

HS2

High Speed Two Phase 2b Crewe to Manchester West Midlands to Leeds

Safeguarding Directions

With guidance notes for local planning
authorities

June 2019



Department for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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Safeguarding Directions for development affecting the route and associated works for the High Speed Two rail project - Phase 2b: the Western Leg (Crewe to Manchester) and Eastern Leg (West Midlands to Leeds), with connections onto the existing network

The Secretary of State for Transport gives the following Directions (“Directions”) to the local planning authorities named in the Schedule in exercise of the powers conferred by articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015¹ (“the Order”).

Commencement

1. These Directions come into force on 6 June 2019 (“the commencement date”).

Application

2. These Directions apply in respect of any application for planning permission which:-
 - a) has not been finally determined by the commencement date;
 - b) relates to development within the zone specified in paragraph 3; and
 - c) is not an exempt application by virtue of paragraph 4.

Relevant zone

3. The zone referred to in paragraph 2(b) is the zone shown bounded by lines marked “Limits of Land subject to Safeguarding Direction” on the plans annexed to these Directions (being the zone relating to the route of a railway proposed to be constructed between the Western Leg (Crewe and Manchester) and Eastern Leg (West Midlands and Leeds), with connections onto the existing network).

Exempt applications

4. An application is exempt for the purposes of paragraph 2(c) if it is an application for planning permission which relates to development that:-
 - a) lies within the zone shown on the plans referred to in paragraph 3 and is shown shaded as blue on those plans;
 - b) consists only of an alteration to a building which is a hereditament that falls within the scope of section 149(3) of the Town and Country Planning Act 1990² (both before and after the development); and
 - c) does not involve, or is not likely to involve, any construction, engineering or other operations below existing ground level.

¹ S.I. 2015/595 made under the Town and Country Planning Act 1990 (c. 8), see in particular section 74.

² 1990 c. 8.

Duties on Local Planning Authorities

5. Before a local planning authority may determine any planning permission in respect of any application for planning permission to which these Directions apply it must consult High Speed Two (HS2) Limited (Company No. 06791686).
6. Where a local planning authority is required by paragraph 5 to consult High Speed Two (HS2) Limited, they must not grant planning permission otherwise than to give effect to the recommendation of High Speed Two (HS2) Limited:-
 - a) unless they have delivered to the Secretary of State for Transport the material specified in paragraph 7; and
 - b) until the expiry of a period of 21 days from the date on which that material was delivered to the Secretary of State for Transport.
7. The material referred to in paragraph 6 is:-
 - a) a copy of the application for planning permission together with a copy of any plans or documents submitted with it;
 - b) a copy of the response of High Speed Two (HS2) Limited to the consultation by the local planning authority in pursuance of paragraph 5;
 - c) such information regarding the application as the Secretary of State for Transport may require by direction under article 34(8) of the Order; and
 - d) a statement on the provisions of the development plan and other issues involved, including whether the grant of planning permission would be contrary to the views of another Government Department.
8. These Directions cancel and replace the Safeguarding Directions³ for development affecting the route and associated works for the High Speed Two rail project – Phase 2b: the Western Leg (Crewe to Manchester) and Eastern Leg (West Midlands to Leeds), with connections onto the existing network issued to local planning authorities on 27 September 2017.

Signed by authority of the Secretary of State for Transport



Thomas Barry
A senior civil servant in the Department for Transport

³ S.I. 2015/595, article 45.

Schedule

Ashfield District Council
Barnsley Metropolitan Borough Council
Bolsover District Council
Broxtowe Borough Council
Cheshire East Council
Cheshire West & Chester Council
Chesterfield Borough Council
Derbyshire County Council
Doncaster Metropolitan Borough Council
Erewash Borough Council
Leeds City Council
Leicestershire County Council
Manchester City Council
North East Derbyshire District Council
North Warwickshire Borough Council
North West Leicestershire District Council
North Yorkshire County Council
Nottingham City Council
Nottinghamshire County Council
Rotherham Metropolitan Borough Council
Rushcliffe Borough Council
Selby District Council
Staffordshire County Council
Tamworth Borough Council
Trafford Council
Wakefield Council
Warrington Borough Council
Warwickshire County Council
Wigan Council

Guidance notes for Local Planning Authorities to accompany Safeguarding Directions issued for the HS2 rail project – Phase 2b: the Western Leg (Crewe to Manchester) and the Eastern Leg (West Midlands to Leeds), with connections onto the existing network

Background

1. In November 2016 the Secretary of State announced the initial preferred route for the proposed High Speed Two (HS2) railway from Crewe to Manchester and West Midlands to Leeds – known as Phase 2b.
2. At that time High Speed Two (HS2) Limited (“HS2 Ltd”) also launched a public consultation on some sections of this preferred route. That consultation closed in March 2017 and resulted in the July 2017 route decision which confirmed the full Phase 2b route, with some changes to the initial preferred route announced in 2016.
3. On 17 July 2017 the Government introduced a hybrid Bill into Parliament for the Phase 2a route between Fradley Wood in Staffordshire and Crewe in Cheshire. The Phase 2a route refinement changes around Crewe resulted in the need to revise the Safeguarding Directions (“Directions”) for Phase 2b. The revised Directions were issued to reflect those route changes and came into force on 27 September 2017.
4. Although safeguarding for the Phase 2b route was only introduced in 2017, it was based on plans which pre-dated the Working Draft Environmental Statement designs that were subject to consultation in October 2018 and which provide draft environmental information for the Phase 2b route. Whilst the corridor of the route was protected by the Safeguarding Directions, many accompanying sites, particularly those a short distance from the HS2 line of route, fell outside the safeguarded area.
5. Due to the interaction between safeguarding and the consultation on the Working Draft Environmental Statement and the proposed route design refinements, updated and revised Safeguarding Directions have now been issued to reflect these route changes. The Directions come into force on 6 June 2019 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015⁴ (“the Order”).
6. The proposals for Phase Two extend the high speed line to the north-west (to Manchester with connections to the West Coast Main Line at Crewe and Golborne) and to the north-east (to Leeds with a connection to the East Coast Main Line approaching York). There will be new stations in Manchester, Leeds and the East Midlands. These Directions specifically relate to the preferred route for Phase 2b: the Crewe to Manchester (Western Leg) and the West Midlands to Leeds (Eastern Leg), with connections onto the existing rail network.
7. To protect the Phase 2b route from conflicting development, the Secretary of State for Transport has safeguarded this section of the HS2 route using Safeguarding Directions,

⁴ S.I. 2015/595.

which are an established tool of the planning system designed for this purpose. Safeguarding aims to ensure that new developments along the HS2 Phase 2b route do not impact on the ability to build or operate HS2 or lead to excessive additional costs.

8. These Directions have been issued to local planning authorities (LPAs) by the Secretary of State. As a result, LPAs need to consult HS2 Ltd with regard to any planning applications falling within paragraph 2 of the Directions before determining an application for planning permission.
9. Safeguarding is kept under review and updated as the project evolves and as the level of engineering detail facilitates a greater understanding of the actual land take required. This is to ensure that land which is not required for construction or operation of HS2 is not unnecessarily blighted for extended periods.
10. The issued Directions will be kept under review, which is in line with the approach taken on Phase One and Phase 2a of HS2 and other major infrastructure projects.

Processing of Applications

11. Applications for planning permission on which HS2 Ltd must be consulted, in accordance with paragraph 5 of the Directions, should be sent either to:

The Safeguarding Planning Manager
High Speed Two (HS2) Limited
Two Snowhill
Snow Hill Queensway
Birmingham, B4 6GA

Or by email to: town.planning@hs2.org.uk

12. Such applications must not be determined before the expiry of the period for consultation set out in article 18(5)(b) of the Order.
13. Any applications sent to HS2 Ltd under paragraph 5 of the Directions will be considered by HS2 Ltd on a case-by-case basis on the grounds of whether the proposed development would impact on the ability to build or operate HS2 or lead to excessive additional costs.
14. Where the application does not include all the information required to allow HS2 Ltd to determine whether the development will impact on the ability to build or operate HS2 or lead to excessive additional costs, HS2 Ltd will notify the LPA without delay, setting out what additional information is needed and why.
15. In order to assist developers to design proposals that do not conflict or obstruct the route of HS2 and to avoid the possibility of a recommendation of refusal being made to the LPA by HS2 Ltd under the Safeguarding Directions, HS2 Ltd has produced information about the HS2 design criteria for use by developers bringing forward new developments in the safeguarded area of the HS2 route. That information can be requested from:

The Safeguarding Planning Manager

High Speed Two (HS2) Limited
Two Snowhill
Snow Hill Queensway
Birmingham, B4 6GA

Or by email to: town.planning@hs2.org.uk

16. Where HS2 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 HS2 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 in accordance with paragraph 6 of the Directions.
17. Where permission is refused by the LPA due to a conflict with the HS2 project, the decision notice should refer to that conflict as the reasons for refusal(s). Copies of all decisions on planning applications on which HS2 Ltd has been consulted should be sent to the Safeguarding Planning Manager at the above postal or email address. HS2 Ltd has developed procedures for handling consultations relating to the Directions and may recommend that conditions are imposed in specified circumstances and where appropriate to protect the HS2 project.
18. Applications which LPAs are minded to approve against the recommendation of HS2 Ltd should be sent by LPAs, in accordance with paragraph 6 of the Directions with the material specified in paragraph 7 of the Directions, to:

High Speed & Major Rail Projects Property Team
Department for Transport
Great Minster House
33 Horseferry Road
London, SW1P 4DR

Or by email to: highspeedrail@dft.gsi.gov.uk

19. The DfT will inform LPAs of the date of receipt of the application and the material required under paragraph 7 of the Safeguarding Directions, and will either notify LPAs that there are no objections to permission being granted, or issue directions restricting the granting of permission specifically for that application.
20. Where the DfT has not responded within 21 days of receipt of the papers referred to above, the LPA may proceed to determine the application.

Blight and Purchase Notices

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

The Land and Property Team
High Speed Two (HS2) Limited

Two Snowhill
Snow Hill Queensway
Birmingham, B4 6GA

Alternatively, blight notices with attached evidence can be emailed to:
blightnotice@hs2.org.uk

Further details of the provisions and how to complete a blight or purchase notice can be obtained from the Land and Property Team at the above address or at
<https://www.gov.uk/hs2>

Planning and local land charges registers

22. In accordance with article 40(4)(b) of the Order, 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 DfT and HS2 Ltd consider that the safeguarding provisions should be revealed in response to Optional 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.

Extant planning permissions

23. 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 HS2 Ltd.

Pending planning applications

24. LPAs are reminded that the Directions issued on 6 June 2019 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 and 4 of the Directions.
25. Accordingly, LPAs must review all pending applications to determine whether the development proposed is development to which the Safeguarding Directions apply.

Local Plans

26. In preparing any Development Plan Document (an area's Local Plan), the area safeguarded by the Directions should be taken into account. Where a Safeguarding Direction is taken into account in a Local Plan, it should be represented on the Policies Map (in accordance with regulation 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012⁵ (as amended)).
27. Adding information about the extent of the safeguarded area on the Policies Map is helpful for those considering development in the area. However, it is important to note that the requirements of the Safeguarding Directions apply, regardless of whether the

⁵ S.I. 2012/767.

safeguarded area is identified on the Policies Map.

28. It should be made clear in the Local Plans that the Safeguarding Directions are made by the Secretary of State for Transport. They are not proposals of the LPA and the HS2 Phase 2b route will not be determined through the development plan process. The HS2 Phase 2b route will be considered in Parliament under the hybrid Bill procedures, which will provide appropriate opportunities for petitions to be made to Parliament by those directly affected by the scheme.
29. Further information on the hybrid Bill procedures can be obtained from www.parliament.uk and from the HS2 Ltd enquiries line – telephone 020 7944 4908 or HS2enquiries@hs2.org.uk
30. Where the Local Plan has been submitted for independent examination, the LPA should record any representations received which relate to the Safeguarding 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 to matters covered by the Safeguarding Directions, rather than to proposals of the LPA, the inspector is unlikely to consider the objection to be relevant to the consideration of the Local Plan document.
31. LPAs, when adopting supplementary planning documents, should note in the statement of consultation any representations received which relate to the Safeguarding Directions.

Timing

32. These Directions come into force on 6 June 2019 and apply in respect of the applications for planning permission described in paragraph 2 of the Directions.

www.hs2.org.uk

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