



**INDEPENDENT PHASE ONE PLANNING FORUM FOR HS2**

	██████████ ██████████	West Northamptonshire Council (WNC) West Northamptonshire Council (WNC)
<b>Other Attendees:</b>	██████████ ██████████	DfT DfT

Item			Action Owner									
1.	<b>Introductions</b> – were made.											
2.	<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> <table border="1" data-bbox="370 772 1273 1843"> <tr> <td data-bbox="370 772 521 1163">Jan 22 (5)</td> <td data-bbox="521 772 857 1163">Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT.</td> <td data-bbox="857 772 1273 1163">TA (Chair) had emailed DfT and copied the Construction Commissioner. Although there has been no outcome of the review, some applications had been made. TH (DfT) did not have any further update, although it was clarified that the submitted applications had been successful. <b>Action open.</b></td> </tr> <tr> <td data-bbox="370 1163 521 1486">Mar 24 (9)</td> <td data-bbox="521 1163 857 1486">Operational noise update. Given time constraints, this update will be given at the next Planning Forum.</td> <td data-bbox="857 1163 1273 1486">There was a presentation to the noise working group of the Environmental Health (EH) Sub-group, which will be taken to the wider EH Sub-group on 5 December. The details will then be summarised at the next meeting of the Planning Forum. <b>Action open.</b></td> </tr> <tr> <td data-bbox="370 1486 521 1843">May 24 (13)</td> <td data-bbox="521 1486 857 1843">SLAs – update to be given on simplified claims process.</td> <td data-bbox="857 1486 1273 1843">The SLA update was unfortunately not on the agenda given the recent company re-organisation that has affected the SLA team. SA suggested the team would be in a position to present in January or the following meeting. TA expressed frustration at the delay and would contact a</td> </tr> </table>		Jan 22 (5)	Prolonged Disturbance Scheme review being undertaken with Feedback to be provided by DfT.	TA (Chair) had emailed DfT and copied the Construction Commissioner. Although there has been no outcome of the review, some applications had been made. TH (DfT) did not have any further update, although it was clarified that the submitted applications had been successful. <b>Action open.</b>	Mar 24 (9)	Operational noise update. Given time constraints, this update will be given at the next Planning Forum.	There was a presentation to the noise working group of the Environmental Health (EH) Sub-group, which will be taken to the wider EH Sub-group on 5 December. The details will then be summarised at the next meeting of the Planning Forum. <b>Action open.</b>	May 24 (13)	SLAs – update to be given on simplified claims process.	The SLA update was unfortunately not on the agenda given the recent company re-organisation that has affected the SLA team. SA suggested the team would be in a position to present in January or the following meeting. TA expressed frustration at the delay and would contact a	
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			relevant director (Jackie Roe) to raise urgency. <b>Action open.</b>	Chair
July 24 (12)	Unconsented works - Chair has received details from three planning authorities and HS2 Ltd will arrange bilateral meetings with each authority.		While meetings had taken place with planning authorities, PG reported that highways and legal colleagues were working together on the position regarding Schedule 33. Once conclusions were reached, the outcome would be shared with the LPAs/HAs. PG recognised the frustration; TA would also mention this to JR. <b>Action open.</b>	
Sep 24 (3)	TA (Chair) suggested that it would be relevant and useful to understand the percentage completion of tunnelling and other works.		Addressed in Agenda Item 3. <b>Action closed.</b>	
Sep 24 (5)	VC (BCC) queried whether there was a timescale for approved plans & specifications and mitigation to be completed.		The matter has been considered and SA explained that in terms of the plans and specification, there is no timescale for when approved works need to be completed. However, to bring into use a work, any mitigation approved under Schedule 17 Bringing into Use will need to be complied with before the work is brought into use (unless it is specified in the approval that it would not be implemented at that stage). <b>Action closed.</b>	
Sep 24 (5)	Bringing into Use (BiU) – workshop to be arranged and final consultation on revised draft to take place.		The workshop had been held and a revised draft PFN circulated to planning authorities for consultation. TA hoped to agree the PFN given the workshop and revised draft. However, GK (BC) had queried about timescales for complying with BiU approval and suggested the PFN should be further elaborated in the Note.	

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			<p>While PG was also keen to agree the PFN given previous discussions and that BiU submissions are ongoing, it was recognised that the consultation period was still open, so it was decided that the PFN should be considered for agreement at the next Planning Forum. GK was requested to propose additional text, along with the legal justification within the consultation period. <b>Action closed.</b></p>	<p><b>Planning authorities</b></p>
Sep 24 (7)	<p>VC queried whether overlapping consents could be made clearer.</p>	<p>SA recognised there may be occasions where it was necessary to seek a subsequent approval based on a need to change the work. One approval would not necessarily supersede the other, although the constructed works would need to be built in accordance with approved plans. <b>Close action.</b></p>		
Sep 24 (8)	<p>TA queried whether the Phase Two graphics could be amended to take account of the re-phasing of HS2.</p>	<p>TA clarified that clarity of the graphic needed updating, rather than removing Phase 2A and 2B. The issue would be addressed in the Helpdesk agenda item. <b>Action open.</b></p>		
<p><b>3.</b></p>	<p><b>Project Update</b></p> <p>PG provided the project update by contract. The presentation included details of collective completion of assets (ie. cuttings, embankments, bridges, etc) and progress with completion of types of work (ie. earthworks, tunnel drives, piles, etc). TA found the completion information helpful and asked whether it could be presented at future meetings. PG agreed that the information could be presented when updates are available.</p> <p>TA asked whether the train mock-up could only be visited by invitation. PG would look into whether a small group could visit.</p> <p>MB (WDC) noting recent reports about accessibility at Euston and Euston Square Underground stations, queried whether tunnels linking the station were still planned. PG clarified that the HS2 Act included powers for tunneling; but could not comment on currently proposed works.</p>			<p><b>HS2</b></p>

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	<p>MB wanted to know the location of the translucent noise barrier presented, which PG confirmed is proposed along the Colne Valley viaduct. TA asked that when the slides are circulated, the acoustic barrier noise testing image is enlarged on a separate slide.</p>	
<p>4.</p>	<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><u>Performance on determinations within last six months</u></p> <p>There was a marginal improvement when comparing the most recent reporting period to the previous period; although the data was skewed by a larger number of applications. While many submissions were approved within 16 weeks, there were still a number above 17 weeks and some over 25 weeks. Reasons for the long determination periods included contractors responded to information requests, but other reasons sat with planning authorities (eg. delays with planning committee and some requests that are not always necessary for determination).</p> <p><u>Applications awaiting decision</u></p> <p>The majority of those application awaiting determination were in the BBV area. The sheer number of submissions was noted, along with a slight improvement due to a reduction in the number of applications in a long period of determination.</p> <p><u>Application performance</u></p> <p>There has been improvement in performance since the last Planning Forum meeting, which covered the summer period. There is a definite drop-off in forecast submissions over the coming weeks, partly due to Christmas. After largely completing the Plans &amp; Specifications submissions, the project is now in a period of design refinement and moving into Site Restoration and Bringing into Use.</p> <p><u>Appeals</u></p> <p>Since the last Planning Forum, the Bromford Tunnel East Portal headhouse appeal (no. 25) had been determined. Positively, the recent decision had been issued in a short period of time. SA noted that the appeal process seems to be working well with the last three appeals determined quickly by the Planning Inspectorate.</p> <p>PG provided an overview of the recent appeal decision on the Bromford Tunnel East Portal headhouse. The Inspector determined in HS2 Ltd's favour with the issue essentially being the same as the substantive issue in the Bromford Tunnel East Portal appeal (no. 18) as to whether the works were actually authorised by the HS2 Act. In his decision on appeal no. 25, the Inspector essentially deferred to the Secretary of State's decision in appeal no. 18.</p>	

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	<p>Subsequently, a Judicial Review of the Inspector’s decision has been sought by NWBC.</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>Site Restoration</b></p> <p>SA gave an overview the various agreements for Site Restoration under Schedule 16 (land returned to owner) and Schedule 17 (land permanently acquired for project).</p> <p>For Schedule 17 Site Restoration it was confirmed that sites used for construction, which are used to accommodate permanent works authorised by the Act are, by definition, not being restored and consequently it is not necessary to agree a scheme of Site Restoration for such sites. SA also explained that:</p> <ul style="list-style-type: none"> <li>• Site Restoration agreements may not be subject to non-material change, but a request seeking an updated or new agreement could be made;</li> <li>• Through a Site Restoration agreement, matters can be reserved for subsequent agreement; and</li> <li>• There is no ability to ‘appeal’, but an ability to seek Ministerial Determination if HS2 Ltd fails to submit a scheme or an agreement is not reached (similar to the appeals process).</li> </ul> <p>For Schedule 16 Site Restoration:</p> <ul style="list-style-type: none"> <li>• A restoration scheme must be agreed in every case regardless of whether anything has been done to that land, as Schedule 16 is linked to possession; and</li> <li>• The restoration scheme must be agreed with both the landowner and the local authority within 6 months of date of completion of the work for which temporary possession of the land was taken.</li> </ul> <p>TA asked whether a planning authority could seek a Ministerial Determination if a scheme is not submitted. Both SA and TH confirmed that this was possible.</p> <p>LY queried whether there is a determination period for Schedule 16 agreements. SA responded that while there is no statutory timescale, although it would generally be expected that land would be returned its original condition, therefore the agreement should not usually be contentious. It was</p>	

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	<p>also clarified that there is not a statutory consultation process for Schedule 16 scheme determination.</p> <p>AR (TRDC) flagged that the constitution within TRDC needed to be changed to give authority to issue Schedule 16 agreements. TA suggested this was a good heads up for other authorities to look into whether they need changes.</p> <p>An update on the draft DfT guidance on Site Restoration was given by TH. Following the consultation, the responses were being reviewed and the guidance finalised, which would need Ministerial approval before being issued. It was anticipated that the guidance would be published in the new year. A 'you said, we did' document would also be issued to explain what changes have been made and why.</p> <p>LY commented about there being a number of Schedule 16 submission being submitted and asked whether the points on Schedule 16 in the existing PFN will follow through to the updated PFN. SA clarified that the main change will be to reflect that mitigation should not form part of a Site Restoration scheme.</p> <p>SC suggested that it would be useful to understand the difference between mitigation and Site Restoration. <b>Action:</b> SA offered to share details as this had been discussed at an earlier meeting of the Planning Forum.</p> <p>The next steps (<b>Action</b>) were to circulate the draft update to the PFN in December, with a workshop to discuss in early 2025. It was then intended to seek agreement of the revised PFN in the January and/or March 2025 Planning Forum. TA asked for volunteers to attend the workshop; MB (WDC), LS (WDC), JS (SMBC), MS (LDC) and NL (WNC) responded.</p>	<p>HS2</p> <p>HS2</p>
<p><b>6.</b></p>	<p><b>Principles for determination – Proposed PFN 19</b></p> <p>Following the sharing of the proposed PFN on 5 November for consultation, SA confirmed that no comments had been received. TA asked whether PFN 19 could be agreed and note that it has been useful in prompting discussions and helping to understand the determination process. There were no objections and the PFN was agreed. <b>Action:</b> The agreed PFN19 can be uploaded to gov.uk.</p>	<p>HS2</p>
<p><b>7.</b></p>	<p><b>Schedule 17 Matters for Approval</b></p> <p>SA gave an overview of the approvals required under Schedule 17, noting that Site Restoration schemes are for agreement rather than approval. The various approvals and relevant paragraphs are:</p> <ul style="list-style-type: none"> <li>• Building Works (Plans and Specifications) - paragraph 2</li> <li>• Other Construction Works (Plans and Specifications) - paragraph 3</li> <li>• Matters Ancillary to Development (Arrangements) - paragraph 4</li> <li>• Road Transport (Arrangements) – paragraph 6</li> </ul>	

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	<ul style="list-style-type: none"> <li>• Waste / Soil Disposal and Excavation (Plans and Specifications / Arrangements) – paragraph 7</li> <li>• Waste / Soil Disposal and Excavation (Restoration Scheme) – paragraph 8</li> <li>• Bringing into Use Scheduled Works (Bring into Use / Mitigation Scheme) – paragraph 9</li> <li>• Site Restoration (Scheme) - paragraph 12</li> </ul> <p>When outlining the matters subject to approval, SA also presented the matters not subject to approval. During the presentation it was noted that construction camps were not part of the Class Approval issued by the Secretary of State and therefore need approval – the slide would be corrected to reflect this position.</p> <p>There were comments from GK (BC) on lighting equipment and fences. TA understood that only the location of fence was for approval. GK suggested that the design and appearance of a fence were also for approval, but there were no grounds to refuse a submission based on design. PG responded that an appeal in Camden (appeal no. 6) had clarified the position that only the location is for approval and that Bucks Council has agreed with this interpretation. Regarding lighting, SA recognised that the lighting emission is relevant to the determination, but it’s not for approval and there is only the ability to modify equipment. It was later clarified with GK that proportionate lighting emission details would be provided for information where there are sensitive receptors locally.</p> <p>LY (BBV) queried whether surface materials on highways were subject to approval. SA explained that earthworks or structures supporting a highway are subject to Schedule 17 approval, while Schedule 4 deals with surface treatment and public rights of way.</p> <p>SC (BCC) asked about the mechanism for public realm. SA responded that unless public realm formed part of a mitigation measure, there is no requirement in the Schedule for approval or agreement of public realm details. SC wanted to understand what mechanism there is to deliver public realm as part of the overall scheme. PG responded that while there may be specific assurances or general commitments (eg. stations being a key design element requiring public engagement), there is no statutory control (other than mitigation measures). SC wondered whether public realm could come under Bringing into Use; SA replied that Bringing into Use is a very narrow test, which has to be in relation to providing mitigation of a Scheduled Work.</p> <p>TA suggested that any further queries from planning authorities could be addressed at the next meeting of the Planning Forum.</p>	
<p><b>8.</b></p>	<p><b>Local Authority Feedback and Issues Arising</b></p> <p>No comments were raised.</p>	



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9.	<p><b>Helpdesk Update</b></p> <p>VB (HS2) provided the update on the HS2 Helpdesk. Many recent queries were about flooding; although most issues were not in connection with HS2, contractors were working hard with Councils and the Environment Agency where possible.</p> <p>TA queried the colouring of the line of route graphic to change the Phase 2a and 2b colours. <b>Action:</b> VB responded that this would be looked into and sorted.</p>	HS2
10.	<p><b>Forward Plan/ AOB</b></p> <p>The following dates for Planning Forum the first half of next year were agreed:</p> <p>23 January 13 March 15 May 17 July</p> <p>Placeholders will be sent.</p>	
	<b>End</b>	