

## **ANNEX A**

### **TOWN AND COUNTRY PLANNING (SAFEGUARDING OF LAND AT ANNANDALE) (SCOTLAND) DIRECTION 2022**

The Scottish Ministers give the following Direction in exercise of the powers conferred by regulations 30, 31 and 32 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and all other powers enabling them to do so:

#### **Citation, Commencement and Interpretation**

(1) This Direction may be cited as The Town and Country Planning (Safeguarding of Land at Annandale) (Scotland) Direction 2022 and comes into effect on 7 June 2022.

(2) In this Direction -

“EIA report” and “screening opinion” have the same meaning as in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017,

“relevant zone” is the zone shown bounded by lines marked “Limits of Land subject to Safeguarding Direction” on the plans annexed to this Direction (being the zone relating to the development of Annandale Depot, part of Phase 2b of the High Speed Two Rail Project), Map Numbers SG-02-126 and SG-02-127 issued June 2022.

#### **Consultation requirement**

(3) Dumfries and Galloway Council, before granting permission for the development of land in the relevant zone on the plan annexed to this direction, shall, to the extent specified on the plan, consult High Speed Two (HS2) Limited (Company No. 06791686).

#### **Information to be given to the consultee**

(4) For the purpose of consultation under this Direction Dumfries and Galloway Council must provide High Speed Two (HS2) Limited with –

(a) a copy of the application for planning permission for the development in question together with –

(i) copies of any submitted plans showing the location with a Grid Reference (to at least 6 figures each of Eastings and Northings); and

(ii) particulars of the layout and dimensions of buildings or works to which the application relates;

(b) such further information as is necessary to enable them to consider the application.

## **Restriction on grant of planning permission**

(5) Where Dumfries and Galloway Council is required to consult High Speed Two (HS2) Limited under paragraph 3, they:

- (a) must give not less than 21 days' notice to High Speed Two (HS2) Limited that such application is to be taken into consideration; and
- (b) must not determine the application until after the expiration of that period.

## **Information to be given to the Scottish Ministers**

(6) Where Dumfries and Galloway Council proposes to grant permission for the development of land in the relevant zone, it shall send to the Scottish Ministers the following information: -

- (i) a copy of the planning application, any accompanying plans and associated documentation, together with the full address and postcode of the site to be developed;
- (ii) a copy of any EIA report accompanying the application, or where an EIA Report has not been prepared;
  - (aa) a copy of any screening opinion given by Dumfries and Galloway Council in respect of the development; and
  - (bb) a copy of any environmental report that is relevant to the development;
- (iii) a copy of any appropriate assessment relating to the application, carried out under Part IV of the Conservation (Natural Habitats, &c.) Regulations 1994;
- (iv) copies of all observations submitted by consultees and all representations and petitions received, together with a list of the names and addresses of those who have submitted observations / made representations (including details of any petition organiser if known). Where "pro-forma" representations are received only one copy example need be submitted, but all names and addresses must be provided. Copies of petitions should be submitted, but only the organiser or first named should be included in the list of names and addresses;
- (v) Dumfries and Galloway Council's comments on the consultees' observations and on the representations received;
- (vi) a copy of any report on the application prepared by an officer of the planning authority;
- (viii) Dumfries and Galloway Council's reasons for proposing to grant planning permission.

(7) Where Dumfries and Galloway Council holds the information set out in paragraphs 6(i) to (viii) above on its website, it may comply with some or all of the requirement to

provide this information to the Scottish Ministers by means of an e-mail to the Scottish Government containing a link, or a series of links, to the relevant pages on the authority's website and send it to the following address: [planning.decisions@gov.scot](mailto:planning.decisions@gov.scot)

(8) Dumfries and Galloway Council shall, at the same time as submitting information in accordance with paragraph (6) to the Scottish Ministers, inform the Secretary of State for Transport that it has done so.

### **Restriction on grant of planning permission**

(9) Dumfries and Galloway Council must not grant planning permission for the development before the expiry of a period of 28 days beginning with the date notified to it by the Scottish Ministers as the date of receipt by them of the information which the planning authority is required to give the Scottish Ministers under paragraph 6.

(10) If on the expiry of the period of 28 days, or such other date as has been notified to them, Dumfries and Galloway Council has not received from the Scottish Ministers:

(a) a Direction under section 46 of the Town and Country Planning (Scotland) Act 1997 requiring the application to be referred to them instead of being dealt with by the authority, or

(b) a Direction under regulation 32 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 further restricting the granting of planning permission,

Dumfries and Galloway Council may proceed to determine the application.

(11). This Direction may be cited as the Town and Country Planning (Safeguarding of Land at Annandale) (Scotland) Direction 2022 and shall come into force on 7 June 2022.

FIONA SIMPSON

### **Chief Planner**

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7 June 2022

## **ANNEX B**

### **Guidance notes for Dumfries and Galloway Council to accompany the Town and Country Planning (Safeguarding of Land at Annandale) (Scotland) Direction 2022**

#### **Background**

1. To protect the land associated with the proposed Annandale Depot from conflicting development, the Scottish Ministers have safeguarded this element of HS2 route using a Safeguarding Direction, which is an established tool of the planning system designed for this purpose. Safeguarding aims to ensure that new developments in the immediate vicinity of the Annandale site do not impact on the ability to build or operate HS2 or lead to excessive additional costs.
2. This Direction has been issued to Dumfries and Galloway Council as planning authority ("PA"), by the Scottish Ministers. The PA will need to consult High Speed Two Limited ("HS2 Ltd") with regard to any planning applications falling within paragraph 3 of the Direction before determining an application for planning permission.
3. Safeguarding is kept under review and updated as the project evolves and as the level of engineering detail facilitates a greater understanding of the actual land required. This is to ensure that land which is not required for construction or operation of HS2 is not unnecessarily blighted for extended periods.
4. This Direction will be kept under review, in line with the approach taken on Phase One and Phase 2a of HS2 and other major infrastructure projects.

#### **Consolidation of the Safeguarding Directions and updates to safeguarding**

5. This Safeguarding Direction (the "Direction") were issued and came into force on 7 June 2022 under regulations 30, 31 and 32 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (The Regulations).

#### **Processing of Applications**

6. Applications for planning permission on which HS2 Ltd must be consulted, in accordance with paragraph (3) of the Direction, should be sent to:

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

And by email to: [town.planning@hs2.org.uk](mailto:town.planning@hs2.org.uk)

7. Such applications must not be determined before the expiry of the period for consultation set out in paragraph (5) of the Direction (see paragraph 10 below).

8. Any applications sent to HS2 Ltd under paragraph (3) of the Direction will be considered by HS2 Ltd on a case-by-case basis on the grounds of whether the proposed development will impact on the ability to build or operate HS2 or lead to excessive additional costs.
9. Where the application does not include all the information required to allow HS2 Ltd to determine whether the development will impact on the ability to build or operate HS2 or lead to excessive additional costs, HS2 Ltd will notify the PA without delay setting out what additional information is needed and why.
10. Where HS2 Ltd has not responded within the period set out in paragraph (5) of the Direction, the PA may proceed to determine that application where planning permission is to be refused. Where HS2 Ltd has responded, the LPA will not be bound by that recommendation. However, if the PA intends to grant planning permission, it will be required to notify the Scottish Ministers in accordance with paragraph (6) of the Direction.
11. Where permission is refused by the PA due to a conflict with the HS2 project, the decision notice should refer to that conflict as the reasons for refusal(s). Copies of all decisions on planning applications on which HS2 Ltd have been consulted should be sent to the Safeguarding Planning Manager at the above postal or email address.
12. Applications which the PA is minded to approve should be sent by the PA, in accordance with paragraph (6) of the Direction with the material specified in that paragraph to: [planning.decisions@gov.scot](mailto:planning.decisions@gov.scot) .
13. The Scottish Government's Planning and Architecture Division will inform the PA of the date of receipt of the application and the material required under paragraph (6) of the Direction. Where the PA notifies Scottish Ministers of its intention to grant planning permission, Ministers will consider whether to call in the application or clear it back to the authority to decide the matter as it thinks fit.
14. Scottish Government officials should usually be able to tell the authority within the 28-day period set out in the direction whether Ministers propose to take any action. Scottish Ministers do not need to wait until the end of that 28-day period, and will issue their decision as soon as they are ready to do so. The Scottish Government is committed to efficient decision-making, but in exceptional circumstances it may take a little longer to reach a conclusion, in which case Ministers will issue a further direction, extending the period for their consideration of the matter.
15. Where the Scottish Government has not responded within 28 days of receipt of the papers referred to above, the PA may proceed to determine the application (See paragraph (10) of the Direction).

## **Blight and Purchase Notices**

16. The provisions of the Town and Country Planning (Scotland) Act 1997 on blight and purchase notices will apply to property affected by safeguarding. The appropriate authority to receive purchase notices is the PA. Blight notices should be served on the Secretary of State for Transport and sent to:

The Land and Property Team  
High Speed Two (HS2) Limited  
Two Snowhill  
Snow Hill Queensway  
Birmingham, B4 6GA

17. Alternatively, blight notices with attached evidence can be emailed to:

[blightnotice@hs2.org.uk](mailto:blightnotice@hs2.org.uk)

18. Further details of the provisions and how to complete a blight or purchase notice can be obtained from the Land and Property Team at the above address or e-mail, or can be found on our website [www.gov.uk/hs2](http://www.gov.uk/hs2)

### **Planning registers**

19. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulation 25 and Schedule 2 on the content of planning registers specifies that:

- Part 1 (applications made but not disposed of) of the register contains, “particulars of any direction given under the Act or these Regulations in respect of the application”.
- Part 2 (applications determined) of the register is to include a report on handling which is include, “where a direction has been made by the Scottish Ministers under regulation 30, 31, 32 or 33, or under regulation 50 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, details of such direction in respect of that decision.

### **Extant planning permissions**

20. Where the PA is aware of, or become aware of, any extant planning permissions affecting land within the zone described in paragraph (3) of the Direction, which have yet to be implemented, it would be helpful if they could inform HS2 Ltd.

### **Pending planning applications**

21. The PA is reminded that the Direction issued on 7 June 2022 applies to any planning application that has not been finally determined by that date (and which includes cases where a resolution to grant a permission has been made by the PA but the permission has not been formally issued).

22. Accordingly, the PA must review all pending applications to determine whether the development proposed is a development to which the Direction applies.

### **Local Development Plans**

23. In preparing any local development plan (LDP), the area safeguarded by the direction should be taken into account. A new legislative framework for LDPs is being progressed. Broadly speaking, the following guidance applies to both the current legislation and the consultation draft of the new legislation.

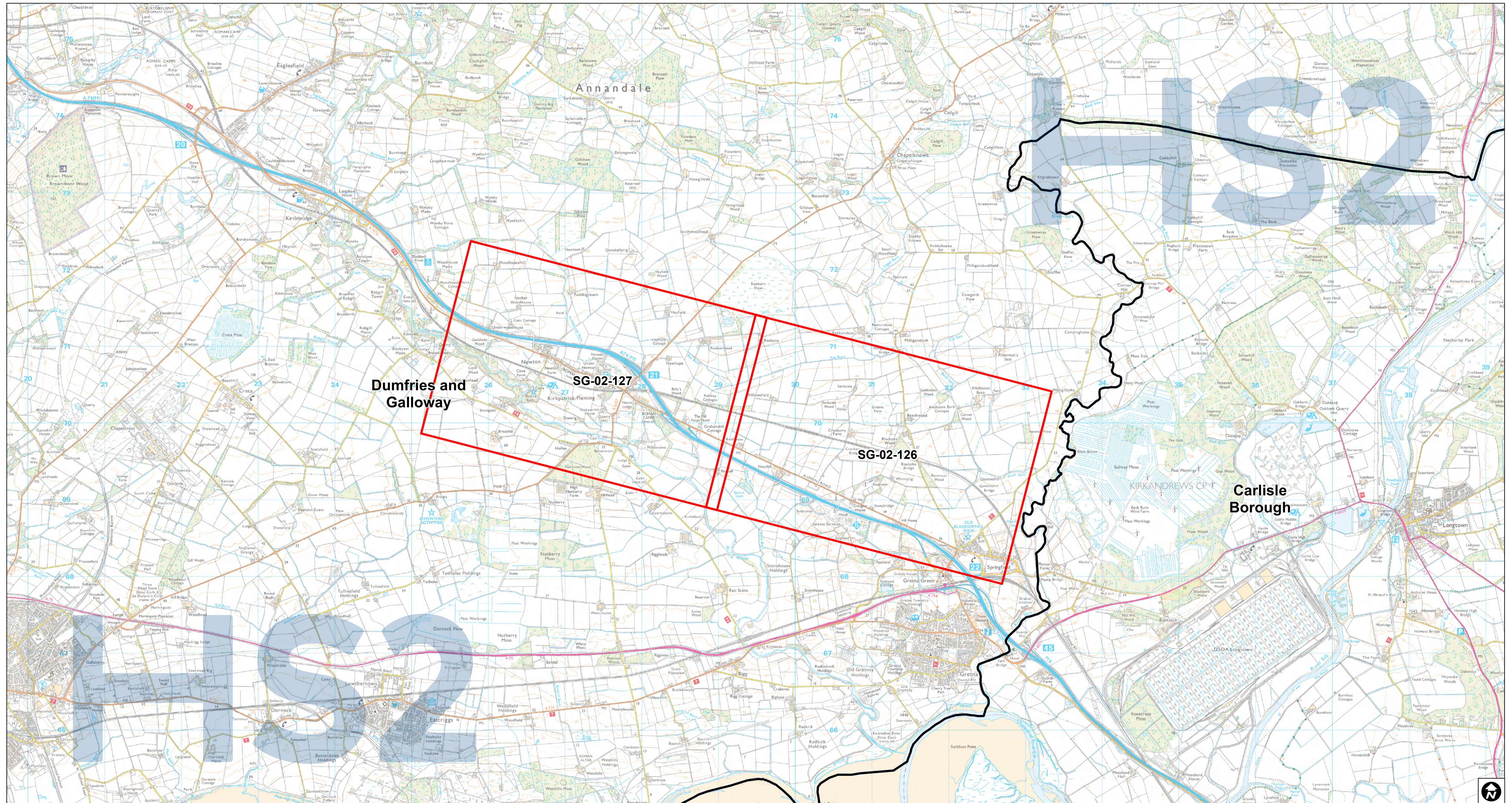
24. Where a safeguarding direction is taken into account in a LDP, it should be represented on the proposals map in accordance with the relevant LDP regulations.
25. Adding information about the extent of the safeguarded area on the proposals map is helpful for those considering development in the area. However, it is important to note that the requirements of the Direction apply in the circumstances described above regardless of whether the safeguarded area is identified on the proposals map.
26. It should be made clear in the LDP that the Safeguarding Directions are made by the Scottish Ministers. They are not proposals of the PA and the HS2 Phase 2b Annandale Depot development in question will not be determined through the development plan process. The HS2 Phase 2b scheme is considered in the UK Parliament under the hybrid Bill procedures, which provide appropriate opportunities for petitions to be made to the UK Parliament by those directly affected by the scheme.
27. Further information on hybrid Bill procedures can be obtained from <https://www.gov.uk/government/collections/constructing-the-hs2-railway> and from the HS2 Helpdesk on Freephone 08081 434 434 or [HS2enquiries@hs2.org.uk](mailto:HS2enquiries@hs2.org.uk)
28. When a proposed LDP is submitted to Scottish Ministers, where there are unresolved representations, they appoint a person (reporter) to examine the plan. When submitting the proposed LDP the PA should identify any representations relating to the safeguarding direction in their submissions (in the specified format for submitting unresolved representations in the relevant LDP regulations). The reporter's role is to independently examine any unresolved issues arising from representations on the proposed LDP. If the reporter is satisfied that a representation relates solely to matters covered by the Safeguarding Direction, rather than to proposals of the PA, the reporter is unlikely to consider the representation to be relevant to the consideration of the proposed LDP.
29. Statutory supplementary guidance will not be a feature of the new development planning legislation. Such guidance can only be adopted in relation to a current, adopted local development plan and in accordance with the current legislation. In that context, where, prior to its adoption, the PA submit any statutory supplementary guidance to Scottish Ministers, they should note in the accompanying statement (required under regulation 27(1) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 – as amended) any representations received which relate to the Safeguarding Direction.
30. Where non-statutory supplementary guidance is to be adopted, under the current or new development planning legislation, the PA may want to separately identify any representations on the direction in the report to authority members on adoption of such supplementary guidance.

## Timing

31. This Direction comes into force on 7 June 2022 and applies in respect of the applications for planning permission described in paragraph (3) of the Direction.



## HIGH SPEED TWO SAFEGUARDING DIRECTIONS JUNE 2022 PHASE 2B: CREWE TO MANCHESTER VOLUME 6: DUMFRIES AND GALLOWAY KEY PLAN



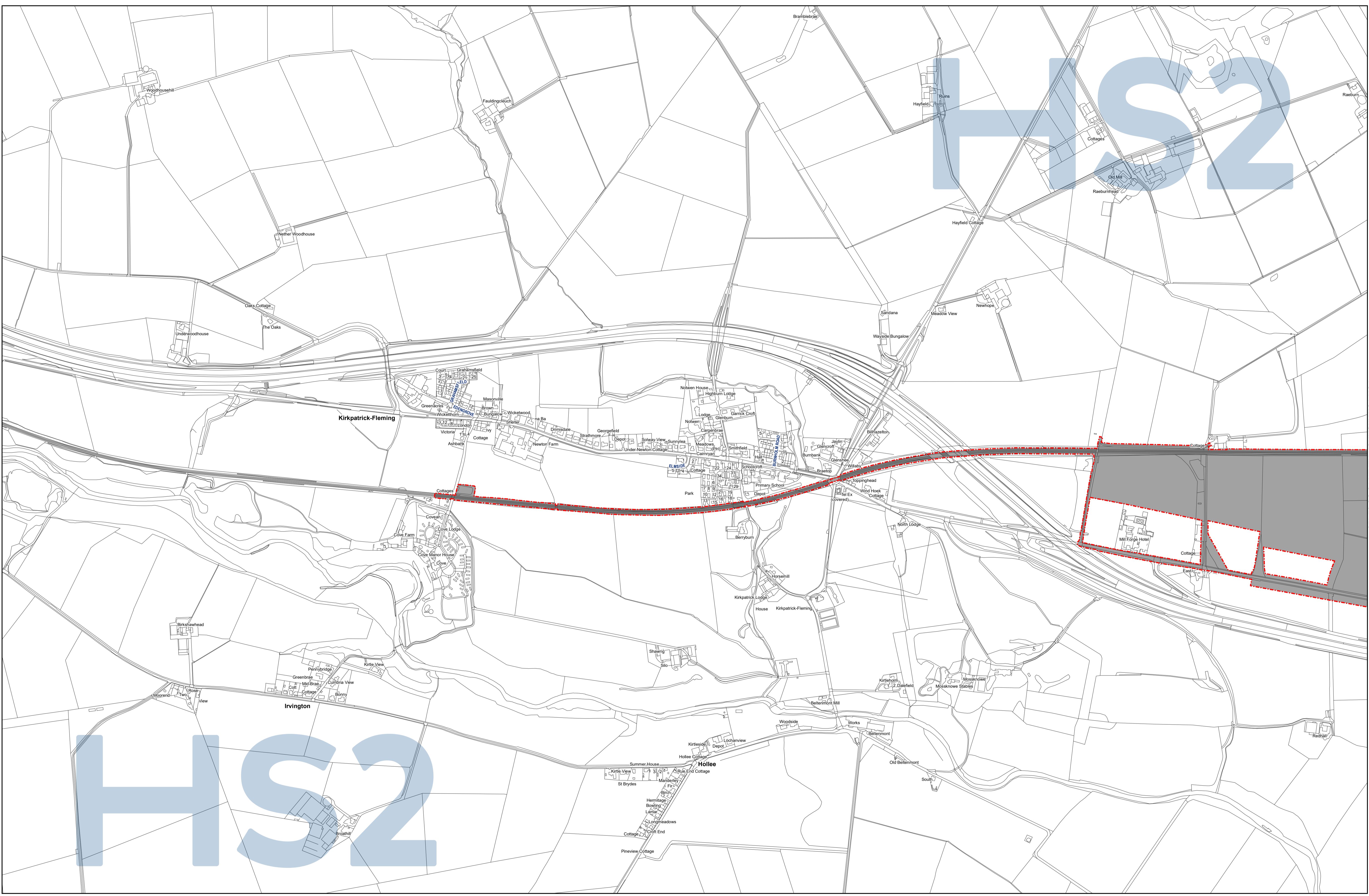
● Connection ● HS2 Depot ● HS2 Station — Route on surface — Route in tunnel □ County boundary □ Local Authority boundary

P2B-HS2-PL-MAP-M000-000040









FOR CONTINUATION REFER TO SG-02-126

**Legend**

- Limits of Land Subject to Safeguarding Direction
- Safeguarded Area: Surface
- Safeguarded Area: Sub-surface
- Extended Homeowner Protection Zone 1
- Extended Homeowner Protection Zone 2
- Extended Homeowner Protection Zone 3
- Extended Homeowner Protection Zone 4
- Local Authority boundary

Map Number	SG-02-127
Map Name	High Speed Two Phase 2b: Crewe to Manchester Safeguarding Directions
Date of Issue	JUNE 2022

HS2

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