

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

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Other Attendees:	<p>██████████</p> <p>██████████</p>	<p>DfT</p> <p>DfT</p>

Item		Action Owner															
1.	Introductions – were made.																
2.	<p>Review of minutes of the last meeting and outstanding actions.</p> <p>Minutes from the March 2024 Planning Forum were agreed with no amendments.</p> <p>Outstanding actions were reviewed:</p> <table border="1" data-bbox="370 1018 1274 1877"> <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>TH (DfT) acknowledged the further delay. Discussions are ongoing between DfT and HS2 Ltd with an outcome now expected later in the summer. Action open.</td> </tr> <tr> <td>Nov 22 (6)</td> <td>Request for PFN7 para 20 to refer to PFN14 instead of PFN16 when mentioning noise.</td> <td>SA (HS2) confirmed this has now been updated and is available on the gov.uk website. Action closed.</td> </tr> <tr> <td>Feb 23 (5)</td> <td>Update on the rail systems (OCS) contract</td> <td>To be discussed at agenda item 7. Action closed.</td> </tr> <tr> <td>May 23 (4)</td> <td>Agreed PFN2 to be published and for HS2 to take away the other requests for further deliberation.</td> <td>To be discussed at agenda item 5. Action closed – see new Action below.</td> </tr> <tr> <td>May 23 (9)</td> <td>PFN for principles of determination to be drafted and circulated to Phase One and 2a Planning Forums for consultation.</td> <td>To be discussed at agenda item 9. Action closed – see new action below.</td> </tr> </table>	Jan 22 (5)	Prolonged Disturbance Scheme review being undertaken with feedback to be provided by DfT. DfT to provide updated timeline.	TH (DfT) acknowledged the further delay. Discussions are ongoing between DfT and HS2 Ltd with an outcome now expected later in the summer. Action open.	Nov 22 (6)	Request for PFN7 para 20 to refer to PFN14 instead of PFN16 when mentioning noise.	SA (HS2) confirmed this has now been updated and is available on the gov.uk website. Action closed.	Feb 23 (5)	Update on the rail systems (OCS) contract	To be discussed at agenda item 7. Action closed.	May 23 (4)	Agreed PFN2 to be published and for HS2 to take away the other requests for further deliberation.	To be discussed at agenda item 5. Action closed – see new Action below.	May 23 (9)	PFN for principles of determination to be drafted and circulated to Phase One and 2a Planning Forums for consultation.	To be discussed at agenda item 9. Action closed – see new action below.	
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INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	Sep 23 (6)	Having agreed principle of partial approvals, a working group met 11/9/23 to discuss best admin protocol.	To be discussed at agenda item 8. Action closed – see new action below.	
	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.	To be discussed at agenda Item 6. Action closed – see new action below.	
	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.	
	Jan 24 (12)	HS2 Ltd to recirculate the GSMR presentation and establish whether further information is needed.	Presentation has been circulated and pre-app engagement has started. Action closed.	
	Mar 24 (9)	Operational noise update. Given time constraints, this update will be given at the next Planning Forum.	Action open.	
	Mar 24 (10)	Auto-transformer stations (ATS) – Previous question on whether auto-transformer station (ATS) locations could be queried and request for examples of ATS structures to understand appearance. Agreement to give an ATS presentation, which would cover their purpose and generic appearance, although it would not be possible to provide location details.	As much information as could be provided has been shared. To be discussed at agenda item 7. Action closed.	
3.	<p>Project Update</p> <p>An update on construction progress of the following assets was provided by RH (HS2):</p> <ul style="list-style-type: none"> • Thame Valley viaduct • Northolt Four TBM • Curzon 3 viaduct <p>DR (LBC) asked for an update on the position in relation to the TBMs for the Euston tunnels. PG (HS2) was unable to provide an update on funding for</p>			

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>works, but it was confirmed that the TBMs had been ordered and were to be placed into the ground at Old Oak Common.</p> <p>TA (Chair) sought further information on the Thame Valley viaduct segments being delivered from Kent. RH confirmed they were abnormal loads by road that were delivered overnight. PG noted the overall reduction in vehicle numbers and RH explained that significantly less concrete was used in the production of the segments.</p> <p>Another query was raised by TA on the space beneath the Curzon viaducts and the effect on the environment below. VC (BCC) clarified that there was a commercial project to utilise the space and provide activation as part of the local masterplan, although no application had come forward yet.</p>	
<p>4.</p>	<p>Planning Consents Performance & Appeals and Judicial Reviews Update</p> <p>SA (HS2) presented the planning consents performance and appeals update.</p> <p><u>Performance on determinations within last six months</u></p> <p>There was increase in the number of submissions determined between Dec 23 and May 24 compared to the previous reporting period, with an overall increase in determinations in less than 9 weeks and fewer between 9 and 6 weeks. However, there was an increase in those taking over 17 weeks, which can be attributed to a number of legacy applications. The overall increase in submissions was attributed to the large number of applications from BBV.</p> <p><u>Applications awaiting decision</u></p> <p>In terms of live applications, there had been an increase in those awaiting determination of between 9 and 16 weeks, which were mainly submissions from BBV.</p> <p>TA noted the slide needed updating with the correct total for the most recent reporting period (38 applications instead of 52).</p> <p>While there was an increase in the number of applications awaiting decision (35 compared to 29 in January), SA noted that over half of the applications in this reporting period were within eight weeks of submission. It was also positive that there were fewer applications above 25 weeks since submission.</p> <p><u>Application performance</u></p> <p>There had been a marked improvement in contractor performance over the period.</p> <p><u>Appeals</u></p> <p>The Bromford Tunnel East Portal appeal had recently been determined, meaning that there were no outstanding appeals - the first time in three years that there were no live appeals.</p>	

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>PG provided an overview of the Bromford Tunnel appeal, which was allowed on 14 May after having been recovered by Ministers. The key focus of the appeal was the lengthening of the tunnel and relocation of the tunnel portal, which had not been assessed in the original Environmental Statement.</p> <p>HS2 Ltd's position was that the powers in the Act provide the flexibility to extend the tunnel and hence relocate the portal. North Warwickshire District Council (NWDC) argued that the Act does not provide such flexibility and therefore declined to determine the request for approval as it did not consider the works to be authorised by the Act.</p> <p>HS2 Ltd appealed on non-determination and the appeal was allowed contrary to the recommendation of the Inspector. The Secretaries of State disagreed with the conclusion of the Inspector and found that section 2(1)(i) is sufficiently broad to cover an extension to a tunnel and, for the purposes of sub-section (2)(c) of section 20, development is "covered by an environmental assessment in connection with the High Speed Rail (London – West Midlands) Bill" where there are no new or different likely significant effects to those reported in the environmental assessment."</p> <p>The Secretaries of State concluded that each component of the development should be approved without condition.</p> <p>The appeal decision can be found online¹.</p> <p>EL (NWDC) noted that the Council was considering their response to the decision.</p> <p>PG stated that it was not unreasonable for planning authorities to follow the decision making steps taken by Ministers when determining Schedule 17 applications, although proposals of the same scale were not expected.</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>5.</p>	<p>PFN2 – LPAs Proposed Additional Revisions</p> <p>EL had co-ordinated further planning authority comments, which HS2 Ltd had considered. SA presented a summary of the comments and the response.</p>	

¹ https://assets.publishing.service.gov.uk/media/66434e3ef34f9b5a56adc6b6/Recovered_appeal_-_Bromford_Tunnel_extension_at_Water_Orton_Cutting.pdf

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>TA felt that Act limits should normally be shown on context plans, but recognised it was for planning authorities to consider for themselves if they felt those details were necessary.</p> <p>VC (BCC) recognised the arguments for not mandating certain details, but pointed to the need to get to the position of having sufficient information to be able to determine a submission and queried whether something could be added into the note on this basis. SA noted that it would be difficult for the PFN to cover all scenarios and clarified that the note does not preclude information requests being made by the planning authority, flagging that pre-app is where discussions should take place to ensure there is sufficient information for a determination.</p> <p>EL was concerned that requests can become confrontational with some requests met with absolute resistance.</p> <p>PG noted two points: firstly, the volume of Schedule 17 applications already determined without the need for additional information (over 300), and secondly, that the expense of providing further drawings/detail may not be appreciated by all parties. PG reiterated that Government expects HS2 Ltd to have an emphasis on cost, therefore there needs to be a collective responsibility on cost and focus on what is necessary for decision making.</p> <p>TA asked whether an additional paragraph in PFN2 would be considered by HS2 Ltd, which emphasises the plans for approval, but clarifies that other context information plays an important part and should be discussed/agreed at pre-app stage, with such information justified by balancing the need to get planning consent and the planning authority having sufficient information to determine the application. PG replied that this would be considered, re-iterating the earlier comments about costs. (Action)</p>	<p>HS2</p>
<p>6.</p>	<p>PFN13 – Pre-application Engagement - Update</p> <p>SA reminded the Forum about the timeline since the original PFN 13 was agreed, with it being over a year since the start of discussions to update the PFN. A revised version had been circulated in April, with four planning authorities responding with comments. SA presented a summary of the comments, along with the HS2 Ltd responses. No changes to the revised version were proposed by HS2 Ltd.</p> <p>TA asked Forum members whether it was better to adopt the new version or maintain the original. Nobody responded that they did not wish to agree the revised version, therefore the new version was agreed, and (Action) can be posted to gov.uk.</p>	<p>HS2</p>
<p>7.</p>	<p>Rail Systems update</p> <p>JG (HS2) provided an update on HS2 Rail Systems, which included:</p>	

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<ul style="list-style-type: none"> • Overview of rail systems contracts • Timeline for configuration states • Auto transformer station (ATS) overview <p>SA then covered how Schedule 17 applies, explaining that consent would be required for buildings, fencing, lighting, GSM-R masts, restoration of sites, bringing into use and lorry routes (if required). However, many aspects of rail systems apparatus would not need Schedule 17 consent. GSM-R masts would be treated as a Common Design Element, with the relevant contractor, once appointed, engaging with the Planning Forum.</p> <p>JS (SMBC) queried whether the ATS itself needed consent, as this wasn't included in the table outlining where consent was required. PG confirmed ATS required approval under Schedule 17.</p> <p>TA asked for clarification about the section of line at Handsacre junction and the operating assumption. JG explained that this section was operating to a different timescale. TH noted that the train service to the north was still a work in progress.</p>	
<p>8.</p>	<p>PFN Part Decisions</p> <p>Following the drafting of the PFN on part decisions, which was circulated in January, further consultation responses have been received in March.</p> <p>SA explained that HS2 Ltd had been working with Three Rivers District Council, but while there was a PFN in draft form, the London Borough of Camden had some difficulties administering part decisions. The options were to either formally adopt the PFN or circulate it as a note for information given that the administrative side is a matter for the planning authority.</p> <p>TA asked whether there were any objections to the note being registered as a document produced by the Forum, but not becoming a formal Planning Forum Note. No objections were received, therefore the note will be circulated for information. (Action)</p>	<p>HS2</p>
<p>9.</p>	<p>PFN Principles for Determining Requests for Approval</p> <p>The draft PFN on principles for determining requests for approval had been discussed at the March Forum, with an action for HS2 Ltd to include footnotes that linked relevant legislation and caselaw – this version had been circulated. The further action had been for planning authorities to coordinate a position seeking to agree the legal principles ahead of a potential workshop.</p> <p>SA had received a note from the authorities and addressed a number of their concerns in the meeting, although this did not preclude holding a workshop.</p>	

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>TA asked which authorities would like to attend such a workshop and also suggested that incorporating a logic flow diagram in the note may be useful (six LAs responded positively). In terms of next steps, SA requested that there should only be one further round of consultation following agreement in principle from those authorities in the workshop. Action - workshop to be arranged.</p>	<p>HS2</p>
<p>10.</p>	<p>Site Restoration guidance</p> <p>TH (DfT) provided a summary of draft guidance on Site Restoration that had been shared with Planning Forum members on 3 May.</p> <p>The draft guidance covered the proposed process where an agreement on the restoration of a site cannot be reached. In the scenario where a restoration determination request is made by any of the parties, the process in the draft guidance would be followed. The Planning Inspectorate (or equivalent) would oversee the majority of these activities and make a recommendation to the SoS for Transport and the SoS for Levelling Up Housing and Communities to make a final decision. Approval was being sought for confirmation of the Planning Inspectorate's role.</p> <p>The consultation on the draft guidance closes on 21 June with any comments on the guidance and associated process needing to be sent to HS2notices@dft.gov.uk.</p> <p>SA then outlined some implications of the DfT Site Restoration update, clarifying that the requirement for Schedule 17 Site Restoration agreement is narrow and does not apply to the following:</p> <ol style="list-style-type: none"> 1. A site where a scheme under paragraph 8 (waste or spoil disposal) is required 2. A site subject to an obligation under Schedule 16 (5)² 3. A site used to carry works out under Section 2 of The Act 4. A site that includes any permanent works authorised by the Act (regardless of Schedule 17) 	<p>Planning authorities</p>
<p>11.</p>	<p>Status of Planning Forum Notes (PFNs)</p> <p>PG proposed standard text that would be incorporated at the start of each Planning Forum Note, outlining the status of the note:</p> <p style="padding-left: 40px;">‘This Planning Forum Note has been agreed by the HS2 Phase One Planning Forum. Paragraph 4.1.3 of the HS2 Phase One Planning Memorandum states that <i>"in order to help co-</i></p>	

² For land acquired under Schedule 16 a site restoration agreement will be sought with the site owner and the local planning authority. Schedule 17 site restoration agreements only apply where HS2 have used Act powers to permanently acquire land.

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p><i>ordinate and secure the expeditious implementation of those planning provisions [i.e. Schedule 17], the Forum will prepare Planning Forum Notes on related matters, which will set out standards and practices to be followed by those implementing the Planning Conditions Schedule". Paragraph 4.1.5 of the HS2 Phase One Planning Memorandum qualifying authorities, i.e. members of the Planning Forum, will in considering requests for approval under Schedule 17 to the High Speed Rail (London – West Midlands) Act have regard to this Planning Forum Note.'</i></p> <p>TA considered that the wording proposed seems seemed appropriate and asked whether all agreed. There were no objections. PG raised the need to update all PFNs accordingly and will identify the easiest and quickest route to updating the documents. (Action)</p>	<p>HS2</p>
<p>12.</p>	<p>Planning Authority Feedback and Issues Arising</p> <p>CE (WCC) flagged a couple of issues, to which PG responded:</p> <ol style="list-style-type: none"> 1. Certain works in Warwickshire had been constructed in advance of consent being issued, which was causing issues internally and delaying consent applications. <p>PG stated that HS2 Ltd is required to comply with the law, while noting challenges with the programme, adding that HS2 Ltd takes its legal obligations seriously. He requested that further details were provided about the concerns raised by CE and others so they can be looked into. Action: Chair to progress.</p> <ol style="list-style-type: none"> 2. Clarity was sought on the maintenance of green overbridges. The understanding was the bridge would be maintained by HS2 Ltd and the highway above the waterproofing by the highway authority. The grey area was responsibility for the ecology areas to the side of the highway. <p>On the overbridges query, [REDACTED] (HS2 Ltd) had responded on this point at the Highways Sub-Group and stated that responsibilities should be agreed with the highway authority when settling boundaries on each individual bridge.</p>	<p>Chair</p>
<p>13.</p>	<p>Helpdesk Update & Service Level Agreements (SLAs)</p> <p>The update on HS2 enquiries and complaints was presented by SG (HS2). There had been over 38,000 contacts made to the helpline during the 2023/24 financial year, which was a drop of 9% compared to the previous year. In terms of complaints, there were 1107 received during 2023/34 - a drop of 3% from the year before. Construction complaints for the period totaled 981 and individual reports for each area giving a breakdown of the categories had been circulated. The majority of complaints related to traffic and transport</p>	

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

	<p>(road/lane closures, temporary traffic lights and diversion routes), with the next categories being noise and vibration, and site operations (including contractor behaviour and car parking). Over the period, 97% of complaints were resolved in 20 days, with no formal escalations. The details will be published in the HS2 Annual Report.</p> <p>Action: An update on simplifying SLA claims will be given at the next meeting.</p>	HS2
14.	<p>Forward Plan/ AOB</p> <p>Invites have been sent for the upcoming Planning Forum dates:</p> <ul style="list-style-type: none"> • 25 July • 26 September • 28 November <p>It was agreed that the July meeting would be held in Birmingham as a hybrid meeting with attendance in person or online. The September meeting will be held at Old Oak Common if feasible, with the inclusion of a site visit.</p> <p>SA suggest that upcoming meetings will include discussions on bringing into use and site restoration.</p>	
	End	