

HS2

Developer and Local Planning Authority Safeguarding Q&A

All Phases of the HS2 route

What is safeguarding?

Safeguarding is a term for an established part of the planning system that aims to protect large-scale infrastructure projects, such as roads or railways, from conflicting developments. The Secretary of State ("SoS") for Transport has decided to issue Safeguarding Directions ("Directions") for the High Speed Two (HS2) rail project route between London and the West Midlands (known as Phase One), between the West Midlands and the Handsacre connection to the West Coast Mainline, and from Crewe to Manchester and West Midlands to Leeds (known as Phase 2b).

There are three types of safeguarding.

1. **Surface safeguarding:** where the land that is identified generally involves surface work and structures associated with the railway where the route is above the ground.
2. **Subsurface safeguarding:** usually put in place when the proposed line of the route is in a bored tunnel.
3. **Airspace safeguarding:** where temporary access to the airspace above the land is needed to move a crane over it, but otherwise, construction work does not impact the land itself and we do not expect to need to acquire it to construct or operate HS2.

This provides a statutory mechanism by which relevant Local Planning Authorities (LPAs) must consult High Speed Two Limited ("HS2 Ltd") on new and undecided planning applications which fall within the surface safeguarded area and airspace safeguarding and provides HS2 Ltd with a statutory remit to comment on such applications. The Directions also trigger statutory blight provisions, whereby qualifying owner-occupiers of land or property within the safeguarded area can serve a Blight Notice on the SoS for Transport.

What is a Blight Notice?

This is the statutory notice that owner-occupiers of properties can serve on the SoS for Transport via HS2 Ltd, if eligible. By serving a Blight Notice, owner-occupiers are seeking agreement that the SoS for Transport is willing to purchase their property prior to its need.

As an LPA, who at HS2 Ltd do we consult on applications for planning permission under the Directions?

Relevant applications for planning permission should be sent by first-class post 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

Do we have to consult HS2 Ltd on extant planning permissions as a result of the formal issuing of the Directions?

It would be helpful if LPAs could let HS2 Ltd know where they are aware of, or become aware of, any extant (undetermined) planning permissions affecting land which is now subject to the Directions issued in relation to the HS2 routes:

- between London and the West Midlands (Phase One), issued in August 2018;
- between the West Midlands and the Handsacre connection to the West Coast Mainline (Phase 2a); issued in January 2024; and
- from Crewe to Manchester and West Midlands to Leeds (Phase 2b), issued in August 2023.

If you have any queries on whether to consult HS2 Ltd on a specific planning application, or for further information, please email:

town.planning@hs2.org.uk

Or by post to:

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

How has HS2 Ltd decided the safeguarded area and where can the safeguarding maps be found?

The safeguarded area includes the land that we have currently identified as being likely to be needed to build and operate the railway. The SoS for Transport may issue new or revised Directions at any point if circumstances change: for example, if more detailed engineering work reveals that additional land is required or that land can be removed from safeguarding. The safeguarding maps and copies of the formal Safeguarding Directions for all phases of HS2 can be found at:

<https://www.gov.uk/government/publications/hs2-safeguarding-for-developers-and-local-authorities> and:

[https://www.gov.uk/government/collections/safeguarding-information-and-maps-for-hs2#phase-2b-maps-\(crewe-to-manchester-and-west-midlands-to-leeds\)](https://www.gov.uk/government/collections/safeguarding-information-and-maps-for-hs2#phase-2b-maps-(crewe-to-manchester-and-west-midlands-to-leeds))

What does the issue of the Directions mean for LPAs?

Safeguarding means that, except where a type of application for planning permission is exempt, LPAs must consult HS2 Ltd on any application for planning permission, or any undetermined application for planning permission, which falls within the safeguarded areas for HS2. HS2 Ltd must then respond within 21 days, or by an agreed date. If HS2 Ltd objects to a planning application and the LPA is minded to approve it, the LPA must first notify the SoS for Transport before approving it. The SoS for Transport then has 21 days to either notify the LPA that he has no objections to planning permission being granted, or issue a direction restricting the granting of planning permission for that application.

What does the issue of the Directions mean for compensation for land/property owners?

A property which is affected by safeguarding will be subject to the Statutory Blight and Purchase Notice provisions contained in the Town and Country Planning Act 1990. To find out more about property implications which result from safeguarding, please visit the property and compensation section of HS2 Ltd's website at the following link:
<https://www.gov.uk/claim-compensation-if-affected-by-hs2>

Will the Directions show up on searches of the local land charges register?

The Department for Transport and HS2 Ltd advise LPAs to reveal the safeguarding provisions (i.e. if land that a prospective buyer is planning to purchase is subject to the Directions) in response to optional enquiries sent by conveyancing solicitors ahead of any purchase. Enquiries submitted by conveyancing solicitors to local authorities, in the form of 'searches' of the local land register, should therefore confirm if a property is located within the adopted safeguarding zone.

What is the difference between a surface, a sub-surface and an airspace interest?

The surface interest is land that HS2 Ltd considers necessary to build and/or operate the HS2 railway. This is shown as a grey shading on the safeguarding maps, contained between the red boundary safeguarding limits. The area of surface interest means that HS2 Ltd must be consulted on all applications for planning permission within the area of surface interest, unless the applications are exempt.

The sub-surface interest is shown as being bounded by the red boundary safeguarding limits, as a blue shaded area. This generally refers to land where the proposed HS2 line of route is in a tunnel. In these locations, applications for planning permission are exempt from the requirement to consult HS2 Ltd, unless the proposed development would extend below ground level. For example, a development in an area within subsurface safeguarding that solely involved above-ground works (e.g. a change of use or a dormer window extension) would not require consultation with HS2 Ltd.

Airspace safeguarding is the area within the red boundary line on the maps which is shaded brown. This is where we have identified that temporary access to the airspace above the land is needed to move a crane over it, but otherwise, construction work does not impact the land itself. The area of airspace interest means that HS2 Ltd must be consulted on all applications for planning permission within the area of airspace interest.

Do you have any guidance available for LPAs?

Yes, guidance is available alongside the formal Safeguarding Directions at the following link: <https://www.gov.uk/government/publications/hs2-safeguarding-for-developers-and-local-authorities>

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