

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	[REDACTED]	<p>Old Oak & Park Royal Dev Corporation (OPDC) Solihull Metropolitan Borough Council (SMBC) Solihull Metropolitan Borough Council (SMBC) Staffordshire County Council (SCC) Staffordshire County Council (SCC) Stratford-on-Avon District Council (SDC) Three Rivers District Council (TRDC) Warwick District Council (WDC) Warwick District Council (WDC) Warwickshire County Council (WCC) West Northamptonshire Council (WNC) West Northamptonshire Council (WNC)</p>
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Item		Action Owner						
1.	Introductions – were made.							
2.	<p>Review of minutes of the September meeting and outstanding actions.</p> <p>Minutes from the September Planning Forum were agreed with an amendment to the recorded attendees.</p> <p>Outstanding actions were reviewed:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Date</th> <th style="width: 45%;">Action</th> <th style="width: 40%;">Status</th> </tr> </thead> <tbody> <tr> <td>Jan 22 (5)</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 Commissioner’s comments on 20 October 2022 and Planning Forum members’ on 25 November 2022 to garner feedback and insight. Suggestion the findings are discussed with the Environmental Health Subgroup ([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. [REDACTED] has begun conversations within HS2 about a more flexible approach to mitigation with </td> </tr> </tbody> </table>	Date	Action	Status	Jan 22 (5)	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 Commissioner’s comments on 20 October 2022 and Planning Forum members’ on 25 November 2022 to garner feedback and insight. Suggestion the findings are discussed with the Environmental Health Subgroup ([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. [REDACTED] has begun conversations within HS2 about a more flexible approach to mitigation with	
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			respect to noise from construction.
Jul 22 (4)	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 (#5)	HS2 to look at presentation updating on early-stage mitigation works		Item to be discussed at agenda item no. 8.
Nov 22 (#6)	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 (#6)	Discussion about developing a PFN that specifically relates to the discharge of conditions in relation to Sch17. The existing Non-Material Amendment proforma could be adapted for this purpose. HS2 to consider the matter and confirm their view.		HS2 in process of reviewing PFN5 regarding conditions, but process to discharge additional details will be dealt with by review of a different PFN TBC. Action complete – superseded by Sept 23 (9) action below.
Feb 23 (#5)	Update on the rail systems (OCS) contract.		Action ongoing. Five LPA briefings held so far. To be discussed at a later PF
Mar 23 (#5)	How new significant effects work alongside Schedule 17 and the EMRs. HS2 to include an agenda item at a future Forum.		Superseded by Nov 23 (11) action below.
May 23 (#4)	Agreed PFN2 to be published and for HS2 to take away other requests for further deliberation.		PFN agreed at PF #69 on 25 May 2023. Action ongoing.
May 23 (#9)	PFN19 to be drafted and circulated to Phase One and 2a Planning Forums for consultation.		Action ongoing. To discuss at future Forum.
Jul 23 (#5)	Update to PFN4 circulated to members on 12 June. Revised update to be circulated.		Revised update circulated in October 2023 for comment. Update at Agenda Item 5.
Sep 23 (#6)	Having agreed principle of partial approvals, a working group met 11/9/23 to discuss best admin protocol.		HS2 & TRDC drafting a new PFN on LA admin of partial/split decisions. Update at Item 5.
Sep 23 (#7)	Design Group met 1st & 30th August. to consider implications of new standard for Overbridge Parapets (PFN 16a and 16b). <ul style="list-style-type: none"> BC offered to review all overbridges requiring higher 		PFN 16 to be amended to remove reference to Road Overbridge Parapets. New Road Overbridge Parapet design was not agreed at the last Forum. Update at Agenda Item 6.

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		<p>parapets and advise which may be controversial.</p> <ul style="list-style-type: none"> • HS2 to consider their wording of a common Written Statement for S.17 overbridge parapet submissions. • HS2 will further consider options re concrete treatment & landscaping – LA input welcomed. 		
	Sep 23 (#9)	Proposed to update PFN5 to 'Model Conditions & Requests for Additional Details' and broaden scope. Revised draft circulated for consultation (26/6/23 – 16/7/23). Meeting held 21/08/23. Progress when updated Stat Guidance issued.	Updated Statutory Guidance issued 20 Nov. Revised PFN5 circulated to working group. Update at Agenda Item 5.	
	Sep 23 (#9)	Need process for agreeing additional details on S.17 consents. HS2 confirmed it will be considered in finalising PFN5, which should 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 to formalise a process for following them through, and will decide whether to include it as an appendix to this PFN5 or whether it's part of a separate process in PFN 4	Action open. Agenda item 5.	
	Sep 23 (#10)	HS2 proposal to adopt a similar wording for pre-application discussions used in Phase 2A's PFN13. Meeting held 21/08/23. HS2 to make resulting changes and circulate for next meeting.	Action open.	
	Sep 23 (#11)	HS2 to present at a future Forum on how new ES information and new significant effects work alongside Schedule 17 and the EMRs.	Action open	
3.	HS2 Project Update			
	The Phase 1 Project update was provided by PG (HS2). The slides presented are to be circulated.			

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4.	<p>Planning Consents Performance & Appeals and Judicial Reviews Update</p> <p><u>Performance on determinations within last 6 months</u></p> <p>SA (HS2) stated there has been improvement in Schedule 17 determinations, with a reduction in those taking longer than 17 weeks. Reasons for the longer determinations include:</p> <ul style="list-style-type: none">• modifications proposed• availability and approach of planning committee• provision of additional information• lack of resource at one particular LPA (matter now resolved and progress should be evident in next period)• discussions on matters for approval <p><u>Applications awaiting decision</u></p> <p>SA raised concern that more applications are going over 17 weeks (16 compared to 11 in previous period). Explanation for the longer timescales include:</p> <ul style="list-style-type: none">• complex applications that need additional time to consider• reporting of new significant effects• ongoing design changes that need updated plans• some outstanding issues on LPA resourcing (catch-up required on this) <p>SA also outlined that some delays are due to a lack of clarity of modifications being proposed by LPAs. He reminded LPAs that modifications should be clear and specific.</p> <p>TA (Chair) noted that only a quarter of applications were within 8 weeks. SA confirmed the statutory determination period of 8 weeks outlined in the Act and that the Planning Memorandum asks for this timescale or, whenever possible, a lesser time.</p> <p><u>Application performance</u></p> <p>SA recognised the ongoing issues and suggested that contractors have aspirational targets to meet programme, but matters change daily, including resource. SA recognized this wasn't ideal, but would prefer for LPAs to have resource in place. HS2 would endeavour to improve forecasts. The focus from December will be on Site Restoration, which should result in applications being made in a more timely manner.</p> <p><u>Appeals</u></p> <p>The prolonged period for the current Bromford tunnel and Bowood Lane appeals (2 years and 14 months respectively) were noted. SA highlighted that an appeal has recently been submitted on EKFB's proposals for bat mitigation measures at Sheephouse Wood.</p> <p>TJ (BC) understood that the Bowood Lane decision would be made soon.</p>	
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	<p>On the Bromford tunnel appeal, EL (NWDC) informed that the Council had written to PINS and not received a response. There was concern that pre-application engagement for the structure above the tunnel had begun. TH (DfT) recognised the frustration – he couldn't give a timescale, but would push for the decision to be expedited. PG (HS2) recognised the issue for NWDC, but hoped that the Council can respond to pre-app. While the Schedule 17 application for the above ground works could be submitted before the appeal was determined, CG (BBV) hoped this wouldn't be the case.</p> <p>MB (WDC) queried whether there were decisions on two outstanding certificate of lawfulness appeals and whether there were any other non-Sch 17 appeals. SA (HS2) confirmed that decisions from PINS had not been received and was not aware of other non-Sch 17 appeals.</p> <p>AR (TRDC) asked whether TCPA appeals can be reported to the Forum. This was confirmed by SA.</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:</p> <p>https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</p>	<p>HS2</p>
<p>5.</p>	<p>Planning Forum Note (PFN) updates</p> <p><u><i>PFN4 – Consultation on requests for approval under Schedule 17</i></u> HS2 Ltd is looking for agreement on revisions, which had been circulated to LPAs.</p> <p>Two LPAs had commented. TJ (BC) and AR (TRDC) thanked for the comments being considered. TA (Chair) suggested that it was important that LPAs inform statutory consultees that if responses were not received within 21 days then the LPA would proceed to decision. AR responded that this was the same as the TCPA regime.</p> <p>There being no further comments from Forum members, the amended PFN4 was agreed.</p> <p><u><i>PFN5 – Model conditions</i></u> SA (HS2) gave an overview of setting up a working group to review comments and seek feedback on amendments to PFN5. Given its dependency on the new Statutory Guidance, a revised version will be circulated for agreement at the next Forum.</p> <p>SA said there were two outstanding matters. The first on maintenance was now clear given the Statutory Guidance and a new paragraph will be inserted</p>	

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	<p>in the PFN. The second relates to conditions being used to require a modification. While no change to the PFN is proposed on this matter, the expectation is that the modification itself and the condition wording need to be clear.</p> <p>TJ (BC) indicated that Bucks Council has yet to take a view on the updated Statutory Guidance. He enquired whether a meeting would be necessary to discuss conditions regarding the Bowood Lane appeal. PG (HS2) would consider a meeting if the PFN was not consistent with the inspector’s decision.</p> <p>A discussion then took place on the position should the appeal decision be challenged. PG reminded the Forum that an appeal decision is in force until a challenge is successful and reminded about the obligations in the Planning Memorandum and PFNs, as well as the Statutory Guidance. PG said he would expect the Forum to operate on this basis until any legal challenge is decided. It was hoped that the appeal would be determined before the next Planning Forum meeting.</p> <p>SA agreed to circulate the PFN following TA’s (Chair) proposal to share the version circulated to the working group on 21 August. TA clarified that comments would be expected based on the recent Statutory Guidance update. Agreement of the PFN would be sought at the next Forum meeting.</p> <p>VC (BCC) noted that the PFN does not cover seeking approval for more details. SA indicated that this will be included in the appropriate PFN.</p> <p><u>Part decisions</u></p> <p>Given his recent extended leave, SA (HS2) will update the action and engage with TRDC. The PFN will then be circulated and brought to the appropriate Forum for agreement. TA (Chair) queried whether this would be a new PFN and this was confirmed by SA.</p>	<p>HS2</p> <p>HS2</p>
<p>6.</p>	<p>Overbridge Parapets – PFN16 and 20</p> <p>Given the position reached at the last Forum meeting, PG (HS2) confirmed that that PFN16B is no longer being progressed. PG considered that the height increase of the parapet would not materially affect planting and landscaping, therefore there was no substantive update to address.</p> <p>A design rationale document to justify the parapet design is currently being developed and will be circulated to Forum members and submitted alongside relevant Schedule 17 applications for information.</p> <p>It had been suggested that the design working group should be reconvened to discuss any proposed modifications received from an LPA, but PG confirmed that the group will no longer be convened as the matter is now a bilateral issue with each LPA.</p>	

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	<p>Amendments to PFN16 will be brought to the Forum to reflect the current position.</p> <p>TJ (BC) was encouraged about the design rationale document and requested that it was shared with LPAs for review. PG noted that the document would be effectively part of future applications, so would be shared like other application documents and LPAs may choose to comment.</p> <p>MB (WDC) suggested that WDC would not consider the increased parapet height as a non-material change to existing consents. He raised queries about the pattern of the concrete given conservation officer comments. PG advised HS2 colleagues would respond separately to the matter.</p> <p>TA (chair) thanked for the rationale document being drafted and recognised that there did not seem to any point making it a PFN given the timescales.</p> <p>On PFN16, MS (HS2) had drafted an update without overbridges, which will be circulated and it is hoped to be agreed at the next Forum meeting.</p>	HS2
7.	<p>PFN13 – Pre-application Engagement - Update</p> <p>PG (HS2) gave a short update – the PFN will be brought into line with the Phase 2A note. There were some concerns about guidelines, but at the meeting held on 21 Aug it was agreed to make minor amendments and these will be brought back to the working group meeting. PG to finalise the draft to ensure the document accurately reflects discussions, which will be done in the new year.</p>	HS2
8.	<p>Early Works Mitigation</p> <p>TS (HS2) provided an update on the delivery of trees and shrubs, which include the following:</p> <ul style="list-style-type: none"> - Overview of the HS2 Green Corridor and details of HS2 environmental commitments - Various examples of planted areas and the nursery for HS2 trees in Lincolnshire - Tree planting seasons, tree guards, achieving the best possible chances of establishment, including animal predation and plant protection, and replacement of failed plants <p>It was noted that industry failure rates of new trees were hard to establish.</p> <p>KS (HS2) then explained the ecology aspects, including Annex 4 of the HS2 EMRs that requires contractors to produce Ecology Site Management Plans (ESMP) for ecology habitat creation areas:</p> <ul style="list-style-type: none"> - The ESMP is an internal live document specifying the ecological objectives of area. 	

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	<ul style="list-style-type: none"> - It includes the measures to be taken to establish and maintain the habitats and the monitoring regime. - The comments of stakeholders are taken into account. <p>Monitoring is site specific. The durations of maintenance, management and monitoring are set out in HS2 Information Paper E26: Indicative Periods for the Management and Monitoring of Habitat. An Ecology Review Group (ERG) has been established to independently review the monitoring outputs and reports annually. The findings influence future management.</p> <p>TS noted that ecology and landscape were different, but tree planting could form part of ecological mitigation measures.</p> <p>AR (TRDC) queried how successful mitigation been from what was expected. TS noted that replacements were needed already, although it is not easy to establish specific reasons for sites. KS stated that some sites had very few replacements and on occasion it was part of site where failure occurred, for example due to soil or flooding.</p> <p>AR asked how “no net loss” was affected by failure. KS confirmed this is based on what will be achieved in the final end state. The impacts of weather were then discussed following a query from TA and it was noted that 2021 was a particularly challenging year, although over time failure rates reduce.</p> <p>TA noted that ESMPs are a requirement, but asked about Landscape Maintenance Management Plans (LMMP). TS clarified that the EMRs require the maintenance of landscaping. KS referenced Information Paper E16 which covered the maintenance of landscaped area and suggested this could be shared with members (see link below).</p> <p>TA asked whether all landscape planting is for habitat. KS responded that the primary purpose affects whether an ESMP or LMMP is required.</p> <p>The HS2 Information Paper E16 can be found at the following link: https://assets.publishing.service.gov.uk/media/5a82385be5274a2e8ab58200/E16 - Maintenance of Landscaped Areas v1.3.pdf</p>	
<p>9.</p>	<p>Local Authority Feedback and Issues Arising</p> <p>VC (BCC) commented that given the recent Government announcement, certain Schedule 17 approvals may need amending and requested that these are discussed as soon as possible with LPAs to allow the management of resources and aid coming to a mutual understanding. MB (WDC) supported this given the parapet amendments and asked that BBV share proposals.</p> <p>PG (HS2) noted that it is the nature of construction projects to change, but recognised the need to engage with LPAs and discuss whether amendments are material.</p>	

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<p>10.</p>	<p>Helpdesk Update</p> <p>SG (HS2) provided an update on helpdesk contacts, including the following points:</p> <ul style="list-style-type: none"> - Contacts peaked following the recent Government announcement and the HS2 helpdesk responded where there was clarity on the implications - 81 complaints were received in October (727 across all phases to date in 2022/23) - Phase one complaints primarily related to construction activity - mainly traffic/transport and noise/vibration - No escalations this year to date and no historic cases open - 96% of all Phase One complaints resolved in 20 working days <p>AR (TRDC) noted that JF (HCC) had asked if examples of common issues could be provided. AR also asked how learnings are implemented by contractors. SG responded that reports are issued to the HS2 board, but also contractors and commissioners. SG offered to present more insight at the next Forum meeting.</p> <p>TA (Chair) asked whether lessons learnt rather than just performance stats are presented to the HS2 board. SG explained that lessons learnt are presented (eg. Site lighting review) and details of where complaints are upheld. Examples will be shared.</p>	<p>HS2</p> <p>HS2</p>
<p>11.</p>	<p>Forward Plan/ AOB</p> <p>SA (HS2) explained that invites to the upcoming Forum meetings will be sent following a review of the attendee list.</p> <p>Agreed dates for the first half of 2024:</p> <ul style="list-style-type: none"> · January 25th (Post meeting note – January 17th now proposed) · March 20th · May 23rd <p>TA (Chair) asked whether there was any appetite for a hybrid meeting (ie in person or online). Consensus was for a hybrid meeting and TJ (BC) suggested a site visit. PG (HS2) noted the need to consider travel time and it was agreed to hold the January meeting in Euston.</p> <p>AR (TRDC) queried, on behalf of JF (HCC), whether the HS2 Construction Commissioner could be invited to the next meeting. TA confirmed the Commissioner will be invited.</p>	<p>HS2</p> <p>Chair</p>
<p>End</p>		