

HIGH SPEED TWO

Phase Two (Fradley to Crewe)
safeguarding consultation



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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1 Introduction

- 1.1.1 The Secretary of State for Transport (Secretary of State) proposes to issue safeguarding directions to protect land that may be needed for part of the route of Phase Two of High Speed Two (HS2). This land is a corridor between Fradley and Crewe. The aim of this measure is to ensure that new developments in this corridor do not affect the ability to build or operate HS2, or lead to excessive additional costs.
- 1.1.2 A number of documents have been produced to explain the proposals in as much detail as possible. Alongside this Consultation Document, which includes the proposed Safeguarding Directions and an Economic Impact Assessment, there is a set of maps outlining the potential land to be safeguarded, as well as explanatory notes to accompany those maps.
- 1.1.3 The proposal to safeguard land between Fradley and Crewe is now subject to a consultation, which will run until 6 January 2015. There are five consultation questions, listed in this document. They outline the specific aspects of this proposal on which we are particularly interested in receiving feedback. This document also provides further information on the purpose of this consultation and what we will be in a position to do as a result of it.

2 Background

2.1.1 High Speed Two Ltd (HS2 Ltd), a company owned by the Department for Transport (DfT), was given the remit by Government to develop and refine a range of options for Phase Two, from the West Midlands to Manchester and to Leeds. The brief was to ensure that the benefits of a new national high speed rail network are maximised while any adverse impacts on local communities and the environment are kept to a minimum.

2.1.2 In January 2012 the Government announced, following consultation on the strategy for HS2 and the proposed route for Phase One (between London and the West Midlands), that it had made decisions on high speed rail, including:

"The construction of a national high speed rail network from London to Birmingham, Manchester and Leeds (the 'Y network') is the best means for enhancing rail capacity and performance on Britain's key north-south corridors."

2.1.3 HS2 Ltd's advice on Phase Two, entitled "Options for Phase Two of the High Speed Rail Network: A report to Government by HS2 Ltd", was submitted in March 2012. It set out the options which were considered and described the process of analysing and refining them. It also offered the Government further choices for the future development of the Phase Two network.

2.1.4 The Government then engaged with the cities which would potentially be served directly by an HS2 station, to ensure that the Government's initial preferred options - announced in January 2013 in "High Speed Rail: Investing in Britain's Future – Phase Two: The route to Leeds, Manchester and beyond" - would be those that best supported development and growth in future, whilst striking the best balance between sustainability and demand (among other factors). The Government subsequently carried out a period of informal engagement in preparation for the launch of a consultation on the proposed line of route, stations and supporting infrastructure for Phase Two.

2.1.5 This period of engagement informed a consultation entitled "High Speed Rail: Investing in Britain's Future – Consultation on the route from the West Midlands to Manchester, Leeds and beyond", which ran between 17 July 2013 and 31 January 2014. It consulted on the proposed Phase Two route which would connect eight of Britain's largest cities, either directly or by high speed trains running on existing rail lines (known as 'classic-compatible' services). Connections to the existing railway would be built at the northern end of each leg. On the western route, high speed trains would be able to run onto the conventional network to serve destinations such as Wigan, Preston, Lancaster, Penrith, Carlisle, Glasgow and Edinburgh. From the eastern route, the high speed line would continue almost as far as York, making it possible for high speed trains to continue directly to places such as Newcastle, Darlington and Durham. Further south, HS2 would connect with the West Coast Main Line (WCML) at Crewe, meaning that destinations such as Liverpool, Runcorn, Crewe and Warrington would benefit from direct services. By joining the WCML at Crewe, high speed train services would also be easily accessible for passengers in North Wales and elsewhere.

- 2.1.6 In March 2014, Sir David Higgins identified in his "HS2 Plus" report that benefits could be spread further and sooner if Phase Two were accelerated and the line were extended to a new regional transport hub at Crewe by 2027, six years earlier than planned. This would bring together road and rail services for the region as a whole, allowing faster services, sooner, to Manchester, the rest of the North West, and Scotland. The Secretary of State welcomed the report and commissioned HS2 Ltd to undertake work to allow for consideration of delivering such benefits more quickly and, as part of his analysis, of the public consultation responses to Phase Two.
- 2.1.7 Sir David Higgins subsequently published his second report on HS2, entitled "Rebalancing Britain" on 27 October 2014, in which he reiterated his proposal that a transport hub at Crewe be brought forward. The report also sets out Sir David's proposals for East-West connectivity in the North and a northern transport strategy to ensure that the benefits of HS2 are fully realised. The Secretary of State made a written ministerial statement to Parliament on 27 October, welcoming these key recommendations, although no final decisions have been made on the Phase Two route and stations.
- 2.1.8 HS2 Ltd has undertaken a route consideration process, informed by feedback from consultation and considering further the issues raised in Sir David Higgins' report. While a decision has yet to be made on the whole of the Phase Two route, the Secretary of State considers the material is sufficiently persuasive in favour of an onward connection from Phase One through Crewe. It is therefore appropriate to consult on issuing safeguarding directions for that part of the route now.
- 2.1.9 HS2 Ltd examined hundreds of options when determining the route to Crewe, as proposed in the Phase Two route consultation.¹ (The methodology of which is set out in the document "Options for phase two of the high speed network" which can be found at <https://www.gov.uk/government/publications/options-for-phase-two-of-the-high-speed-rail-network>). Five criteria – constructability, sustainability, journey time, cost and demand – were considered for the western leg, as well as the whole route, as part of this approach. The number of options was reduced through each sifting phase and there was a corresponding increase in the detail of design and depth of appraisal. Two final options were considered by the Government ahead of the Phase Two route consultation: one followed the M6, the other was via Crewe. At that time of these two options, the route via Crewe was considered to be the best performing route, primarily due to its connectivity benefits.
- 2.1.10 HS2 Ltd's analysis recognised the importance of serving Liverpool and other important markets in the North West, with demand in Liverpool itself potentially warranting two trains per hour. A connection from the high speed line to the West Coast Main Line at Crewe would allow towns across the North West to benefit from HS2 with trains running direct to Crewe, Liverpool, Carlisle, Lancaster, Preston, Wigan, Warrington, Chester and Runcorn. North Wales and elsewhere would also have ready access to HS2 at Crewe.

¹ Entitled High Speed Rail: Investing in Britain's Future – Consultation on the route from the West Midlands to Manchester, Leeds and beyond

- 2.1.11 Responses to the Phase Two consultation covered a variety of suggestions. They included a response from Stoke-on-Trent City Council putting forward new proposals for an alternative route via Stoke, with options for onward connectivity. These are being carefully reviewed by HS2 Ltd.
- 2.1.12 Following careful consideration of the suggestions put forward by consultees, including those put forward by Stoke-on-Trent City Council, HS2 Ltd remains of the view that a route to Crewe is still the right solution for the region, allowing HS2 to serve the south Cheshire / north Staffordshire markets and offering faster classic-compatible connections to the wider North West, including Liverpool, and North Wales. HS2 Ltd has therefore recommended that the western leg proceed to Crewe.
- 2.1.13 The DfT continues to carefully review the outputs of the consultation and further work undertaken by HS2 Ltd in respect of the same. As set out above, no final decisions have yet been taken on the Phase Two consultation or precise route of Phase Two. However, having carefully reviewed the material referred to above, the Government considers it is sufficiently persuasive in favour of a route via Crewe that it is appropriate to seek to safeguard that part of the route now, in the interests of ensuring the timely and economic delivery of Phase Two. HS2 Ltd is therefore consulting on draft safeguarding directions for a route to Crewe on behalf of DfT to protect the corridor that would be required were this route to be developed.
- 2.1.14 Nevertheless, further work will be required to finalise the Phase Two route to enable the Government to make a decision, and this work may include further changes to this element of the route corridor in the light of further development. Following any decision, HS2 Ltd will undertake more detailed design which will include, for example, provision for measures to mitigate the impact of any chosen route. However, any decision to safeguard following this consultation will be reviewed at the point a decision is taken in response to the Phase Two route consultation, to check whether the correct land is safeguarded or whether any changes to safeguarding need to be made.
- 2.1.15 The purpose of safeguarding is to protect land from conflicting development before construction starts. Safeguarding directions 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 build or operate HS2 or lead to excessive additional costs. Safeguarding directions, if adopted, will be issued to Local Planning Authorities (LPAs) by the Secretary of State. LPAs will then need to consult HS2 Ltd with regard to planning applications in the safeguarded corridor before granting consent. It also has the additional benefit of triggering the statutory blight regime, enabling qualifying owners in the safeguarded area to serve blight notices on the Government, requiring the Government to purchase the affected property. The Government recognises the effect that the uncertainty on the Phase Two route is having on property owners close to the current proposed line of route. This has been a further consideration in the Government's decision to consult now on issuing safeguarding directions for this area, in advance of safeguarding for the Phase Two route as a whole.
- 2.1.16 In order to inform the Secretary of State's decisions on safeguarding, HS2 Ltd is conducting this nine-week consultation on behalf of DfT to seek views from all

interested parties, including the relevant LPAs, other key stakeholders and those qualifying owner-occupiers who fall within the areas identified in the draft safeguarding directions and maps. Subject to due consideration of the responses to this consultation altering the position, it is the Government's intention that safeguarding directions for this section of the Phase Two route should be in place by Spring 2015.

2.1.17 This consultation focuses on the proposed safeguarding directions and the planning aspects of the safeguarded area. It sets out HS2 Ltd's current views on the land that may be needed in this respect.

2.1.18 The purpose of this consultation is to help HS2 Ltd to refine its approach to the safeguarding of this section of the proposed railway, including:

- the detail of how safeguarding directions would be managed between HS2 Ltd and the LPAs to which they apply; and
- the approach to defining the limits of the safeguarded area.

2.1.19 Those who are particularly interested in the effects that safeguarding might have on individual properties, in terms of compensation for any blight, can find more information about the existing statutory blight regime applicable to Phase One here:

http://assets.hs2.org.uk/sites/default/files/consulation_library/pdf/Safeguarding%20Guide%20to%20Statutory%20Blight.pdf

2.1.20 Should a decision be taken to safeguard land following this consultation, safeguarding directions are expected to be published in Spring 2015, after the consultation feedback has been considered. If safeguarding directions are made following this consultation, we will review the area of safeguarded land following a decision on the route consultation for Phase Two to ensure that the correct land is safeguarded and whether any changes need to be made to the safeguarded area.

3 Safeguarding proposal

- 3.1.1 To protect the proposed alignment of a road or railway from conflicting development, the Secretary of State can issue a direction, known as a 'safeguarding direction', under Articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3.1.2 The Secretary of State proposes to issue safeguarding directions to protect land that may be needed for the Phase Two route corridor between Fradley and Crewe. The aim of this measure is to ensure that new developments in this corridor do not affect the ability to build or operate HS2 or lead to excessive additional costs, should this become the confirmed route of Phase Two. Our current view is that safeguarding is the most effective way of achieving this. A similar exercise was undertaken for Phase One, with safeguarding put in place before the Phase One hybrid Bill was laid before Parliament.
- 3.1.3 This consultation invites comments on the proposed safeguarding directions, draft guidance on the directions, maps outlining the potential land to be safeguarded, and explanatory notes for those maps specifically for the Fradley to Crewe section of the Phase Two route.
- **Question 1:** What are your views on the proposal to safeguard land between Fradley and Crewe? Please provide as much detail on your reasoning as possible.

3.2 Safeguarding directions and plans

- 3.2.1 The safeguarding directions, if adopted, will be issued to local planning authorities (LPAs) by the Secretary of State. Those LPAs will then be required to consult with HS2 Ltd prior to determining planning applications for land within the limits shown on the safeguarding plans attached to the directions, except where that type of application is exempted.
- 3.2.2 In broad terms, applications are exempt from the requirement for LPAs to consult where the land in question is subject only to 'sub-surface safeguarding' and where the proposed development does not extend beneath ground level. Sub-surface safeguarding is typically used in locations where the high speed line is planned to be in bored tunnel. This land is shown on the plans as being inside the red safeguarding limit with blue shading. Where, in contrast, HS2 Ltd needs to safeguard the land at the surface as well as the subsoil, this is shown on the plans with grey shading (also inside the red limit). In this way HS2 Ltd has sought to limit the impact on property owners' ability to develop land and also to limit the requirement on LPAs to consult. Please refer to Annex A for our draft safeguarding directions.
- 3.2.3 When HS2 Ltd is consulted on a planning application, it can:
- offer a 'no objection' response;
 - recommend that, if planning permission is to be approved, such approval should be subject to the imposition of appropriate planning conditions; or
 - recommend that the application be refused.

- 3.2.4 Where HS2 Ltd has not responded within 21 calendar days of being consulted by an LPA on a planning application, the LPA may proceed to determine that application. Where HS2 Ltd has responded, the LPA will not be bound by that recommendation. However, if it does not accept the recommendation, before it determines the planning application, it will be required to notify the Secretary of State of its intentions.
- 3.2.5 The Secretary of State can, within 21 calendar days, either:
- notify the LPA that he has no objections to permission being granted on the application; or
 - issue a direction restricting the granting of the planning application.
- 3.2.6 Where the Secretary of State takes no such action within 21 calendar days, the LPA may proceed to determine the application.
- 3.2.7 As set out above, the draft safeguarding directions propose that HS2 Ltd should be consulted by LPAs on most planning applications within the safeguarded area, with only limited exemptions. This would allow HS2 Ltd to identify those planning applications on which it considers it necessary to make representations prior to their determination by the LPA. Comments would be welcome from LPAs on whether they consider this approach appropriate or whether it should be altered - for instance, to increase the number of planning application types that are exempt from this process.
- 3.2.8 Further details on the process and implications for LPAs are provided in the draft guidance at Annex B.
- 3.2.9 We are seeking responses to two questions on this aspect of the safeguarding proposals:
- **Question 2:** What are your views on the content of the proposed safeguarding directions (Annex A)? Please provide as much detail on your reasoning as possible.
 - **Question 3:** What are your views on the content of the guidance for local planning authorities on the directions (Annex B)? Please provide as much detail on your reasoning as possible.
- 3.2.10 We have followed a broadly similar approach to when Phase One was first safeguarded in July 2013: the draft safeguarding plans set out the anticipated geographical coverage of the safeguarding directions for the proposed route, including whether land at the surface is included, or whether it relates to the subsoil only. The reasons for this differentiation are explained above. The plans are available <https://www.gov.uk/government/publications/hs2-phase-two-fradley-to-crewe-safeguarding-consultation-maps> (an explanation has been provided as to why certain areas of land have been included in the draft plans). Alternatively, please contact the HS2 Community Relations helpdesk on 020 7944 4908 or at hs2enquiries@hs2.org.uk
- 3.2.11 The primary consideration in identifying the land expected to be included in the draft plans is whether a proposal to develop the land for a different purpose could affect the ability to build or operate HS2. The DfT therefore considers it appropriate to require LPAs to consult HS2 Ltd if planning permission is sought for new developments on this land.

- 3.2.12 The nature of safeguarding is that, in order to achieve its purpose of protecting land during the development phase, it needs to be put in place before detailed design work and construction planning have been finalised. The geographical limits identified in the draft safeguarding directions and maps are not indicative of the route that the railway will eventually take, but rather are based on our findings so far. A final route for Phase Two is yet to be determined and therefore the land required for the railway has not yet been identified. (Compulsory purchase powers will be sought in the proposed hybrid Bill and are not expected to be available for a number of years.) At this early stage of development, it may be that more, or different, land is ultimately acquired in order to build and operate HS2. This is particularly the case given that no route decision has been taken for this section of HS2. It is possible that these safeguarding directions would be changed in their entirety if the final route decision differs from the current preferred route indicated. (The safeguarding directions for Phase One have been updated twice since being issued in July 2013.)
- 3.2.13 The explanation provided alongside the draft plans sets out the considerations behind specific mapping proposals. The draft safeguarding plans are based on an initial 120m corridor (60m either side of the anticipated centreline of the proposed railway), which reflects HS2 Ltd's present judgement of its typical safeguarding requirements where no particular engineering and planning considerations arise. HS2 Ltd then adjusted this to reflect specific requirements where it was felt appropriate based on the best current estimate of what land may be needed, by drawing on the current level of engineering design and construction planning, and using the professional judgement of HS2 Ltd's engineering and planning teams. The explanatory notes indicate where the draft safeguarding area diverges from the core 120m corridor.
- 3.2.14 HS2 Ltd has sought to be as consistent as possible where similar situations arise in different locations and, to assist in this, has developed some standardised approaches to specific issues, such as tunnels or viaducts. These are also set out in the explanatory notes. However, every individual location has been considered on a case-by-case basis using the best information currently available to HS2 Ltd.
- 3.2.15 After the Secretary of State has made a decision on the route, future design and planning work may lead to the identification of additional land that is not included within the current safeguarding, or of safeguarded land that is no longer of interest to HS2 Ltd. The Secretary of State may therefore consider updating the initial plans and issuing revised safeguarding directions. If, following this consultation, a decision is taken to safeguard land, the Secretary of State will review safeguarding following a decision on the route for Phase Two, and consider whether the safeguarding directions need reissuing.
- 3.2.16 We are seeking responses to one question on this aspect of the safeguarding proposals:
- **Question 4:** What are your views on the proposed approach to determining what land is to be safeguarded? (See explanatory notes and plans at <https://www.gov.uk/government/publications/hs2-phase-two-fradley-to-crewe-safeguarding-consultation-maps>). Please provide as much detail on your reasoning as possible.

3.3 The effect and cost of issuing safeguarding directions

3.3.1 A draft Impact Assessment is provided at Annex C. The key costs and benefits of the safeguarding proposals are summarised below:

Costs and benefits to the public sector

3.3.2 If safeguarding directions are made following consultation, the directions would require LPAs to consult with HS2 Ltd when determining planning applications for land within the limits shown on the safeguarding plans attached to the directions.

3.3.3 Although some interaction between LPAs and HS2 Ltd would be likely to occur even in the absence of safeguarding, and the safeguarding would provide additional certainty to assist with this, the directions would place an administrative burden on both LPAs and HS2 Ltd.

3.3.4 Owner-occupiers of homes, small businesses and farms whose property falls within the safeguarded area would be able to serve a statutory blight notice, requiring the Government to consider whether it is appropriate to purchase their property. Although many such properties would be likely to be required in the event of Phase Two proceeding along this route, safeguarding is likely to result in earlier purchases. Given that the final route decision on Phase Two has not been taken, there is a possibility that properties being acquired could subsequently be found not to be required, resulting in relatively minor increased costs to the Government.

3.3.5 On the other hand, safeguarding is likely to result in the early identification of potential conflicts along the proposed route, reducing the risk that should Phase Two ultimately proceed along this route, developments may be approved which would subsequently need to be compulsorily purchased and either demolished or otherwise modified at a later date. Although compensation may need to be paid in such situations to reflect the lost development potential, this is still likely to result in lower costs than if a development had taken place.

Costs and benefits for landowners

3.3.6 Safeguarding may ultimately result in additional restrictions being placed upon those wishing to develop land within the safeguarded area, though it may also assist them to avoid wasted development costs should Phase Two ultimately be built along this route. There is also the benefit of safeguarding encouraging early engagement with developers to ensure development to come forward that can sit alongside HS2, rather than conflict with it.

3.3.7 Although this is counter-balanced in some cases by the ability to serve statutory blight notices as described above, the law does not provide for this to apply in all cases (e.g. to business premises with an annual rateable value exceeding £34,800).

3.3.8 You can find out more information about the existing statutory blight regime currently applicable to Phase One of HS2 in this document:

http://assets.hs2.org.uk/sites/default/files/consulation_library/pdf/Safeguarding%20oGuide%20to%20Statutory%20Blight.pdf

3.3.9 There will be an updated Phase Two Guidance if safeguarding directions are put in place following this consultation and statutory blight is triggered for Phase Two.

3.3.10 We are seeking responses to one question on this aspect of our safeguarding proposals:

- **Question 5:** What are your views on the draft Impact Assessment (Annex C)? Please provide as much detail on your reasoning as possible.

4 Summary of consultation questions

4.1.1 This consultation seeks responses to the following questions:

- **Question 1:** What are your views on the proposal to safeguard land between Fradley and Crewe? Please provide as much detail on your reasoning as possible.
- **Question 2:** What are your views on the content of the proposed safeguarding directions (Annex A)? Please provide as much detail on your reasoning as possible.
- **Question 3:** What are your views on the content of the guidance for local planning authorities on the directions (Annex B)? Please provide as much detail on your reasoning as possible.
- **Question 4:** What are your views on the proposed approach to determining what land is to be safeguarded (see explanatory notes and plans at <https://www.gov.uk/government/publications/hs2-phase-two-fradley-to-crewe-safeguarding-consultation-maps>). Please provide as much detail on your reasoning as possible.
- **Question 5:** What are your views on the draft Impact Assessment (Annex C)? Please provide as much detail on your reasoning as possible?

5 How to respond and next steps

- 5.1.1 The consultation closes on 6 January 2015. Please ensure that you send your response before that date so that it is included in our analysis and consideration. Emails and online responses can be submitted until 11.45pm on the final day of the consultation. Paper responses must be posted on the final day of the consultation at the latest.
- 5.1.2 If you would like further copies of this consultation document, it is available to download at www.hs2.org.uk. If you require the document in a different format, please contact the HS2 Community Relations Helpdesk on 0207 944 4908.

How to respond

- 5.1.3 Please only respond using one of the following channels, which have been set up for the specific purpose of this consultation:

- **Email:** you can email your response to:
PhaseTwoSafeguardingConsultation@hs2.org.uk
- **Online:** by following the link at
<https://www.gov.uk/government/consultations/hs2-phase-two-fracley-to-crewe-safeguarding-consultation>
- **Post:** you can post your response and additional material to the following FREEPOST address. You do not need to use a stamp.

FREEPOST RTKZ-AYZE-AURK
HS2 Phase Two Safeguarding Consultation
18th Floor
1 Canada Square
London E14 5AB

- 5.1.4 HS2 Ltd and the DfT cannot accept responsibility for ensuring responses that are sent to addresses other than those described above are included in the consultation process.
- 5.1.5 All responses must include at least your name and organisation (if applicable). When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear whom the organisation represents and, where applicable, how the views of members were assembled.

Confidentiality and data protection

- 5.1.6 If you do not want any of your response to be published, you should clearly mark it as 'Confidential'. However, information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes. These are, primarily, the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 and the Environmental Information Regulations 2004.

- 5.1.7 Under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with our confidentiality obligations, among other things. In view of this, it would be helpful if you could explain in your response why you regard the information you have provided as confidential. If we receive a request for disclosure of the information you provide, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the DfT or HS2 Ltd.
- 5.1.8 The contact information that you provide will be used to perform internal checks to ensure the validity of responses, such as identifying duplicate response where responses have been submitted via several routes. We may also use this information to inform respondents of any key updates of the consultation.
- 5.1.9 If you have any queries, you can contact us by email at HS2Enquiries@hs2.org.uk or by telephone on 0207 944 4908.

6 Questions and answers

6.1 What is safeguarding and why are you doing it?

6.1.1 Safeguarding is an established part of the planning system which helps large projects in protecting the land that they envisage may be needed for the project from other new developments which might otherwise adversely impact on the ability to realise the delivery and benefits of the project.

6.1.2 Safeguarding will enable HS2 Ltd to be notified and consulted on planning applications for new developments before they are decided upon by local planning authorities. This enables HS2 Ltd to:

- identify where a proposed development might adversely affect the ability to construct or operate the project, and where appropriate recommend conditions which may prevent or reduce those impacts; and
- keep track of changes in the area of the route, so that, where appropriate, HS2 Ltd can plan around them.

6.2 What does safeguarding mean for local planning authorities (LPAs)?

6.2.1 If safeguarding directions are made, LPAs will be required to consult with HS2 Ltd when determining planning applications for land within the limits shown on the safeguarding plans attached to the direction, except where that type of application is exempted.

6.2.2 See the section of this consultation document headed 'Safeguarding proposal' and the draft guidance at Annex B for further details.

6.3 Is an LPA bound by the response from HS2 Ltd?

6.3.1 No. However, if the LPA does not accept the recommendation, it will be required to notify the Secretary of State of its intentions before it can grant planning permission, affording the Secretary of State an opportunity to make a direction restricting the granting of planning permission.

6.4 Is the safeguarded area the full extent of the land you will need for the railway?

6.4.1 Not necessarily. The safeguarded area includes the land that HS2 Ltd has currently identified as being likely to be needed to build and operate the railway.

6.4.2 However, as there is as yet no final route decision for Phase Two and as detailed design and construction work is not yet complete, there is still some uncertainty about exactly which land would be required if the Secretary of State decided on this route.

6.4.3 It is possible that further work will reveal other areas of land which will be required, but which have not been safeguarded and the Secretary of State may choose to revise

the safeguarded area to reflect this at a later date. Similarly, we may also need less land, and may lift safeguarding as appropriate once a route is determined.

6.5 What is the significance of the grey shaded areas on the safeguarding maps, as opposed to the blue shaded areas?

- 6.5.1 The safeguarding plans identify two different categories of safeguarding: 'surface safeguarding' and 'subsoil safeguarding'.
- 6.5.2 Surface safeguarding is the area of grey shading. This means that this land has been identified as being likely to be required to construct or operate HS2 above surface. Subsoil safeguarding is the blue shaded area within the red boundary line. This means that this land has been identified as being likely to be required to construct or operate HS2 below surface. This is typically used for sections of tunnel where HS2 Ltd is only interested in developments that could affect the land where the tunnel would pass (e.g. a building with deep foundations).
- 6.5.3 Where land is subject to subsoil safeguarding only, LPAs may not need to consult HS2 Ltd before approving planning applications. If the application in question does not involve any works beneath the surface of the ground, the application will be exempt from this requirement.

6.6 What does safeguarding mean for compensation for land and property owners?

- 6.6.1 Qualifying owners of property inside a confirmed safeguarded area would be entitled to serve a blight notice on the Government. Information about the existing statutory blight regime currently applicable to Phase One of HS2, and the implications of safeguarding for land and property owners with regards to compensation are set out in this documentation:
http://assets.hs2.org.uk/sites/default/files/consulation_library/pdf/Safeguarding%20Guide%20to%20Statutory%20Blight.pdf
- 6.6.2 Please note there will be an updated Phase Two guidance if following this consultation land is safeguarded and statutory blight is triggered for this part of Phase Two.

7 Further information

- 7.1.1 A copy of the consultation pack, including the draft plans, can be found on the HS2 consultation website at <http://consultation.hs2.org.uk/consultation-team/safeguarding-fradley-to-crewe>
- 7.1.2 Any general enquiries regarding HS2 should be directed to HS2Enquiries@hs2.org.uk or the Community Relations Helpdesk on 0207 944 4908.

8 Consultation principles

8.1.1 This consultation is being conducted in line with the Government's key consultation principles which are listed below. Full details of the Government's guidance on consultation can be found at <https://www.gov.uk/government/publications/consultation-principles-guidance>

8.1.2 This guidance was issued in July 2012 and replaces the Code of Practice for Consultation issued in July 2008.

8.1.3 If you consider that this consultation does not comply with the key consultation principles or have comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 2/25 Great Minster House
33 Horseferry Road
London SW1P 4DR

Email: consultation@dft.gsi.gov.uk

8.1.4 The key consultation principles are:

- Departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- Departments will need to give more thought to how they engage with and consult with those who are affected;
- Consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- The principles of the Compact between Government and the voluntary and community sector will continue to be respected.

Appendix A – Draft safeguarding directions

Safeguarding directions for development affecting the route and associated works for the HS2 rail project Fradley-Crewe

The Secretary of State for Transport gives the following directions to the local planning authorities named in the Schedule in exercise of the powers conferred by articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010¹ (“the Order”).

Commencement

1. These Directions come into force on [insert date] (“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 Fradley and Crewe).

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 not shown shaded 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.

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).

¹ SI 2010/2184 made under the Town and Country Planning Act 1990 (c. 8), see in particular section 74.

² 1990 c. 8.

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.

7. The material referred to in paragraph 6 is:
 - (a) a copy of the application 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 may require by direction under article 29(6) of the Order; and
 - (d) a statement on the provisions of the development plan and other issues involved, including whether the grant of permission would be contrary to the views of another Government Department.

Signed by authority of the Secretary of State

[insert signature]

[insert name]

A senior civil servant in the Department for Transport

Schedule

Lichfield District Council

Stafford Borough Council

Newcastle-under-Lyme Borough Council

Cheshire East Council

Appendix B - Guidance notes for local planning authorities

SECRETARY OF STATE FOR TRANSPORT

GUIDANCE NOTES FOR LOCAL PLANNING AUTHORITIES TO ACCOMPANY SAFEGUARDING DIRECTIONS ISSUED FOR THE HS2 RAILWAY LINE PROJECT PHASE TWO, FRADLEY TO CREWE SECTION

Background

1. These Safeguarding Directions were issued and came into force on [insert date] under articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010¹ (“the Order”).
2. Phase Two of HS2 is proposed to run on an eastern leg, which will connect Phase One of HS2 in the West Midlands to Leeds and the North East with intermediate stations in the East Midlands and South Yorkshire and a western leg, which will connect Phase One of HS2 in the West Midlands to Manchester and the North West with a proposed station at Manchester Airport. These Directions specifically relate to part of the western leg that runs from the Phase One safeguarding near Fradley in Staffordshire to Crewe in East Cheshire.
3. In order to protect the planned railway route from conflicting development before construction starts, the government has safeguarded the Fradley to Crewe section of the Phase Two route of HS2 using safeguarding 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 build or operate HS2 or lead to excessive additional costs.
4. The Safeguarding Directions have been issued to local planning authorities (“LPAs”), by the Secretary of State for Transport. As a result LPAs need to consult High Speed Two (HS2) Limited (“HS2 Ltd”) with regard to any planning applications falling within paragraph 2 of the Safeguarding Directions before determining an application for planning permission. HS2 Ltd has undertaken a route consideration process, informed by responses to the Phase Two consultation on the route from the West Midlands to Manchester, Leeds and beyond. This analysis examined hundreds of options for the whole route for the western leg across five criteria: constructability, sustainability, journey time, cost, and demand. The number of options considered reduced through each sifting phase and there was a corresponding increase in the detail of design and depth of appraisal.
5. In light of this analysis and the recommendation by Sir David Higgins in the HS2 Plus report to deliver HS2 to Crewe by 2027 (six years earlier than originally planned) the government considers that it is prudent and desirable to now protect this part of the route corridor against competing development in advance of the final decision on the full Phase Two network which will be published in the future. Therefore, the Secretary of State has decided to separate the issuing of safeguarding directions for that section of Phase Two route from the remainder of the Phase Two

¹ SI 2010/2184.

route. In summary this approach results in directions being issued now **[insert date]**. At the point at which the decision is taken on the route of Phase Two these safeguarding directions will be reviewed to determine whether they remain appropriate and at the same stage the Secretary of State will begin work on safeguarding the remainder of the Phase Two route.

6. Whilst there is no formal requirement to update safeguarding directions, in line with the approach taken on Phase One of HS2 and other major infrastructure projects, these will be kept under review to ensure that the right land is protected and that unrequired land is not unnecessarily blighted for extended periods. As stated above these will be reviewed at the point at which there is an announcement on the route for the whole of Phase Two and if necessary at that time further directions will be issued.

Processing of applications

7. Applications for planning permission on which HS2 Ltd must be consulted, in accordance with paragraph 5 of the Safeguarding Directions, should be sent either by first class post to:

The Safeguarding Planning Manager
High Speed Two (HS2) Limited
One Canada Square
London E14 5AB

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

8. Such applications must not be determined before the expiry of the period for consultation set out in article 16(5)(b) of the Order.
9. Any applications sent to HS2 Ltd under paragraph 5 of these Safeguarding Directions will be considered by HS2 Ltd on a case-by-case basis on the grounds of whether the proposed development will impact on the ability to build or operate HS2 or lead to excessive additional costs.
10. 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.
11. In order to assist developers to design buildings 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 these Safeguarding Directions, HS2 Ltd intends to produce information about HS2 design criteria for the use of developers bringing forward new developments in the safeguarded area of the route of HS2.
12. Where HS2 Ltd has not responded within the period set out in article 16(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 it does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 6 of the Safeguarding Directions.
13. Where permission is refused due to a conflict with the HS2 project, the decision notice should include that conflict in the reasons for refusal. Copies of all decisions on planning applications on

which HS2 Ltd have 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 safeguarding directions and may recommend that conditions are imposed in specified circumstances and where appropriate in order to protect the HS2 project.

14. Applications which local planning authorities are minded to approve against the advice of HS2 Ltd should, in accordance with paragraph 6 of the Safeguarding Directions, be sent, together with the material specified in paragraph 7 of the Safeguarding Directions, by authorities by first class post to:

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

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

15. The Department for Transport will inform LPAs of the date of receipt of the application and the material required under paragraph 7 of the Safeguarding Directions, and will, within 21 days of that date, either notify authorities that there are no objections to permission being granted, or issue Directions restricting the granting of permission specifically for those applications.
16. 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.

Blight and purchase notices

17. 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
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

Further details of the provisions and how to complete the prescribed form can be obtained from the Land and Property Team at the above address.

Planning and local land charges registers

18. In accordance with article 36(4)(b) of the Order, particulars of the Safeguarding 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 and HS2 Ltd is also of the view 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

19. Where LPAs are aware of, or become aware of, any extant planning permissions affecting land within the zone described in paragraph 3 of the Safeguarding Directions, which have yet to be implemented, it would be helpful if they could inform HS2 Ltd.

Pending planning applications

20. LPAs are reminded that the Safeguarding Directions issued on [insert date] 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 Safeguarding Directions.
21. Accordingly, LPAs must review all pending applications to determine whether the development proposed is development to which these Safeguarding Directions apply.

Local Plans

22. In preparing any development plan document (an area's local plan), the area safeguarded by the Safeguarding Directions should be taken into account. Where a Safeguarded 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 2012 as amended).
23. Adding information about the extent of the safeguarded area on the Proposals Map is helpful for those considering development in the area, however it is important to note that the requirements of the safeguarding direction apply, in the circumstances described above, regardless of whether the safeguarded area is identified on the Proposals Map or not.
24. Local plans should state that the safeguarding directions have been made by the Secretary of State for Transport. They are not proposals of the LPA and the routes in question will not be determined through the development plan process. They will be considered in Parliament under hybrid bill procedures, which will provide appropriate opportunities for petitions to be made to Parliament by those directly affected by the scheme.
25. 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
26. 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 a Local Plan document. The inspector's role is to consider the policies of the LPA set out in the draft local plan document. 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 consideration of the Local Plan document.
27. LPAs when adopting supplementary planning documents should note in the statement of consultation any representations received which relate to the Safeguarding Directions.

Timing

28. These Safeguarding Directions come into force on **[insert date]** and apply in respect of the categories defined in paragraph 2 of the Directions.

[Insert date]

Appendix C – Economic impact assessment

Title: High Speed 2 - Fradley to Crewe Safeguarding IA No: Lead department or agency: Department for Transport Other departments or agencies: HS2 Ltd	Impact Assessment (IA)
	Date: 15/09/2014
	Stage: Final
	Source of intervention: Domestic
	Type of measure:
Contact for enquiries: 020 7944 4908 or hs2enquiries@hs2.org.uk	

Summary: Intervention and Options **RPC Opinion: Not Applicable**

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out? Measure qualifies as
£-0.23m	NQ	NQ	No OUT

What is the problem under consideration? Why is government intervention necessary?
 There is a pending decision on part of the proposed HS2 Phase Two line of route. Safeguarding is a technical term for an established part of the planning system that protects large-scale infrastructure projects, such as roads or railways, from conflicting developments. It provides a statutory mechanism under the Town and Country Planning (Development Management Procedure) (England) Order 2010, by which local planning authorities (LPAs) must consult High Speed Two (HS2) Ltd on new and undecided planning applications which fall within the safeguarded area and it provides HS2 Ltd with a statutory remit to comment on such applications.

What are the policy objectives and the intended effects?
 The final decision on the route for Phase Two of HS2 will be made at a later date. HS2 Ltd has examined hundreds of options for the whole route for the western leg using five criteria: constructability, sustainability, journey time, cost, and demand. The number of options was reduced through each sifting phase and there was a corresponding increase in the detail of design and depth of appraisal. HS2 Ltd was able to rule out many route options due to cost, engineering feasibility or sustainability concerns. Our initial review of responses to the July 2013 Consultation of the Phase Two route and the Sir David Higgins' report 'HS2 Plus', implies that the proposed route from Fradley to Crewe is strongly supported. Ahead of a final decision at a later date it is therefore judged appropriate to safeguard the route from Fradley to Crewe to avoid conflicting developments and their associated costs to developers and HS2 Ltd.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
Option 0; do nothing. This is the baseline option and could result in developments taking place that conflict with the railway, thereby potentially imposing costs on developers as well as HS2 Ltd.
Option 1; introduce a safeguarding zone, as set out in the relevant maps (available at <https://www.gov.uk/government/publications/hs2-phase-two-fradley-to-crewe-safeguarding-consultation-maps>), either side of the Fradley to Crewe section of HS2. The precise location of the zone is determined by HS2 Ltd's current engineering and planning assessment of land where developments have the potential to impact on the construction or operation of HS2. Safeguarding directions will require local planning authorities (LPAs) to consult HS2 Ltd on planning applications they receive in relation to land within the zone. This provides certainty to developers and ensures that conflicting development is not embarked upon.

Will the policy be reviewed? Not applicable, set review date: Not applicable

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	Micro No	< 20 No	Small No	Medium No	Large No
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: 0	Non-traded: 0	

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister: _____ Date: 22/10/2014

Summary: Analysis & Evidence Policy Option 1

Description: Introduction of a safeguarding zone as set out in the maps accompanying the safeguarding directions

FULL ECONOMIC ASSESSMENT

Price Base Year 2013	PV Base Year 2014	Time Period Years 14	Net Benefit (Present Value (PV)) (£m)		
			Low: £-0.15m	High: £-0.23m	Best Estimate: £-0.23m
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)	
Low			£0.03m	£0.15m	
High	NA		£0.05m	£0.23m	
Best Estimate	£0m		£0.05m	£0.23m	
<p>Description and scale of key monetised costs by 'main affected groups'</p> <p>Additional costs to the four Local Planning Authorities (LPAs) who will have to assess whether planning applications should be referred to HS2 Ltd. The costs of maintaining properties in the condition required for government to rent them once acquired.</p>					
<p>Other key non-monetised costs by 'main affected groups'</p> <p>Some administrative costs may be incurred by HS2 Ltd, but as these are thought to be small and difficult to quantify, they have not been monetised.</p>					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)	
Low	Optional		Optional	Optional	
High	Optional		Optional	Optional	
Best Estimate	NQ		NQ	NQ	
<p>Description and scale of key monetised benefits by 'main affected groups'</p> <p>As with Option 0, we do not have the information to be able to monetise the benefits to HS2 Ltd and land-owners by bringing in safeguarding directions as there is no information on future planning applications within the proposed safeguarding zone.</p>					
<p>Other key non-monetised benefits by 'main affected groups'</p> <p>Safeguarding would protect land-owners from investing time and money in development plans which subsequently had to be abandoned because of a conflict with HS2. The key benefits are the removal of potential costs to developers (or, via compensation schemes, to the HS2 project) of investment in developments that are subsequently compulsorily purchased. Property owners within the safeguarded zone will receive statutory compensation earlier than without such safeguarding.</p> <p>Even if safeguarding was not in place, LPAs are likely to take account of the impact of HS2 in their planning decisions. Without formal safeguarding statutes taking account of HS2 will be challenging and incur costs on LPAs.</p>					
Key assumptions/sensitivities/risks				Discount rate (%)	3.5%
<p>Although the development of the proposed route between Fradley and Crewe has been proposed to be accelerated, it is still subject to change pending a decision on the route following the consultation that ended in January this year, so the safeguarding zone may not reflect the final route. There remains the risk therefore that conflicting development and its associated costs may come to fruition if the proposed route changes. There is also the cost of buying houses through statutory blight that we do not need, however any such purchases would provide assets, which could offset any purchase costs.</p>					

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OITO?	Measure qualifies as
Costs: NQ	Benefits: NQ	Net: NQ	No	OUT

Evidence Base (for summary sheets)

Background

1. This impact assessment sets out evidence for the impact of implementing safeguarding directions for the proposed HS2 line of route between Fradley and Crewe. This follows the recommendation in March 2014 from Sir David Higgins in his '*HS2 Plus*' work that benefits could be spread further north sooner if Phase Two were accelerated and the line was extended to a new regional transport hub at Crewe by 2027, six years earlier than planned. Following publication of the *HS2 Plus* report, the Secretary of State commissioned HS2 Ltd and Network Rail to undertake work, as part of his consideration of the Phase Two public consultation responses, to explore accelerating construction of the Crewe section of Phase Two so that it could open in 2027 rather than 2033 as currently proposed. As a result of this further work and early work on the consultation responses received, it is planned that the formal response to the Phase Two consultation, with Government decisions on the route for Phase Two as a whole, will be issued in 2015.

Rationale for intervention

2. HS2 Ltd has recommended that the western leg proceeds to Crewe. That recommendation is being considered in detail by this Department as part of the work in reaching a decision on the Phase Two consultation. As such, no final decisions have been taken on the Phase Two consultation or precise route of Phase Two. However, in view of the analysis undertaken current thinking is that there is a strong case for the route to Crewe and as such, it is considered appropriate to safeguard now.
3. The rationale for intervention is to ensure that the land, which it is expected to be needed for construction of the HS2 route between Fradley and Crewe, is not developed further in a manner that would increase costs and risks to building the railway. To protect the proposed alignment of a road or railway from conflicting development, the Secretary of State can issue a direction, known as a safeguarding direction, under Articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The safeguarding directions, if made following consultation, will be issued to local planning authorities (LPAs) by the Secretary of State for Transport. Those LPAs will then be required to consult with HS2 Ltd when determining planning applications for land within the limits shown on the safeguarding plans attached to the directions, except where that type of application is exempted.

Policy objective

4. The primary objective is to prevent development that would hamper HS2 Ltd's ability to build the Fradley to Crewe route or increase the costs or risks of doing so. Secondary objectives include minimising the administrative burden for LPAs and reduce cost and risk for land-owners along the line of route who may otherwise embark on nugatory development.

Description of options considered (including do minimum)

Option 0 - do nothing.

5. This is the baseline option.
6. The main impact of not having safeguarding directions would be that the land that may be needed for the construction and operation of HS2 could be developed further in a manner that would increase costs and risks to building the railway.

7. There could be impacts for developers, who might invest in developments that may, if the final route decided for Phase Two is the same as the route we propose to safeguard, subsequently be subject to compulsory purchase and, in such cases, additional costs and risks for HS2 Ltd.

Option 1 - Introduce safeguarding directions (preferred option).

8. Option 1, the preferred option, is to introduce the safeguarding zone as set out in the maps published alongside this impact assessment.
9. Safeguarding is a technical term for an established part of the planning system that protects large-scale infrastructure projects, such as roads or railways, from conflicting developments. It provides a statutory mechanism under the Town and Country Planning (Development Management Procedure) (England) Order 2010, by which local planning authorities (LPAs) must consult High Speed Two (HS2) Ltd on new and undecided planning applications which fall within the safeguarded area and it provides HS2 Ltd with a statutory remit to comment on such applications. The safeguarding directions also put in place statutory blight provisions made under the Town and Country Planning Act 1990, whereby owner-occupiers of properties within the safeguarded area who want to move may apply to sell their property to the government by serving a blight notice.
10. HS2 Ltd considers the proposed safeguarding zone to offer a balance between the need to protect land and property that may be needed for construction and operational purposes, and the legitimate rights of land-owners not to have their right to develop infringed unnecessarily. A narrower zone would run a significantly higher risk that some subsequent developments would interfere with HS2 Ltd's needs and may result in developers incurring costs preparing developments that are not compatible with the HS2 programme. A wider zone would place a greater restriction on development without significantly reducing the risks to the project.

Monetised and non-monetised costs and benefits of each option (including administrative burden)

Option 0 - do nothing

11. This is the option against which option 1 is compared.
12. The main impact of not having safeguarding directions would be the administrative burden on HS2 Ltd to monitor planning applications made in relevant local planning authorities to determine whether it would be necessary to object to them. In addition, there would be an additional administrative burden on LPAs which would be expected to consider whether HS2 was a relevant issue to consider in determining a planning application (whether HS2 Ltd objected or not).
13. There could be negative impacts for developers, who might invest in developments that may in future if the railway proceeds along this route be subject to compulsory purchase, increasing costs and risks for HS2 Ltd. There would also be an opportunity cost for property owners that would not be able to access statutory compensation.

Option 1 - Introduce a safeguarding zone as shown in the maps published alongside the safeguarding directions

Costs

LPA Administration Costs

14. The safeguarding directions would require LPAs to consult with HS2 Ltd when determining planning applications for land within the limits shown on the safeguarding plans that are attached to the safeguarding directions. Although some of this work may occur even in the absence of safeguarding (and indeed it is likely that LPAs would have to devote resource to deal with the uncertainty inevitable in a no-safeguarding world), the directions would place a small additional administrative burden on both LPAs and HS2 Ltd.
15. We have estimated the administrative costs to the four LPAs along the proposed Fradley to Crewe route. These administrative costs reflect the additional costs associated with the notification process for planning applications. The additional administrative cost results from the requirement for LPAs to consult with HS2 Ltd for each case. Though this process will become quite automated, these applicants are assumed to happen at most on two occasions per LPA per month.
16. Our estimates were based on the assumption that four LPAs would need to employ equivalent to 0.02 *additional* full time equivalent (FTE) members of staff per annum to administer claims for property development.
17. The safeguarding zone along the Fradley to Crewe route is approximately 90 kilometres (1100 hectares) all of which is in rural area. Assuming that planning applications occur at a rate of 0.02 per hectare (based on analysis of 2013/14 DCLG planning statistics in the local area), the total number of applications per annum within safeguarded areas has been assumed to be 22. This is likely to be lower in the areas affected as HS2 predominantly runs through rural areas where one would expect proportionally less planning applications. To reflect this a scenario has also been calculated where the number of applications per annum is assumed to be 11, which is half that derived from the DCLG planning statistics.
18. In the absence of better information, we have assumed that safeguarding increases the time it takes for a local authority planning officer to deal with a planning application within

the zone by three hours. This assumption is consistent with that used as part of the Phase One consultation on safeguarding. The planning officer would be responsible for assessing whether planning applications received related to land within the safeguarded area, consulting HS2 Ltd and addressing any queries raised by HS2 Ltd.

19. We have assumed that the average hourly basic pay of a local planning authority officer is £18 per hour based on analysis of the Annual Survey of Hours and Earnings (<http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-280149>) and have up-rated this by 40% to allow for pensions, national insurance contributions and other overheads.
20. Table 1 below outlines the profile of staff administrative costs over time. The net present cost has been calculated using the HM Treasury Green Book discount rate of 3.5%. The costs have been assumed to apply right up to the year in which the scheme opens (up to 2026). While in practice safeguarding directions are likely to be less relevant in the latter years as construction will have finished for simplicity, we have assumed a flat application profile throughout the period.

Table 1 - HS2 property administrative costs (2013 prices) High Scenario

Year	Applications	GDP growth*	Cost per hour	Total Cost
2013	0	0	£25	£0
2014	22	0.8	£25	£1,677
2015	22	2	£26	£1,710
2016	22	2.4	£27	£1,751
2017	22	2.7	£27	£1,798
2018	22	2.8	£28	£1,849
2019	22	2.8	£29	£1,900
2020	22	2.8	£30	£1,954
2021	22	2.8	£30	£2,008
2022	22	2.4	£31	£2,057
2023	22	2.4	£32	£2,106
2024	22	2.4	£33	£2,156
2025	22	2.4	£33	£2,208
2026	22	2.5	£34	£2,263
Total (undiscounted)				£25,438
Net Present Value				<u>£19,914</u>

Table 2 - HS2 property administrative costs (2013 prices) Low Scenario

Year	Applications	GDP growth*	Cost per hour	Total Cost
2013	0	0	£25	£0
2014	11	0.8	£25	£838
2015	11	2	£26	£855
2016	11	2.4	£27	£876
2017	11	2.7	£27	£899
2018	11	2.8	£28	£924
2019	11	2.8	£29	£950
2020	11	2.8	£30	£977
2021	11	2.8	£30	£1,004
2022	11	2.4	£31	£1,028
2023	11	2.4	£32	£1,053
2024	11	2.4	£33	£1,078
2025	11	2.4	£33	£1,104
2026	11	2.5	£34	£1,132
Total (undiscounted)				£12,719
Net Present Value				<u>£9,957</u>

Cost of Maintaining Properties

21. Safeguarding directions also trigger something known as 'Statutory Blight'. This means that property owners within the safeguarded area may be eligible to serve a blight notice asking the Secretary of State for Transport to buy their property prior to it being needed for construction. Safeguarding directions may therefore result in earlier government property purchases than would otherwise be the case.
22. These earlier purchases impose a cost to Government associated with managing the properties for a longer period. It is expected that the large majority of properties will be rented by government in the intervening period between the year each property is acquired and the year that they will need to be vacated (2016). During this intervening period, government is required to incur a number of running costs to maintain the properties in a condition that permits them to be rented such as, condition survey, electrical survey, gas appliances survey, and any necessary upgrade works. Therefore, due to safeguarding these costs will be incurred earlier and for a longer period.
23. Estimates of the annual cost to government of managing properties were provided by HS2 Ltd's property consultants CBRE, and amount to average annual 'ongoing' running costs of £2,500 per property for Phase One. We have conservatively assumed that these costs per property will be no different for Phase Two. The additional costs generated as a result of safeguarding reflect the longer period government now holds the properties it requires for HS2.
24. CBRE also estimate that government will incur 'one off' costs in purchasing properties worth £12,000 per property. While these costs would be incurred whether or not safeguarding is introduced, the introduction of safeguarding brings government purchases and therefore the associated costs forward in time. It has therefore been assumed they are incurred over the period 2015-20, rather than in 2020 when compulsory purchase powers for Phase Two are assumed to be in place.
25. To reflect expected efficiency savings in the costs of managing properties as more properties are purchased, a low cost scenario has also been modelled in which costs are 25% lower than those estimated by CBRE for Phase One.
26. It is important to note that Government will obtain rental income from the properties which it owns and manages, however as this income reflects a transfer from the occupier of the property to Government it is not incorporated in this analysis.
27. To be eligible to issue blight notices, a property needs to meet a range of criteria such as being an owner-occupied residential property or a small business property. GIS map-based counts estimate that within the safeguarded zone there are 34 dwellings in rural areas. Since we do not have a count for number of small businesses, and some of the dwellings would not be eligible for blight, we have assumed that the total number of properties eligible to issue blight notices is 34, all in rural areas. In the do nothing scenario, all the running costs are assumed to be incurred in 2020 when compulsory purchase powers are assumed to be in place. However, with safeguarding a portion of these costs will be brought forward in time as additional costs are incurred between 2015 and 2020. Some property owners have already applied for blight and been accepted in 2013 and early 2014. We have assumed that an equal number of properties apply for blight between 2015 and 2020, amounting to six properties every year.

Table 3 - Profile of running costs under Do Nothing and Do Something (safeguarding) scenarios (2013 prices) High scenario

Year	Do Nothing			Do Something		
	Blight notices	One-off costs	Ongoing costs	Blight notices	One-Off Costs	Ongoing costs
2013	0	£0	£0	0	£0	£0
2014	0	£0	£0	0	£0	£0
2015	0	£0	£0	6	£68,000	£14,167
2016	0	£0	£0	6	£68,000	£28,333
2017	0	£0	£0	6	£68,000	£42,500
2018	0	£0	£0	6	£68,000	£56,667
2019	0	£0	£0	6	£68,000	£70,833
2020	34	£408,000	£85,000	6	£68,000	£85,000
Total	34	£408,000	£85,000	34	£408,000	£297,500
NPV		£320,684	£66,809		£350,089	£247,960
Cost implications of safeguarding (NPV, £)					£29,404	£181,151

Table 4 - Profile of running costs under Do Nothing and Do Something (safeguarding) scenarios (2013 prices) Low scenario

Year	Do Nothing			Do Something		
	Blight notices	One-off costs	Ongoing costs	Blight notices	One-Off Costs	Ongoing costs
2013	0	£0	£0	0	£0	£0
2014	0	£0	£0	0	£0	£0
2015	0	£0	£0	6	£51,000	£10,625
2016	0	£0	£0	6	£51,000	£21,250
2017	0	£0	£0	6	£51,000	£31,875
2018	0	£0	£0	6	£51,000	£42,500
2019	0	£0	£0	6	£51,000	£53,125
2020	34	£306,000	£85,000	6	£51,000	£63,750
Total	34	£306,000	£85,000	34	£306,000	£223,125
NPV		£240,513	£66,809		£262,566	£185,970
Cost implications of safeguarding (NPV, £)					£22,053	£119,161

28. Tables 3 and 4 outline the present value of the running costs to government of holding properties for longer (both the 'ongoing' and 'one off' costs). The table outlines that 'ongoing costs' are not incurred in the 'do nothing' scenario, but are incurred between 2015 and 2020 in the safeguarding 'do something' scenario – this reflects the fact that the ongoing costs are costs over-and-above the costs incurred without safeguarding. These ongoing costs are incurred between the year the property is acquired and 2020 at a cost of £2,500 per property per annum in the high cost scenario. The 'one off' running costs are incurred between 2015 and 2020 with safeguarding, but are incurred in 2020 in the 'do nothing scenario'. The costs are equal to £12,000 per property in the year the property is acquired in the high cost scenario. Prior to discounting, the total value of 'one off' running costs are the same in both the 'do nothing' and 'do something' scenarios. However, the total increase in cost in the high scenario between the 'do nothing' and 'do something' of £0.21 million (£29,404 + £181,151) reflects the fact that that these running costs are not costs over-and-above the 'do nothing scenario', but that the costs are brought forward in time. In the low cost scenario, this increase in cost is equal to £0.14 million (£22,053 + £119,161).
29. Combining the estimated increase in present value LPA administrative costs of £0.02m with the present value running costs of £0.21m generates total costs of £0.23m in the high cost scenario. Government will be endeavouring to ensure good value for money by recouping the maintenance costs through renting the properties out. Therefore, the true cost is likely to be lower. Table 5 summarises the total costs estimated for safeguarding.

Table 5 - Total costs of safeguarding ('do something') (Net Present Value, 2013* prices)

Cost Element	Cost - High	Cost - Low
LPA administrative costs	£19,914	£9,957
Running costs	£210,555	£141,214
Total costs	£230,469	£151,171

**2013 prices are used to make it consistent with Phase 1 Safeguarding IA*

Benefits

30. The benefits of safeguarding are that it will reduce the risk of developers potentially making investments in developments that subsequently cannot progress or have to be compulsorily purchased as a result of HS2 if the railway ultimately proceeds along this route. Compulsory purchase rules include compensation for genuine development potential so safeguarding should not lead to landowners missing out on potential compensation.
31. We do not believe it is possible to estimate these benefits with any degree of accuracy, as it is not possible to predict the level of potential development within the safeguarded area that the safeguarding directions might ultimately affect.
32. In addition, safeguarding increases certainty for LPAs, HS2 Ltd, and land-owners along the line of route. Safeguarding will minimise the disruption caused by HS2 to the planning process by giving land-owners a clear mechanism for establishing whether their development plans might come into conflict with the government's plans regarding HS2.
33. Safeguarding will also trigger statutory blight processes that will allow eligible landowners within the safeguarded area access to compensation on compulsory purchase terms ahead of compulsory purchase powers being in place. Again, it is not possible to quantify the

scale of this benefit to such property-owners, as it will depend on their personal circumstances.

Rationale and evidence that justify the level of analysis used in the IA (proportionality approach)

34. Safeguarding is a long-established part of the planning system and one which offers protection both to the promoters of the infrastructure scheme and to the land-owners affected by it. Given this and the lack of evidence on likely planning applications within the safeguarded route in the absence of safeguarding directions we feel that the approach that we have taken is proportionate.

Risks and assumptions

35. The risks linked to and the assumptions underpinning the broader HS2 project are extensively set out in HS2 documentation.
36. There is an outstanding risk that this part of the route is yet to be decided and may therefore change in which case safeguarding would need to be reissued to reflect the decision following the Phase Two route consultation.
37. There are risks from not safeguarding in terms of increased costs. If there were a development on the land needed for HS2, HS2 Ltd would need to acquire that development or seek alternative construction options, which introduces risks for both HS2 Ltd and the developer.
38. Assumptions have been made about the following:
- The number of planning applications received by LPAs in various parts of the route have been based on DCLG planning statistics - at a rate of 0.02 per hectare
 - The number of additional hours taken to process a planning application near the safeguarded zone to be 3 hours and the cost per hour of the officer to be £25 (and increased by GDP growth forecasts)
 - Average annual ongoing running costs of a property to be £2,500 and one-off cost of running costs of £12,000 per property, based on estimates received from CBRE for Phase One
 - The total number of dwellings obtained from the GIS data is a good estimate of the number of properties (both dwellings and small businesses) applicable to issue blight notices.

Direct costs and benefits to business calculations (following OITO methodology)

39. We do not expect the introduction of safeguarding to introduce costs or benefits to business; the impacts are on local planning authorities and upon HS2 Ltd.

Wider impacts (consider the impacts of your proposals, the questions on pages 16 to 18 of the IA Toolkit are useful prompts. Document any relevant impact here and by attaching any relevant specific impact analysis (e.g. SME and equalities) in the annexes to this template)

Post Implementation Review

40. The Government has asked HS2 Ltd to keep safeguarding under review so that it can be reduced, removed or otherwise refreshed at periodic intervals where it is reasonable to do so. The Government believes it will be appropriate to ask HS2 Ltd to review the safeguarding of the scheme following key milestones, such as the announcement of the route for the Phase Two section of HS2 anticipated at a later date.

Summary and preferred option with description of implementation plan

41. In order to protect the planned railway corridor from conflicting development before construction starts, the Government is consulting on safeguarding the Fradley to Crewe route, as described earlier, (the western leg of the Y network) using safeguarding 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 affect the ability to build or operate HS2 or lead to excessive additional costs. Dependent on the outcome of the consultation on safeguarding this part of the route, safeguarding directions will be issued to local planning authorities (LPAs), by the Secretary of State. LPAs will then need to consult HS2 Ltd with regard to planning applications in the safeguarded corridor along the HS2 route before granting consent. LPAs are not bound to follow the recommendation made by HS2 Ltd.

Analytical Assurance Statement

42. The level of analytical assurance for this analysis is **high**. The analysis has been conducted and peer reviewed by DfT analysts who have the appropriate skills required for this work. The inputs used to conduct the analysis have been sourced from published datasets or from experts, and have undergone consultation. Thus, they are the best available and the level of effort to obtain them has been proportional to the scale of the impact.