



PINS NOTE 18/2013r1

To: All Inspectors (England)

Date of Issue: 29 July 2013

Currency: review at 6 months after issue

Last updated: 5 August 2014 – updated to refer to the revised safeguarding directions published on 26 June 2014 and other HS2 updates.

HS2: Phase One Safeguarding Directions

Action

1. DfT announced in a Written Ministerial Statement¹ on 9 July 2013 the publication of the decisions on safeguarding provisions for Phase One of HS2, which protects the proposed route from London to Birmingham from future development which might conflict with the planned high speed line. The latest version of the direction² was announced via a Written Ministerial Statement³ on 26 June 2014, which revises the previous directions issued in October 2013⁴ to more closely match the description of the scheme, as set out in the HS2 hybrid Bill, currently before Parliament. Inspectors will need to be aware of the implications of the revised directions for proposed developments in designated safeguarding areas as well as any preparation of amended Local Plan documents or those under examination, together with the additional consultation requirements (see Paragraph 4 below) for the affected LPAs at application stage (listed in the Annex).

Background

2. Following the outcome of the DfT consultation between October 2012 and January 2013 on issuing safeguarding directions, the SoS announced directions⁵ to protect the proposed HS2 Phase One route from London Euston to the West Midlands (with a new station in central Birmingham) from conflicting development before the construction starts. The directions came into force on 9 July 2013

¹ [WMS by SoS for Transport - HS2: safeguarding the phase one route](#) - DfT, 9 July 2013

² [HS2 Phase One Safeguarding Directions with guidance notes for LPAs](#) - HS2 Ltd, June 2014.

³ [WMS by SoS for Transport - Safeguarding directions](#) - DfT, 26 June 2014

⁴ [WMS by Minister for Transport - HS2 design refinement: decisions and Safeguarding Directions for Northolt and Bromford](#) - DfT, 24 October 2013

⁵ [HS2 Phase One Safeguarding Directions with guidance notes for LPAs](#) - HS2 Ltd, July 2013

under articles 16(4), 25(1) and 29(6) of the Development Management Procedure Order 2010 (DMPO)⁶. The directions ensure that new developments along the route corridor do not impact on the ability to build or operate HS2 or lead to large additional costs.

3. The SoS decided to issue the directions in two stages, Stage A directions issued on 9 July 2013 include all the proposed phase one route except for the sections relating to the proposed tunnel through Ealing & Northolt and the Bromford Viaduct Tunnel, which were subject to Stage B directions issued in October 2013, following the outcome of a consultation launched in May 2013. On 26 June 2014, the directions were revised and replaced with an updated set of safeguarding directions, which broadly reflect the land requirements set out in the hybrid Bill⁷, currently at committee stage in the House of Commons, which will confer powers to construct phase one of the HS2 scheme from London Euston to Birmingham Curzon Street.
4.
 - i) Planning applications – LPAs to whom safeguarding directions apply are required to consult High Speed Two (HS2) Ltd on any future and currently undetermined or pending planning applications as at 26 June 2014 (with certain exemptions). LPAs should review all pending applications to assess if proposed developments are subject to the revised safeguarding directions. If the LPA is minded to grant permission contrary to comments received by HS2 Ltd, the SoS will determine the application. However, if HS2 Ltd do not respond to the consultation within the time specified by article 16(5) of the DMPO the LPA can determine the application. If permission is refused due to conflict with HS2, the decision notice should include this reason.
 - ii) Local Plans – when preparing any local plan document any relevant designated areas should be identified in the amended Local Plan; directions should be indicated on the policies map; proposals should not include policies which conflict with the safeguarding direction. Where the Local Plan has been submitted for examination the LPA should record any relevant correspondence and bring this to the attention of the Inspector.
 - iii) Blight and Purchase Notices – the provisions of the 1990 Act⁸ on blight and purchase notices will apply to property affected by the safeguarding.
5. HS2 Updates:
 - i) [The High Speed Rail \(Preparation\) Act 2013](#), gained royal assent on 21 November 2013, which makes provisions authorising

⁶ Town and Country Planning (Development Management Procedure) (England) Order 2010, SI2010/2185

⁷ [High Speed Rail \(London – West Midlands\) Bill](#).

⁸ Town and Country Planning Act 1990 (c. 8) – Blight s 149 -171; Purchase Notice s137 -148.

expenditure in preparation for HS2 to enable the project to proceed without delay.

ii) Public Consultation on the [proposed route for HS2 Phase Two](#) was launched on 17 July 2013⁹ and [ran for 6 months until January 2014](#). Phase Two will provide a high speed line from the West Midlands to Manchester and Leeds, with connections to the West and East Coast Main Lines, serving the rest of the North of England and Scotland. [The outcome of the consultation is awaited.](#)

iii) Other recent HS2 consultations include HS2 property consultation 2014¹⁰, which seeks views on policies for owner-occupiers of properties close to the HS2 phase one route and HS2 Phase One environmental statement consultation¹¹, which sought views on the final environmental statement accompanying the hybrid Bill.

6. Please contact XXXX if you have any queries on this Note

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Acting Chief Planning Inspector

⁹ [WMS by SoS for Transport – Phase two public consultation on the proposed high speed 2 route and exceptional hardship scheme decision released](#) – DfT, 17 July 2013.

¹⁰ [HS2 Property consultation 2014](#), DfT, 21 July 2014.

¹¹ [HS2 Phase One Environmental Statement](#), DfT, 25 November 2013.

**Local Planning Authorities affected by HS2 Phase One
Safeguarding Direction**

Aylesbury Vale District Council
Birmingham City Council
Buckinghamshire County Council
Cherwell District Council
Chiltern District Council
Hertfordshire County Council
Lichfield District Council
London Borough of Camden
London Borough of Brent
London Borough of Ealing
London Borough of Hammersmith and Fulham
London Borough of Hillingdon
Manchester City Council
Northamptonshire County Council
North Warwickshire Borough Council
Oxfordshire County Council
Royal Borough of Kensington and Chelsea
Solihull Metropolitan Borough Council
South Buckinghamshire District Council
South Northamptonshire District Council
Stafford Borough Council
Staffordshire County Council
Stratford on Avon District Council
Three Rivers District Council
Warwickshire County Council
Warwick District Council
Westminster City Council
Wycombe District Council