

INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

Title:	Independent Phase One Planning Forum for HS2 - #73	
Date & Time:	Wednesday 17 January 2024 Microsoft Teams Meeting 13:00 – 15:30	
Chair:	██████████	Independent Chair
Promoter	██████████	HS2 Ltd (Town Planning Manager)
Attendees:	██████████	HS2 Ltd (Town Planning Manager)
	██████████	HS2 Ltd (Civils Delivery Services Director)
	██████████	HS2 Ltd (Town Planning Manager)
	██████████	HS2 Ltd (Town Planning Manager)
	██████████	HS2 Ltd (Senior Town Planning Manager)
	██████████	HS2 Ltd (Town Planning Manager)
	██████████	HS2 Ltd (Lead Architect)
	██████████	HS2 Ltd (Town Planning Assistant)
	██████████	HS2 Ltd (Head of Town Planning)
	██████████	HS2 Ltd (Head of Public Response)
	██████████	HS2 Ltd (Town Planning Lead Ph 1)
	██████████	HS2 Ltd (Town Planning Manager)
	██████████	HS2 Ltd (Senior Town Planning Manager)
	██████████	HS2 Ltd (Senior Public Response Manager)
	██████████	HS2 Ltd (Town Planning Manager)
	██████████	BBV
	██████████	EKFB
	██████████	MDJV
	██████████	SCS
Local Authority Attendees:	██████████	Birmingham City Council (BCC)
	██████████	Buckinghamshire Council (BC)
	██████████	Buckinghamshire Council (BC)
	██████████	City of Westminster (CoW)
	██████████	Lichfield District Council (LDC)
	██████████	Lichfield District Council (LDC)
	██████████	London Borough of Camden (LBC)
	██████████	London Borough of Camden (LBC)
	██████████	North Warwickshire Borough Council (NWBC)
	██████████	North Warwickshire Borough Council (NWBC)
	██████████	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)
	██████████	Staffordshire County Council (SCC)
	██████████	Stratford-on-Avon District Council (SDC)
	██████████	Warwick District Council (WDC)
	██████████	Warwick District Council (WDC)
	██████████	Warwickshire County Council (WCC)

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	██████████ ██████████	West Northamptonshire Council (WNC) West Northamptonshire Council (WNC)
Other Attendees:	██████████████████ ██████████ ██████████	HS2 Construction Commissioner DfT DfT

Item		Action Owner									
1.	Introductions – were made.										
2.	<p>Review of minutes of the last meeting and outstanding actions.</p> <p>Minutes from the November 2023 Planning Forum were agreed with an amendment to two typographical errors on pages five and six.</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) reported that the review was still going through internal governance suggested it is not likely to be until spring that this is completed. DR (LBC) asked whether HS2 Ltd could share the recommendations or summary. TH was not involved in the detail, but would pass on the request. TA (Chair) expressed his concern at the delay; TH suggested he would also pass on this concern.</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>TA asked for this to be updated. SA (HS2) confirmed this will now be done.</td> </tr> <tr> <td>Nov 22 (6)</td> <td>Discussion about developing a PFN that specifically relates to the discharge of conditions in relation to Sch17. The existing Non-Material Amendment proforma</td> <td>Item is superseded by item Sep 23 (9) and now closed. To be discussed under Agenda Item 5.</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) reported that the review was still going through internal governance suggested it is not likely to be until spring that this is completed. DR (LBC) asked whether HS2 Ltd could share the recommendations or summary. TH was not involved in the detail, but would pass on the request. TA (Chair) expressed his concern at the delay; TH suggested he would also pass on this concern.	Nov 22 (6)	Request for PFN7 para 20 to refer to PFN14 instead of PFN16 when mentioning noise.	TA asked for this to be updated. SA (HS2) confirmed this will now be done.	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	Item is superseded by item Sep 23 (9) and now closed. To be discussed under Agenda Item 5.	
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		could be adapted for this purpose. HS2 to consider the matter and confirm their view.	
	Feb 23 (5)	Update on the rail systems (OCS) contract	Contract scheduled to be awarded in the summer. Will consider presentation at the March or May meeting.
	May 23 (4)	Agreed PFN2 to be published and for HS2 to take away the other requests for further deliberation.	Actions sits with the planning authorities, but EL (NWBC) has not received any further comments. TA asked for comments to be sent to EL by the next Forum as intention is to discuss at that meeting.
	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.
	Sep 23 (6)	Having agreed principle of partial approvals, a working group met 11/9/23 to discuss best admin protocol.	Update at Agenda Item 7.
	Sep 23 (7)	Design Group met 1st & 30th August. to consider implications of new standard for Overbridge Parapets (PFN 16a and 16b). BC offered to review all overbridges requiring higher parapets and advise which may be controversial. 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.	Agenda Item 7.
	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.	To be discussed at Agenda Item 5.

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	<p>Sep 23 (9)</p>	<p>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</p>	<p>To be discussed at Agenda Item 5.</p>	
	<p>Sep 23 (10)</p>	<p>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.</p>	<p>To be discussed at Agenda Item 6. Draft PFN has been sent for consultation.</p>	
	<p>Sep 23 (11)</p>	<p>HS2 to present at a future Forum on how new ES information and new significant effects work alongside Schedule 17 and the EMRs.</p>	<p>Action open. To be considered following progress on other items.</p>	
	<p>Nov 24 (4)</p>	<p>Request to update on TCPA appeals.</p>	<p>Agenda Item 4. Going forward this will be a standing item.</p>	
	<p>Nov 24 (10)</p>	<p>Request for details of lessons learnt from complaints</p>	<p>To be presented at Agenda Item 11.</p>	
	<p>MW, HS2 Construction Commissioner, later expressed his shared sentiment about the time taken to agree the Prolonged Disturbance Scheme. He mentioned that he would me meeting with Minister and would press him to move things on.</p>			
<p>3.</p>	<p>Planning Consents Performance & Appeals and Judicial Reviews Update</p> <p>SA presented the planning consents performance and appeals update.</p> <p><i>Performance on determinations within last 6 months</i></p> <p>SA noted that the number of determined applications was the same as the previous reported period, although there was an increase in the number taking longer than 8 weeks to determine. Reasons for the longer determinations involved all parties and included:</p> <ul style="list-style-type: none"> • Further plans/information requested by planning authorities • Contractors updating schemes 			

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	<ul style="list-style-type: none">• Additional environmental information being provided• Scope of legislation and update to Statutory Guidance• Lack of planning authority resource – which is now resolved• Delayed receipt of consultee responses• Deferral at Planning Committee <p>There were seven approvals of BBV applications in December. SA thanked BBV and the planning authorities.</p> <p><u>Applications awaiting decision</u></p> <p>Many reasons for applications awaiting decision still apply on both sides. The contractor capacity in the north has been a challenge given the scale of work. SA highlighted concern about an application where a decision has been deferred due to engagement, which is not a ground in the HS2 Act. SA offered to work with planning authorities to ensure decisions are lawful.</p> <p>TA noted that both charts in the latest period showed a worsening of performance and was disappointed there had not been an improvement.</p> <p><u>Application performance</u></p> <p>Given the shorter period that has elapsed since the last meeting and the Christmas break shutdown, the number of submissions had been light. It was noted that forecasting performance was still poor.</p> <p><u>Appeals</u></p> <p>Currently three live appeals. TA noted the extending timescales to determine appeals. PG (HS2) recognised that decisions are outstanding, but pointed to PINS meeting timescales, which indicates an improvement in performance in future.</p> <p>SA gave an overview of the Bowood Lane overbridge appeal that was allowed in November (see slides). Appeal decision to be circulated. SA noted the significant weight the Inspector gave to safety, while recognising that negative impacts may still exist in terms of appearance. SA suggested it is important to note that when seeking Sch 17 approval it may not be possible to eliminate all prejudicial impacts.</p> <p>TJ (BC) responded that it was difficult for planning authorities to work up modifications given the lack of specialist expertise and that modifications are unable to be put forward without pre-app. TA queried whether pre-app took place. The specifics were not debated, but it was suggested by TJ and TB (BC) that learning is incorporated in Planning Forum Notes. SA concluded by stating that the seven conditions originally imposed were all removed by the Inspector.</p> <p>The two determined TCPA appeals were then presented by SA, which both related to similar matters with parking provision at compounds. Both appeals</p>	
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	<p>were allowed. It was agreed to circulate both of the Inspector reports. TJ noted the broad scope of what permitted development rights allow and suggested that planning authorities should be aware of this.</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>4.</p>	<p>Project Update</p> <p>The Phase 1 project update was provided by JR, which comprised details of specific activities rather than a full round of Phase 1 works. The slides presented are to be circulated.</p> <p>PG (HS2) asked whether the slimmed down format was preferred. Following discussion, after compromise it was agreed that each meeting would alternative between a full update and specific activities.</p>	<p>HS2</p>
<p>5.</p>	<p>PFN 5 Conditions, Additional Details and Particulars Reserved - Update</p> <p>TA outlined the steps taken to date regarding the update to PFN5. Two outstanding points of principle raised by Bucks Council were addressed by the update to the Schedule 17 Statutory Guidance and a response by HS2 Ltd. While it had been the intention to agree the PFN at this Forum meeting, following circulation of the final updated draft prepared and further reviewed by the working group before Christmas, further comments had been raised by Bucks Council following the consultation period ending. TA asked SA to present a review of the comments.</p> <p>TJ suggested there were some missed opportunities to make the process more efficient and considered that recent appeal decisions had given cause for raising further matters. Although TJ felt it was regrettable that the further comments had not been made earlier, he suggested a further sub-group meeting with a view to agreeing the PFN at the next Forum.</p> <p>SA explained that the points raised had previously been responded with supporting justification. PG pointed to the narrowly defined process of Schedule 17 and stated that the PFN must reflect the law. PG had not seen an argument that the HS2 interpretation was wrong and did not see the benefit of a further working group meeting given the clear cut position of the legislation and appeal decisions to date.</p> <p>TB felt that until the outstanding appeals were decided, paragraph 8 in the PFN could not be finalised and suggested that Bucks Council should be engaged</p>	

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	<p>separately. TA flagged that Statutory Guidance exists and that the decision timescale for appeals are unknown. PG reminded Forum members that the HS2 Act requires planning authorities to have regard to the Statutory Guidance. On that basis, until an Inspector made a decision to the contrary, and Guidance subsequently is amended, decisions should be based on the current Guidance.</p> <p>TJ raised his concern about liabilities, referencing a scenario where flooding occurs and draining wasn't shown – the concern being who is responsible? PG responded that Parliament had decided the controls afforded to planning authorities and there was no reason for planning authorities to have additional controls outside the statutory process.</p> <p>TJ requested whether matters not controlled by Schedule 17 (e.g. fencing appearance and drainage) could be controlled by an undertaking given by HS2 to planning authorities to enable control outside of the statutory requirements of the Act and the planning process. PG responded that HS2 would not enter into further requirements beyond those that Parliament has required through the Act.</p> <p>TA queried whether there was any interest from planning authorities in a further working group. TJ, TB and DR (LBC) supported a further working group. DR and JN (LBC) were asked to respond on why this was necessary. While DR sympathised with Bucks Council's position, PG asked DR to be specific about the concerns in relation to the law. DR suggested that there should be a vote to decide on the working group going ahead.</p> <p>TA noted that only Bucks Council and LBC supported a further working group meeting, which was not a majority. TA asked whether the PFN could be agreed based on the current draft; with the potential for a review if any subsequent appeal decision is contrary to the current version of the PFN. TJ suggested that Bucks Council could agree the PFN if the objection from Bucks Council could be noted, specifying which sentences they did not support.</p> <p>TA moved to an agreement of PFN5 based on a consensus rather than unanimous decision. Updated PFN5 was agreed.</p> <p>Bucks Council requested that their objections to the matters set out in PFN5 paragraphs 7 and 9 are recorded.</p>	<p>BC</p>
<p>6.</p>	<p>PFN13 – Pre-application Engagement - Update</p> <p>SA presented the latest position on PFN13 Pre-application Engagement. Following further comments received from TRDC and BC it was agreed that a revised draft of the PFN would be circulated with a summary of items not adopted.</p>	<p>HS2</p>
<p>7.</p>	<p>PFNs Update – PFN16 (amendment) and Part Decisions</p>	

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	<p>Following the circulation of the revised PFN16 amended to remove the references to road overbridges, the revised PFN was agreed with no objection.</p> <p>On Part Decisions, a draft will be sent shortly by HS2 Ltd, with the aim of agreeing at a future meeting.</p>	HS2
8.	<p>Process for additional details requests</p> <p>SA recognised that it has taken some time to reach this point. The relevant paragraphs in Schedule 17 that are relevant to requesting additional details were referenced. SA presented the key point (see slides). Rather than proposing a new PFN, SA explained that PFN1 would be amended to update Table 1 and Appendix D.</p> <p>VC (BCC) queried whether HS2 Ltd would expect a response in letter format or whether an email was sufficient. SA responded that HS2 Ltd did not want to complicate matters but would consider the query and confirm when sending the draft revised PFN.</p>	HS2
9.	<p>Principles for Determining Requests for Approval</p> <p>PG noted that the Schedule 17 regime operates differently to the TCPA process and HS2 had been trying to find a way to give guidance to planning authorities based on the Act. The HS2 planning regime has a clear process and a new PFN is proposed with the purpose of helping council officers and decision makers to understand process.</p> <p>A draft of the PFN will be circulated after meeting and HS2 would like comments within 21 days. PG requested that any comments reference the Act and its provisions.</p> <p>PG presented the steps set out in the draft PFN and stated that there was a logical process for making determination. It was hoped that the PFN would assist planning authorities. The PFN would be discussed at the next meeting after HS2 Ltd had chance to review consultation responses.</p>	HS2
10.	<p>Local Authority Feedback and Issues Arising</p> <p>VC suggested that it would be helpful if submissions covered the context of nearby consents/proposals, as the experience had been that information is coming forward in siloes. While PFN2 was referenced as taking account of this matter, VC pointed to the worst scenario being when there is contractor interface. MB (WDC) echoed VC's concerns and also pointed to proposals being brought forward without details of adjoining works. While PG noted it was the nature of large infrastructure projects to break down proposals, it was agreed to take this concern away to consider.</p>	HS2

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	<p>Noting project pressures and referencing an email received from [REDACTED] (HS2 Civils Delivery Director) in relation to the parapet design for three applications, TJ queried whether cost and programme matters can be discussed earlier in pre-application meetings. Bucks Council has subsequently written to HS2 Ltd and PG indicated that a full response would be provided to Bucks Council, but clarified that cost and programme details are not necessary for Schedule 17 submissions. Where a planning authority is seeking modifications, PG stated that justification evidence is needed. TA queried the next steps and PG replied that following the response to Bucks Council, a summary of principles would be provided at the next Forum.</p> <p>TA flagged the matter of certain construction works taking place without the relevant consent in place. PG highlighted that HS2 Ltd takes legal obligations seriously and noted that construction of a scheme of the nature of HS2 is complicated, and it is not always clear when consents are legally required. However, PG would look into any concerns raised by Forum members.</p>	<p>HS2</p>
<p>11.</p>	<p>Helpdesk Update</p> <p>SG (HS2) informed Forum members that [REDACTED] (HS2 Community Engagement Director) would be leaving HS2 Ltd, with [REDACTED] taking over the role going forward.</p> <p>SG presented the slides on HS2 enquiries and complaints, noting that December has been a quiet month for helpdesk contacts, which is usual for that month. Up until December there were 857 complaints, which is an increase of 70 when compared to the same month in the previous year. From August there was a pattern of complaints reducing, and this year there have been no formal escalation seeking an independent review from the Construction Commissioner.</p> <p>VB (HS2) explained the drivers of complaints received during the period between April and December 2023. All complaints whether they are upheld, not upheld or partially upheld offer opportunities for learning for HS2. SG outlined that there is internal reporting to the HS2 Board and weekly to contractors (in the form of lessons learnt). Details are also provided to DfT and the Construction Commissioner. HS2 is also part of the DfT Complaint Policy Group. Learning is shared with the Ombudsman and HS2 Ltd has been asked to be a trailblazer on the new government complaint standards that they have launched.</p> <p>SG reminded Forum members of the standing invite to visit the hub in the HS2 Snowhill office.</p> <p>DR asked whether there is any public document where more details on complaints upheld is published. SG noted that the annual HS2 Respecting People, Respecting Places document will be published on the HS2 website shortly.</p>	

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	There were no questions for MW (HS2 Construction Commissioner).	
12.	<p>Forward Plan/ AOB</p> <p>Dates were agreed for the remainder of 2024, with invites to follow:</p> <ul style="list-style-type: none"> • 20 March • 23 May • 25 July • 26 September • 28 November <p>PG stated that the next Forum will cover operational noise, although this topic will be discussed at the Environmental Health Sub-group first.</p> <p>MB asked whether there could be a presentation on Railway Systems. He noted that he had requested details on auto-transformer stations (ATS) and GSMR masts.</p> <p>PG will ask colleagues for an ATS presentation, but noted that there had been a previous Forum presentation on GSMR masts. PG suggested that when the Railway Systems contract is in place, a CDE for masts can be considered.</p> <p>MB queried whether the location of masts has been fixed. PG will discuss with the HS2 team. Action agreed for HS2 Ltd to recirculate the GSMR presentation and establish whether further information is needed.</p>	<p>HS2</p> <p>HS2</p>
	End	