



Department
for Transport



HS1 Safeguarding

Guidance Notes for Local Planning Authorities

August 2018

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: <https://forms.dft.gov.uk>



© Crown copyright 2018

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos or third-party material) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Secretary of State for Transport Guidance notes for Local Planning Authorities to accompany safeguarding directions for development affecting the route of High Speed 1– St Pancras to Cheriton (Kent)

Background

- 1 The Secretary of State for Transport announced on 24 January 1994 his intention to safeguard the route corridor for the Channel Tunnel Rail Link (CTRL) Project between Central London and Cheriton. Safeguarding Directions were subsequently made in February 1994 with amended Directions being made in February 1996 under the Town and Country Planning (General Development Procedure) Order 1995 (“GDPO”).
- 2 The High Speed 1 network was then constructed in two phases with the first section opening in 2003, linking north Kent and London Waterloo with the Channel Tunnel. The second section linking St Pancras International, Ebbsfleet International and Stratford International stations opened in 2007. The route is now fully operational. High Speed 1 Limited (HS1 Ltd) confirmed in 2016 that not all the land subject to the Safeguarding Directions was still required to be Safeguarded. A consultation was undertaken in July to August 2017 and there was found to be support for new revised Safeguarding Directions to be issued, reducing the amount of land subject to Safeguarding (“the Directions”) and replacing the Safeguarding Directions issued in February 1996.
- 3 The Government wishes to continue to safeguard parts of the land along the HS1 route from conflicting development using the Directions, which are an established tool of the planning system designed for this purpose. Safeguarding aims to ensure that new developments along the route do not impact on the ability to operate HS1 or lead to excessive additional costs in its operation. The Directions have now been issued and will come into force on the 3rd September 2018 under articles 18(4), 31(1) and

34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 20151 (“the Order”).

- 4 The land subject to safeguarding is defined by zones of Surface Interest and Sub-Surface Interest, and detailed on the plans annexed to the Directions.

The defined zones are:

Zones containing the surface sections of the railway designated on the plans as “Limit of Land Subject to Consultation (Surface Interest)”; and
Zones above other sections of tunnel designated on the plans as “Areas of Sub-Surface Interest”.

- 5 The application of the Directions is limited by the exemption defined in paragraph 4 of the Directions. There are also islands of land subject to sub-surface interest safeguarding (referenced on the plans as “Areas of Sub-Surface Interest”.) Generally, the relevant reference is marked on the outside of the zone (s) in question.
- 6 The Directions have been issued to local planning authorities (LPA’s), by the Secretary of State for Transport. As a result of paragraph 5 of the Directions, LPAs need to consult HS1 Ltd with regard to any planning applications falling within paragraph 2 of the Directions before determining an application for planning permission.
- 7 Whilst there is no formal requirement to update safeguarding Directions, it is appropriate to continue to review them to ensure that the right land is protected. This is to ensure that land which is not required for the operation of HS1 is not unnecessarily blighted for extended periods.

1 SI 2015/595.

- 8 The Directions will therefore be kept under review, which is in line with the approach already taken on other major infrastructure projects.

Processing applications for planning permission

- 9 Applications for planning permission on which HS1 Ltd must be consulted, in accordance with paragraph 5 of the Directions, should be sent either by first class post to:

HS1 Limited

5th Floor

Kings Place

90 York Way

London

N1 9AG

Or by email to: safeguarding@highspeed1.co.uk

- 10 Such applications must not be determined before the expiry of the period for consultation set out in article 18(5)(b) of the Order.
- 11 Any applications sent to HS1 Ltd under paragraph 5 of the Directions will be considered by HS1 Ltd on a case-by-case basis on the grounds of whether the proposed development will impact on their ability to operate HS1.
- 12 Where the application does not include all the information required to allow HS1 Ltd to determine whether the development will impact on their ability to operate HS1 or will or lead to excessive additional costs HS1 Ltd will notify the LPA, without delay, setting out what additional information is required and why.
- 13 Where HS1 Ltd has not responded within the period set out in article 18(5)(b) of the Order, the LPA may proceed to determine that application. Where HS1 Ltd has responded, the LPA will not be bound by that

recommendation. However, if the LPA does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 6 of the Safeguarding Directions.

14 Decisions issued by the LPA where permission is refused due to a conflict with the HS1 route, should include that conflict in the reasons for refusal. Copies of all decisions on planning applications on which HS1 Ltd have been consulted should be sent to the Planning and Consents Manager at the above postal or email address. HS1 Ltd has developed procedures for handling consultations relating to the Safeguarding Directions and may recommend that conditions are imposed in specified circumstances and where appropriate to protect the HS1 route.

15 Where LPAs are minded to approve applications for planning permission against the recommendation of HS1 Ltd, in accordance with paragraph 6 of the Directions LPAs should send the material specified in paragraph 7 of the Directions by first class post to:-

Group Property

Department for Transport

Great Minster House

33 Horseferry Road

LONDON

SW1P 4DR

Or by email to: dft.property@dft.gov.uk

16 The Department for Transport will inform LPAs of the date of receipt of the application and the material required under paragraph 7 of the Directions and will either notify LPAs that there are no objections to permissions being granted, or issue Directions restricting the granting of permission specifically for those applications.

17 Where the Department for Transport has not responded to this consultation within 21 days of receipt of the papers referred to above, the LPA may proceed to determine the application (paragraph 6(b) of the Directions).

Blight Notices

18 The provisions of the Town and Country Planning Act 1990 on blight land purchase notices will apply to property affected by safeguarding. Blight notices should be served on the Secretary of State for Transport and sent to:

Group Property

Department for Transport

Great Minster House

33 Horseferry Road

LONDON

SW1P 4DR

Or by email to: dft.property@dft.gov.uk

Planning and local charges registers

19 In accordance with Article 40(4)(b) of the Town and Country Planning (General Management Procedure (England) Order 2015, particulars of the Directions must be entered in Part 2 of the Register of applications in respect of any application for planning permission to which they apply. The Department for Transport/HS1 Ltd is also of the view that the safeguarding provisions should be revealed in response to Operational Enquiries sent with requisitions for searches of the local land charges register in relation to properties within the zone described in paragraph 3 of the Safeguarding Directions.

Consultation on deemed consents and permitted development

20 HS1 Ltd request to be informed by local planning authorities when they are consulted about development proposals by Government Departments and other Crown bodies which may affect the land subject to safeguarding. Where prospective developers are required by the Order to consult the LPA before exercising permitted development rights, authorities are requested to provide HS1 Ltd with information as soon as possible on all cases, other than proposed demolitions, within the safeguarded areas.

Consultation on extant planning permissions

21 Where LPAs are aware of, or become aware of, any extant planning permissions affecting land within the zone described in paragraph 3 of the Directions, which have yet to be implemented, it would be helpful if they could inform HS1 Ltd.

Consultation on pending planning application

22 LPAs are reminded that the Directions issued on the 3rd September 2018 apply to any planning application that has not been finally determined by that date (and which includes cases where a resolution to grant a permission has been made by the LPA but the permission has not been formally issued) other than an application in relation to development of the exempted category specified in paragraphs 2(c) and 4 of the Directions.

Local Plans

23 In preparing any Development Plan Document (an area's Local Plan), the area safeguarded by the Directions should be taken into account. Where a Safeguarded Direction is taken into account in a Local Plan, it should be represented on the adopted policies map (in accordance with Regulation

9 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

24 Adding information about the extent of the area safeguarded by the Directions on the adopted policies map is helpful for those considering development in the area. However, it is important to note that the requirements of the Directions apply, in the circumstances described above, regardless of whether the safeguarded area is identified on the adopted policies map.

25 Where the Local Plan has been submitted for independent examination, the LPA should record any representations received which relate to the Directions and bring these to the attention of the inspector appointed to hold the examination of the Local Plan. The inspector's role is to consider the policies of the LPA set out in the Local Plan. If the inspector is satisfied that an objection is solely in relation to matters covered by the Directions, rather than to the proposals of the LPA, the inspector is unlikely to consider the objection to be relevant to consideration of the Local Plan document.

26 LPAs, when adopting supplementary planning documents, should note in the statement of consultation any representations received which relate to the Directions.

Timing

27 These Directions come into force on the 3rd September 2018 and apply in respect of the categories defined in paragraph 2 of the Directions.

Department for Transport

August 2018

2 S.I. 2012/767, Regulation 9.

