

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

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| | <p>██████████ ██████████ ██████████ ██████████ ██████████ ██████████</p> | <p>Staffordshire County Council (SCC) Warwick District Council (WDC) Warwick District Council (WDC) Warwickshire County Council (WCC) West Northamptonshire Council (WNC) West Northamptonshire Council (WNC)</p> |
| Other Attendees: | <p>██████████ ██████████</p> | <p>DfT DfT</p> |

| Item | | Action Owner | | | | | | | | | | | | | | | |
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| 1. | Introductions – were made. | | | | | | | | | | | | | | | | |
| 2. | <p>Review of minutes of the last meeting and outstanding actions.</p> <p>Minutes from the January 2024 Planning Forum were agreed with no amendments.</p> <p>Outstanding actions were reviewed:</p> <table border="1"> <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) expecting outcome in late spring and acknowledged frustration in time taken to date. Action Open (DfT)</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) is updating a few Planning Forum Notes (PFNs) and will update PFN7 shortly. Action Open (HS2)</td> </tr> <tr> <td>Feb 23 (5)</td> <td>Update on the rail systems (OCS) contract</td> <td>SA confirmed this will take place at the next Planning Forum. Action Open (HS2)</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>LPAs' requests have been received and will be reviewed in advance of the next Planning Forum. Action Open (HS2)</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>Draft circulated so Action Closed (see Item 8 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) expecting outcome in late spring and acknowledged frustration in time taken to date. Action Open (DfT) | Nov 22 (6) | Request for PFN7 para 20 to refer to PFN14 instead of PFN16 when mentioning noise. | SA (HS2) is updating a few Planning Forum Notes (PFNs) and will update PFN7 shortly. Action Open (HS2) | Feb 23 (5) | Update on the rail systems (OCS) contract | SA confirmed this will take place at the next Planning Forum. Action Open (HS2) | May 23 (4) | Agreed PFN2 to be published and for HS2 to take away the other requests for further deliberation. | LPAs' requests have been received and will be reviewed in advance of the next Planning Forum. Action Open (HS2) | May 23 (9) | PFN for principles of determination to be drafted and circulated to Phase One and 2a Planning Forums for consultation. | Draft circulated so Action Closed (see Item 8 below). | |
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| | Sep 23 (6) | Having agreed principle of partial approvals, a working group met 11/9/23 to discuss best admin protocol. | A draft new PFN was circulated on 21 February. Action open (see Item 7 below). | |
| | 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. | Action Closed. | |
| | 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 proposed at Jan 24 PF that PFN1 would be amended. | Proposed amendments to PFN1 circulated 22 Feb and agreed at this March meeting (see Item 5 below). Action Closed | |
| | 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 (see Item 6 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. | Recirculated 19 Feb – Action Closed (see Item 10 below). | |
| 3. | Project Update | | | |
| | A full round up of the recent Phase 1 project activities was provided by JR (HS2). The slides presented are to be circulated. | | | |

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| <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><i><u>Performance on determinations within last six months</u></i></p> <p>SA reported good progress with 53 applications determined within the last six months, with 15 of those being decided within eight weeks. SA appreciated the efforts of contractors and planning authorities.</p> <p><i><u>Applications awaiting decision</u></i></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 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><i><u>Application performance</u></i></p> <p>SA explained that a number of applications had not made it through for incorporation to the December 2023 data reporting presented in January. With their inclusion, the statistics presented indicated submissions closer to the forecast numbers.</p> <p><i><u>Appeals</u></i></p> <p>One appeal is still awaiting determination (Bromford Tunnel East Portal), although the two other outstanding appeals had been determined (Sheephouse Wood Bat Mitigation Structure & Princes Risborough Line BIU conditions). The two determined appeals were both allowed and made in accordance with the appeals guidance timescales. SA noted that there have been 24 appeals on Phase One in total.</p> <p>The Bromford tunnel appeal was still reliant on a decision by Ministers. EL (NWBC) was disappointed with the delay, referring to how Schedule 17 determination was intended to be a fast process. The LPA had chased PINS, who had chased Ministers. TH (DfT) recognised that the delay in determination was unacceptable and stated that the Department was pushing for the situation to be resolved.</p> <p>Sheephouse Wood Bat Mitigation Structure (Bucks)</p> <p>This appeal was lodged against deemed refusal of a Schedule 17 Plans and Specs application for a bat mitigation structure that had not been determined by the LPA. SA presented slides on the relevant aspects of the appeal. The appeal was allowed with two additional detail requests and one condition modifying the works.</p> <p>TJ (Bucks) commented that SA’s summary was good and stated that Bucks Council now had a clearer view on how modifications should be sought. However, TJ raised concern that it was difficult for an LPA to propose modifications given the need for expert advice.</p> | |
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| <p>TJ explained that the main concern of Bucks Council was the impact on ancient woodland. Although the Planning Inspector referred to standards being met, TJ considered that there should be flexibility on standards and suggested that further discussions should have taken place. TJ also suggested there should have been more rigorous views on EIA.</p> <p>VW (HS2) clarified that technical standards were explained in March 2023 and suggested that modifications should have been proposed by Bucks Council prior to it going to appeal. PG (HS2) suggested that the Inspector had given his position on technical standards and was not dismissive of EIA. PG reiterated that raising issues earlier in pre-application engagement is the best approach.</p> <p>Princes Risborough Line BIU conditions (Bucks)</p> <p>SA provided an overview of the appeal decision in connection with the conditions attached to the Princes Risborough Line Schedule 17 Bringing into Use application.</p> <p>The appeal was lodged against the imposition of two conditions imposing a landscape management plan and a drainage management & maintenance plan in connection with the scheme of mitigation. In the decision, the Inspector saw no reason to diverge from the Schedule 17 Statutory Guidance with regard to maintenance and management of mitigation measures, hence the conditions were removed.</p> <p>TB suggested that the Planning Inspector did not want to see past his interpretation of the Schedule 17 Statutory Guidance and that other planning authorities should be aware how PFNs and Statutory Guidance will be considered by an Inspector.</p> <p>TA queried Bucks Council position on the Statutory Guidance. TJ responded that where documents are policy/guidance, the views of the LPA should be addressed, but in this appeal there was no reference to the Council's interpretation.</p> <p>PG believed the Inspector had reviewed and considered the Council's case in making his decision. He hoped that the Planning Forum could move forward with the decision made. TB clarified that Bucks was not challenging the Inspector's decision, but wanted to flag how an Inspector would consider PFNs and Statutory Guidance.</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: https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</p> | |
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| <p>5.</p> | <p>PFN1 Revisions - process for additional details requests</p> <p>SA provided an overview of the proposed amendments to PFN1 (circulated 22 Feb), to include an update to Table 1 (content of submission) and Appendix D (submission letter template).</p> <p>Following consultation with planning authorities only one response had been received, confirming they had no comments on the revision, therefore it was assumed that all authorities were content with the amendments.</p> <p>TJ flagged that PFNs were not law and this should be clear from the outset. TA suggested that the status of PFNs could be outlined with a sentence at the start of each Note.</p> <p>PG would consider wording to incorporate for future PFNs.</p> <p>The amendments to PFN1 were agreed and the revised PFN1 can be published.</p> | <p>HS2</p> <p>HS2</p> |
| <p>6.</p> | <p>PFN13 – Pre-application Engagement - Update</p> <p>A timeline of PFN13 on pre-application engagement was presented by SA, outlining the steps and background to seeking agreement to amendments. SA provided a summary of the comments received from three planning authorities - following the version of the PFN circulated on 27 February - and outlined the HS2 responses.</p> <p>TJ requested that time to consider the proposed amendments would be appreciated. The importance of pre-app was recognised by TJ, but suggested that too often it was not clear what aspects of designs could be changed. TA responded that the discussion should be about what ought to be changed in accordance with the Schedule 17 grounds, rather than what can be changed. TA highlighted that good pre-application engagement is at the heart of determining applications within timescales and queried whether any other planning authorities had comments.</p> <p>MB (WDC) clarified that Warwick District Council had not commented on the PFN, but discussions with BBV had been collaborative without relying on whether changes ought to be made.</p> <p>TA asked whether it would be better to agree the amendments, while not precluding revisions being made at a later date (as had been agreed with PFN2) or to carry on the discussion at the next Planning Forum.</p> <p>JW (LBC) supported TJ and was keen to get the PFN right. JW commented that on occasions Camden Council had been told that changes were not possible, but at a later date modifications had become possible. JW suggested that information should be forthcoming, then decisions can be issued with all considerations known.</p> | |

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| | <p>TA asked whether a further meeting would be needed. JW responded that it would be good to have further consideration of the HS2 responses. TA proposed that HS2 circulate the latest PFN13 as a final proposal and that agreement of the PFN should be sought at the next meeting.</p> | <p>HS2</p> |
| <p>7.</p> | <p>PFN Part Decisions</p> <p>SA provided a brief background on the proposed new PFN on part decisions. The draft PFN was circulated in January with a response received from one LPA.</p> <p>JN (LBC) asked for clarification about when comments were due as Camden Council has not provided a response. SA confirmed that while comments were due the previous week, additional comments could be forwarded.</p> <p>While TJ believed there may be circumstances where withdrawal of an application may be better, SA pointed to the Planning Memorandum stating that part decisions can be made. PG confirmed that the PFN does not amend the obligation outlined in the Planning Memorandum. SA clarified that the principle of part decisions has previously been accepted by the Planning Forum and the PFN only covered advice on LA administration.</p> <p>TB (Bucks) queried the process of creating new applications and JW raised issues with the Camden IT software.</p> <p>SA noted that the matter is for planning authorities given that they have responsibility for their own systems. PG emphasised the important point that LPAs meet their obligations – PG suggested that planning authorities should take the lead on re-drafting the PFN to ensure the commitment is met.</p> <p>TA asked for comments to be sent to Adam Ralton (TRDC) and copied to SA, with the intention of progressing to a decision on adopting the PFN at the next Planning Forum.</p> | <p>Planning authorities</p> |
| <p>8.</p> | <p>PFN Principles for Determining Requests for Approval</p> <p>SA presented a summary of the responses received from six planning authorities on the proposed PFN on principles for determining requests for approval, including examples of the following:</p> <ul style="list-style-type: none"> • substantive modification • sufficient benefit • disbenefit • materially adverse • the condition must specify in full (paragraph 23) | |

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| | <p>TA provided background from the LPAs' pre-meet where most comments suggested the need to incorporate footnotes that reference sources.</p> <p>TJ found the summary helpful and thought it was useful to see the points raised by the appeal decisions. TJ requested an in-person workshop. PG agreed that a workshop would be sensible but requested this followed agreement by LPAs on the legal principles set out in the Draft PFN. TJ agreed to co-ordinate the position of LPAs prior to arranging a workshop. TA asked that an updated PFN with references to appeal decisions be circulated.</p> <p>TJ confirmed that Bucks will move things forward after receiving the revised draft.</p> | <p>HS2</p> <p>Bucks</p> |
| 9. | <p>Operational Noise Update</p> <p>Given time constraints, this update will be given at the next Planning Forum.</p> | HS2 |
| 10. | <p>GSM-R Update</p> <p>PG gave a summary of the previous engagement on GSM-R. MWCCs were beginning the process of seeking approval for GSM-R compounds (generally under paragraph 3 of Schedule 17): LPAs have queried whether these approvals would fix the location of the masts and how they should be assessed in the absence of a mast design? PG advised that an LPA should use photographs of the compounds and the illustrative mast designs when determining applications under paragraph 3. Railway Systems contractors would make applications for masts and other structures later (where necessary).</p> <p>MB understood that masts would be up to 20 metres in height and asked whether they need consent. PG confirmed that under item four of paragraph 3(2) of Schedule 17, telecoms masts needed consent.</p> <p>A debate followed on whether it was possible to move masts and the risk of later refusals was raised by MB. PG understood there was little latitude to move apparatus, but suggested the best approach would be to query the mast location at the time of the compound application on a case by case basis where there was a concern.</p> <p>All LPAs had received plans showing the locations of the masts three years previously, but it was agreed to circulate these plans again.</p> <p>MB asked whether auto-transformer station (ATS) locations could be queried and asked for examples of ATS structures to understand appearance. PG confirmed that locations could be queried on case-by-case basis. It was agreed to give an ATS presentation, which would cover their purpose and generic appearance, although it would not be possible to provide location details.</p> | <p>HS2</p> <p>HS2</p> |

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| | TB queried the scale of plans to be provided and noted that consultees want to understand mast locations. PG offered to circulate the scale details. | HS2 |
| 11. | <p>Local Authority Feedback and Issues Arising</p> <p>No further items were raised.</p> | |
| 12. | <p>Helpdesk Update & Service Level Agreements (SLAs)</p> <p>The update on HS2 enquiries and complaints was presented by SG (HS2), in which it was noted that there had been an increase in contacts since December. The latest HS2 community engagement report can be viewed online: Community Engagement Progress Report: April 2022 to March 2023 - HS2.</p> <p>TW (HS2) provided an update on SLAs and highlighted almost all outstanding legacy payments had been settled with LPAs, although not yet necessarily paid. Going forward, Jason Pacey will have oversight of the SLA team, while maintaining his role as Head of Community Engagement for Phase 2a.</p> <p>JP offered to attend the next LPAs' pre-meet or Planning Forum to share details of redesigned timesheets.</p> | |
| 13. | <p>Forward Plan/ AOB</p> <p>Invites have been sent for the upcoming Planning Forum dates:</p> <ul style="list-style-type: none"> • 23 May • 25 July • 26 September • 28 November <p>ML suggested that a pre-(general) election period might be in place at the time of a future Forum meeting. TA asked for clarity on the pre-election period restrictions and requested some assurance. PG noted that HS2 Ltd advice has previously been that new documents/policies should not be shared, meaning that the Forum could go ahead with some limitations.</p> <p>TH advised that the Department for Transport would be consulting in the coming week on guidance on site restoration provisions. (ie. where an agreement is not reached). There will be a six-week consultation period and an opportunity to discuss at the next Forum.</p> | |
| | End | |