

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

Title:	Independent Phase One Planning Forum for HS2 - #71	
Date & Time:	Thursday 21 st September 2023 Microsoft Teams Meeting 13:00 – 15:30	
Chair:	[REDACTED]	Independent Chair
Promoter Attendees:	[REDACTED] [REDACTED]	HS2 Ltd (Planning Phase 1 Lead) BBV HS2 Ltd HS2 Ltd (Town Planner) HS2 Ltd (Town Planning Manager) HS2 Ltd (Civil Structure Engineer) BBV HS2 Ltd (Town Planning Manager) HS2 Ltd BBV HS2 Ltd (Head of Town Planning) Align HS2 Ltd (Town Planning Manager) HS2 Ltd (Lead Urban Designer) HS2 (Urban Design) HS2 Ltd (Town Planning Manager) HS2 Ltd (Senior Town Planning Manager) SCS HS2 Ltd (Lead Architect) HS2 Ltd (Town Planning Manager) HS2 Ltd (Senior Environment Manager) HS2 Ltd (Assistant Third Party Agreements Manager) HS2 Ltd (Senior Manager Communications Planning) HS2 Ltd (Town Planning Manager) SCS BBVS BBV
Local Authority Attendees:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Lichfield District Council (LDC) Solihull Metropolitan Borough Council (SMBC) 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) Staffordshire County Council (SCC) Buckinghamshire Council (Bucks C) Buckinghamshire Council (Bucks C)

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	[REDACTED]	<p>North Warwickshire Borough Council (NWBC)</p> <p>West Northamptonshire Council (WNC)</p> <p>West Northamptonshire Council (WNC)</p> <p>London Borough of Brent (LBB)</p> <p>Stratford District Council (SDC)</p> <p>London Borough of Camden (LBC)</p> <p>Staffordshire County Council (SCC)</p> <p>Three Rivers District Council (TRDC)</p> <p>London Borough of Camden (LBC)</p> <p>London Borough of Hammersmith & Fulham (LBHF)</p> <p>Solihull Metropolitan Borough Council (SMBC)</p> <p>Westminster City Council (WestCC)</p> <p>Old Oak & Park Royal Development Corporation (OPDC)</p> <p>Lichfield District Council (LDC)</p>
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Item		Action Owner						
1.	Introductions – were made.							
2.	<p>Review of minutes of the July meeting and outstanding actions.</p> <p>Additions to minutes of the July 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. [REDACTED] [REDACTED] has begun conversations within HS2 about a more flexible approach to compensation with respect to noise from construction. Final review of reports prepared by consultants appointed by HS2 and DfT. Once approved, intention is to publish the findings and recommendations of the report on the gov.uk website. Current conclusion is the main elements for policy are appropriate. However, it highlights some areas that could be improved to better account for cumulative effects</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. [REDACTED] [REDACTED] has begun conversations within HS2 about a more flexible approach to compensation with respect to noise from construction. Final review of reports prepared by consultants appointed by HS2 and DfT. Once approved, intention is to publish the findings and recommendations of the report on the gov.uk website. Current conclusion is the main elements for policy are appropriate. However, it highlights some areas that could be improved to better account for cumulative effects	
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			on residents. HS2 are working with DfT to consider making changes to the policy to reflect the findings of the review. The final position will need Ministerial approval. HS2 to present at a future Planning Forum or subgroups as appropriate.
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.		Action is complete. Responses received from members with exceptions of some London authorities who receive few Schedule 17 applications.
Jul 22	HS2 to look at presentation updating on early-stage mitigation works		To facilitate for a 2023 Planning Forum. Item to be added to November Agenda.
Sep 22	Overbridge Parapets PFN 16a and 16b to be finalised and circulated to PF for agreement.		Update under Item 7.
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.
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 PF early next year.
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 and to consider consultation responses prior to July Planning Forum. Requests for some additional examples to help give better context and understanding.		Proposed changes presented and discussed at May 2023 Forum. Revised draft circulated for consultation (26/6/23 – 16/7/23). Meeting held on 21/8/23 to discuss PFN5 and PFN13. Update at Item 9.
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 under Item 6.

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	May 23	Discharge of conditions process to be added to future agenda for next Forum	Consider under Item 9 (PFN5).	
	May 23	PFN2 is agreed and the revision to be published. HS2 to take away the other requests for further deliberation.	Planning authorities to feedback on what the other requests are.	
	May 23	PFN19 to be drafted and circulated to Phase One and 2a Planning Forums for consultation.	Action ongoing.	
3.	HS2 Project Update			
	The Phase 1 Project update was provided by PG (HS2), showing progress on enabling works, main works & station contracts.			
4.	SLA Update			
	<p>TW (HS2) introduced himself and his SLA role. Dedicated team resourced to review the SLA process, act on LAs' feedback and enhance and improve the way things are working. Session being planned in October to present some of the changes to the SLA process and how things are planned to operate. Training given on timesheets to help make this easy. Propose 12 month look ahead for meetings rather than being a few weeks or months in advance, and open to finding ways as a group in a coordinated way to act on the feedback of local authorities and enhance the process.</p> <p>JF (TRDC) asked if HS2 will respond to the work they presented on behalf of members earlier in the year. SA (LCC) asked if the meeting will deal with outstanding legacy payments. TW (HS2) happy for the meeting to run through both questions. HS2 is already working through outstanding legacy issues and happy to have a conversation with Lichfield on the specifics but it is important to also look at it across the programme as well as individual cases. TA (Chair) proposed having a tracker presented at a future Forums.</p>			
5.	Planning Consents Performance & Appeals and Judicial Reviews Update			
	SA (HS2) presented charts showing the time taken to determine Schedule 17 (S.17) applications in the last six months. Performance is similar to that presented at July Forum and expected to remain the same for the next couple of Forums. Compared to previous months more applications were determined in under 16 weeks. However, the volume of submissions has increased, with more applications determined beyond 16 weeks, so overall performance is not improving. There are a range of reasons for this, including delays with contractors responding to requests for information and points of clarification			

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	<p>and delays connected with slow consultee responses: the proposed update to PFN4 is looking to assist in reducing the latter.</p> <p>A second chart showed similar performance presented at the July Forum for S.17 applications currently awaiting determination. Some of those submissions are being modified and one is subject to supplementary environmental information. There are also requests from local authorities for further information: HS2 asked LAs to check that those requests are relevant to the grounds in S.17. Historic resourcing issues at one local authority has caused significant delays, but a new resource is now in place at that authority.</p> <p>SA (HS2) explained that the forward look is based on the same quarter forecast presented at July Forum, so data reflects the end of the forecast period. It 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. The 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. Contractors are ambitious in what they're trying to achieve, hence very high forecast numbers. HS2 are aware of local authority resource planning issues with the Project often over-forecasting the number of submissions, but would rather authorities have resources in place in the expectation that the applications will be submitted rather than having no resource in place based on an expectation of no submissions actually being made. HS2 are going to review these forecasts to seek a more realistic and accurate picture.</p> <p>JF (HCC) asked if look-aheads could be set in the context of the Project programme? Also, do HS2 speak to the contractors to get more accuracy and if so how regularly? SA (HS2) confirms they do get regular updates from contractors but for the purpose of the Forum and this exercise, a point in time is taken and it's done on a quarterly basis. For example, the following week after this look-ahead was produced, the contractors programme (construction/design) will have moved around. JF (HCC) appreciates the commitment in the Memorandum but asks if forward plans could be issued six times to match the Forum meetings? SA (HS2) were happy to investigate this, perhaps just for the Forum rather than issued to local authorities because this can add burden to contractors if it had to be done on a regular basis.</p> <p>TJ (Bucks C) happy to sit around the table with any contractor and help troubleshoot what's in the pipeline. SA (HS2) hopefully as part of the pre-app engagement contractors try and work through any issues and understand the complexities of applications before submission. There is a need to programme and as contractors go through the design process, things do crop up as from pre-app, and there are pressures on contractor's design house resources that might cause deviations from forecast.</p>	
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	<p>Picking up on HCC’s query, TA (Chair) asked what is the construction programme behind the forecast and were the unmade submissions necessary to meet that construction programme? SA (HS2) replied that not all submissions are based around programmed starts of works on site. For example, the forecast submissions presented to the July Forum were largely about site restoration schemes which are some way off starting. It’s a combination of moving resources around as and where needed and utilising the resource whilst it’s available to obtain consents well in advance of when they’re needed.</p> <p>Appeals and Judicial Reviews Update</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 is concerned about increased timeframes and are seeking to find solutions to this: they requested DfT to update at a future meeting.</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.</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 21/07/23:</p> <p>https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</p>	
6.	<p>Schedule 17 Requests – Partial/Split Decisions - Update</p> <p>SA (HS2) gave a further update on partial/ split decisions. At the July Forum, it was agreed by members that there should be a consistent approach to issuing part decisions. A working group met on 11th September 2023, to identify a practical way of issuing part decisions through LAs’ IT systems. Three Rivers proposed some ideas which were supported by the group and together with HS2 are drafting a PFN subject to the working group agreement. HS2 will then issue a draft to Forum members for their comment.</p>	HS2
7.	<p>Overbridge Parapets – PFN16 and 20</p> <p>At the last planning Forum ██████████ (HS2) presented to members that only the 2.125 m high parapet design for transition to the Vehicle Restraint System (VRS) passed testing, so that now is the only option.</p>	

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<p>MS (HS2) and VL (HS2) presented three possible ways forward (based on the 2.125m parapet design) for members to seek an agreement on.</p> <ol style="list-style-type: none">1. Agree the PFN as a CDE2. Agree the PFN not as a CDE but to be used as guidance and to inform pre-application engagement (similar to what was agreed on for noise barriers last year)3. No agreement of PFN in any form. <p>An overview was provided of the engagement undertaken held with members since the July Forum including two sessions with the Planning Forum Design Group on the 1st and 30th August.</p> <p>MS (HS2) gave the design rational under four different themes (Safety & Standards, Identity & Contextuality, User Experience, Cost Programme) within the context of engineering safety and standards which HS2 are required to meet. Members were shown the test results that failed resulting in no possible way to transition from the 1.5m high parapet to the VRS. This means 1.5m cannot be used on the outer spans. Further images were shown to members of the 1.5m and 2.125m parapets, illustrating that for most users there is not that much difference and the outward leaning faces provide a better user experience.</p> <p>Members were shown a detailed timeline of the changes to standards and design options since 2017. Members were reminded of the time and costs spent by the Project thus far on the options shared, noting paragraph 7.2.1 of their duties under the Planning Memorandum, and shown how this effects the proposed consenting programme for approx. 100 overbridges and how time is closing in on this programme up to the handover of assets.</p> <p>ML (WNC) felt this perspective is a bit too much set in stone: they accept the time constraints but still have a strong preference for the better solutions that they've seen. They know these have been discarded for safety reasons, but they would still be looking for something more sympathetic. Reluctant to agree a PFN as drafted at the moment and so support option 3.</p> <p>TJ (Bucks C) said the CDE is not something Bucks C could support. Looking at option 2, the way it's written it still seems very similar to a CDE and they don't see the difference between options 1 and 2 so are leaning to option 3. HS2's explanation regarding cost and programme is clearly a compelling and robust position, and consideration of each planning application will need to take that into account. They would support updates to the written statement or other information submitted with the Sch. 17 submissions setting out common ground. Happy to review all overbridges requiring higher parapets and advise which may be controversial.</p> <p>TA (Chair) asked WNC and Bucks C if there could be a PFN along the lines of a statement of common ground and agreed facts which could be submitted with</p>	<p>TJ (Bucks)</p>
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<p>each application so much of the debate hopefully wouldn't have to be repeated each time.</p> <p>JS (SMBC) said that while HS2 clearly have given a comprehensive rationale for the design change, they would be leaning towards option 3: but they also felt it would be helpful to have written statements that set out the rationale for how we got here and why that design is the only one possible in a given location.</p> <p>PG (HS2) said they could have a look at how they will draft the written statements (Action).</p> <p>MS (HS2) was inclined to agree that the document TJ talks about is quite a good idea, though it doesn't sound like it's a PFN.</p> <p>PG (HS2) welcomed the Bucks C offer to identify bridges where this isn't a problem and expects Bucks C to be able to make a positive decision on these applications.</p> <p>PG (HS2) recognized that the one design available is not supported by the LPAs, but none has proposed an acceptable modification to that design. Therefore HS2 have no option other than to make applications for road overbridges based on current design as there is no alternative.</p> <p>MS (HS2) explained this is critical to delivery of HS2: it's not about the programme for individual bridges but its effect on the delivery of rail systems. The question back to the authorities who don't want to agree either option 1 or 2 and want to go for option three, is what is their plan for determining those applications where HS2 don't have an alternative design.</p> <p>SA (LDC) appreciated that authorities haven't put forward alternatives, but authorities couldn't propose an alternative design with the robustness needed for this sort of project. Nothing is happening in LDC in the next 18 months so how can HS2 say now that this is the only option? PG (HS2) replied that there has been extensive design engagement over the past several years. What LPAs are saying is essentially correct - we only have one option that works. MS (HS2) added that there's no budget for re-enlivening a test work stream as it's taken considerable time to reach this point with no solution. The Project needs to start construction of overbridges.</p> <p>SA (LDC) pointed out that as mitigation (provided as indicative details) isn't for approval at this stage, one can't argue to a robust degree in making a determination, that the trees next to the railway are going to mitigate the visual impact on the local environment of the parapets .</p> <p>PG (HS2) responded that the way the Memorandum was drafted, authorities should use that indicative mitigation as a basis for decision making. It is to understand how the works can be mitigated. LPAs will ultimately have that approval under paragraphs 9 and 12, and if what comes in isn't what was</p>	<p>HS2</p>
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<p>shown in indicative mitigation and the LPA thinks additional mitigation is required, they could revert to that scheme. He concluded that LPAs can use indicative mitigation as the basis for appraising the screening of higher parapets.</p> <p>TA (Chair) asked how that would be captured? If an authority was satisfied that they could accept the 2.125m parapet but only with certain parameters of mitigation associated with it, would that be a condition? PG (HS2) offered two ways it can be done: either with an informative or through the process set out in PFN10 on indicative mitigation (there's a pro-forma for authorities to capture their comments and the informative saying this is acceptable on the basis of the indicative mitigation shown on plan drawing number X or correspondence Y).</p> <p>JF (TRDC) noted that the bridges now proposed are not so different to others in the UK and across the continent in terms of design. Can we not try and make sure that the concrete used is beautiful and has extra special things like texturing or reliefs.</p> <p>PG (HS2) said that if an early Sch. 17 application for an overbridge was not determined, it may be necessary to appeal it and they would hope that PINs [PINS?] would determine it swiftly in line with the appeals guidance. This would set clarity and precedent for subsequent applications. Planning Authorities are also requested to consider making part decisions in line with the Planning Memorandum, as it is only the parapet that is the issue, rather than the wider design of the bridge. This would importantly limit the impact on cost and programme.</p> <p>TA (Chair) asked HS2 if there is some way they could devise submissions so that it would be easier to say what was approved and what wasn't approved? PG (HS2) thought HS2 could look at how the Plans and Specifications describe the bridges. Do any members have a problem with that, given the principle of part decisions has been established? Is there any reason why that couldn't be done to help maintain programme?</p> <p>No concerns raised by Forum members on the use of part decisions.</p> <p>JS (SMBC) asked if a PFN could have an extra paragraph describing indicative mitigation and patterning to provide some positive compromises where design is a concern. PG (HS2) said further options around concrete treatment or landscaping can be looked at and he would welcome LPAs' input to the process.</p> <p>TA (Chair) summarised that neither option 1 nor option 2 were agreed, but there is a suggestion to investigate possible wording on indicative mitigation to address the increased height of parapets, for incorporation into a possible PFN (a variation on option 2).</p>	<p>HS2 / Planning Authorities</p>
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	<p>PG (HS2) agreed option 2 (with indicative mitigation included) could be a possibility if there was further information as per JS (SMBC) suggestions. However, the Project has a very tight programme and contractors will need to continue making submissions.</p>	
8.	<p>HS2 Approach to Concrete</p> <p>An overview of the Concrete advisory note which was previously issued to members in 2019 was given by MS (HS2). This has been sent out to members again alongside the recent draft PFNs referred to under Item 7. The presentation highlighted the questions of colour and mix. PFN15&16 (the CDEs on Piers and Parapets) make reference to textured concrete and when, how and where it can be used.</p> <p>JF (TRDC) asked if some design solutions can be added to the parapets such as patterning. MS (HS2) confirmed that effects to the concrete can only be added where it doesn't compromise the crash testing: this includes both the inside and outside faces of the parapets. SC (HS2) confirmed that we have to be careful because if you have deep texture or detail, the concrete may need to be made thicker to maintain cover to the reinforcement, which is needed for long term durability. This is a big issue for HS2 as the thicker the parapets become, it increases its stiffness, which then reduces its impact performance, which is detrimental to the passengers in a vehicle and causes problems in testing. This is a key issue that needs to be balanced.</p>	
9.	<p>PFN5 - Conditions, Request for Additional Details & Particulars Reserved – Update</p> <p>A draft revised PFN 5 was circulated for consultation on 26th June 2023. At the July Forum, it was agreed that there would be a working group set up to review and develop the PFN. The working group met on 21st August 2023 with the key objective of providing a complete guide to the approach to Schedule 17 conditions, additional details and particulars reserved, as well as examples for each type of Schedule 17 and for greater clarity in application.</p> <p>A further revised draft PFN 5 was circulated to the working group for consultation: feedback received included typos and formatting (which have been addressed) and links to other related documents (which will be included). There was a suggestion about whether reasoning needs to be included when there is a request for additional details. HS2 felt this was not necessary but were happy to include that suggestion if supported.</p> <p>One planning authority objected to text (para 6) stating that maintenance and management are not subject to S.17 control. The proposed text on maintenance and management is consistent with the draft revised statutory guidance and it was agreed at the working group meeting that further work on PFN5 will await issuing of the statutory guidance.</p>	

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	<p>Another planning authority queried S.17 conditions not requiring a subsequent approval. Where a condition requires a modification, it is for the local authority to specify and impose that modification. It is not possible for HS2 and its contractors to seek approval of something that the Project is not proposing. That's a fundamental principle so has been retained in PFN 5.</p> <p>A question was raised whether the PFN needs to be consulted on with highway authorities. S.17 requests sit with the local planning authority for determination but it's open to local authorities to consult with their highways colleagues.</p> <p>HS2 await the issue of the revised statutory guidance and will update PFN 5 accordingly. HS2 will then issue a final revised version to members for their comment and seek agreement of the final Planning Forum Note at the next available Forum.</p> <p>TJ (Bucks C) welcomed the opportunity to revisit once the revised statutory guidance is issued, and to look again at landscape maintenance and mechanism if possible. VC (BCC) asked how to agree the additional details process for any upcoming S.17 consents. SA (HS2) confirmed it remains an action and will be considered in finalising this PFN. The PFN proposes to remove some of the questions regarding the discharge of conditions by clarifying that conditions needn't be discharged, but simply complied with. For additional details, HS2 can formalise a process for following them through, and will take away an action as to whether to include it as an appendix to this document or whether it's part of a separate process in PFN 4.</p>	<p>HS2</p> <p>HS2</p>
10.	<p>PFN13 – Pre-application Engagement - Update</p> <p>As agreed at the last meeting, the working group convened to consider PFN5 also discussed PFN13. HS2 have worked through the comments received, with a comparatively small number of changes required to be made. HS2 will make those changes and circulate them to members ahead of the next meeting.</p>	<p>HS2</p>
11.	<p>Local Authority Feedback and Issues Arising</p> <p>JF (HCC) raised a question about ES information submitted by HS2. PG (HS2) responded that this will be an item at a future meeting but doesn't think it's appropriate for a PFN (which exist to explain how S.17 works). It is up to the planning authorities to interpret the EIA Regs. TA (Chair) proposes that HS2 encapsulate this in a future presentation.</p>	<p>HS2</p>
12.	<p>Helpdesk Update</p> <p>There was a decrease in Helpdesk calls in August. 115 complaints were received during August, primarily on Phase 1. Noise & Vibration and Traffic &</p>	

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	Transport are the most common reasons to complain. No escalations to the ICC or to the Step Two internal review process were recorded during August.	
13.	<p>Forward Plan/ AOB</p> <p>Dates for future 2023 Planning Forums are as follows:</p> <ul style="list-style-type: none"> • November 23rd <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"> • January 25th • March 28th • May 23rd <p>JF (TRDC) highlighted the March date might fall within the pre-election period (noting that HCC county council election period starts a week earlier than districts) and for a new date to be proposed.</p> <p>DfT wanted to record their thanks to authorities for their involvement in the consultation exercise earlier in the year regarding revisions to the statutory guidance. They are in the process of recommending updates to ministers over the coming weeks with a view to issuing the guidance later in the autumn.</p>	
	End	