to say that the advice was not to write to the SoS. The Chair said that it would be sensible to clarify the difference between a breach of an EMR and a complaint that the CC handles.</p> <p>South: LBC said it would be a very lengthy process if a complaint goes through the HS2 process and then the CC process. HS2 Ltd said this was why an efficient process needs to be established. More information on this process will be presented at the December meeting.</p> <p>North: SNC asked the CC if he sees it being a web based process. The CC responded and said that there does need to be a degree of transparency but data may be sensitive. The IAP will determine what is reported following the assessment of what other projects have previously done.</p> <p>North: HS2 Ltd clarified that a complaint would be investigated by the CC if the complainant were unhappy with the response HS2 Ltd has provided to the original complaint.</p> <p>North: The Chair highlighted that it needs to be clarified whether or not there is one primary helpline for complainants regardless of there being more than one NU. The Chair used Crossrail as an example, whereby NR were carrying out the surface works (although not as NU) and had their own helpline with a separate complaint process.</p> | <p>HS2 Ltd</p> |
| <p>7</p> <p>7.1</p> | <p>HS2 Updates</p> <p>Parliamentary Process</p> <p>DfT attended the South meeting to provide the Forum with an update and HS2 Ltd provided the update at the North meeting.</p> <ul style="list-style-type: none"> • The Committee had resumed sitting to listen to petitioners from the Euston/Camden area and were currently listening to petitioners from Bucks. • The Committee had completed a number of site visits to the areas impacted by HS2. • The Bill is on programme to achieve RA by the end of December | |

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| | <p>South: TRDC asked if there was a transcript of the site visits by Committee members. DfT clarified that there was not.</p> <ul style="list-style-type: none"> • HS2 Ltd have appointed [REDACTED] as interim CEO and recruitment of Simon Kirby's permanent replacement is underway. • The SoS announced details regarding the CEF and BLEF totaling £40million to be awarded to affected communities. <p>DfT clarified that allocation of funding was centered on the HS2 route.</p> <p>HS2 Ltd clarified that further guidance on applying for the funding would be available in due course.</p> <p>South: LBC asked if there was any guidance stating how the monies would be split over the programme of the works. HS2 Ltd said not yet but this factor would depend on the intensity of the works in the specific area.</p> <p>South: BCC said that although the amount seemed like an awful lot of money, in the grand scheme it was not. HS2 Ltd stated that Bucks appeared in the HoLs recently on this issue and the Select Committee would report back in due course. The Chair clarified that this would therefore be handled outside of this meeting.</p> <p>North: HS2 Ltd confirmed that the Information Paper regarding the CEF and BLEF had been amended to reference all County areas.</p> <p>Action: LAs that requested a copy of the Planning Memorandum to sign were urged to return the signed document by 31st October. Should the date be problematic, LAs were asked to contact [REDACTED] at the DfT.</p> | LAs |
| 7.2 | <p>Forward Plan</p> <p>HS2 Ltd said that LAs would be consulted on the Construction Arrangements class approval after the HoLs Select Committee.</p> <p>South: HCC highlighted to the Forum that a section of the CoCP is to be amended and wondered whether the document should be a future agenda item. HS2 Ltd confirmed that the final CoCP would be published at Royal Assent, and HS2 Ltd said they would source the tracked change version of the CoCP to circulate to the Planning Forum - Action</p> <p>HS2 Ltd confirmed that the December meeting would be on the 7th and 8th December. The Chair asked whether the South meeting could be on the 7th and the North meeting on the 8th. HS2 Ltd said they would confirm shortly.</p> <p>South: AVDC asked HS2 Ltd to send out invites ASAP as diaries were getting very busy - Action</p> <p>South: SBDC asked if the December agenda could include the CEF as it has</p> | <p>HS2 Ltd</p> <p>HS2 Ltd</p> |

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| | <p>dropped off slightly. HS2 Ltd said they would feedback to colleagues for consideration - Action</p> <p>South: CDC said they have had a Schedule 17 presentation from [REDACTED] to Council members which was very useful. CDC agreed to circulate the slides to Planning Forum members. Action</p> <p>North: LDC asked if HS2 Ltd were still planning on doing briefings to LA Councillors, as previously suggested. HS2 Ltd said that LAs should contact a member of the Town Planning team who will arrange with the appropriate Area Town Planner to do the presentation.</p> <ul style="list-style-type: none"> • EHO Subgroup scheduled 3rd November • Highway Subgroup scheduled 9th November • Flood Risk and Drainage Subgroup TBC <p>South: SBDC highlighted to the Planning Forum that the EHO ToR were accepted at the previous Subgroup meeting. The Chair asked if there were ToR for the Highway Subgroup. HS2 Ltd to feedback to Highway colleagues - Action</p> <p>South: The Chair asked the Planning Forum to make contact with their Heritage colleagues to give feedback on the progress that the Heritage Subgroup is making - Action</p> | <p>HS2 Ltd</p> <p>CDC</p> <p>HS2 Ltd</p> <p>LAs</p> |
| <p>8</p> | <p>AOB</p> <p>North: The Chair noted that the matter has been discussed previously, but wondered if further consideration had been given as to whether the Project would have its own website post RA. HS2 Ltd said they would feedback to colleagues and confirm. This has also been suggested by the Design Panel Chair. – Action</p> | <p>HS2 Ltd</p> |