

Safeguarding and Statutory Blight

This factsheet describes what safeguarding is and how it has been implemented for the Proposed Scheme. It also briefly explains Statutory Blight and the Express Purchase scheme.

1 Introduction

- 1.1.1 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. The Western Leg of Phase 2b comprises an extension of the network to Manchester and a connection to the West Coast Main Line at Golborne, and is referred to as the Western Leg hybrid Bill. The Eastern Leg of Phase 2b currently comprises an extension of the network from the West Midlands through the East Midlands to Leeds.
- 1.1.2 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.
- 1.1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act (2017). In July 2017, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2a.
- 1.1.1 In February 2020, the Government announced its intention to draw up an Integrated Rail Plan. This will recommend a way forward on scoping, phasing and sequencing the delivery of HS2 Phase 2b, Northern Powerhouse Rail, Midlands Rail Hub and other proposed rail investments across the north. At the same time, the Government asked HS2 Ltd to prepare the Western Leg hybrid Bill, provided it does not prejudice any recommendations or decisions that will be taken in this plan, which will be published by the end of the year.
- 1.1.2 It is intended to deposit a Western Leg hybrid Bill seeking powers to construct and operate this phase in Parliament in early 2022 or sooner if possible (the Proposed Scheme). The work to produce the Bill will include an Environmental Impact Assessment (EIA), the results of which will then be reported in an Environmental Statement (ES). The ES would be submitted alongside the Bill when it is introduced to Parliament. As was the case with Phase One and Phase 2a, when the Bill is introduced to Parliament the Secretary of State will also publish draft Environmental Minimum Requirements (EMRs). The EMRs will set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.1.3 A series of information papers were produced for the Phase One and Phase 2a hybrid Bills, explaining the commitments made in those Bills and EMRs. It is the Secretary of State's intention to follow a similar process for the Western Leg Bill. These information papers will be used to provide information about the Proposed Scheme itself, the powers contained in the Bill and how decisions on

the Proposed Scheme have been reached. It is currently proposed that these information papers for the Western Leg of Phase 2b will be published at the time the Bill is introduced in Parliament.

- 1.1.4 The Secretary of State for Transport will be ‘the Promoter’ of the Western Leg Bill. The Promoter will also eventually appoint a body responsible for delivering the Proposed Scheme under the powers to be granted by the Bill. This body will be known as the ‘nominated undertaker’. There may well 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 Western Leg EMRs and any commitments provided in the Western Leg information papers.
- 1.1.5 These Western Leg factsheets have been produced to provide information on the emerging proposals for measures to manage the design process for the Proposed Scheme and to control impacts which may arise from the construction and operation of the Proposed Scheme. These measures may then be applied to the Western Leg as commitments made through the eventual Bill, EMRs or information papers.

2 Overview

- 2.1 This factsheet describes the safeguarding process which protects the land required for the Proposed Scheme, 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
- 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 more information on this).

4 Safeguarding and HS2

4.1 Following public consultation, the Government made safeguarding directions for the Proposed Scheme on 15 November 2016. These were refreshed 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 WDES design, only for areas we were confident that the design is stable enough to justify changing the application of Safeguarding Directions;
- 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 Phase One, Phase 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 or, in Scotland, Part 5 and Schedule 14 of the Town and Country Planning (Scotland) Act 1997.
- 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 him or her.

- 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 in England; or
 - owner occupiers of an agricultural unit.
- 5.4 Under Statutory Blight, the applicant must demonstrate that they have 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.
- 5.6 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.
- 5.7 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 in England to a lower limit of £6,500 as of 1 October 2020 and an upper limit of £65,000). In England, 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.

6 More information

- 6.1 Further factsheets and details on the Proposed Scheme can be found at:
www.hs2.org.uk/phase2b