



# HIGH SPEED TWO PHASE ONE INFORMATION PAPER

## C5: SAFEGUARDING

This paper outlines what safeguarding is, what its main effects are and how it has been implemented for Phase One of the HS2 project.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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# C5: SAFEGUARDING

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the project have been reached.

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<sup>1</sup>The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

## 2. Overview

### 3. This information paper explains the safeguarding process which protects the land required for the Proposed Scheme from conflicting developments. What is safeguarding?

- 3.1. Safeguarding is an established part of the planning system, designed to protect land which has been earmarked for major infrastructure projects from conflicting developments which might otherwise occur.
- 3.2. Safeguarding Directions have been issued to Local Planning Authorities (LPAs) along the line of route of the Proposed Scheme by the Secretary of State for Transport. As a result, when a LPA receives a planning application relating to land within the safeguarded area, it is required to consult HS2 Ltd on the proposal before determining the application.
- 3.3. Safeguarding does not automatically prevent development in the safeguarded area, but it does provide a process for potential conflicts to be resolved. In this way, it helps to ensure that new developments along the route of the Proposed Scheme do not impact on the ability to build or operate the railway or lead to excessive additional costs.
- 3.4. HS2 Ltd has published guidance on its website to help LPAs implement the safeguarding directions. This provides links to the safeguarding directions themselves, the associated maps and a safeguarding impact assessment.
- 3.5. As well as helping to protect the land needed to build and operate the Proposed Scheme, safeguarding also triggers 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 the Proposed Scheme (see section 6 below for more information on this).

## 4. Safeguarding and HS2

- 4.1. The Government ran a consultation on proposals to safeguard the Proposed Scheme between 25 October 2012 and 31 January 2013. Initial safeguarding directions for the majority of the Proposed Phase One Scheme were subsequently issued to local planning authorities on 9 July 2013. On 24 October 2013, these were updated to include the final two sections (in Northolt, West London and Bromford, Birmingham). On 26 June 2014, the safeguarding directions were further updated to broadly reflect the land requirements set out in the hybrid Bill as deposited in Parliament in November 2013. The latest update to the safeguarding directions, made on 16 August 2016, reflect the changes set out in the five additional provisions to the hybrid Bill which were deposited in Parliament between late November 2013 and December 2015 ('the APs').

- 4.2. The safeguarded area has been informed by the land requirements set out in the hybrid Bill and APs for Phase One of HS2. Generally, all areas of land identified in the Bill and the APs are being safeguarded apart from the following two exclusions:
- works to existing utilities (where these can reasonably be distinguished from other work for HS2) because these are deemed to have sufficient existing protections; and
  - some access roads.
- 4.3. The published safeguarding maps also show the two Extended Homeowner Protection Zones. Extended Homeowner Protection Zone 1 covers the areas of land that were in surface safeguarding, according to the 24 October 2013 Safeguarding Directions, but which are no longer in surface safeguarding in the revised 26 June 2014 Safeguarding Directions. Extended Homeowner Protection Zone 2 covers the areas of land that were in surface safeguarding, according to the 26 June 2014 Safeguarding Directions, but which are no longer in surface safeguarding in the revised 16 August 2016 Safeguarding Directions.
- 4.4. As with other major infrastructure projects such as HS1 and Crossrail, it is expected that the safeguarding boundaries will be subject to periodic review as the project design evolves.

## 5. Safeguarding and statutory blight

- 5.1. As well as helping to protect the land needed to build and operate the railway, the safeguarding directions also trigger 'Statutory Blight' under Schedule 13 of the Town and Country Planning Act 1990. This means that, subject to various conditions, owner-occupiers of properties within the safeguarding limits are able to serve a Blight Notice, requesting the Government to consider purchasing the property from them.
- 5.2. HS2 Ltd has published an Online Guide to Statutory Blight to assist potential applicants through the process. This is available at:  
[www.gov.uk/government/publications/hs2-phase-one-safeguarding-for-property-owners](http://www.gov.uk/government/publications/hs2-phase-one-safeguarding-for-property-owners)

In the event that the Secretary of State purchases a property as a result of this process, compensation is calculated in accordance with the Compensation Code.

## 6. More information

- 6.1. More detail on the Bill and related documents can be found at: [www.gov.uk/HS2](http://www.gov.uk/HS2)