

HS2 PHASE TWO: FRADLEY TO CREWE

Safeguarding consultation
response summary report

November 2015

CS436A

HS2 PHASE TWO: FRADLEY TO CREWE

Safeguarding consultation
response summary report



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.

High Speed Two (HS2) Limited,
One Canada Square,
Canary Wharf,
London E14 5AB

Telephone: 020 7944 4908

General email enquiries: HS2enquiries@hs2.org.uk

Website: www.gov.uk/hs2

High Speed Two (HS2) Limited has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the HS2 website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact High Speed Two (HS2) Limited.

© High Speed Two (HS2) Limited, 2015, except where otherwise stated.

Copyright in the typographical arrangement rests with High Speed Two (HS2) Limited.

This information is licensed under the Open Government Licence v2.0. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/version/2 **OGL** or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk. Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.



Printed in Great Britain on paper containing at least 75% recycled fibre.

Contents

Executive summary	3
1 Summary of key issues	4
2 Background	5
3 Consultation documents and questions	6
4 Publicity and notification	7
5 Consultation response analysis and reporting	8
6 Responses addressing Question 1	9
7 Responses addressing Question 2	12
8 Responses addressing Question 3	14
9 Responses addressing Question 4	16
10 Responses addressing Question 5	19
11 Other issues raised in response to the consultation	22
Appendix A: Responses broken down by respondent type	24
Appendix B: Coding framework	26

Executive summary

The HS2 Phase Two (Fradley to Crewe) Safeguarding Consultation opened on 4 November 2014 and ended on 6 January 2015. In total, 107 responses were received, including submissions from local authorities and elected officials; national representative bodies and HS2 interest groups; as well as individuals with an interest in the proposed safeguarded area. This report is a summary of the issues that were raised by respondents to the consultation. It will be used to help inform the Government's decisions concerning safeguarding.

The HS2 Phase Two (Fradley to Crewe) Safeguarding Consultation Document sought responses to five specific 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? 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.

1 Summary of key issues

- 1.1.1 Some respondents were in favour of the proposal to safeguard, either in full or with some caveats attached, and suggested that it would provide assistance to the owners of properties within the safeguarded area, who would be able to make use of statutory blight compensation. However, it was common for respondents to suggest that it was inappropriate to propose safeguarding this area of land – between Fradley and Crewe – until the result of a previous consultation on the line of route for Phase Two of HS2 had been decided and announced. To some, this suggested that decisions on the line of route had already been made; others were concerned by the apparent uncertainty over how communities and individuals within the proposed safeguarded area and elsewhere may be affected once the route is confirmed.
- 1.1.2 Many respondents' views on the principle or detail of the safeguarding proposals were closely linked to their suggestions or concerns regarding compensation. Some felt that safeguarding should not be introduced unless a package of discretionary compensation schemes was introduced at the same time or earlier. The notion of 'blight' (in this context, the devaluing of land or property because of perceived or actual impacts associated with HS2) came up often in responses addressing the principle of safeguarding.
- 1.1.3 The proposals included two draft documents – the safeguarding directions and a guidance note for Local Planning Authorities – and consultation responses contained various suggestions or comments on the contents of these documents. Some respondents were satisfied with both documents and felt that they were logical and/or appropriate for their purpose. Others suggested amendments or additions – for example, a review point at which the safeguarding directions could be extended or terminated.
- 1.1.4 Specific locations within the safeguarded area were discussed in some consultation responses. In some instances, the respondents sought to explain to HS2 Ltd how residences or businesses may be affected either by safeguarding or the construction of the railway. Others asked either that the safeguarded area be moved so that particular locations were removed from it, or that exemptions be written into the directions so that development could continue without having to consult HS2 Ltd.
- 1.1.5 The Government's assessment of the economic impacts of safeguarding received a wide range of comments. Many felt that by focusing mostly on the costs and benefits of safeguarding to HS2 Ltd and affected Local Planning Authorities, the assessment was too narrowly drawn; that it ignored or underestimated the costs to local businesses and landowners; and that social impacts should have been included. Another common view was that the cost of discretionary compensation schemes should have been factored into the assessment.

2 Background

- 2.1.1 The HS2 Phase Two (Fradley to Crewe) Safeguarding Consultation opened on 4 November 2014 and ended on 6 January 2015. The consultation focused on a set of proposals to safeguard a section of land between Fradley and Crewe.
- 2.1.2 The proposals included:
- the Government's rationale for proceeding with safeguarding;
 - a set of maps depicting the proposed safeguarded area;
 - an explanation of how the proposed safeguarded area had been decided;
 - two documents (the safeguarding directions and a guidance note for Local Planning Authorities) that explain how safeguarding would be operated;
 - an assessment of the economic impacts of the proposals.
- 2.1.3 The purpose of safeguarding is to protect land from conflicting development before construction starts, and aims to ensure that new developments do not have an impact on the ability to build or operate HS2, or lead to excessive additional costs.
- 2.1.4 As set out in the HS2 Phase Two (Fradley to Crewe) Safeguarding Consultation Document, the Government's proposal to safeguard the Fradley to Crewe section of Phase Two was in line with the recommendation in Sir David Higgins' *HS2 Plus* report that, in order to spread the benefits of HS2 further and sooner, Phase Two of the project should be accelerated. The report explained that an onward connection from Phase One through to a potential new regional transport hub at Crewe 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.
- 2.1.5 In order to inform the Secretary of State's decisions on safeguarding, HS2 Ltd conducted this nine-week consultation, on behalf of the Department for Transport, to seek views from all interested parties, including the relevant Local Planning Authorities, other key stakeholders and those qualifying owner-occupiers who fall within the areas identified in the safeguarding directions and maps.

3 Consultation documents and questions

- 3.1.1 The HS2 Phase Two (Fradley to Crewe) Safeguarding Consultation Document set out the proposals to safeguard in detail and included three appendices:
- draft safeguarding directions;
 - draft guidance notes for Local Planning Authorities; and
 - a draft Economic Impact Assessment.
- 3.1.2 A separate set of draft maps covering the route corridor between Fradley and Crewe illustrated the geographical boundaries of the potential land to be safeguarded, along with draft explanatory notes.
- 3.1.3 The Consultation Document sought responses to five specific 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? 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.

4 Publicity and notification

- 4.1.1 The safeguarding consultation sought views from all interested parties, including the relevant Local Planning Authorities who would be affected by the safeguarding directions, owners of land and property, and other stakeholders. There were no restrictions on who could respond to the consultation. Letters were sent to a list of stakeholders, including Local Authorities and MPs, explaining the launch of the consultation and how to access further information. Letters were also sent to the owners of land and property within the draft safeguarded area so that they were aware of the proposals.
- 4.1.2 In total, 107 responses were submitted during the consultation period. For the most part, these were sent to one of the three dedicated response channels for the safeguarding consultation: a freepost address, an email account and an online response form. In some instances, responses were sent to a different address or to individuals and teams within HS2 Ltd and the Department for Transport. As was explained on the consultation website, under those circumstances reasonable measures were taken to ensure that responses were re-directed to the correct address. The correct response channels for the safeguarding consultation were consistently advertised on all our consultation material and our website.
- 4.1.3 Submitted responses were logged within HS2 Ltd and then analysed by an in-house team. This report is a summary of that analysis.

5 Consultation response analysis and reporting

- 5.1.1 The receipt, analysis and reporting of responses to this consultation were all undertaken by an in-house team within HS2 Ltd.
- 5.1.2 Once delivered to one of the three channels set up for this consultation, all responses were logged and added to a single database so that they could be read and analysed. The format of a response – i.e. hard copy, email or online submission – or the type of respondent who had submitted it – e.g. an elected official or a member of the public – had no bearing on the type of analysis it received, which was consistent throughout.
- 5.1.3 The approach taken towards analysis of responses was to carefully read each one and apply specific 'codes' to different issues that were raised by respondents. A preliminary set of codes was created to begin this process but new ones could be created when an issue arose in a response that could not adequately be covered by an existing code. There was a process of rationalising these codes so that the issues they covered did not become unhelpfully specific or granular. It was possible to amalgamate codes if it became clear that two or more separate codes were being used to cover the same issue.
- 5.1.4 Codes were organised in groups that related to a general unifying theme – usually one of the consultation questions – and would normally cover a more specific aspect of that unifying theme. An example would be '**Question 5 - Impact Assessment: too narrow.**'
- 5.1.5 It is important to note that the purpose of applying codes in a qualitative report such as this is not to quantify issues or sentiments within a set of responses. Its primary purpose is to help the writer or writers of a summary report to structure their preliminary and subsequent readings of responses in a way that enables them to intelligently select the prevalent and significant issues to describe in the summary document. This is an accepted approach to qualitative analysis and is appropriate to a consultation such as this - one which received a relatively small number of responses, but a relatively detailed set of comments across a wide range of issues. The approach to writing this report was to provide a neutral, non-interpretive summary of the main themes that respondents chose to describe.
- 5.1.6 Quality assurance exercises were carried out at different phases of this project to ensure that the receipt, coding and reporting of responses was consistent and fair.

6 Responses addressing 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.”

- 6.1.1 Respondents chose to address this question in different ways: some considered the principle of applying safeguarding as a planning mechanism in any circumstance and not strictly limited to HS2; others considered its appropriateness for this particular section of the Phase Two route at this stage of its development; and others made comments on safeguarding in the wider context of their support for or opposition to HS2 as a whole. It was also common for respondents to answer this question while addressing some of the issues covered by other consultation questions. For example, some respondents expressed their disapproval of the proposal to safeguard the Fradley to Crewe route in reference to an aspect of the safeguarding directions or the economic impact assessment that they did not agree with. Consequently, Question 1 received more comments, and comments addressing a wider range of issues, than other consultation questions.
- 6.1.2 The principle of safeguarding, as a method of protecting land proposed for the development of infrastructure, received support from a number of different respondents, including some of the Local Planning Authorities affected by the intended safeguarded area. Of those respondents, some acknowledged that safeguarding would provide clarity to landowners and local authorities on the future impacts of an infrastructure project, and therefore minimise the risk of newly developed land having to be bought by the Government under compulsory purchase arrangements.
- 6.1.3 Another commonly expressed view was that safeguarding would be useful because it enabled qualifying landowners to submit a Blight Notice and ask the Government to buy their property. Cheshire East Council was among the respondents which stated that this development would be helpful to communities within the safeguarded area. As will be addressed in other sections of this report, it was common for respondents to address the issue of property blight and to discuss statutory or discretionary compensation measures that would or could accompany the safeguarding of the Fradley to Crewe section of HS2.
- 6.1.4 Some of the respondents who supported safeguarding in principle also expressed an opinion that it was inappropriate to apply it at this stage in the development of the Fradley to Crewe section of HS2. A very common view among respondents was that the Government and HS2 Ltd are acting prematurely or ignoring “due process” by considering this action before announcing the outcome of a separate consultation on the line of route and other aspects of Phase Two of HS2: *High Speed Rail: Investing in Britain’s Future. Consultation on the route from the West Midlands to Manchester, Leeds and beyond.*
- 6.1.5 One of the principal concerns was that, despite the stated rationale of the Government’s safeguarding consultation document, the intention to safeguard the

Fradley to Crewe section could indicate that alternative options were no longer being considered. Many respondents making this point referred to the publication, shortly before the launch of the safeguarding consultation, of a report by the chairman of HS2 Ltd, Sir David Higgins, which expressed support for the option of a hub station at Crewe. They suggested that this announcement by a senior representative of the project, coupled with the proposal to safeguard the Fradley to Crewe section, effectively predetermined the outcome of the earlier Phase Two line of route consultation.

- 6.1.6 Stoke City Council, which has proposed an alternative HS2 route option served by a station in Stoke rather than Crewe, gave a detailed account of why, in its view, the intention to safeguard only this section of land would unfairly influence the outcomes of the line of route consultation. The Council also suggested that Government has previously stated that safeguarding should only be implemented once a decision on a preferred route has been made, and that this is not the case with Phase Two of HS2.
- 6.1.7 A range of responses addressed the notion that safeguarding was being considered prematurely, and in a way that unfairly influenced wider issues and decisions concerning Phase Two of HS2. One viewpoint (made also in response to other consultation questions) was that because the route of the railway may change – either fundamentally or on a small scale – the safeguarded area might also have to change, which may prove disadvantageous to HS2 Ltd as well as affected landowners. For example, some suggested that it is now more likely that land immediately outside the current draft safeguarded area would be developed, and that this may make it difficult for HS2 subsequently to amend the route in a way that better mitigates environmental impacts on local communities.
- 6.1.8 A general concern expressed by a wide range of respondents was that the proposal to safeguard this section of route had already diminished the value of land and property. Many believe that the effects of property blight are already being experienced outside the proposed safeguarded area and that this could have been avoided or mitigated if safeguarding had been deferred until the Government and HS2 Ltd had confirmed the preferred line of route following the earlier consultation on that matter.
- 6.1.9 Many respondents were concerned that the undecided status of the line of route between Fradley and Crewe, coupled with the assumed blighting effect of safeguarding, either would or already has created an unacceptable degree of stress and inconvenience for affected communities. As seen in the responses to Question 5, many people suggested that the assumed social impacts of safeguarding were not accounted for by HS2 Ltd and the Government when calculating the costs and benefits of the safeguarding proposals.
- 6.1.10 Other respondents elaborated on this idea by suggesting that landowners were being left in an “impossible position” by what was considered to be a premature decision to safeguard, because they could not know whether to proceed with plans to develop their land (on the basis that the line of route *would* in due course be amended) or if they should abandon such plans (because the route would be confirmed). There were similar suggestions that landowners and business owners would suffer financially

(because of the uncertain status of their land in respect of HS2 and safeguarding), until the Government made a decision on a preferred route and the safeguarded area was amended to accommodate any changes. There were related concerns that statutory blight arrangements may not apply to larger landowners, some of whom responded to this consultation, and that they would be particularly disadvantaged by this process.

7 Responses addressing Question 2

“What are your views on the content of the proposed safeguarding directions (Appendix A)? Please provide as much detail on your reasoning as possible.”

- 7.1.1 As with the Guidance for Local Planning Authorities (addressed in section 8), many respondents chose not to comment on the draft safeguarding directions on the basis that they applied primarily to the relationship between HS2 Ltd and Local Planning Authorities: “I believe that in the main this is a matter for the planning authorities.” Other respondents used this consultation question to provide feedback on the safeguarding proposals in general and on the HS2 project as a whole. Comments such as these are included in the preceding section of this report, which covers responses on the proposal to safeguard, or in the final section, which covers any other comments.
- 7.1.2 Several respondents offered positive feedback on the directions or expressed satisfaction that they were consistent with the approach applied to the safeguarding of Phase One of HS2. A joint response issued by Staffordshire County Council, Stafford Borough Council and Lichfield District Council was among those making that point, albeit with certain suggestions and caveats that are addressed later in this section.
- 7.1.3 One of the key issues addressed by respondents in regards to the draft safeguarding directions was the perceived need for a termination or review point at a set time in the future. It was requested that at this review point the Government or HS2 Ltd would be obliged to formally renew the safeguarding directions or, if no longer required because the line of route or scope of the HS2 project had changed, to terminate them. Some respondents suggested that this date should be set at three years after the introduction of safeguarding directions. Others, including Jeremy Lefroy MP, suggested five years. The requirement for periodic reviews was considered to be important by many respondents because of the expected need to amend the Fradley-Crewe line of route throughout the ongoing route selection and design process. Other respondents, however, expressed concerns that an iterative or “drip feed” approach to renewing the safeguarding directions would cause stress and inconvenience to local communities because of the uncertainty over how they may be affected in the future.
- 7.1.4 Some respondents expressed concern that the safeguarding directions would undermine the powers of the Local Planning Authorities that would have to refer planning applications to HS2 Ltd. Some stated that HS2 Ltd would be inclined to reject all planning applications within the safeguarded area, and others that HS2 Ltd lacked the local knowledge to assess those applications properly or sympathetically. There was also concern that HS2 Ltd’s role in the application process should not be the cause of delays. One respondent stated:
- “every endeavour should be made to ensure that DfT/HS2 Ltd, takes into account the prevailing strategy of the LPA’s and has resources in place to make timely and fair decisions.”*

- 7.1.5 Other respondents made similar points and suggested that the directions should make HS2 Ltd or the Government liable for any costs related to the delayed resolution of planning applications, or of planning applications that are rejected by HS2 Ltd but later allowed because, for example, the line of route subsequently changes.
- 7.1.6 The notion that safeguarding was being undertaken prematurely was repeated in responses to Question 2. Certain individuals and organisations put forward the view that until HS2 Ltd or the Government had announced a confirmed line of route, then HS2 Ltd lacked the authority (some cited a legal authority; others a moral one) to determine planning applications in the area.
- 7.1.7 The directions also specify certain types of planning application that would be exempt from safeguarding, and several respondents made suggestions on that subject. The NFU was in general agreement with the specified exemptions, but felt that it was appropriate to amend one of the stated exemptions covering any construction of development "below existing ground level". They felt that this was unrealistic on the basis that most or all development requires some form of foundation work, and suggested that the relevant section of the directions be amended to: "All development where the foundations for a new property are to be no deeper than 3m below existing ground level."
- 7.1.8 The Highways Agency also suggested that works they undertake within the highways boundary are "generally exempt from the requirement for planning permission by virtue of the GPDO [General Permitted Development Order]" and expressed a willingness to work with HS2 Ltd to ensure mutual interests in the safeguarded area are protected.
- 7.1.9 Crewe Town Council explained that operational development by Network Rail would not be subject to planning control by Local Planning Authorities and urged HS2 Ltd to consider the significance of this in light of any plan to develop the Fradley to Crewe safeguarded area further into Crewe.
- 7.1.10 Other organisations or individual landowners suggested areas within the safeguarded area that they wished to be treated as exempt. One such organisation is Freightliner, which operates a freight centre at Basford Yard that is affected by the safeguarding proposals.
- 7.1.11 In the combined Staffordshire Local Authorities response referred to earlier in this section, a number of technical points were raised concerning the safeguarding directions. It was suggested that the proposed directions do not refer to Local Plans for minerals and waste development, and that one potential site - at Netherset Hey - is within the draft safeguarded area. The same respondent also pointed out that Staffordshire County Council has particular responsibilities for 'County Matter' development control and should have been named alongside local planning authorities (typically district or borough councils) as a consultee on the directions.

8 Responses addressing Question 3

“What are your views on the content of the guidance for local planning authorities on the directions (Appendix B)? Please provide as much detail on your reasoning as possible.”

- 8.1.1 There were relatively few comments directly addressing the contents of the draft guidance for Local Planning Authorities. These were published alongside draft directions as part of the safeguarding consultation and provide detail on how HS2 Ltd proposes to work with local authorities to administer safeguarding. Owing to the close relationship between the directions and the guidance document, some respondents tended to address both documents in roughly the same terms. For example, some responses to Question 2 referred to aspects of the guidance document and some responses to Question 3 referred to the directions. An attempt has been made, wherever possible, to separate and present issues from responses in the most relevant section of this report.
- 8.1.2 As with the directions, some respondents expressed approval or support for the guidance document. Newcastle-under-Lyme Borough Council, for example, described it as “generally clear and logically structured” while Warrington Borough Council suggested that the guidance would “enable the directions to be undertaken in an appropriate, timely manner”.
- 8.1.3 Some respondents chose not to comment on the guidance notes. Not everyone who chose not to comment offered an explanation, but some indicated that it was appropriate to leave this matter for local authorities to address. Some respondents also expressed concern or frustration that the guidance document was written in technical terms that made it difficult for them to understand it and respond.
- 8.1.4 Several respondents requested that the guidance document should be as clear as possible about the criteria that HS2 Ltd would use to determine the impact of planning applications in the safeguarded area, so that the process as a whole could be made quicker and cheaper for applicants. One respondent suggested that Local Planning Authorities should be issued with “a schedule and specification” of these requirements if safeguarding directions were to be confirmed. Another suggestion was that HS2 Ltd should be as clear as possible on its own design criteria and methods so that planning applications could be prepared in advance to accommodate them.
- 8.1.5 The Inland Waterways Association (IWA) responded to Question 3 of the consultation by asking what would happen if, for example, land within the proposed safeguarded area had already been reserved by a local authority for the restoration of a canal. Specifically, it asked: “What safeguarding or guarantees is the Secretary of State offering to protect such prior reservations?”
- 8.1.6 The IWA was among several other respondents who drew attention to what they believed to be an inconsistency between the guidance document and other parts of the safeguarding proposal. The guidance refers to a “route consideration process” that was informed by responses to the Phase Two line of route consultation and this,

to some respondents, suggested that decisions on the line of route had been internally made by HS2 Ltd but not yet publicly revealed. In raising this point, some respondents stated that either the guidance document was incorrect - for suggesting route decisions had been made - or that other parts of the consultation material were wrong in stating that those decisions had not yet been made. As with responses to other consultation questions, there were various suggestions that until the Phase Two line of route had been publically announced then the guidance document and any other part of the safeguarding proposals were premature.

9 Responses addressing Question 4

“What are your views on the proposed approach to determining what land is to be safeguarded? Please provide as much detail on your reasoning as possible.”

- 9.1.1 Most respondents chose to address this question and did so in a number of different ways. Some addressed it in terms of the general principle of safeguarding and whether it was appropriate for HS2 Ltd to do so at this stage in the development of the Fradley to Crewe section of route. Others discussed HS2 Ltd’s proposal to safeguard a normally standardised corridor of 60m either side of an anticipated centre line of the railway. Some respondents discussed features of the railway – for example, construction sites or maintenance depots – that might (and, according to some, should) have been included in the safeguarding maps.
- 9.1.2 Several properties or land holdings that are included in the safeguarded area were also highlighted by certain respondents, who in some cases asked for the plans to be amended so that perceived impacts on those areas would be removed or mitigated. It was not always clear with comments such as these whether the objection referred to HS2 Ltd’s approach to selecting an area for safeguarding or with the route selection process that underpinned it. In some responses this distinction was clearer, and it was common under those circumstances for responses to Question 4 to suggest specific amendments to the line of route, or to take issue with HS2 Ltd’s route selection criteria and process. Some respondents asked that the safeguarded area be kept to the minimum possible size, while others suggested making it considerably wider. Those arguments are discussed later in this section of the report.
- 9.1.3 Some respondents expressed approval for the general approach taken to determining the land that would be included in the draft safeguarded area. Warrington Borough Council, for example, described it as “sound and considered”. Others remarked that it was consistent with the approach taken for Phase One of HS2.
- 9.1.4 Certain respondents suggested reasons why the approach to determining safeguarded land was inappropriate or flawed. For example, some described the approach of applying a uniform distance from a centre line as “arbitrary” and suggested that it ignored factors such as property blight or the additional land that might be required to build the railway in cuttings or tunnels. Some gave particular examples along the safeguarded corridor related to their individual circumstances and experience.
- 9.1.5 Several respondents were concerned that the safeguarded area did not identify land required for the assumed construction sites associated with HS2, including access roads or maintenance depots.

- 9.1.6 It was suggested that this made it difficult for respondents to assess the safeguarding proposals as a whole and, according to at least one respondent, that it:
- "increases the level of uncertainty and endangers/compromises any business or development proposals that may be intended for land just outside the Safeguarded area."*
- 9.1.7 On a related note, it was common for responses to Question 4 to ask how the approach to determining safeguarded land could be meaningfully assessed by consultees in the absence of a confirmed line of route. In one respondent's words: "It would be more advantageous to have better knowledge and understanding of the route before being asked to comment on it." Jeremy Lefroy MP was among respondents making similar points about the relationship between the safeguarded area and the undecided line of route. He also added: "It is certainly possible that HS2 will be taking a different route through my constituency thus calling into question the purpose of this consultation."
- 9.1.8 A common theme in responses to Question 4 was the suggestion that more land than is shown on the draft maps would eventually be required between Fradley and Crewe, either for safeguarding purposes or to be permanently occupied by the railway and associated infrastructure. To illustrate their point, many respondents drew comparisons with Phase One of HS2 where they claimed that the environmental impacts described in recent maps or the updated safeguarded area were greater than the initial safeguarding maps appeared to demonstrate. For example, the NFU stated:
- "Landowners and farmers on Phase One were and continue to be shocked by the amount of land to be taken for the construction when viewing the maps within the draft environmental statement and the final environmental statement."*
- 9.1.9 Several respondents also cited the example of the 'Connection with Phase One at Fradley' map produced for this consultation, which depicts a uniform draft safeguarded area for Phase Two joining with a wider and more complex equivalent for Phase One. Kings Bromley Parish Council, among other respondents, used this example to argue that until the route and its associated construction impacts had been decided and announced, it would be difficult to fully assess this safeguarded area.
- 9.1.10 Different respondents mentioned specific locations in their responses to Question 4, in some instances to request amendments or exemptions to the directions. Stoke City Council's response claimed that the maps produced by HS2 Ltd to explain its approach to safeguarding were flawed because they "grossly misrepresent and understate the totality of works" that would be required to construct a hub station in Crewe. Also in the Crewe area, the Rail Freight Group drew attention to the potential impacts of safeguarding on freight facilities at Basford Hall, which were described as being of "critical importance" to the company that operates them and to rail freight services in general. The representative body asked for clarification of how this section of the safeguarded area would eventually be used by HS2 Ltd. Another response detailed

the potential impact of safeguarding on land at Basford West that is intended for significant development by a commercial and industrial property group.

- 9.1.11 Another property group drew attention to plans that fall within Stafford Borough Council's *The Plan for Stafford Borough*, which would use land within the draft safeguarded area near Beaconside for residential development. They asked that the decision to finalise the safeguarded area should not be taken until their own and Stafford Borough's plans had been considered.
- 9.1.12 There were differing views on whether the safeguarded area was generally too wide or too narrow. For example, the NFU was typical of various other respondents who requested that the area be kept to the "bare minimum" of land required. Some respondents suggested that this would reduce the effects of property blight by minimising the number of properties within a zone that was perceived to be negatively impacted by the route. Others took a different approach and suggested that the zone should be extended so that more property owners could make use of the statutory blight provisions that are brought into effect by safeguarding. Of the respondents who made this point, some - like the Marston Against HS2 Action Group - suggested that the safeguarded area should occupy a corridor of 1km either side of the centre of the proposed railway.
- 9.1.13 Certain respondents took the view that it was inappropriate to safeguard only this section of Phase Two. Stoke City Council, for example, suggested that its own preferred route option connecting Stoke to a high speed rail network should also be safeguarded. Other respondents favoured safeguarding the rest of the proposed Phase Two network or, like Stoke City Council's suggestion, felt that other available route options should also be safeguarded.
- 9.1.14 In some instances it was clear that the suggestion to safeguard other route options was linked to the respondent's opinion that the proposed line of route is inappropriate. Many respondents referred to "HSM03" (HS2 Ltd's reference for a previously considered section of the Phase Two western leg) as a superior route option and called for it to be instated and safeguarded.

10 Responses addressing Question 5

“What are your views on the draft Impact Assessment (Appendix C)? Please provide as much detail on your reasoning as possible.”

- 10.1.1 There were a range of comments addressing the draft Impact Assessment that accompanied the consultation document. Some respondents engaged closely with the detail contained in the assessment and others addressed it in terms of costs and benefits that they perceived to be missing from the document. Comments were not always limited to the economic impact of safeguarding itself but sometimes expressed opinions on the costs and benefits of the entire HS2 project as well.
- 10.1.2 Most respondents who took part in the consultation chose to answer Question 5 and although it was more common for people to criticise or question aspects of the Assessment, there was also some positive feedback. Cheshire East Council, for example, broadly agreed with the assumptions regarding time and cost impacts in the assessment, and listed certain benefits, including compulsory purchase compensation for qualifying landowners, that they were “pleased to see” contained within the document.
- 10.1.3 Other respondents took issue with some of the assumptions within the document, and often argued that they did not fully reflect the impacts of the proposals on the largely rural communities affected by safeguarding. For example, it was suggested that the assessment does not take account of the costs to landowners of legal and valuation fees that are being incurred when banks and lending institutions question the security value associated with land inside the safeguarded area. It was implied that the need for such fees was attributable to the blighting effect of the safeguarded area and, on that basis, should be included in the impact assessment.
- 10.1.4 There was a separate suggestion that the impact assessment had arbitrarily assumed a number of future planning applications within the safeguarded area that was 50% lower than indicated by planning statistics produced by the Department for Communities and Local Government.
- 10.1.5 One of the assumed benefits of safeguarding, as described within the Impact Assessment, is that it would protect landowners from investing resources in planning applications that HS2 Ltd would need to reject in order to protect its own plans. There was a suggestion within consultation responses that this assumption is flawed because planning applications, if given consent, may have increased the value of the land concerned; but the loss of that potential source of income to landowners is not included in the assessment alongside the hypothetical saving linked to not having to prepare planning applications in the first place.
- 10.1.6 There was further criticism of another assumption with the impact assessment: that the costs to HS2 Ltd of buying properties within the safeguarded area under compulsory purchase terms would be spread over a five-year period from 2015 to 2020. It was considered unrealistic by some respondents that landowners would wait for five years before serving a blight notice. There was a suggestion that the impact

assessment should assume all of these property acquisitions would take place within the first year of safeguarding.

- 10.1.7 The Stop HS2 Action Group was among other respondents suggesting that the effects of safeguarding on businesses and individuals had not been fully considered and that the impact assessment took too narrow a view on costs and benefits. In their view, there are costs that are “directly attributable to safeguarding” that, if included in the analysis, would present a “significantly worse” economic impact assessment than is currently the case. They also made a connection between these perceived impacts and the wording of the safeguarding directions by suggesting that, since those directions have no fixed time limit, the assumed costs to affected communities and businesses would be ongoing.
- 10.1.8 The CLA echoed some of these sentiments when arguing that “there are unaccounted costs to land and property owners by not being able to expand and develop their businesses in the short term”.
- 10.1.9 Several respondents considered the impact assessment in the light of possible plans to accelerate by six years the design and construction of a high-speed route to Crewe. The Ingestre and Tixall Against HS2 Action Group, for example, argued that the impact assessment should acknowledge the broader cost implications to the business case for HS2 of bringing forward the construction of this section of the railway. This, they stated “will have major consequences for the financing of the project and hence Government’s borrowing needs”. Sir William Cash MP had a similar concern when suggesting that the impact assessment “takes no account of the disturbance during the immediate construction stage starting soon”, having first made the argument that by bringing forward the Crewe plans by six years the safeguarding proposals generally lack the detail required for proper scrutiny.
- 10.1.10 One of the most prevalent points made in response to this question was that the impact assessment should include the costs to HS2 Ltd and the Government of buying properties in and around the safeguarded area through discretionary compensation schemes. As will be described in the next section of this report, respondents made a range of suggestions concerning the possible formats of those discretionary compensation schemes. As a general principle though, many respondents argued that the introduction of safeguarding should be predicated on the introduction of discretionary compensation schemes to help communities potentially affected by blight and other factors. Several respondents concluded that “the impact on the Government’s costs of additional property purchases... needs to be assessed and added to the impact assessment”.
- 10.1.11 The IWA suggested in their response that the impact assessment should have included a third scenario (alongside an option not to safeguard at all and another to safeguard as planned) in which safeguarding was deferred until after the Government has provided “a substantive response to the Phase Two route Consultation concluded at the end of January 2014”. This, they argued, would give all concerned more certainty on the impacts of the scheme, and on that basis should have been considered in the impact assessment. Other respondents made similar points and, as

with other consultation questions, referred to the absence of a defined line of route between Fradley and Crewe.

- 10.1.12 Some respondents used their response to Question 5 to express concerns over financial costs to the country, either of safeguarding itself or of the HS2 scheme as a whole. Others suggested that the impact assessment should be subject to independent scrutiny or, indeed, be independently produced.
- 10.1.13 The perceived social impacts of safeguarding were addressed by respondents, with some taking the view that they should also be factored into the Government's assessment. Some people referred to the impacts on rural communities of constructing the railway, including the presumed presence of construction crews over a long period. Others mentioned the stress and inconvenience of living within a safeguarded area, or mentioned environmental concerns related to HS2.

11 Other issues raised in response to the consultation

- 11.1.1 It was common for respondents to raise issues that did not address the immediate scope of the consultation questions. This section of the report illustrates some of the more prevalent of these issues.
- 11.1.2 Compensation was very important to many respondents. Their comments included questions or suggestions about the acquisition process related to statutory compensation. Some, for example, requested that HS2 Ltd and the Government make this process as simple as possible for those wishing to use it.
- 11.1.3 Many respondents made comments about the need for discretionary compensation arrangements inside and beyond the proposed safeguarded area. As set out in the preceding section of this report, it was common for respondents to argue that it would be inappropriate to issue safeguarding directions until those discretionary arrangements had been agreed and put into practice.
- 11.1.4 As well as suggesting reforms to the compulsory purchase arrangements that would apply to HS2, the CLA presented the case for its own type of property bond scheme that, in its view, would be an appropriate method for supporting the land and property market around HS2. The organisation provided considerable detail on how such a scheme could operate.
- 11.1.5 The Ingestre and Tixall Against HS2 Action Group was one of several respondents to state an expectation that discretionary compensation for Phase Two of HS2 would resemble the proposals recently consulted upon (and subsequently confirmed by the Government) for Phase One. The action group also stressed their view that the "Need to Sell" scheme, which is included in the Phase One package of compensation options, should be "applied immediately" to Phase Two.
- 11.1.6 One form of discretionary compensation already available to Phase Two residents is the Exceptional Hardship Scheme (EHS) and this was the subject of some attention in responses to the consultation. In particular, some people raised the issue of revised guidance about the EHS that was published during the consultation period for safeguarding, and was perceived by some to have undermined what they felt to be a previous commitment to consult on further discretionary compensation schemes once safeguarding came into effect. Sir William Cash MP was among those respondents who were concerned by the apparent unlinking of discretionary compensation arrangements from safeguarding, and asked for clarification on behalf of his constituents.
- 11.1.7 In support of their arguments in favour of compensation arrangements for the safeguarded area (and beyond), several respondents described the current or anticipated level of property blight (as manifested by reduced values on the open market) affecting their land or property. Others outlined the operational impacts that

safeguarding or the construction of the railway would or could have on businesses such as farms that they manage.

- 11.1.8 Another common theme within responses was a criticism or questioning of HS2 Ltd's route selection processes. Stoke City Council expressed concern that the option of directing a high-speed railway through Stoke had not been properly considered at the point when the safeguarding consultation had been launched. Several other respondents described their preference for the "HSM03" route option, which was the name given by HS2 Ltd to one of several potential route options that was considered but not pursued earlier in the development of Phase Two. It was suggested that one of the reasons for dismissing this route option – a potential impact on the Pasturefields Salt Marsh Special Area of Conservation – could be mitigated or avoided, and that recent ecological surveys suggested that the current preferred route would affect a different rare inland salt marsh near Ingestre. Other ecological concerns were cited by respondents to explain their disapproval for the proposed route and for the route selection process that preceded it.
- 11.1.9 The consultation process itself was raised by various respondents. As has been mentioned elsewhere in this report, some objected to the launching of one consultation exercise when another related consultation, on the preferred line of route for Phase Two, remained unresolved. This caused some respondents to question the overall validity of the safeguarding consultation.
- 11.1.10 Other respondents questioned the length of the consultation process and the decision to run it during the Christmas and New Year period. Some referred to the inconvenience that was caused by having to digest and respond to complex information in this way. In some instances, respondents found part or all of the safeguarding proposals to be too difficult to fully understand, and suggested that this may have been deliberate on the part of HS2 Ltd and the Government.
- 11.1.11 There were occasional references to assumed mistakes in consultation documents, including the omission of Staffordshire County Council on a list of required consultees, and the inclusion of "[insert date]" boxes in the guidance document for Local Planning Authorities. Other respondents drew attention to an apparent mistake in the 'Connection to Phase One at Fradley' safeguarding map, which in their view depicted an outdated Phase One route alignment.

Appendix A: responses broken down by respondent type

There were 107 responses to this consultation and, of those, 29 were categorised as belonging to one of four different respondent types: local authorities; elected officials; action groups; and representative groups, which included national organisations with responsibilities for utilities and assets.

The remaining 78 responses were categorised as 'other respondents' and consisted of individual landowners and members of the public; small and large businesses; and other types of respondents who had requested confidentiality.

Every effort has been taken to ensure the accuracy and consistency of these categories, but it is important to note that respondent type had no bearing on the type of analysis a response received in order to produce this report. All responses were analysed in the same way, with no weighting given to one type of response over another, and this categorisation of respondents was carried out separately to the coding of issues within responses.

Table A: responses broken down by respondent type

Respondent type	Total
Local authorities	13
Stoke-on-Trent City Council	
Warrington Borough Council	
Newcastle Under Lyme Borough Council	
Staffordshire County Council; Stafford Borough Council; Lichfield District Council (combined response)	
Ingestre with Tixall Parish Council	
Kings Bromley Parish Council	
Hough and Charlton Parish Council	
Hough and Charlton Parish Council (two separate responses were submitted under this name)	
Cheshire East Council	
Doddington and District Parish Council	
Armitage with Handsacre Parish Council	
Crewe Town Council	
Weston and Basford Parish Council	
Elected officials	2
Sir William Cash MP	
Jeremy Lefroy MP	

Phase Two (Fradley to Crewe) Safeguarding Consultation Summary Report | Appendix A: responses broken down by respondent type

Action groups	4
Stop HS2	
Marston Against HS2	
Ingestre and Tixall Against HS2 Action Group	
Kings Bromley Action Group	
Representative bodies	10
NFU	
Combined Handicapped and Disabled Society	
Rail Freight Group	
United Utilities	
Highways Agency	
Inland Waterways Association	
National Council on Inland Transport	
CLA	
Council of Mortgage Lenders	
Forestry Commission	
Other Respondents	78
Total	107

Appendix B: Coding framework

A coding framework was developed as a way of identifying and categorising the various different issues raised in responses to the consultation. A coding framework such as this helps the writers of a summary report to organise and logically present issues in a way that will be most useful to readers.

The names of some of the codes in this framework have been amended slightly from their original format in our analysis database to make them more easily understandable in this context.

Themes:

CO	Consultation
R	References
L	Location
Q1	Question 1
Q2	Question 2
Q3	Question 3
Q4	Question 4
Q5	Question 5
SG	Safeguarding general
WI	Wider issues

Codes:

CO- document reference
CO- documents
CO- information
CO- process
CO- timing
CO- criticism/invalid
CO- further consultation required
R- reference to Phase One petitioning process
R- request for info
R- attachments
R- request for engagement/meetings
R- land ownership info

L- Bar Hill
L- Basford
L- Beaconside
L- Bentley Farm
L- Blithbury
L- Chorlton
L- Crewe hub station
L- Doddington
L- Fradley
L- Greater Stoke
L- Hill Ridware
L- Hollyhurst Farm
L- Hoo Mill Lane
L- Hopton
L - Hough
L- Ingestre
L- Lion Lodge, Ingestre
L- Madeley Fault
L- Marston
L- mineral extraction at Netherset Hey
L- Newcastle-under-Lyme
L- Pasturefields
L- Pipe Ridware
L- Plan for Stafford Borough
L- Riley Hill
L- Woodhouse Farm
L- Wychwood
L- M6 nr Swynnerton
Q1- Proposal- agree
Q1- Proposal- agree with caveats
Q1- Proposal- amend safeguarding- specific area

Phase Two (Fradley to Crewe) Safeguarding Consultation Summary Report | Appendix B: Coding framework

Q1- Proposal- different processes to Phase One
Q1- Proposal- disagree
Q1- Proposal- HS2 has power to change safeguarding according to its own interests
Q1- Proposal- no decision on Phase Two route yet
Q1- Proposal- premature
Q1- Proposal- query section to be safeguarded ('why Crewe to Fradley?')
Q1- Proposal- safeguarding only helps HS2 Ltd
Q1- Proposal- safeguarding helps developers and landowners
Q1- Proposal- inconsistency with Phase One safeguarding 'decision document'
Q1- Proposal- amend safeguarding- too arbitrary/not precise enough
Q2- agree
Q2- agree with caveats
Q2- commencement
Q2- disagree
Q2- exemptions
Q2- removal of LPA powers
Q2- zone
Q2- 3-5 year termination/review date
Q2- add Staffordshire to list of consultees
Q2- directions should clarify status of line of route
Q2- directions should have termination date
Q2- Government should pay costs incurred if/when safeguarding changes to remove land previously refused planning permission
Q2- Minerals and Waste or County matter
Q3- processing
Q3- applicants should not incur costs if LPAs are challenged for not following HS2 Ltd's recommendations
Q3- blight notices
Q3- burden on LPAs
Q3- extant planning applications
Q3- guidance appropriate
Q3- guidance not appropriate

Q3- impact on local development
Q3- pending planning applications
Q3- planning and local charge registers
Q3- directions will result in refusal of all planning applications
Q3- guidance should clarify status of line of route
Q3- HS2 Ltd must engage with planning applicants to help process
Q3- local plans
Q3- specification of what HS2 will require to determine impacts of planning applications
Q4- approach- standardised approach
Q4- approach correct
Q4- approach correct, with caveats
Q4- approach motivated by cost savings
Q4- approach not correct
Q4- bored tunnels
Q4- construction impacts/requirements not accounted for
Q4- cuttings and embankments
Q4- depots
Q4- eventual land take may/will be greater than shown on plans
Q4- highway crossings, access and other works
Q4- maintenance loops
Q4- Map/Note SG-02-001. Connection with Phase One at Fradley
Q4- Map/Note SG-02-002. Kings Bromley and Pipe Ridware
Q4- Map/Note SG-02-003. Blithbury
Q4- Map/Note SG-02-004. Colton and Stockwell Heath
Q4- Map/Note SG-02-005. Great Haywood
Q4- Map/Note SG-02-006. Ingestre
Q4- Map/Note SG-02-007. Hopton and Staffordshire County Showground
Q4- Map/Note SG-02-008. Marston and Yarlet
Q4- Map/Note SG-02-009. Pirehill
Q4- Map/Note SG-02-010. Yarnfield Lane and M6 Crossing
Q4- Map/Note SG-02-011. Swynnerton
Q4- Map/Note SG-02-012. Swynnerton to Whitmore

Phase Two (Fradley to Crewe) Safeguarding Consultation Summary Report | Appendix B: Coding framework

Q4- Map/Note SG-02-013. Whitmore to Baldwin's Gate
Q4- Map/Note SG-02-014. Madeley
Q4- Map/Note SG-02-015. North of Madeley
Q4- Map/Note SG-02-016. Hough and Chorlton
Q4- Map/Note SG-02-017. Weston and Basford
Q4- maps misrepresent the impact of Crewe hub station
Q4- maps/explanatory notes - general
Q4- mineral safeguarding area
Q4- Minerals Local Plan
Q4- running parallel to existing rail lines
Q4- cannot accurately be assessed without definite route
Q4- Map 001 does not show changes to Phase One
Q4- uncertainty over eventual land take causes stress/uncertainty
Q5 IA- deliberately misleading
Q5 IA- alternatives
Q5 IA- appropriate
Q5 IA- appropriate with caveats
Q5 IA- benefits of safeguarding to landowners should be removed from IA
Q5 IA- can't say at this stage
Q5 IA- criticism
Q5 IA- excludes or underestimates cost
Q5 IA- false assumption that acquisitions in safeguarded area will be spread over 5 years
Q5 IA- ignores cost implications of Crewe acceleration
Q5 IA- ignores financial impacts on rural areas
Q5 IA- ignores impact on land values
Q5 IA- ignores impact on rail freight sector
Q5 IA- ignores impacts on large land owners
Q5 IA- ignores operational impacts
Q5 IA- ignores social impacts
Q5 IA- should include costs incurred by businesses
Q5 IA- should include third option based on delaying until after route announcement
Q5 IA- not appropriate

Q5 IA- not independent
Q5 IA- one off acquisition costs will be lost if safeguarded area changes
Q5 IA- should include costs of compensation
Q5 IA- too narrow
Q5 IA- unclear
Q5 IA- underestimates assumed level of planning applications
Q5 IA- based entirely on costs and benefits to HS2 Ltd
SG- blight
SG- compensation
SG- compensation should be in place when safeguarding starts
SG- development
SG- expand
SG- HS2 Ltd has no legal powers to safeguard
SG- LPAs not bound by HS2 Ltd's recommendations
SG- maps
SG- principle
SG- reduce
SG- stress/inconvenience
SG- unfair
SG- bare minimum of land
SG- compensation - amended EHS guidance
SG- Crewe route has not been consulted on
SG- extend to 1km corridor
SG- future amendments: criticism
SG- Government should accept liability for costs associated with refused/delayed planning applications
SG- HS2 commissioned Network Rail to look at Crewe option only
SG- HS2 must be properly resourced to administer safeguarding directions
SG- HS2 should be obliged to engage with landowners
SG- impact on particular property/land
SG- loss of freedoms for land/property owners
SG- LPA should have to consult HS2 Ltd on previously consented planning applications in safeguarded area
SG- predetermination
SG- safeguarding may prevent future route refinements

Phase Two (Fradley to Crewe) Safeguarding Consultation Summary Report | Appendix B: Coding framework

SG- proposals should be independently assessed/approved by Parliament
SG- protect rights of landowners
SG- provision for sub-surface safeguarding
SG- reference to Phase One safeguarding
SG- regular updates required
SG- rest of the route should be safeguarded
SG- route to Stoke should be safeguarded
SG- should be delayed until after route announcement
SG- uncertainty of route inhibits development/puts landowners in impossible position
WI- access rights
WI- acquisition process
WI- communications
WI- compensation for Phase Two should match Phase One
WI- construction/disruption
WI- disruption
WI- engineering
WI- environmental impacts
WI- general objections/challenges to case for HS2
WI- Higgins report re: Phase Two consultation
WI- impact on agriculture
WI- impact on industry
WI- impact on transport infrastructure
WI- line of route
WI- line of route: prefer HSM03
WI- Phase One realignments will affect Phase Two safeguarding
WI- route selection process