



Phase 2b Western Leg 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 (Crewe - Manchester) Bill. Content will be maintained and updated as considered appropriate during the passage of the Bill.

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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1 Introduction

- 1.1 High Speed Two (HS2) is the Government's scheme for a new, high speed north-south railway, which is being taken forward in a number of phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester. As set out in the Integrated Rail Plan, published in November 2021, HS2 East is proposed to deliver a new high speed line from the West Midlands to East Midlands Parkway.
- 1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017 and Phase 2a by the High Speed Rail (West Midlands – Crewe) Act 2021.
- 1.4 In January 2022, the Government introduced a hybrid Bill to Parliament (hereafter referred to as 'the Bill'), to seek powers for the construction and operation of the Phase 2b Western Leg (the Proposed Scheme), which is called the High Speed Rail (Crewe – Manchester) Bill. The Proposed Scheme comprises the Phase 2b Western Leg from Crewe to Manchester and several off-route works. It also facilitates the delivery of Northern Powerhouse Rail by providing the Crewe Northern Connection and junctions and other infrastructure to be used in future schemes.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and 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), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed

Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

1.6 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'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the EMRs and any commitments provided in the information papers.

1.7 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.

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 an 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. A link to this guidance can be found in the references section at the end of this paper.
- 3.5 As well as helping to protect the land needed to build and operate the Proposed Scheme, safeguarding also triggers the ‘Statutory Blight’ process for owners of this land should they wish to sell (see section 5 below for further information).

4 Safeguarding and HS2

- 4.1 Following public consultation, the Government made safeguarding directions for the Proposed Scheme on 15 November 2016. These were revised on:
- 17 July 2017 to reflect changes to the initial route;
 - 27 September 2017 in order to align with the Phase 2a route refinement changes around Crewe following the introduction of a hybrid Bill into Parliament;
 - 6 June 2019 to reflect the design of the railway and land requirement shown in the Working Draft Environmental Statement design, for areas where there was sufficient confidence in the stability of the design;
 - 15 April 2020 for an individual site in Manchester; and
 - 7 October 2020 to reflect design changes on the western leg of the route which were confirmed on the same day.

4.2 As with other major infrastructure projects such as HS2 Phases One and 2a 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.

5.2 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 them.

5.3 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.

5.4 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.

5.5 Express Purchase is a scheme under which the Secretary of State has streamlined the statutory blight notice procedure in respect of surface safeguarding.

5.6 The Promoter may choose to accept a blight notice:

- if the property is fully within the safeguarded area; and
 - without requiring that reasonable efforts have been made to sell the property.
- 5.7 The Promoter may choose not to accept a notice if, for example, only the airspace above the property is required temporarily to swing the arm of a crane for other overhead construction access. Government has also recently consulted on introducing a third type of safeguarding to define when property will be required for the oversailing of cranes. The response to the consultation will be published soon.
- 5.8 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.
- 5.9 These Express Purchase provisions do not apply to land safeguarded for subsoil acquisition for land required beneath surface level, or for safeguarded airspace where no surface land is acquired.
- 5.10 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, they 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 £7,100 and an upper limit of £71,000). The statutory limits for home loss payments are regularly reviewed by Government and although correct at the time of writing will continue to be updated by the nominated undertaker. 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.

- 5.11 HS2 Ltd has published a guide to Statutory Blight and Express Purchase to assist potential applicants through the process, a link to which can be found in the references section at the end of this paper.

6 Residents Commissioner

- 6.1 HS2 Ltd recognise that the development, design and construction of the Proposed Scheme, will impact on the communities in which operations take place. HS2 Ltd is committed to being a good neighbour by treating affected communities with respect and consideration, and by focusing on minimising and mitigating impacts, whilst maximising the benefits both locally and nationally across the UK. The residents charter sets out the ten commitments to those affected by the scheme and explains the roles of the Residents' Commissioner and Construction Commissioner in ensuring the nominated undertaker is held to account on these commitments. A link to the Residents' Charter can be found in the references section at the end of this paper.

- 6.2 Those impacted by the scheme can refer their case to the independent Residents' Commissioner if their land or property is purchased as part of one of these statutory schemes or under the Express Purchase scheme and there are disputed amounts of disturbance compensation totalling no more than £10,000. The link to this service can be found within the references section at the end of this paper.

7 More Information

- 7.1 More detail on the Bill and related documents can be found at www.gov.uk/hs2-phase2b-crewe-manchester.

References

Statutory Blight and Express Purchase:

<https://www.hs2.org.uk/documents/collections/express-purchase/>

Faster Evaluation of Small Value Disturbance Disputes

https://assets.hs2.org.uk/wp-content/uploads/2021/09/CS1612_Faster-Evaluation-of-Small-Value-Disturbance-Disputes_WEB.pdf

HS2 Residents Charter

<https://www.gov.uk/government/publications/hs2-residents-charter>

HS2 safeguarding for developers and local authorities

<https://www.gov.uk/government/publications/hs2-safeguarding-for-developers-and-local-authorities>