



## INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2

<p><b>2.</b></p>	<p><b>Review of minutes of the last meeting and outstanding actions.</b></p>	
<p>Minutes from the May 2024 Planning Forum were agreed with an amendment to attendees.</p>		
<p>Outstanding actions were reviewed:</p>		
<p>Jan 22 (5)</p>	<p>Prolonged Disruption Compensation Scheme review being undertaken with feedback to be provided by DfT. DfT to provide updated timeline.</p>	<p>TH (DfT) updated that proposals are being discussed with Treasury officials, following which the Scheme would be put to Ministers for approval. TH had no clear timescales, but would pass on frustrations. TA (Chair) queried whether the Scheme would be applied retrospectively; TH was not in a position to confirm the Government position. Given the disappointment in the time elapsed to agree a Scheme, TA would email DfT about the delay and communicate with the HS2 Construction Commissioner. <b>Action open.</b></p>
<p>Mar 24 (9)</p>	<p>Operational noise update. Given time constraints, this update will be given at the next Planning Forum.</p>	<p>The update will initially be given at the EH Subgroup, followed by the subsequent Planning Forum meeting. <b>Action open.</b></p>
<p>Mar 24 (5)</p>	<p>PFN 2 - 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</p>	<p>SA (HS2) clarified that HS2 Ltd has considered its position and that further changes are not proposed, noting that PFN17 confirms that information must be sufficient to allow the necessary grounds to be considered, which aligns with the Statutory Guidance. As such there is already provision in PFN2 for context plans where relevant. TA asked whether planning authorities had any comments; none were received.</p>

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		planning authority having sufficient information to determine the application. PG replied that this would be considered, re-iterating the earlier comments about costs.	It was noted that the updated version PFN2 had been uploaded to the gov.uk website following the May Planning Forum. <b>Action closed.</b>
	May 24 (6)	<b>PFN 13</b> - 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 can be posted to gov.uk.	The PFN has been uploaded to the gov.uk website. <b>Action closed.</b>
	May 24 (11)	Status of PFNs - 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.	The agreed wording has been placed on the gov.uk PFN website. SA outlined that given the contractual arrangements and internal HS2 governance process, there was no intention to update each individual PFN with the wording. <b>Action closed.</b>
	May 24 (13)	SLAs – update to be given on simplified claims process	SA explained that while it had been intended to provide the update at the September Forum, given a change in personnel, a new team member picking up SLA responsibilities will be asked to provide the update in November. <b>Action open.</b>
	July 24 (2)	PFN Principles for Determination etc - Revised note to be presented to the next Forum meeting for agreement. Decision tree to be included.	To be discussed at agenda item 6. <b>Action closed.</b>

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	July 24 (12)	Consented works - Chair has received details from three planning authorities and HS2 Ltd will arrange bilateral meetings with each authority.	TA asked for an update on arranging the meetings with planning authorities. PG confirmed that meeting dates have been suggested to the authorities where concerns about unconsented Sch 17 works had been raised; it was hoped these would be held in the first half of October. On the matter relating to Sch 33, a substantive response would be provided to the highway authorities. TA considered that progress was being made, but in view of the importance of the matter, wanted the action to remain open. <b>Action open.</b>	
3.	<p><b>Project Update</b></p> <p>The project update was provided by PG, who gave progress details on:</p> <ul style="list-style-type: none"> <li>• Updated designs for Birmingham Curzon Street station, which are to be submitted to BCC for approval</li> <li>• Completion of Aston Church Road bridge</li> <li>• Completion of Highfurlong Brook viaduct</li> <li>• The final segment being installed on the Colne Valley viaduct</li> <li>• TBM progress towards Birmingham</li> <li>• Production of the Northolt tunnel west concrete segments</li> </ul> <p>TA suggested that it would be relevant and useful to understand the percentage completion of tunnelling and other works. PG would ask HS2 project controls whether this could be provided for future project updates.</p>			HS2
4.	<p><b>Planning Consents Performance &amp; Appeals and Judicial Reviews Update</b></p> <p>SA (HS2) presented the planning consents performance and appeals update.</p> <p><i>Performance on determinations within last six months</i></p> <p>Over the previous six months, performance on determinations was similar to the period reported at the last Forum. Positively, there has now been a sustained period of consistency with the majority of applications being determined in under 16 weeks and a reasonable percentage under eight weeks. SA thanked those involved for their efforts in meeting timescales.</p>			

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	<p><u>Applications awaiting decision</u></p> <p>With live applications, the update was not as positive with over half of applications awaiting a decision for over 25 weeks. While SA noted this as a concern, he provided some context. One of the submissions is subject to an appeal and a couple are about to be approved. A few were subject to additional consultation or had further information requested, including with respect to U&amp;As. Across the board there are various reasons for delays and contractors are being pushed hard to improve performance when responding to requests.</p> <p>However, SA urged planning authorities to ensure that any requests for information or any points of clarification are linked to the Schedule 17 grounds for determination, as some requests may not have been. The northern area was highlighted as that with the majority of outstanding decisions, but SA reiterated his plea for all contractors and planning authorities to try and reduce determination times.</p> <p><u>Application performance</u></p> <p>The performance on forecasts was also slightly disappointing. Although there has been recent progress in forecast performance, this had dropped off significantly in August, with most delays in the northern area. SA commented about the August forecasts being ambitious and hoped that September would show an improvement. TA expressed disappointment when there had been signs of improvement in the spring, particularly when the August holiday month should have been anticipated. SA replied that HS2 Ltd will work with contractors to understand the causes.</p> <p><u>Appeals</u></p> <p>There was one live appeal – the Bromford tunnel east portal headhouse – although there was no further update at this time. TA queried whether that appeal related to powers or design. PG responded that it is principally about powers, but there are also minor design issues (eg. materials).</p> <p>SA noted that the judicial review on the Bromford Tunnel East Portal appeal was ongoing.</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><a href="https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions">https://www.gov.uk/government/publications/hs2-phase-one-planning-forum-planning-appeal-decisions</a></p>	
<p><b>5.</b></p>	<p><b>Bringing into Use</b></p> <p>At the last Planning Forum, it was suggested that there would be a further discussion on Bringing to Use (BiU) given the more complex nature of these submissions than others under Schedule 17. SA’s presentation included a repeat of some of the slides presented at the last Forum.</p>	

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	<p>TA queried the wording on one of the slides about the timing when mitigation measures should be implemented. SA confirmed the slide would be amended and clarified that the BiU approval confirms that all reasonably practicable mitigation measures <u>will</u> be taken to mitigate the effect of the scheduled work or its operation on the local environment and local amenity.</p> <p>VC had a query on the time limit for completing works in accordance with approved plans and specifications; asking whether there was an expectation on when a work should be completed. VC clarified that there seems to be confusion about the meaning of 'Bringing into Use'. SA clarified that BiU is not a final check of whether approved plans and specifications have been built, but instead is a check on approved mitigation, noting that not all mitigation needed BiU approval (ie. tree planting may be environmental mitigation rather than measures to mitigate the effect of a scheduled work). Given VC's query, there was an action for HS2 Ltd to consider whether there was a timescale for approved plans &amp; specifications and mitigation to be completed.</p> <p>On amended public rights of way (PROW), SA explained that Schedule 17 approval was not required, although earthworks under Schedule 17 paragraph 3 may be needed to facilitate a PROW. An amended PROW - where provided to substitute a PROW impacted by a scheduled work and identified in Schedule 4 – would not be a mitigation measure under Schedule 17 (BiU).</p> <p>SA presented a flow chart showing the overall consents that lead to Schedule 17 BiU. It was confirmed that Schedule 16 site restoration schemes needed agreeing with the landowner as well as the planning authority, noting that Schedule 16 land may comprise BiU mitigation. TB asked about the sequencing of applications; PG and SA suggested that contractors should co-ordinate consents and that approvals under Schedules 16 and 17 should align, although in limited circumstances where there is disparity, a contractor may need to vary a previously agreed proposal.</p> <p>SC asked about the definition of BiU. SA explained that Schedule 17 BiU consent is necessary before the scheduled work comes into operation, rather than being required before construction commences. Where mitigation is necessary, this will be provided before the work is brought into use. SA noted that there is no other definition of BiU regarding Schedule 17 and that testing of the railway and other scheduled works would not require BiU approval to be in place.</p> <p>In terms of applications, the format and content are reflected in revised draft PFN7 on BiU. The various types of potential BiU mitigation also aligns with the PFN. The need for consolidated mitigation plans should be discussed on a case-by-case basis through pre-application engagement and the need should be fully justified.</p>	<p><b>HS2</b></p>
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<p>On planning authority decisions, decision notices should follow the requirements in PFN9. Decisions for BiU should be clear on whether they relate to request for approval of mitigation schemes [Schedule 17 paragraph 9(4)(b)] or to BiU [Schedule 17 paragraph 9(1)], or both.</p> <p>The next steps on BiU were:</p> <ul style="list-style-type: none"><li>• Feedback awaited from planning authorities on revised draft PFN7</li><li>• Workshop to be arranged with planning authorities to review feedback</li><li>• Final consultation on revised draft PFN with a view to agreeing a final version.</li></ul> <p>JS (SMBC), TB (BC), LS (WDC), SC (BCC), AH (NWDC) and PT (SDC) volunteered to attend the workshop, which SA will schedule in around a month.</p> <p>VC asked whether it was possible to map the process where something proposed was not part of BiU or other consent (eg. paving, planting). PG suggested HS2 Ltd would consider how this could be done if possible. VC stated that there may be different interpretations about what was considered to be mitigation, noting that community mitigation could have a wide definition. PG considered that the HS2 Environmental Statement should provide a reference for defining mitigation; with SA clarifying that where mitigation was in connection with BiU, there would need to be a direct effect of the scheduled work.</p> <p>JS requested clarity on how Schedule 1 works are defined, but suggested this could be covered in the upcoming workshop. SA agreed and would also respond at the workshop on the separate query on Section 2 works.</p> <p>SC raised a query on consent for public realm (referencing Birmingham Curzon Street) and achieving good design along with high quality materials. PG explained that while Schedule 17 Site Restoration (SR) schemes were agreed on early station designs, the draft guidance published by DfT clarified when Schedule 17 SR is needed (as discussed at the last Planning Forum). Although HS2 will not need agreement of a Schedule 17 SR scheme for permanent works in use in connection with the railway, PG expressed that this does not mean that proposals will not be discussed with planning authorities.</p> <p>The final question was raised by TA, asking whether the submissions under paras 9(1) and 9(4)b are separate applications and could they be submitted together. SA clarified that they are separate applications and may be submitted as the same time using the same plans, as long as it was clearly explained in the documentation. VC suggested that the decision notice should be explicitly clear; SA referred to the earlier slides and pointed out that the notice should reference the scheduled work and a clear reference to which paragraph the approval relates to.</p>	<p><b>HS2</b></p>
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<p><b>6.</b></p>	<p><b>Principles for determination</b></p> <p>SA re-capped the previous steps taken regarding the draft Planning Forum Note (PFN) on Principles for Determining Requests for Approval (paras 2 &amp;3), culminating in a workshop in July to refine and agree a revised draft, which was then circulated in September with comments recently received from NWBC.</p> <p>The current draft of the PFN now includes:</p> <ul style="list-style-type: none"> <li>• Agreed wording from planning authorities who attended the workshop (subject to NWBC comments)</li> <li>• Up to eight stages that should be followed in determining requests for approval</li> <li>• References to the relevant parts of legislation, statutory guidance, planning memorandum, planning forum notes and appeal decisions</li> <li>• Process map to provide a visual guide to the stages in determining requests for approval</li> </ul> <p>The final version of the draft will be circulated to the Planning Forum once the working group has agreed the final draft. The intention is then to agree the PFN at the November 2024 Planning Forum.</p>	
<p><b>7.</b></p>	<p><b>Local Authority Feedback and Issues Arising</b></p> <p>VC (BCC) asked whether it was possible to make amendments as neat as possible. While non-material changes or simply replacing one set of drawings with another was clear, VC flagged that it could be confusing about which drawings were being implemented. VC's concern related to overlapping Sch 17 approvals and gave the example of where there were changes to a bridge, but there were also tweaks to the earthworks beneath. SA responded that on a practical level, the contractor will probably only build in accordance with what has most recently been approved, but <b>Action</b> would look into the matter. TB (BC) suggested the use of an informative to clarify matters.</p> <p>TB commented on the email that he had recently sent to the Forum on part decisions and wished to retract the content following discussions with PG and SA, as he was in support of the recent WNC part decision. TB requested that at the next pre-meet of the Planning Forum there was an item for him to clarify his issue with the informal note.</p>	<p><b>HS2</b></p>
<p><b>8.</b></p>	<p><b>Helpdesk Update</b></p> <p>VB (HS2) presented the update from the HS2 Helpdesk. Key headlines were:</p> <ul style="list-style-type: none"> <li>• Complaints had dropped as typical through the August holiday period</li> <li>• The majority of Phase Two complaints related to safeguarding or properties purchased by DfT</li> </ul>	

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	<ul style="list-style-type: none"> <li>• 96% of Phase One complaints resolved within 20 days</li> <li>• While in peak Phase One construction, the highest volume of complaints related to traffic and transport – noting a spike in complaints around the closure of the A41, which while having diversions in place, drivers are ignoring the signs and using local routes</li> <li>• No escalations to the Construction Commissioner in the period</li> </ul> <p>On the slide presenting complaints by phase, TA queried whether the Phase Two graphics could be amended to take account of the re-phasing of HS2. VB would investigate this with the HS2 graphic team.</p>	<b>HS2</b>
<b>9.</b>	<p><b>Forward Plan/ AOB</b></p> <p>A placeholder has been sent for the remaining Planning Forum to be held this year:</p> <ul style="list-style-type: none"> <li>• 28 November</li> </ul> <p><b>Action</b> Dates for next year will be considered, following the same pattern as this year, taking into consideration any local elections and holiday periods.</p> <p>The meeting was VC’s last representing BCC who was thanked by TA and GC for her great contributions to the Forum’s discussions.</p>	<b>HS2/Chair</b>
	<b>End</b>	