

Report to the 9th December Planning Committee

Consultation on Safeguarding Direction for HS2

Recommendations

That the Committee asks the Executive Director of Regeneration & Development and the HS2 Portfolio holder, Councillor Turner, to consider making the following comments to the Government on the questions posed in the safeguarding direction consultation

In response to the question **What are your views on the proposal to safeguard land between Fradley and Crewe** – to indicate that the principle of safeguarding as a means of identifying and protecting land which is required to facilitate the development and operation of an important piece of national infrastructure is supported. Furthermore there is a recognition that if adopted the safeguarding directions will trigger the statutory blight regime which in turn enables qualifying owners in the safeguarded area to serve blight notices on the Government, providing some certainty to property owners within the safeguarded area. However, there is a concern that the decision to issue a safeguarding direction is premature given that no decision has yet been made on the route. The decision to safeguard this particular route in particular suggests that insufficient consideration has been given to the Stoke Route, the business case for which was published in October 2014 less than 3 weeks before the announcement of the safeguarding direction consultation – and is a route that has significant positive economic implications for the Borough. Furthermore the details of the Fradley Crewe Route have not been clarified – no systematic rigorous response has been received to representations, including that of this Council, which sought amendments and improvements to the published route in the consultation submitted in January of this year.

In response to the question **What are your views on the content of the proposed safeguarding directions** – it is accepted that the directions appear to be clear and capable of being operated on a day to day basis by the affected Local Planning Authorities

In response to the question **What are your views on the content of the guidance for local planning authorities on the directions** - the guidance that is proposed to be issued is clear and logically structured. However it would be helpful to have wording confirming when and how the directions will be reviewed as the project develops.

With respect to the question **What are your views on the proposed approach to determining what land is to be safeguarded** – It is disappointing that the safeguarding directions haven't been issued when more detail about the construction and operation of the railway and associated infrastructure is known. Experience from Phase One has demonstrated that much more land is needed to build and operate the railway than currently shown on the plans; this is evidenced by the 'Connection with Phase One' at Fradley plan which is one of the safeguarding plans. Furthermore it is evident that the proposed Fradley to Crewe Route is still subject to change which means that the safeguarded direction may not reflect the final route – there is thus a risk that developers/landowners may develop land which is currently outside of the safeguarded zone but could fall within it as a result of any future change. This could have significant financial implications for those involved. Furthermore without any feedback on the route consultation responses, and premature consultation on safeguarding, developments which take place outside the proposed

safeguarded zone have the potential to act as a 'barrier' to any route modifications – some of which could potentially entail improved social and environmental benefits. The safeguarded areas should be swiftly and regularly updated to provide certainty and clarity to those affected by the proposals

In response to the question **What are your views on the draft Impact Assessment** no comments are recommended

Introduction

On the 4th November the Secretary of State announced that he proposes to safeguard a section of the HS2 route – the section between Fradley and Crewe. It is indicated that *“no decision has yet been made on the route for Phase 2 of HS2...however evidence to date suggests that the route via Crewe is the best performing option. The Secretary of State is therefore consulting on issuing safeguarding directions for this route.”*

The announcement states

“Safeguarding is an established part of the planning system, designed to ensure that land which has been identified for major infrastructure is protected from conflicting development. If a planning application could affect this land, the Local Planning Authority, must inform HS2 Ltd. Safeguarding is not intended to prevent development, but to ensure that new developments do not lead to excessive costs, or affect our ability to build or operate HS2 in the future.

*“If , after the consultation (**which closes on Tuesday 6th January 2015**), the Secretary of State decides to issue safeguarding directions on Phase Two, he will issue these to relevant local planning authorities (LPAs) on the route. LPAs will then need to consult HS2Ltd on all planning applications to which the directions relate in the safeguarded area before granting consent. As a final route decision has yet to be made on Phase Two, we will review any safeguarding directions made on Phase Two at the time of a route decision to ensure that the correct land is safeguarded, and if necessary, reissue directions”*

The consultation is available to view via the following link

<https://www.gov.uk/government/consultations/hs2-phase-two-fradley-to-crewe-safeguarding-consultation>

HS2 have indicated that in order to inform the Secretary of State's decisions on safeguarding, they are launching a consultation and they would welcome the views of Local Planning Authorities, which will be aware of the relevant planning issues in their areas

They indicate that the consultation will help them refine their approach to safeguarding on this part of the route and it gives the Council as a Local Planning Authority an opportunity to comment on

- How safeguarding would be managed between HS2 Ltd and LPAs, and
- How HS2 Ltd defines the limits of the proposed safeguarded area

The consultation pack comprises

- the consultation document
- draft safeguarding directions
- draft guidance on the directions for Local Planning Authorities
- a draft economic impact assessment
- the draft safeguarding plans, and
- an explanatory note to accompany the plans

Under the Borough Council's Scheme of delegation the Executive Director of Regeneration and Development has the authority to respond to consultations. Given the subject matter he has indicated that he will wish to consult with the Cabinet member who has responsibility for HS2 matters (Councillor Turner) and that he will wish to take into account the views of both the Planning Committee and of the HS2 Working Party of the Economic Development and Enterprise Overview and Scrutiny Committee which was given authority at the Overview and Scrutiny Committee meeting on the 3rd December to deal with this matter.

The consultation document

The introductory section of the Consultation document indicates that The Secretary of State for Transport (Secretary of State) proposes to issue safeguarding directions to protect land that may be needed for part of the route of Phase Two of High Speed Two (HS2). This land is a corridor between Fradley and Crewe. The aim of this measure is to ensure that new developments in this corridor do not affect the ability to build or operate HS2, or lead to excessive additional costs.

A number of documents have been produced to explain the proposals in as much detail as possible. Alongside the Consultation Document, which includes the proposed Safeguarding Directions and an Economic Impact Assessment, there is a set of maps outlining the potential land to be safeguarded, as well as explanatory notes to accompany those maps.

High Speed Two Ltd (HS2 Ltd), a company owned by the Department for Transport (DfT), was given the remit by Government to develop and refine a range of options for Phase Two, from the West Midlands to Manchester and to Leeds. The brief was to ensure that the benefits of a new national high speed rail network are maximised while any adverse impacts on local communities and the environment are kept to a minimum.

In January 2012 the Government announced, following consultation on the strategy for HS2 and the proposed route for Phase One (between London and the West Midlands), that it had made decisions on high speed rail, including:

"The construction of a national high speed rail network from London to Birmingham, Manchester and Leeds (the 'Y network') is the best means for enhancing rail capacity and performance on Britain's key north-south corridors."

HS2 Ltd's advice on Phase Two, entitled "Options for Phase Two of the High Speed Rail Network: A report to Government by HS2 Ltd", was submitted in March 2012.

It set out the options which were considered and described the process of analysing and refining them. It also offered the Government further choices for the future development of the Phase Two network.

A period of engagement then informed a consultation entitled "High Speed Rail: Investing in Britain's Future – Consultation on the route from the West Midlands to Manchester, Leeds and beyond", which ran between 17 July 2013 and 31 January 2014.

It consulted on the proposed Phase Two route which would connect eight of Britain's largest cities, either directly or by high speed trains running on existing rail lines (known as 'classic-compatible' services). Connections to the existing railway would be built at the northern end of each leg. On the western route, high speed trains would be able to run onto the conventional network to serve destinations such as Wigan, Preston, Lancaster, Penrith, Carlisle, Glasgow and Edinburgh. From the eastern route, the high speed line would continue almost as far as York, making it possible for high speed trains to continue directly to places such as Newcastle, Darlington and Durham.

Further south, HS2 would connect with the West Coast Main Line (WCML) at Crewe, meaning that destinations such as Liverpool, Runcorn, Crewe and Warrington would benefit from direct services. By joining the WCML at Crewe, high speed train services would also be easily accessible for passengers in North Wales and elsewhere.

In March 2014, Sir David Higgins identified in his "HS2 Plus" report that benefits could be spread further and sooner if Phase Two were accelerated and the line were extended to a new regional transport hub at Crewe by 2027, six years earlier than planned. This would bring together road and rail services for the region as a whole, allowing faster services, sooner, to Manchester, the rest of the North West, and Scotland. The Secretary of State welcomed the report and commissioned HS2 Ltd to undertake work to allow for consideration of delivering such benefits more quickly and, as part of his analysis, of the public consultation responses to Phase Two.

Sir David Higgins subsequently published his second report on HS2, entitled "Rebalancing Britain" on 27 October 2014, in which he reiterated his proposal that a transport hub at Crewe be brought forward. The report also sets out Sir David's proposals for East-West connectivity in the North and a northern transport strategy. The Secretary of State made a written ministerial statement to Parliament on 27 October, welcoming these key recommendations, although no final decisions have been made on the Phase Two route and stations.

HS2 Ltd has undertaken a route consideration process, informed by feedback from consultation and considering further the issues raised in Sir David Higgins' report.

While a decision has yet to be made on the whole of the Phase Two route, the Secretary of State considers the material is sufficiently persuasive in favour of an onward connection from Phase One through Crewe. It is indicated that it therefore is appropriate to consult on issuing safeguarding directions for that part of the route now.

HS2 Ltd examined hundreds of options when determining the route to Crewe, as proposed in the Phase Two route consultation.¹ (The methodology of which is set out in the document "Options for phase two of the high speed network" which can be found at

<https://www.gov.uk/government/publications/options-for-phase-two-of-the-high-speed-rail-network>). Five criteria – constructability, sustainability, journey time, cost and demand – were considered for the western leg, as well as the whole route, as part of this approach. The number of options was reduced through each sifting phase and there was a corresponding increase in the detail of design and depth of appraisal.

Two final options were considered by the Government ahead of the Phase Two route consultation: one followed the M6, the other was via Crewe. At that time of these two options, the route via Crewe was considered to be the best performing route, primarily due to its connectivity benefits.

Responses to the Phase Two consultation covered a variety of suggestions. They included a response from Stoke-on-Trent City Council putting forward new proposals for an alternative route via Stoke, with options for onward connectivity. These are, it is said, being carefully reviewed by HS2 Ltd.

Following careful consideration of the suggestions put forward by consultees, including those put forward by Stoke-on-Trent City Council, HS2 Ltd remains of the view that a route to Crewe is still the right solution for the region, allowing HS2 to serve the south Cheshire / north Staffordshire markets and offering faster classic compatible connections to the wider North West, including Liverpool, and North Wales. HS2 Ltd has therefore recommended that the western leg proceed to Crewe.

The Department for Transport (DfT) continues to carefully review the outputs of the consultation and further work undertaken by HS2 Ltd in respect of the same. As set out above, no final decisions have yet been taken on the Phase Two consultation or precise route of Phase Two.

However, having carefully reviewed the material referred to above, the Government considers it is sufficiently persuasive in favour of a route via Crewe that it is appropriate to seek to safeguard that part of the route now, in the interests of ensuring the timely and economic delivery of Phase Two. HS2 Ltd is therefore consulting on draft safeguarding directions for a route to Crewe on behalf of DfT to protect the corridor that would be required were this route to be developed.

Nevertheless, further work will be required to finalise the Phase Two route to enable the Government to make a decision, and this work may include further changes to this element of the route corridor in the light of further development. Following any decision, HS2 Ltd will undertake more detailed design which will include, for example, provision for measures to mitigate the impact of any chosen route. However, any decision to safeguard following this consultation will be reviewed at the point a decision is taken in response to the Phase Two route consultation, to check whether the correct land is safeguarded or whether any changes to safeguarding need to be made.

The purpose of safeguarding is to protect land from conflicting development before construction starts. Safeguarding directions are an established tool of the planning system designed for this purpose. Safeguarding aims to ensure that new developments along the route do not impact on the ability to build or operate HS2 or lead to excessive additional costs. Safeguarding directions, if adopted, will be issued to Local Planning Authorities (LPAs) by the Secretary of State. LPAs will then need to consult HS2 Ltd with regard to

planning applications in the safeguarded corridor before granting consent. It also has the additional benefit of triggering the statutory blight regime, enabling qualifying owners in the safeguarded area to serve blight notices on the Government, requiring the Government to purchase the affected property. The Government recognises the effect that the uncertainty on the Phase Two route is having on property owners close to the current proposed line of route.

This, it is indicated, has been a further consideration in the Government's decision to consult now on issuing safeguarding directions for this area, in advance of safeguarding for the Phase Two route as a whole.

The consultation focuses on the proposed safeguarding directions and the planning aspects of the safeguarded area. It sets out HS2 Ltd's current views on the land that may be needed in this respect. The Safeguarding Plans will be available for inspection by members at the Committee meeting.

Those who are particularly interested in the effects that safeguarding might have on individual properties, in terms of compensation for any blight, can find more information about the existing statutory blight regime applicable to Phase One here:

http://assets.hs2.org.uk/sites/default/files/consultation_library/pdf/Safeguarding%20Guide%20to%20Statutory%20Blight.pdf

Should a decision be taken to safeguard land following this consultation, safeguarding directions are expected to be published in Spring 2015, after the consultation feedback has been considered. If safeguarding directions are made following this consultation, they will review the area of safeguarded land following a decision on the route consultation for Phase Two to ensure that the correct land is safeguarded and whether any changes need to be made to the safeguarded area.

The consultation seeks the views of respondents on 5 questions

Question 1 What are your views on the proposal to safeguard land between Fradley and Crewe

Question 2 What are your views on the content of the proposed safeguarding directions?

Question 3 What are your views on the content of the guidance for local planning authorities on the directions?

Question 4 What are your views on the proposed approach to determining what land is to be safeguarded?

Question 5 What are your views on the draft Impact Assessment?

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