

Document Number:	HS2-HS2-ER-MRC-000-0000012
Meeting Date:	19 June 2013
Meeting Location:	Pullman London St Pancras Hotel
Meeting Title:	Route wide planning forum
Zone/Area References:	N/A
GIS/Land Registry Reference:	N/A
HS2 Ltd Contact Person:	[REDACTED]
Stakeholder:	Local Authority
Topic Keywords:	Planning Forum, Local Authority

Chair	[REDACTED]	Independent Chair
Promoter Attendees:	[REDACTED]	Town Planning Manager, HS2 Ltd London Planning Manager, HS2 Ltd Country Planning Manager, HS2 Ltd Planning Liaison HS2 Ltd Bill Manager, DfT
Local Authority Attendees:	[REDACTED]	LB Camden LB Camden LB Brent Westminster City Council Westminster City Council Westminster City Council RB Kensington & Chelsea Chiltern & South Bucks District Council South Northants District Council Northamptonshire County Council Warwickshire County Council Warwickshire County Council Warwickshire County Council Buckinghamshire County Council North Warwick Borough Council Lichfield District Council Birmingham City Council Birmingham City Council Solihull Metropolitan Borough Council
Apologies	[REDACTED]	Greater London Authority Hertfordshire County Council LB Ealing RB Hammersmith & Fulham LB Brent Hertfordshire County Council Aylesbury Vale District Council Wycombe District Council Three Rivers District Council Oxfordshire County Council South Northants District Council Warwickshire County Council Staffordshire County Council Staffordshire County Council Lichfield District Council Birmingham City Council Birmingham City Council Birmingham City Council

Item		Action/Owner
1.	Introductions	

	Introductions were made.	
2.	Review of notes of last meeting & actions arising	
2.1	An omission was noted in the notes from the south meeting. 4.5 to be amended to include reference to issues with station entrances at Kings Cross.	
2.2	Item 2.1: Closed	
2.3	Item 2.5: One comment received on the proposed planning regime. More comments are welcome.	
2.4	Item 2.11: Email issued on 12 June to update members on progress with the appointment of chair to the planning forum.	
2.5	Item 2.13: HS2 Ltd will hold a route wide briefing to discuss the scope and methodology and approach to ecological surveys and other route wide matters if this is considered helpful. Please provide nominated attendee suggestions to TB. The hybrid Bill is unlikely to alter primary legislation relating to biodiversity & local authorities are unlikely to have consenting powers in this regard. On this basis HS2 Ltd maintains the position that an ecology sub group to the planning forum is not appropriate. WaCC noted this response but still maintains the position of requesting a sub group. BuCC noted that some authorities have flood responsibilities from the broader environmental perspective. The decision on what powers will be included in the Bill is yet to be taken and discussions will be taking place with flood authorities shortly.	LA's
2.6	Item 2.14: It is confirmed that community forums are due to resume in the Autumn and dates will be proposed shortly.	
2.7	Item 2.15: The preferred date for a CoCP sub group meeting is 3 July, and an invitation will be issued shortly. It will be sent to those who attended the first meeting but please advise TB of any other suggested attendees.	LA's
2.8	Item 3.1: The Terms of Reference have been revised in light of comments received and are published on the website.	
2.9	Item 3.2: Item closed.	
2.10	Item 4.3: A slide was presented on the statistics for planning submissions on HS1 & Crossrail. The slide will be issued to members by email. The HS1 construction programme was ten years in total. However the work was split into two phases with phase one being the railway through Kent and phase two the three stations and the tunnelling into London. With Crossrail the main submissions on the nine stations have now been made. Although there will be some submissions throughout the programme, the work load will be front end loaded. It is expected that the proposal to have Class Approval will reduce the consent load by around a third. Item closed.	
2.11	Item 4.8: For roads which are used for construction traffic off the location of the works, highway authorities will be able to rely on section 59 of the Highways Act 1980 which allows them to recover from developers the additional costs of maintaining roads by reason of the damage caused by excessive weight passing along the highway or other extraordinary traffic using the roads. Extraordinary traffic means in this context 'all such continuous and repeated use of a road by a person's vehicles as is out of the common order of traffic, and as may be calculated to damage the highway and increase the expenditure on its repair.' This should therefore cover unusual use of the road for the purpose of constructing HS2.	
2.12	Item 4.9: HS2 Ltd is looking at the necessity of the 6 month backstop for site restoration submissions.	
2.13	Item 4.13: The protections diagram will be reissued next week.	HS2 Ltd
2.14	Item 4.14: The meeting will be updated on progress with the Environment Memorandum. To be addressed under item 3 below. Item closed.	
2.15	Item 5.2: Item closed.	
2.16	Item 5.3: HS2 Ltd will review what and when information can practically be provided on baseline traffic via bilateral engagement. The offer remains for local discussions of this nature to take place and can be arranged on request. NCC noted that they would like to see the baseline traffic data when available. HS2 Ltd identify when this is likely to be.	HS2 Ltd

2.17	Item 5.4: WaCC have confirmed that a local discussion on highways is required, including on the Transport Assessment. It was suggested that meetings to address the general principles & TA be arranged with Shire authorities' together and urban authorities together. HS2 Ltd would welcome this approach. Attendees to be suggested to TB.	LA's
2.18	Item 6.1: Once the announcement on the safeguarding direction is made, HS2 Ltd will be in contact with local authorities. It will also be on the agenda for the subsequent planning forum.	
2.19	Item 4.11: Item closed.	
2.20	Item 5.5: Officers will be updated on minerals & borrow pits, and arisings & disposals assessment detail when available through bilateral engagement. The mineral authority is normally the first point of contact. It was requested that relevant Districts be invited to any meetings on these issues.	HS2 Ltd
2.21	Item 16: An event for elected Members on the hybrid Bill will be organised for late summer/autumn. It was requested that a date be proposed as soon as possible.	HS2 Ltd
2.22	Item 17: Hybrid Bill and petitioning process will be on the agenda for the community forums when they resume.	
2.23	Item 6.1: LEMP's on the agenda for the sub group on 3 July. Item closed.	
3.	Route map of planning and Environment documentation	
3.1	A slide was presented that sets out the documentation required and when they need to be completed. This will be issued following the meeting.	
3.2	An example of the likely subjects for the statutory guidance was requested. One example would be guidance on the extent to which local authorities can impose conditions. It will be a supporting document to the regime, giving an expansion on how the system will operate in practice.	
3.3	HS2 Ltd is still welcoming comments on the principles of the proposed regime, however these will need to be provided by the next meeting if they are to be considered in the drafting of the planning schedule by Parliamentary Council.	All
3.4	The Chair queried why the planning schedule itself is not on the slide. DfT explained that it is not intended that this will be consulted on. It will be drafted on the basis of the discussions and comments received on the principles. By the time the draft is expected to be available, it will be time for deposit. The link to the Crossrail planning regime schedule has been issued and the proposed changes for HS2 set out. There will still be the opportunity to petition during the passage of the Bill through the Parliament. The highways protective provisions were shared with the sub group. The timescale for this part of the Bill was different as these are drafted by DfT agents and the process is under DfT control. DfT will consider whether it will be possible to share the schedule once it is available, expected to be Oct/Nov time. However it will not be possible to make amendments at this stage.	DfT
3.5	Heritage agreements are put in place and operate as outline listed building consent. An example was tabled at the heritage sub group and the presentation will be issued to the planning forum.	HS2 Ltd
3.6	Those documents with dates for completion by Royal Assent are driven by the need for the Undertakings and Assurances (U&A) Register to be finalised before then. HS2 Ltd will confirm that the intended target date for completion is by the end of the House of Lords Select Committee. HS2 Ltd to add the U&A register to the document list.	HS2 Ltd HS2 Ltd
3.7	U&A's are a commitment to Parliament by the Secretary of State. They are enforced via him (effectively the DfT) and are taken very seriously by the Nominated Undertaker.	
4.0	Code of Construction Practice	
4.1	A presentation was given on the CoCP. This will be circulated to the meeting.	
4.1	A draft example of a Local Environment Management Plan is due to be available by the end of this year. It will not be the final version as much of the information will not be available until the construction phase.	
4.3	Clarity was requested on how the route will be split for LEMPs, noting the intent to	

	mirror the CFA areas. NWBC noted that there is an inconsistency between the ES and the CFA area for Coleshill Junction. HS2 will follow this up. The aim is for consistency with the CFA areas although this is still open for discussion and it is recognised that it will lead to LEMPs crossing boundaries.	HS2 Ltd
4.4	BuCC noted concerns about communications from HS2 Ltd and noted further concern about LEMP's being produced in areas where engagement is not taking place. HS2 Ltd is continuing to push for engagement in all areas however it is recognised that Hillingdon are not engaging at this stage. It was noted that LEMP's are produced in association with local authorities, but are not for agreement. While HS2 Ltd would prefer to work with authorities, they can still be produced without them. Under law authorities are required to respond to secondary consent applications.	
5.0	Any other business	
5.1	The high level forum request is actively being considered and it is hoped that a decision will be provided by the next meeting in July.	DfT
5.2	An update on the proposals for the property re-consultation was requested by LBC. HS2 Ltd has given a commitment to the court to re-consult but no date or details can be confirmed yet. It is recognised that it is desirable to undertake the consultation as soon as possible for all parties, but the programme is not driven by the Bill programme. The consultation is about the discretionary blight proposals which are not part of the Bill. Statutory blight compensation measures apply in the Bill. The discretionary measures will be set out in a commitment from the Secretary of State in some form. It is not a statutory document but it is agreed that it will be complied with. The current scheme is the Exceptional Hardship Scheme, the details of which are set out on the website and in that respect is a commitment.	
5.3	BuCC sought an explanation on an alleged inconsistency between statements made by the HS2 Ltd QC in the recent JR hearing, with the statements regarding the rejected alternatives set out in the draft ES. HS2 Ltd/DfT is unable to comment; the hearing has just closed and no details have been received as yet.	
5.4	A question was raised about the date for plans to be fixed before deposit. At present there are no substantive changes in the pipeline but there could be changes as a result of the current consultations. Once any amendments are made arising from the consultations, the plans will be fixed. The select committee will then be the next opportunity to comment. The date for design close will depend on the extent of the change. Officers noted they are still in discussion with consultants so are keen to be clear on when no further changes will be possible. HS2 Ltd will clarify.	HS2 Ltd
5.5	NCC noted that it would be helpful to understand what further information is likely to be available before the formal ES. A regular bilateral engagement schedule will be agreed to ensure that information share takes place.	HS2 Ltd/NCC
5.6	Deposit of the Bill is still programmed for the end of the year.	
6.0	Main themes from the Crossrail Interborough's Lessons Learnt Document	
6.1	The key themes from the Lessons Learnt that address the principles of the regime were set out on a slide which will be issued post meeting.	
6.2	The concern about the amount of information that is provided with submissions will be dealt with through the statutory guidance document proposed.	
6.3	Under Crossrail only the Plans and Specifications themselves were for approval; written statements were only to provide supporting information; it is proposed that this will be the same for HS2. The construction arrangements approval is required for the route to and from the worksites but not how the route is used. How the route is used is subject to the principles in the Environmental Minimum Requirements. Lorry Management Plans will remain for information and not approval.	
6.4	If the NU was required to make submissions to prove that works are within the realm of the ES as suggested, this would be unduly onerous and unnecessary. The EMR sets out the commitments and compliance with this is required. It is a	

	binding obligation. The planning process is not designed for this purpose.	
6.5	The context reports are substantial and expensive to produce. It would not be practical to regularly update them. A suggested compromise is to regularly update the programme with a forecast of upcoming submissions. HS2 Ltd to consider.	HS2 Ltd
6.6	The importance of pre-application consultation is recognised. It is suggested that it be enshrined in the planning memorandum to strengthen the commitment. HS2 Ltd to consider this.	HS2 Ltd
6.7	There has been a debate over the intent of the construction arrangements approval process and what information should be submitted for construction arrangements. The proposal for class approvals should move this debate forward.	
6.8	The breadth of conditions that can be imposed on approvals has been an area of concern. The grounds are set out and restricted. The design is for approval and conditions can only apply to what the structure looks like. Conditions that relate to the operation of the railway are not allowed. E.g. Fixed plant noise. The operational conditions are imposed by Parliament, not the planning process. It is not considered appropriate for planning to constrain the operations of the railway.	
6.9	WeCC noted this was a fair summary of the main issues of principle. Other issues were around how the process is managed and how that imposes pressures on authorities. This underpins the prime importance of the EMRs being right from the start, and everyone agreeing what everything really means. In the normal planning environment, authorities have more discretion. Under a hybrid Bill there is less discretion for both the authorities and the Nominated Undertaker due to the agreements set out at the start.	
6.10	It was noted that authorities are able to turn down submissions if they have justified grounds.	
6.11	The Chair noted that for the afternoon discussion, the points set out in the slide could be discussed along with three further suggested points; <ul style="list-style-type: none"> - Safeguarding and how tight or broad this should be drawn - Urban realm issues beyond the railway and over-site development issues - Regeneration and context Other points raised by officers; <ul style="list-style-type: none"> - the process for signing off flood issues with the EA should be discussed with local authorities, - Cost of the planning regime to local authorities. 	
7.0	Lunch break	
8.0	Local authority discussion	
9.0	Summary and feedback to HS2 Ltd	
9.1	Discussion was productive and also addressed wider issues beyond the planning regime. The LAs set out the suggestions and comments below,	
9.2	The railway project is justified by the wider regeneration benefits. There is a feeling that this wider issue should be reflected by a commitment to wider public realm and master planning activity. It is recognised that this is beyond the planning team responsibility, and the point should be made at a higher level. This would be made to the High Level Forum if it were in place.	DfT
9.3	Discussion took place around resources. It was suggested that planning fee regulations should be included on the document list. The scope for reimbursement should be extended beyond submission fees.	HS2 Ltd HS2 Ltd
9.4	Intra authority issues were discussed. E.g. the lorry route is approved by the authority with the site. It is recognised that sensible consultation took place on Crossrail but this requirement for consultation should be built into the process at least, with consideration to also be given to approval being extended to other authorities on the route.	
9.5	The concern about the level of detail supplied was relating more to the construction arrangements on Crossrail. The proposal to have class approvals is understood and accepted. Local authorities will consider whether there will be other elements they may want to be included for approval. With regards to the submissions of additional environmental assessment the authorities said this	LAs

	would be by exception if proposals were considered different to that set out in the ES.	
9.6	The authorities agreed that the programme is the most important and useful part of the context report that needs updating, either quarterly or six monthly.	
9.7	Local authorities have agreed to look at the wording on the pre-application consultation point and consider whether the wording needs strengthening.	LAs
9.8	It is proposed for HS2 Ltd that conditions will be possible only if agreed on both types of submission, but still within the limit of the scope. The limitations will be spelt out in the statutory guidance document to assist with clarification. The consistency reduces the chance of attempted imposition of ultra vires conditions which leads to delay. There is no apparent logic to why agreed conditions only applied to construction arrangements for Crossrail; it is thought this was inherited from CTRL.	
9.9	It was noted that the Lessons Learned document was helpful, and that discussions will continue with more comments to follow. Any comments on the Crossrail Lessons Learned document itself should be directed to [REDACTED].	LAs
9.10	The instruction to draft the Bill will be issued shortly so comments should be received before the next meeting, and ideally two weeks before to allow for an initial response to them. Discussion at the next meeting will be the last opportunity for LA's to comment on the principles to be enshrined in the planning schedule.	
9.11	It was agreed that the next planning forum will be a single combined meeting on the 17 July 10.30am-3pm in Warwickshire. The local authorities will meet in the morning, with the forum in the afternoon. It was recognised that there will not be a response to comments received on the day from HS2 Ltd.	