

Appendix B: Full CDC draft response to Safeguarding Consultation

Cherwell makes the following comments prior to a response to the formal questions that form the basis of the consultation:

The proposed areas for safeguarding in Cherwell do not impact on future development proposals in the existing or emerging Development Plan (The Local Plan). The inclusion of areas for possible road realignments and reinstatements are considered reasonable as are the wider areas where cuttings are proposed.

Within Cherwell land is generally included at the standard distance of 60m either side of the centre line.

Further, CDC believes that further clarity should be provided in relation to future updates of the safeguarded land. Under 1.19, p7, it states "*Where future design and planning work leads to the identification of additional land that is not included within the current safeguarding, or of safeguarded land that is no longer of interest to HS2 Ltd, the Secretary of State may consider updating the initial plans and issuing revised safeguarding directions*". It would be helpful to confirm, at the very least, when the 'final' safeguarding direction will be in place, i.e. before or after the Hybrid Bill.

At 1.21, p8, it states "*the directions would place a small administrative burden on both LPA's and HS2 Ltd*". CDC requests clarification on whether this 'additional burden' could be reclaimed within the 'Cost Recovery Scheme'.

HS2 Limited is requested to define what is meant by 'subsoil' and 'significant foundations' in relation to safeguarded areas, in the proposed guidance notes, for the parts of the route that are in tunnels.

Formal Consultation Response

CDC makes the following comments in relation to the specific questions asked in the consultation on Safeguarding:

Q1: Do you agree with the proposal to safeguard, and the content of the proposed safeguarding directions (Annex A)? If not, please explain why.

A: The Council is opposed to the proposed HS2 scheme. However, should HS2 be taken forward by the Government it is right that safeguarding should be introduced in order to raise awareness and so that potential implications can be taken into account in plans and property-related decisions. Cherwell Council therefore has no objection to the proposal to safeguard or to the content of the proposed safeguarding direction. The proposed areas for safeguarding in Cherwell do not impact on future development proposals in the existing or emerging Development Plan. The inclusion of areas for possible road realignments and reinstatements are considered reasonable as are the wider areas where cuttings are proposed.

At the moment, CDC Land Charges are only showing a 200m "buffer" along the line of the proposed route as this is in response to a question on the CON29 dealing with proposed railway developments. But, we ask the question whether this 200m zone extends far enough? For example around Chipping Warden there are significant areas of residential development which fall outside the 200m zone but will clearly be severely affected by the development of the route.

It is essential that HS2 provides some further guidance on this, so that local authority land searches are consistent across boundaries.

Q2: Do you agree with the content of the guidance for Local Planning Authorities on the directions (Annex B)? If not, please explain why.

A: No. CDC does not agree for the following reasons:

Processing of applications – given the time constraints, the costs of producing paper copies of planning application documentation and the Government's drive towards e-government why is it necessary for documents to be sent via first class post when the Council could provide an electronic link to relevant planning applications via its public access system. Electronic access to applications should be used or HS2/the Government should meet the additional costs?

Consultation on permitted development – whilst it may be useful for HS2 Limited to be kept informed of permitted development proposals, permitted development is by its very nature permitted and as such developments which fall within the permitted development allowances will not always be made known to the local planning authority. Therefore it would not be possible or cost effective for the Council to provide HS2 Limited with such information.

The guidance implies that HS2 would like to receive notification of any permitted development proposals along the safeguarded route. This would be impossible to do in many cases as a lot of permitted development does not go through the Council's Building Control department or indeed needs Building Regulation approval, hence we would not be aware of this.

In addition, there is no requirement to obtain Building Regulation approval as planning permission has already been granted. Therefore we have no record of those properties that do not have Building Regulation approval as there is no penalty like there is under planning enforcement.

Obviously some people who know their proposed development falls within the permitted development allowance may well go on to construct that development without informing the planning authority. Tracking down such development and finding suitable scaled drawings could be time consuming and costly. Consultation with the Building Control Section has confirmed that whilst they would probably handle most developments resulting from permitted development through the building control process, building control applications are treated as confidential and cannot be revealed to third parties.

Q3: Do you agree with the geographical coverage of the land to be safeguarded (see plans and explanatory notes on the HS2 Ltd consultation website at: <http://highspeedrail.dft.gov.uk/consultation/safeguarding>. If not, please explain why.

A: CDC has concerns that the areas shown to be safeguarded will be subject to change this will make consistent decision making and or amendments to policies maps difficult. Changes will also have resource implications for local authorities which need to be addressed and clarified as to where the additional resources will be derived from. Every effort should be made to set Safeguarding right first time. It is assumed that HS2 Limited have safeguarded the minimum amount of land necessary and some areas such as construction compounds and power supply points are not

included in the proposed zone. CDC wishes to know how and when these are to be included prior to the zone being finalised.

Q4: Do you consider that the draft Impact Assessment (Annex C) is a fair reflection of the costs and benefits of the safeguarding proposals on the operation and outcomes of the planning application process? If not, please explain why.

It is noted that the assessment identifies a definite cost to local planning authorities to deal with the additional administrative burden of responding to service of Purchase Notices, processing planning applications to consult with HS2 limited and potentially with the Secretary of State. Whether this is or is not a fair assessment cannot be tested at this stage. While a cost is indicated there is no indication on who will pay the additional costs. Given the additional work required in relation to a Government backed scheme and imposed on the Council and its local council tax payers it is considered that the Government /HS2 Limited should meet any additional costs in full.