



Department
for Transport

Reducing Safeguarding Directions for the HS1 Network

July 2017

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General email enquiries <https://www.dft.gov.uk/about/contact/form/>

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Foreword

The High Speed 1 (HS1) network was granted consent under the Channel Tunnel Rail Link Act 1996 allowing a high speed rail link between London and the Channel Tunnel.

The Secretary of State for Transport (SoS) is the freeholder of the HS1 network.

The HS1 network was constructed in two phases with the first section opening in 2003, linking north Kent and London Waterloo with the Channel Tunnel. The second section linking St Pancras International, Ebbsfleet International and Stratford International stations opened in 2007.

The route is now fully operational. HS1 Limited holds the concession from the SoS to operate, manage and maintain the high speed railway infrastructure until December 2040. As part of its role, HS1 Ltd acts as the intermediary between the Department for Transport (DfT) and the many stakeholders involved in running such an important network. Consequently, HS1 Ltd has the responsibility to liaise frequently with DfT so that the best decisions can be made about maintaining this high quality asset.

Executive summary

HS1 has been in full operation since 2007. Safeguarding directions were originally issued in 1990, 1994 and updated in 1996, and have been in existence unchanged ever since.

The current safeguarding directions were set under the Town & Country Planning (General Development Procedure) Order 1995. They permit the Secretary of State to direct local planning authorities to protect land from development that would prevent long term infrastructure projects from being built or make them more expensive. Safeguarding does not necessarily prevent developments taking place: it ensures that when they are built the design can accommodate the addition of proposed infrastructure

To ensure long term infrastructure projects are protected local planning authorities must conduct additional consultations of planning applications in areas of importance. In this case, the responsibilities cover areas close to the HS1 network as envisaged in 1996. The directions cover not only land which was considered necessary to accommodate the physical infrastructure, but also land required for construction.

Local planning authorities must consult with HS1 Ltd. HS1 Ltd must ensure that any planning decisions involving land or property identified in the safeguarding directions do not affect the requirements of the network.

In the case of the HS1 network, safeguarded areas were required for the construction of the railway, as well as for access during the building phase. In the development and construction phases of HS1, safeguarding large parts of the network from London through Kent was important to the successful implementation of the scheme.

However, now that the line is in operation, not all of these areas are needed and can be revised and reduced. Although, due to the need to comment on, enforce any restrictions on inappropriate development, and protection of the line, some safeguarding along parts of the network is still required to be kept in place.

The existing Directions can be amended by the Secretary of State for Transport. In conjunction with HS1 Ltd, the DfT is investigating the areas that could warrant a revision and reduction of the safeguarding directions.

This consultation provides an opportunity for comments to be made on the proposed revisions to the safeguarding directions for the HS1 network.

The consultation period begins on **10 July 2017** and will run until the **13 August 2017**. Please ensure that your response reaches us by 5pm on the closing date. If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/dft#consultations>, or you can contact William Elliott if you need alternative formats (Braille etc).

Please send consultation responses to

William Elliott
Group Property
Group Commercial Services
5/28 Great Minster House
London
SW1P 4DR

hs1safeguarding.consultation@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

A list of those informally consulted is attached at Annex Z.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, 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 Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1. Introduction

...Background

What is happening?

HS1 Ltd operates and manages the HS1 network under a concession from government. HS1 Ltd has been reviewing the areas and boundaries subject to safeguarding and has made proposals to the DfT.

The DfT has reviewed these recommendations for changes to the existing safeguarding areas along the HS1 network.

The current safeguarding runs along the whole of the network and represents the outer extent of land required for the construction and operation of the line as authorised by the Channel Tunnel Rail Link Act 1996.

Now that the network is fully operational, HS1 Ltd has proposed that the safeguarding boundaries no longer need to be so extensive. Therefore, it is proposed that the safeguarding boundary is reduced as set out in the consultation plans.

Maps showing the reduced safeguarding boundary can be found on the consultation website.

Why is the Department for Transport consulting?

This consultation is concerned with the areas where changes to safeguarding may take place. In light of HS1 Ltd's review, the proposed changes will mean that some areas and local authorities will no longer be affected by safeguarding directions.

HS1 Ltd have already undertaken some informal consultation with the local authorities which may be affected. This public consultation will not repeat this work. Rather, this consultation is an opportunity for those authorities who have already been informed of the proposals to make their comments publicly, as well as for other interested parties and stakeholders to have their views on the proposals to be fully considered.

This will allow for any changes prior to the final recommendations made to the Minister.

Purpose of the Consultation

About the consultation

DfT wishes to seek the views of local planning authorities, landowners, developers and other interested parties along the HS1 network who may be affected by the proposed changes.

All responses received within the consultation period will be incorporated into our consideration.

After the consultation period, a summary report will be made available to consultees, as well as on the DfT's website. The summary report will provide an analysis of responses received and the DfT's response.

Subject to the results of the consultation, we expect that the summary report will be issued within 3 months.

What is the consultation about?

We are consulting on the proposal to reduce some safeguarding areas.

The proposals are to;

- Reduce surface safeguarded areas by approximately 50%.
- Reduce safeguarding boundaries to those required to protect the operational HS1 network.
- Retain safeguarding in the areas as set out in the plans, including the land within the HS1 Ltd lease and incorporating where possible any HS1 rights.
- Remove all HS1 safeguarded areas from the following local authority areas;
 - Dover District Council
 - London Borough of Hammersmith and Fulham
 - Sevenoaks District Council
 - Thanet District Council.

We will consider all comments from local planning authorities and from organisations, businesses or individuals interested in the proposals and invite such stakeholders to respond directly to us in line with the details set out in this document.

Scope of the Review

The scope of the review included;

- Reviewing the safeguarding boundaries across the whole network
- Identifying areas most at risk if safeguarding is removed
- Reviewing the maintenance, safety and engineering requirements of tunnels and similar infrastructure in relation to safeguarding boundaries
- Considering the impact of safeguarding boundaries on recent developments along the line but especially at Kings Cross, St Pancras and Stratford.

What is out of scope;

- Repealing the whole of safeguarding
- Safeguarding new areas of land that are not part of the HS1 lease

The Consultation Process

Consultation Dates

The consultation will open on 10 July 2017 and close on the 13 August 2017.

Who is being consulted?

DfT is interested to hear from local planning authorities about the proposal to issue revised Directions, as well as from any interested organisations and members of the public.

How to Respond

There is a dedicated website for this consultation at <https://www.gov.uk/dft#consultations>. All of the information is available on the website together with the online consultation response form.

Can I contact HS1 Ltd about the plans?

No, the final decision is made by the Secretary of State for Transport. The public consultation is being run by the DfT and as such all further

questions and responses to this document must be sent to the DfT inbox.

If you wish to receive further details about this workshop please email Hs1safeguarding.Consultation@dft.gsi.gov.uk

Next Steps

A summary of responses, including the next steps, will be published within three months of the consultation closing on <https://www.gov.uk/dft#consultations>.

Paper copies will be available on request.

2. Legal & Procedural Basis

Subject to the outcome of the consultation, a Direction will be issued by the Secretary of State for Transport to local planning authorities.

The legislative basis for the issue of the Directions, these will be under powers conferred by articles 16(4) 25(1) and 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

The proposed Direction would not apply nationally; it would only apply to those areas specified within the Direction.

3. Frequently Asked Questions

How does safeguarding work?

Safeguarding is land that is identified as being either needed for a major infrastructure project and in the case of the HS1 network is land that was required for construction or protection of High Speed Rail Infrastructure.

The purpose of safeguarding directions is that before the grant of planning permission, the local planning authority must consult HS1. The local planning authority must not grant planning permission on the application, or authorise the carrying out of development, unless it is to give effect to the recommendation of HS1 or provide the Secretary of State with certain material as specified in the directions.

I own property within the safeguarded area. How will I be affected?

If you own a property, or land, within the current safeguarded area, you will already be subject to the safeguarding directions. Therefore, the local planning authority is under an obligation to consult with the infrastructure authority (HS1 Ltd) before granting consent to any planning application you may make.

In many cases, there will be no change to property owners. Where it is deemed possible to revise and reduce safeguarding, and your property is removed from the safeguarded area, then the safeguarding directions will be revised to show the land that is affected. If your property or land is part of the area removed from the safeguarding directions, then the local planning authority will no longer be required to consult with HS1 Ltd for any planning application that may be made.

No new third party land or property has been added to the safeguarding direction.

Can I appeal against my property being safeguarded?

No. The safeguarding directions are an instruction to the local planning authority to consult HS1 Ltd and does not directly confer any decision making power. If a planning application is made and consent is refused or restricted by conditions for the protection of the HS1 network, then the applicant can appeal the decision to the Planning Inspectorate.

Will safeguarding ever be entirely removed?

Safeguarding directions are kept under review. Safeguarding is a useful tool to ensure that the railway is protected from adjacent development, and so any future changes will be made primarily on this basis.

Does safeguarding mean that there are further construction projects for the network?

No, there are currently no further major construction plans in respect of the HS1 network. Safeguarding directions do not authorise the compulsory acquisition of land or the construction of works.

4. Consultation Proposals

If your property or land is no longer shown within the boundaries on a map on this website. Then the proposal is that, subject to the Secretary of State for Transport's agreement, the property or land will no longer be subject to safeguarding procedures. However, you are welcome to take part in this consultation.

If your property or land is included within the boundaries of the safeguarding maps on the consultation website, then subject to the Secretary of State for Transport's agreement, it is proposed that your property will continue to be within a safeguarded area.

Please respond online using the form provided. Alternatively, please complete the pro-forma and send it to the address below:

William Elliott
Group Property
Group Commercial Services
5/28 Great Minster House
London
SW1P 4DR

Annex Y Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Please do not send consultation responses to this address.

Annex Z List of those consulted

Local Authorities

Ashford Borough Council
Dartford Borough Council
Dover District Council
Essex County Council
Gravesham Borough Council
Kent County Council
London Borough of Barking and Dagenham
London Borough of Camden
London Borough of Hackney
London Borough of Hammersmith and Fulham
London Borough of Havering
London Borough of Islington
London Borough of Newham
London Borough of Waltham Forest
Maidstone Borough Council
Medway Council
Shepway District Council
Sevenoaks District Council
Thanet District Council
Thurrock Council
Tonbridge & Malling Borough Council

Other Public Bodies

Ebbsfleet Development Corporation
Environment Agency
Greater London Authority
London Legacy Development Corporation
Network Rail (including Network Rail High Speed)
Office of Rail and Road
Port of London Authority
Transport for London