

## HIGH SPEED TWO PHASE 2a INFORMATION PAPER

### C4: SAFEGUARDING AND STATUTORY BLIGHT

This paper outlines what safeguarding is, what its main effects are and how it has been implemented for the Proposed Scheme.

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 High Speed Rail (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

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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# C4: SAFEGUARDING AND STATUTORY BLIGHT

## 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 phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 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 July 2017, the Government introduced a hybrid Bill<sup>1</sup> to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a tunnel portal south of Crewe.
- 1.4. The work to produce the Bill includes an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs)<sup>2</sup>, which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 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 Proposed Scheme have been reached.

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

<sup>2</sup> For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

## 2. Overview

- 2.1. This information paper explains the safeguarding process which protects the land required for the Proposed Scheme from conflicting developments. It also briefly explains Statutory Blight and the Express Purchase scheme.

## 3. What is safeguarding?

- 3.1. Safeguarding is an established part of the planning system, designed to protect land which has been earmarked for a major infrastructure project 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 Proposed Scheme 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<sup>1</sup>.
- 3.5. As well as helping to protect the land needed to build and operate the Proposed Scheme, safeguarding also triggers 'Statutory Blight' (see section 5 below for more information on this).

## 4. Safeguarding and HS2

- 4.1. Following public consultation, the Government made safeguarding directions for the Proposed Scheme on 12 January 2016 and these were refreshed on 23 June 2020 in order to align the land shown on safeguarded plans with the land shown on the plans deposited with the Bill.
- 4.2. As with other major infrastructure projects such as HS2 Phase One and Crossrail, it is expected that the safeguarding boundaries will be subject to periodic review as the design of the Proposed Scheme evolves.

## 5. Safeguarding and statutory blight

- 5.1. As well as helping to protect the land needed to build and operate the Proposed Scheme, the safeguarding directions also trigger 'Statutory Blight' under Part 6 and Schedule 13 of the Town and Country Planning Act 1990. Subject to various conditions, a qualifying owner-occupier of a property lying within the surface

safeguarding limits is able to serve a Blight Notice, applying to the Government to purchase the property from him or her.

- 5.2. Qualifying owners include owners or leaseholders with 3 years lease unexpired at the date of service of the Blight Notice who are:
  - residential owner occupiers;
  - business owners-occupiers of premises with a rateable value less than £36,000; or
  - owner occupiers of an agricultural unit.
- 5.3. Under Statutory Blight, the applicant must demonstrate that he or she has been in occupation for 6 months and made reasonable but unsuccessful attempts to sell. On receipt of a Blight Notice the Secretary of State is entitled to serve a counter notice on various prescribed grounds, stating that the Secretary of State should not be required to purchase the property. In the case of the Proposed Scheme, these rules are relaxed by virtue of the Express Purchase scheme.
- 5.4. Express Purchase is a scheme under which the Secretary of State has streamlined the statutory blight notice procedure in respect of surface safeguarding. Express Purchase will not apply in relation to properties that are above bored tunnels or where only airspace above buildings is required for crane purposes.
- 5.5. Under Express Purchase, if more than 25% of the land or any part of the dwelling comprised in the property lies within surface safeguarding for the Proposed Scheme, a qualifying owner-occupier is not required to attempt to sell his or her property prior to serving a Blight Notice. In addition, the Secretary of State will not counter the Blight Notice on the ground that the Secretary of State does not require the property for the Proposed Scheme.
- 5.6. Where the Secretary of State purchases a property under Statutory Blight or Express Purchase, compensation is calculated in accordance with the Compensation Code. The price payable for the property is the unblighted market value. The Government will also pay the qualifying owner's reasonable moving and conveyancing costs, and any other reasonable costs that the qualifying owner incurs as a result of having to leave the property. Where the property is the qualifying owner's home, he or she will also be entitled to a statutory home loss payment of 10% of the open market value of the property (subject to a lower limit of £6,500 and an upper limit of £65,000). Where the property comprises business premises or an agricultural unit, the qualifying owner may also be entitled to the applicable statutory loss payment under sections 33A-C of the Land Compensation Act 1973.
- 5.7. HS2 Ltd has published an Online Guide to Statutory Blight and Express Purchase to assist potential applicants through the process. This is available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/898360/DIGITAL\\_CS\\_STATBLIGHT\\_GuidanceFAQs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/898360/DIGITAL_CS_STATBLIGHT_GuidanceFAQs.pdf)

## 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)

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