



House of Commons
High Speed Rail
(London – West Midlands)
Bill Select Committee

**First Special Report of
Session 2014–15**

*Report, together with formal minutes relating
to the report*

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High Speed Rail (London-West Midlands) Bill Select Committee

Role of the Committee

The Select Committee on the High Speed Rail (London - West Midlands) Bill provides individuals and bodies directly and specially affected by the Bill with the opportunity to object to the Bill's specific provisions and to seek its amendment, although not to object to the principle of the Bill.

Current membership

[Mr Robert Syms MP](#) (*Conservative, Poole*) (Chair)
[Mr Henry Bellingham MP](#) (*Conservative, North West Norfolk*)
[Sir Peter Bottomley MP](#) (*Conservative, Worthing West*)
[Ian Mearns MP](#) (*Labour, Gateshead*)
[Yasmin Qureshi MP](#) (*Labour, Bolton South East*)
[Mr Michael Thornton MP](#) (*Liberal Democrat, Eastleigh*)

Publication

Committee reports are published on the Committee's website at www.parliament.uk/hs2-committee-commons and by the Stationery Office by Order of the House.

Committee staff

The current staff of the Committee are Neil Caulfield (Clerk), Miguel Boo Fraga (Committee Assistant), and Gary Calder (Media Officer).

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Summary

This report summarises the interim decisions and observations of the Select Committee on the High Speed 2 Phase One hybrid bill, prior to the general election of May 2015 and some 10 months after our work began. We hope that it will be read by those involved in the hybrid bill process. We trust that our suggestions on how to present petitions effectively and efficiently will be taken on board. Those to whom our other recommendations are directed should take them as far forward as possible in the period before our successor committee continues our duties.

We thank all who have participated in the select committee process. In particular, we thank the petitioners themselves and those who are advising and supporting them through an arduous procedure, those who have helped to organise and who have participated in our enormously helpful programme of visits along the proposed Phase One route, the staff of the HS2 project who have so ably administered many of our facilities in Committee Room 5, Mr David Walker of Winckworth Sherwood who has programmed petitions hearings so efficiently, and the Committee staff who unusually have had to advise not only the Committee over an extended period but petitioners as well. We also thank fellow Members of Parliament for their time and diligence in many areas, including in helping petitioners deposit documents, in suggesting visit itineraries, in helping their constituents make the most of our visits, and in appearances before us to summarise areas of local concern. Engagement between petitioners and their Members has clearly brought about several areas of improvement to the proposed project.

We have made a number of suggestions for changes to the proposed scheme. Our successor committee will wish to review progress with these. Our priority is on home purchase; in particular, the urgent necessity for the Need to Sell scheme to function properly, and efficiently. We want evidence that this is happening substantially before the end of the select committee process.

1 Introduction

The HS2 Phase One Hybrid Bill

The Bill and the HS2 railway

1. The High Speed Rail (London-West Midlands) Bill contains the proposed legislative powers for building Phase One of the first major rail route north of London since the 19th century. It was presented to Parliament on 25 November 2013, and its two volumes were accompanied by an unprecedented 50,000 page environmental statement covering the predicted local and route-wide effects of the proposed project. The Phase One railway—the concern of this Committee and our successor committee—will run from London to Birmingham, with further track from east of Birmingham to Handsacre, north of Lichfield, allowing West Coast Main Line services to and from the north-west and Scotland to use the Phase One route. Phase Two, whose route is not yet finalised, would involve extension of the first phase to Manchester and Leeds, again with links to existing lines to serve other towns and cities. The whole would form a broadly Y-shaped network of high-speed track for dedicated trains (trains serving only stations on the high-speed route) and trains to and from other destinations.

Elements of the Phase One railway

2. Notably, the design of the first phase network involves:

- four stations: at London Euston, at Old Oak Common (linking with Crossrail), near Birmingham airport ('Birmingham Interchange') and at Birmingham Curzon Street;
- a proposed rolling stock maintenance depot at Washwood Heath in Birmingham;
- a major junction east of Birmingham at Water Orton (the 'Delta Junction');
- maintenance loops at Wormleighton in Warwickshire and Stoke Mandeville in Buckinghamshire;
- an infrastructure maintenance depot at Calvert in Buckinghamshire;
- the works mentioned above to link high-speed track to the West Coast Main Line at Handsacre in Staffordshire;
- substantial construction railheads at Kingsbury in north Warwickshire, at Calvert, in west Ruislip (Harvill Road), and in Willesden.

3. Some 29 miles (47km) (approximately 20%) of the line is proposed to be in tunnel, including a 13.4km deep-bored tunnel under a section of the Chilterns, and two tunnels of 13.4km and 6.3km respectively west and east of the station at Old Oak Common.¹

4. The Bill as presented contained provision for a link from HS2 to HS1 via Camden. Following a report in March 2014 from the Chairman of HS2 Limited, Sir David Higgins, the Government will not pursue that proposed link. At the time of publication the intention is that the relevant provisions will be removed from the Bill except in relation to a possible “passive provision” for a future link from Old Oak Common to HS1.²

5. Sir David Higgins also proposed bringing forward part of the Phase Two project by building the western section of Phase Two from Handsacre to Crewe earlier than planned. That proposal is not within our remit. Any legislation on it would need to be part of a future bill.

6. In a written answer to a question from Rt. Hon. Dominic Grieve MP, the Secretary of State indicated on 9 March 2015 that a spur from HS2 to Heathrow will not be proceeded with.³ The spur itself was not part of the current Bill, but there is passive provision for it in the Bill. We have been told that that passive provision will remain.⁴

Hybrid bill procedure

7. The Bill was presented by the Secretary of State for Transport, Rt. Hon. Patrick McLoughlin MP, on behalf the Government. Bills presented by Members of Parliament are public bills. However, since the Bill will affect certain people and bodies in particular adverse ways, it engaged the protection of the private business standing orders of the House. That dual status made it a so-called ‘hybrid’ bill, against which those directly and specially affected could petition, with the petitions being heard by a select committee.

8. As members of that Select Committee we have had the power to amend the Bill; by limiting the powers it gives and by inserting new powers. Where the latter amendments might themselves cause particular adverse effect, they can be petitioned against. So far there has been one round of such ‘additional provisions’ to the Bill, in that case initiated by its Promoter (the Department for Transport) and largely concerned with reaching accommodation with petitioners from various parts of the line. Another round, which will include some of the matters on which we have made suggestions or recommendations, is expected after the general election. Our successor committee will have the same powers that we have had.

1 High Speed Two, Information Paper D7: [Tunnel Construction and Methodology](#), April 2014

2 ‘Passive provisions’ refer to provisions that facilitate future engineering work without requiring the work itself. Put simply, they allow for easy future connection of an extension.

3 HC Deb, 9 March 2015, [225829](#)

4 Oral evidence taken on 10 March 2015, [para 305](#) [Mr T Mould QC (DfT)] and 12 March 2015, [para 24](#) [Mr Mould QC (DfT)]

9. If and when the Bill passes this House it will be the subject of a further petitioning stage in the House of Lords. The second House does not normally have power to consider additional provisions. The range of amendments that could be made by that House would usually be confined to issues that would not require new Bill powers, for instance, limitation of Bill powers, monetary compensation or limited physical mitigation.

10. A timeline showing the stages of the Bill to date and hereafter is contained in Appendix 1.

From introduction of the Bill to its Second Reading

11. Public consultation on the environmental statement began on 29 November 2013. The deposited printed version of the environmental statement (although not the online and electronically deposited versions) was found to be missing some 877 pages of material. Although a revised version was subsequently produced, there were complaints that the omissions had made the consultation time inadequate. The Examiners of Petitions for Private Bills (officials of the two Houses who examine private and hybrid bills to confirm whether they comply with relevant standing orders) found the Bill non-compliant and referred the issue to the Standing Orders Committees of the two Houses.

12. The Commons Standing Orders Committee subsequently ordered an extension of time for responding to the consultation on the environmental statement, from 24 January 2014 to 10 February 2014. The Lords Standing Orders Committee then ordered a further extension to 27 February 2014. The total extension of time for responding to the consultation was therefore nearly five weeks. The decisions to extend the consultation timings were seen to be fair.

13. In accordance with standing orders of the two Houses passed in July 2013, an Independent Assessor subsequently prepared a summary of the issues raised in consultation which was published on 9 April 2014, in advance of the House of Commons debate on Second Reading.⁵

Second Reading, appointment of the Committee and petitioning

14. The Government set aside a full day for debate on Second Reading of the Bill with additional time the following day for related business. The two days of debate took place on 28 and 29 April 2014.⁶ The House agreed to Second Reading by 452 votes to 41.

15. On the second day of debate the House agreed the referral of the Bill to a Select Committee, appointed us as members of that committee, and set dates for petitioning. Debate on that day focused on concerns about the procedures for petitioning and on the Committee's operating procedures.

5 HS2 Independent Assessor High Speed Rail (London-West Midlands) Bill: Summary of issues raised by comments on the Environmental Statement, HC (2013–14) [1199](#)

6 HC Deb, 28 April 2014, [col 557](#), and HC Deb, 29 April 2014, [col 707](#)

16. The House’s agreement to Second Reading on 28 April established that a high-speed railway from London to the West Midlands in the Bill’s terms should in principle proceed. In agreeing a subsequent instruction⁷ to this Committee the following day, the House further directed that this principle should include the “broad route alignment” contained in the Bill plans. Neither this Committee nor its successor can therefore significantly change the broad route alignment proposed in the Bill (although we note that at least one previous hybrid bill committee has found ways to implement changes to a bill that might have been considered outside that Bill’s strict principle).⁸

17. The instruction also contained a direction that the Committee should not hear petitions for or against the spur from Old Oak Common to HS1, and should amend the Bill to remove this link. As matters stand, any such link would have to be the subject of future legislation. There remains scope for the Select Committee to hear petitions in relation to passive provision for such a link.

18. Each member of this Committee decided to refrain from voting on Second Reading and on the other procedural motions taken on 28 and 29 April 2014. This does not tie the hands of any future hybrid bill committee charged with similar duties. We were subsequently each required to confirm that we had no personal or constituency interest in the Bill.

Petitioning numbers

19. Between 29 April and 23 May 2014, 1,918 petitions were lodged against the Bill. We acknowledge the hard work undertaken by MP colleagues in helping petitioners with the deposit of petitions during that time. We accept that the journey to Parliament required to deposit petitions in person was not a straightforward matter for some petitioners.

The purpose of this interim report

20. The motions agreed to on 29 April included carry-over motions allowing the Bill to continue without repetition of the stages already passed; in the subsequent 2014–15 session and in the new Parliament. The carry-over motions provide that a successor committee will, by default (that is, if we are all re-elected), have the same membership. We are each standing for re-election. We believed it would be useful to publish this report so that our successor committee’s members might benefit from our reflections on progress and evidence to date. We take this opportunity to signal some sensible ways forward for programming and petitioning procedure.

7 Votes and Proceedings, [29 April 2014](#)

8 The Select Committee on the Crossrail Bill delayed its proceedings until agreement had been reached to accommodate an additional station at Woolwich (see Select Committee on the Crossrail Bill, Crossrail Bill, First Special Report of Session 2006–07, [HC 235-I](#), para 33)

The Committee's work to date

Initial meetings

21. We held our first meeting on 6 May, and agreed that Mr Robert Syms should chair the Committee. We decided to invite a number of interested parties to an initial programming discussion, so that we could hear views on how to organise the order for petition hearings. So far as we are aware, the programming meeting was a new practice for a hybrid bill committee. It helped us to understand the views of petitioners and of the Promoter on an appropriate hearing order, and we were addressed on various other issues exercising petitioners, including notice periods for hearings, whether there would be limits on their time during hearings, and when to hear route-wide issues. We have sought in our hearings so far not to have formal limits on petitioners' time. As the process moves forward into areas with many hundreds of petitions, there will need to be some strenuous self-limiting and sensible marshalling of arguments. We return to this in Chapter 8.

Programme

22. We announced an initial programme on 12 June 2014. We decided not to take route-wide issues first as we wanted to obtain an early sense of how the project would affect actual residents, farms and businesses. There was also a risk that considering route-wide effects first would involve hearing evidence from some petitioners twice over.

23. Because of the uncertainty around the configuration of the project at Euston, we decided to start hearing petitions at the northern end of the route, beginning broadly with the section from Birmingham Curzon Street to Water Orton and then shifting to Staffordshire before moving southward through Warwickshire, the Solihull area, Northamptonshire and Oxfordshire. At the date of this report we have completed, with relatively few exceptions, petitioning hearings from the entire northernmost sections of the line from Birmingham Curzon Street and Staffordshire to the borders of Buckinghamshire—almost exactly half of the route. The exceptional cases are mainly petitioners who, sensibly, want to defer appearing until after the next round of additional provisions.

24. Early on, we signalled that we might take the Colne Valley area before a strict north-south progress would require, so that our successor committee could deal with the Chilterns in totality after the general election. When we halt our work, just before the dissolution of Parliament, we will be approximately half way through hearing petitions from the Colne Valley area.

25. For various reasons, including security of meetings, the need for television coverage, information technology issues, and the need to have six Members of Parliament in one place over an extended period, we decided to hold our formal hearings at Westminster rather than elsewhere. We agreed to undertake an extensive and thorough programme of visits.



Committee Chair, Robert Syms MP

2 Committee visits

Visits made and proposed

26. We have undertaken six highly informative visits to sites along the proposed route, and to Crossrail, to HS1 in Kent and to the Arup sound laboratory in central London. The visit to Crossrail provided useful background on petitioning processes as well as an opportunity to view a tunnel boring machine on location. The visit to HS1 was instructive as we were able to see, hear and travel on UK domestic high-speed trains and experience a high-speed route in context. Separately, Rt. Hon. Damian Green MP, the Member for Ashford in Kent, gave us an informative briefing on his perception of HS1. The visits to sites along the route assisted us greatly in our understanding of petitioning issues and helped petition hearings to be substantially more productive and efficient.

27. We reiterate our thanks to our parliamentary colleagues who accompanied and guided us on visits, to the petitioners and other local people and businesses who welcomed us warmly notwithstanding their general disquiet about the high-speed railway, and to the team, including Terri-Ann Lovelock from HS2 Limited, who managed our visits, and our driver, Ken Humphries. We appreciate the knowledge, commitment and contribution of parish councils and other local representative groups.

28. Following is a table of the visits undertaken so far. Further visits are planned for after the general election, including three days of visits to Buckinghamshire, which has the longest section of the Phase One route of any county.

Table: HS2 Committee visits undertaken to date

| Date | Visit |
|--------------|--|
| 8 July 2014 | Arup sound laboratory |
| 15 July 2014 | Birmingham Curzon Street to Water Orton and Kingsbury, accompanied by Dan Byles MP and Rt. Hon. Caroline Spelman MP |
| 16 Sept 2014 | Birmingham Interchange site to Lichfield, accompanied by Rt. Hon. Caroline Spelman MP, Dan Byles MP, Christopher Pincher MP and Michael Fabricant MP |
| 17 Sept 2014 | Crossrail site at Limmo peninsula, Canning Town |
| 7–8 Oct 2014 | South Warwickshire, accompanied by Rt. Hon. Jeremy Wright MP and Mr Jim Cunningham MP, and Mixbury, Oxfordshire |
| 27 Oct 2014 | South Northamptonshire, accompanied by Andrea Leadsom MP |
| 2 Dec 2014 | HS1 in Kent |
| 15 Jan 2015 | Denham, Colne Valley, Harefield and Ruislip, accompanied by Rt. Hon. Dominic Grieve MP and Mr Nick Hurd MP |
| 5 Mar 2015 | Old Oak Common and Northolt, accompanied by Angie Bray MP, Mr Andy Slaughter MP and Stephen Pound MP |

3 Our approach to the issues before us

Decision process

29. The House’s Instruction to us on the principle of the Bill meant that, unless there were an exceptional reason to seek a different Instruction, we would not consider changes to the rail route outside the currently proposed broad route alignment. We recognise in any event that in the design process for High Speed 2, successive Secretaries of State have already made substantial adjustments to mitigate the effects of the railway, such as the longer Northolt tunnel, a new tunnel at Bromford near Birmingham to avoid local manufacturing sites, and a 60m north-eastward shift of the Colne Valley viaduct. Additional provisions with further mitigation are also in preparation.

30. In considering petitions, we have had to balance individual, local and business interests with the national interest and the interests of taxpayers. The decisions and suggestions we set out hereafter were made on that basis. In certain cases (of the order of 10%) we decided that a specific, early decision would be desirable—for instance, to allow plans to be worked up earlier or to avoid uncertainty—including about any necessary additional provisions. Chapter 4 sets out these recommendations. Some have already been articulated by statements from the Chair, while others are new. Appendix 2 contains the dates of all decision statements by the Chair, with a link to where those statements can be found. Chapter 5 sets out some outstanding matters. Chapter 6 deals with our provisional views on compensation. It will be for our successor committee to make final determinations on a number of issues with the assistance of our reflections here.

31. One of the benefits of hearing petitions is that the Promoter and HS2 Limited will take into account a number of points made in the public forum of the Committee notwithstanding that we did not insist or have not yet insisted on particular action. The Promoter has published a register of assurances and undertakings which partly reflects this.⁹ In relation to some 40–45% of the petitions we heard we were content with the Promoter’s existing assurances or with the position as planned under the hybrid bill. Further decisions will be made by our successor committee.

Settlement negotiations

32. HS2 Limited seeks negotiated settlements with petitioners and other parties as and when proper and possible. It is right that they do so, as agreements are more likely to achieve practical and appropriately detailed solutions than decisions imposed by a panel such as ourselves. For that reason, we have encouraged many petitioners who have appeared at hearings and who seemed close to possible settlement to continue their discussions with HS2 Limited. We directed that such petitioners write to the Committee via the Clerk if they felt that any sticking point in negotiation merited the Committee’s further intervention. We would then consider the matter and communicate our views to

9 HS2 Limited, [Register of Undertakings and Assurances, March 2015](#)

the petitioners and/or HS2 Limited through the Clerk. In this way, we have sought to avoid having unnecessarily lengthy initial petition hearings, and we have not sought second or subsequent hearings. We were open to the possibility of petitioners returning briefly to the Committee if we judged it essential.

33. The Clerk has kept us informed of the progress of all such discussions. We have on occasion instructed the Clerk to communicate unilaterally with either the petitioner or HS2 Limited to indicate that one or other party could shift its negotiating position and thereby accommodate the Committee's views.

34. This approach appears to have functioned well. We do not seek to bind any future committee but we do recommend it to our successors.

Need for timely approaches from HS2

35. For settlement discussions to work most effectively, they require time and as much information as possible. We have heard many complaints by petitioners about late approaches from HS2 Limited: late petition response documents, late settlement approaches and late offers of meetings.

36. We acknowledge that last-minute settlements offers and settlement discussions at the door of the committee room are probably to some extent inevitable. We encourage HS2 Limited to be more timely in its engagement with petitioners, particularly as there is scope to get ahead with preparation of petition response documents during the election period, and with negotiations thereafter.

4 Recommendations

Birmingham Curzon Street and Washwood Heath

37. Birmingham Curzon Street station will be large, occupying some 3.5 ha of land. Petitioners were concerned particularly about land take, connectivity through the station, and access during construction, stressing the need to avoid repeats of previous planning mistakes in Birmingham. Separation of business and academic communities from each other was identified as a particular potential problem.

38. We have asked for the extent of temporary land take to be re-evaluated so that some of the current landowners who will retain land adjacent to the site will have more of their land returned, and returned sooner. We invited HS2 Limited to consult further with local interested parties on connectivity to and access across the station, including for the Digbeth area, and we anticipate reports back to our successor committee.

39. The planned Washwood Heath rolling stock maintenance depot would be on land formerly used for railway manufacture. Rt. Hon. Liam Byrne MP and others argued forcefully to us that the depot should be located elsewhere, near the Interchange station, to free the Birmingham site for other development in what is an area of high unemployment. HS2 Limited cited strong operational reasons favouring Washwood Heath as a choice of maintenance location because of its proximity to the Curzon Street terminus. Other interested parties argued against the alternative choices on the basis of possible development plans. Ecological issues related to the use of green belt land were also raised. An early decision was clearly desirable to provide certainty.

40. We concluded that the case for choosing an alternative location was not strong enough to justify overturning the Promoter's proposal. Land near the Interchange station will be desirable for planned regional development ('UK Central') making good use of connections provided by the high-speed trains. The HS2 facilities at the maintenance depot will guarantee some job creation at Washwood Heath. On land take, we directed a review to minimise the temporary and permanent use of land by the Promoter at Washwood Heath and to maximise opportunities for other employers to establish themselves as soon as possible following construction. We have called for a more imaginative approach to the location of balancing ponds (which cater for the temporary storage of water draining from railway infrastructure) and the location of the control centre. The Promoter has given an assurance that land use will be minimised as far as reasonably practicable.¹⁰ An update will be called for in due course.

10 HS2 Limited, Register of Undertakings and Assurances, March 2015, [Item 13](#)

Staffordshire

41. In Staffordshire, the high-speed railway must traverse the A38 trunk road and the Trent and Mersey Canal. The Bill's proposals would have involved a high viaduct over the A38 and agricultural land east of Streethay, requiring major construction works, as well as four viaducts to cross the canal.

42. On our visit to this area we heard strong representations from local petitioners and from Michael Fabricant MP in favour of an alternative horizontal and vertical alignment, avoiding three of the four canal crossings and taking the railway under instead of over the A38. We heard that, although this approach would affect certain properties more adversely, it would be less visually intrusive (including from the city of Lichfield) and more sympathetic to the canal environment. We understand that it would also save money. We made our provisional views known and we were pleased that HS2 Limited came forward with a proposal to adopt the alternative alignment. This will be presented in an additional provision. Affected parties will have the opportunity to petition against the additional provision and be heard by our successor committee, but subject to that the realignment appears more sensible to us.



Committee visit to Staffordshire

43. Near the village of Hints in Staffordshire the route passes in a valley between two valuable areas of woodland. We visited this area and subsequently heard petitioners from Hints, which is situated in a conservation area. We were pleased when HS2 Limited produced proposals for lowering of the route through the valley. These will make the railway less obtrusive and reduce the impact on woodland. There are, however, many important rights of way which the railway will still bisect. We encourage HS2 Limited to compensate this with further measures to reduce intrusion by the railway and to allow enjoyment of the extensive local woodland as a whole.

Middleton and Kingsbury

44. Kingsbury will be the location for a very substantial construction railhead which is likely also to be used in Phase Two if that proceeds. This status has been recognised by making it part of a Special Management Zone for Warwickshire with designated liaison staff.¹¹ Since introduction of the hybrid bill in November 2013 the Promoter has developed better mitigation in the form of higher bunds and extended planting.

45. We asked for expeditious handling of certain property purchases in the area to remove uncertainty for the owners. We requested and received a re-examination of traffic predictions. Petitioners should write to the Committee clerk if they take issue with that further data. We sought also greater acknowledgment by the Promoter of the effect of possible Phase Two works. We expect HS2 Limited to go the extra mile on community liaison and support in this area, to compensate for some evident failings in the past. We expect that Kingsbury will be able to make a strong bid for money from the Community and Environment Fund.

46. We heard representations for a tunnel at Middleton. There had already been a lowering of the line alignment there. We said that we did not favour a tunnel.

Water Orton

47. Water Orton is a substantial village near to the Delta Junction which will connect the main north-south tracks with the spur into central Birmingham. The proposed line here has already been moved some 30m south to reduce visual and noise intrusion. When we visited the village we heard strong representations for a relocation of the primary school. We were pleased when funding for a new-build school was subsequently agreed by the Promoter, allowing the school to withdraw its petition.

48. Although a well-presented case was made for different routing of the railway in this area, HS2 Limited presented strong technical counter-arguments based on the configuration of the route to the east. We considered that further changes could not be justified. Water Orton is nevertheless a significantly affected community. We will monitor

11 High Speed Rail (London-West Midlands) Bill Committee, Associated Evidence, [16 December](#) (P2116/1) Associated evidence is evidence cited during petitioner hearings. 'P' numbers refer to the Promoter's evidence; 'A' numbers refer to petitioners' evidence.

the success of Need to Sell applications from there.¹² Noise monitoring should be rigorous. We have requested and received additional data on traffic movements. The Promoter has provided assurances on restricting construction traffic movements through the village.¹³

Balsall Common and Berkswell

49. These two villages form a strong community which clearly values its surrounding rural environment. Petitioners from the villages argued strongly for a tunnel, and wanted a further, more detailed study of potential benefits and costs than was contained in the report that HS2 Limited produced shortly before they appeared.

50. We listened carefully to the arguments from petitioners and from the Promoter, who estimated the additional costs of various tunnel options at upwards of £126m.¹⁴ We felt it was unlikely that a more detailed survey would reduce these estimates so radically as to be merited. On balance, we decided that a tunnel here could not be justified.

51. We have, however, requested a study of how noise mitigation might be improved in this area, as well as a briefing on the range of noise mitigation measures available, including different barrier types. This will be produced after the general election and the further environmental statement will also touch on it. We have said that we were interested generally in proposals for continued noise monitoring, during construction and after operation commences.

52. We asked that construction traffic at Balsall Common be kept away from the local primary school and the Promoter has agreed to implement this through an additional provision. Station access and car parking should be maintained.

53. HS2 Limited have proposed improvements to footpaths, including reduced diversion of the Kenilworth Greenway, which we welcome. We have encouraged HS2 Limited to maintain a dialogue with the Greenway Trust and with the local Tree Warden Group.

54. Notwithstanding our conclusions on tunnelling and the merits of a further survey, we deprecate HS2 Limited's lateness in producing the tunnel report just before petitioners from this area appeared before us. This was unsatisfactory. It has not been the only such case.¹⁵

12 See Chapter 6

13 High Speed Rail (London-West Midlands) Bill Committee, Associated Evidence, [11 February 2015](#) (P4571, P4571A and P4573); Oral evidence taken on 11 February 2015, [para 247](#) [Mr Mould QC (DfT)]. HS2 Limited, Register of Undertakings and Assurances, [March 2015](#)

14 HS2 Limited, [HS2 Berkswell and Balsall Common Tunnel Report](#), 25 November 2014

15 See, for instance, oral evidence taken on [16 December 2014](#), afternoon, [Dan Byles MP]

Burton Green

55. The village of Burton Green will be bisected by the railway. To mitigate the effect of the line, the Bill proposed a 621m green tunnel which will be extended by 50m at both ends by proposed additional provisions. Petitioners from Burton Green were concerned about blight and community cohesion, and argued for a deep bored tunnel or alternatively a short bored tunnel.

56. The Promoters now propose further additional provisions. These include a 2m lowering of the line alignment in cutting, enhanced bunding and screening, and routing of construction traffic away from the village.

57. The additional costs of a deep bored tunnel would be between £179.5m and £645m. The costs of a short bored tunnel would be between £28m and £32m. Even allowing for possible overestimates, we have concluded that neither such tunnel option would represent value for money. The additional mitigation proposed by the Promoter, together with other measures that we have suggested, should be some help.

58. A new proposal for relocating the village hall is being worked on. We have requested that the Promoter actively seek views on location and that HS2 Limited's budget for the new hall be generous. The new facility should be opened before the existing hall closes. We have requested that the Promoter suggest specific ways to support the pupil numbers at the local Church of England primary school during construction, and for one year after the scheme opens.

59. It is important that the community sustain itself during several years of construction in this area, and that properties acquired by HS2 Limited for let be well maintained. We have received a detailed and satisfactory report from HS2 on rented properties maintenance in the area.¹⁶ We expect a further report in due course.



Committee visit to Burton

Kenilworth area

60. One of the main issues in the Kenilworth area was with construction traffic, its potential for causing congestion, and possible displacement by construction traffic of other vehicles. These were raised by Coventry City Council, the University of Warwick and others. We requested additional data. The Promoter has given specific assurances about the use of the A429 south of Crackley. When Coventry City Council appeared before us on 24 February 2015 they were able to confirm an agreed way forward in which University of Warwick will also be involved.¹⁷ A traffic assessment will be undertaken within not more than 4–6 months. A number of detailed assurances have been given on road use including in relation to certain junctions which have been the subject of concern—notably junctions on the A45, A46, A452 and A429.¹⁸

61. We will be monitoring the success of the Need to Sell scheme with particular regard to applicants from the Crackley Gap.

Offchurch and Cubbington

62. Petitioners from these areas wanted a tunnel or a lowering of the line. There are also issues with the highly valued local amenity of South Cubbington Wood, with local sites of special scientific interest, and with severance of rights of way. We requested that the Promoter provide a review of its position on lowering of the line in Warwickshire. We received this on 23 March 2015 and have directed the Committee staff to review it and brief our successor committee. We consider there is unlikely to be sufficient justification for a tunnel. It would involve much extra construction traffic.

Ladbroke and Southam

63. We were concerned about potential adverse effects on business and employment from disruption caused by construction works in the Southam area. We expect the Promoter to take full account of such effects in managing the project and to seek to minimise them. The local community expects, and should receive, reassurance on traffic management.

64. There should be sensible placing of traffic lights outside Ladbroke during construction, to minimise possible traffic displacement through the village. We asked the Promoter to provide written reassurance about footpaths in the area.

Wormleighton and Priors Hardwick

65. This is an isolated and tranquil area where the proposed line would have a noticeable profile, albeit mitigated by bunding. Petitioners argued for a tunnel. The remoteness of the area reduces traffic access, which would make spoil removal from a tunnel difficult and intrusive. We have requested that the Promoter consult further with local interested parties

17 High Speed Rail (London–West Midlands) Bill Committee, Associated Evidence, [11 February 2015](#) (P4583)

18 Oral evidence taken on 24 February 2015, afternoon, [para 2 \[Mr Mould QC \(DfT\)\]](#)

and consider whether there is an option for lowering the line in this area while still accommodating the need to pass over the Oxford Canal.

Thorpe Mandeville and Culworth

66. These two settlements are on either side of a valley which will experience significant effects from the railway. Certain properties in Lower Thorpe Mandeville are particularly close to the proposed line. Responding to petitioners who appeared before us, the Promoter has agreed to undertake a feasibility study on installing a second sound barrier on the Culworth side of the viaduct through the valley.¹⁹ We welcome this. The study should be made available as soon as possible. There were a number of notable compensation cases here.

Radstone

67. Petitioners from Radstone presented a commendably pragmatic argument for a relatively inexpensive realignment of the route to the west of its current trajectory. The Promoter has agreed to review the feasibility of this proposal along with further mitigation options, to be provided in June 2015. We welcome this. Notably, the Promoter said it would not dispute whether such a move would be within the broad route alignment.²⁰

Brackley

68. Petitioners from Brackley were concerned principally about the proposed height of the A43 viaduct and the arrangements for building it. Constructing the viaduct will be a major undertaking and there will be inevitable, short-term inconvenience. There should be a report back at a later stage on whether HS2 Limited's plans for dealing with it are adequate.

Finmere and Mixbury

69. Petitioners here wanted a lowering of the line to avoid raising the height of the A421, a potential noise source. They were concerned also about bridleway access and horses being startled, as the area is extensively used in horse training.

70. Lowering the line could cost some £125m. There is already substantial mitigation in this area and we were not convinced that vertical realignment was necessary. We asked the Promoter to consider better mitigation and to improve its proposals on bridleways and horse access. This illustrates what should happen in similar areas where access for horses is an issue.

19 Oral evidence taken on 4 February 2015, morning, [para 229](#) [Mr Mould QC (DfT)]

20 Oral evidence taken on 24 February 2015, morning, [para 73](#) [Mr Mould QC (DfT)]

Colne Valley

71. We will be only part way through hearing petitions from this area when Parliament dissolves. Furthermore, certain issues raised by petitioners from the Colne Valley are connected with Chilterns issues. We reserve judgment on these petitions. The Heathrow spur has been abandoned but passive provisions remain in the Bill to safeguard against a change in policy in the longer term,²¹ and these are illustrated in associated maps. Passive provisions may be sensible, but whether they are really needed should be reconsidered after the final report of the Airports Commission.²² The risk of a continuing perception of blight should be monitored.

Old Oak Common

72. Dialogue between interested bodies including the Mayor of London, Transport for London, Crossrail and HS2 Limited is important here. Our successor committee should be briefed on options and on who is taking the lead.

Tunnelling generally

73. We heard arguments for tunnels or longer tunnels at, in addition to the locations mentioned, Long Itchington, Boddington, and Greatworth. We concluded that tunnels would not be justified at these locations but that there should be appropriate attention to the railway's detailed design at each of them. The final decisions on tunnel matters will be for our successor committee.

74. We have adopted a sceptical approach to all costs estimates placed before us—on tunnelling and other matters. Even so, the net additional costs of tunnel options presented to us so far were all so high that we did not believe further studies would have changed our view.

75. The merits of tunnels should be assessed on the basis of their own cost and potential benefit, not their percentage contribution to overall project costs. We have requested that the Promoter make available a guide to tunnel costs to assist petitioners arguing the case for more tunnelling.

21 See para 6

22 <https://www.gov.uk/government/organisations/airports-commission>

Highways and traffic safety

76. We anticipate that local highway authorities should manage these issues in consultation with HS2 Limited, but the project should endeavour to leave a legacy of reduced risks and improved road safety in areas that receive no other benefit from HS2. Cases where we suggest specific action are:

- A pedestrian crossing in the village of Ufton, which will suffer some five years of construction traffic, to be as close as practicable to the location specified by the petitioners and funded by the Promoter;
- A roundabout or equivalent safety measures at the Long Itchington construction compound to help with handling construction traffic entering and exiting the compound;
- A roundabout north of Chipping Warden at the intersection of the A361 and Welsh Road to address safety concerns;
- A roundabout in Greatworth at the junction of the B4525 Welsh Road and the Dump Road.

77. We welcome the news that HS2 Limited and Northamptonshire County Council will help to fund a bypass at Chipping Warden. Speedy progress must be made with the plans for this in order to incorporate those plans in a new round of additional provisions. We encourage interested local parties to communicate their views on the principal matters quickly. We expect the county council and HS2 Limited to take account of further local concerns on more detailed matters, provided that is communicated to them by mid-April.

Viaduct design

78. We expect that the viaduct design and materials will be the subject of local consultation across the route, particularly at Berkswell, Hampton-in-Arden, Stoneleigh, near Offchurch and Cubbington (over the River Leam) and at Thorpe Mandeville. The road overbridge north of Ladbroke should be of sympathetic design.

79. South Northamptonshire District Council argued forcefully for written commitments to locally sympathetic design policies. We supported their position and we expect appropriate general assurances from the Promoter. Designs should be sensitive to the local situation and the wishes of communities. Travellers using the line do not see structures from the local perspective; residents do.

Farm land take, tax issues and alternative mitigation

Land take

80. We have directed that the Promoter reconsider the extent of temporary and permanent land take affecting a number of business and residential landowners who have petitioned. We have taken the same view in relation to agricultural land holdings.

81. There are issues around the temporary use of agricultural land such as whether soil and drainage systems are returned in good condition and whether the farmer should have inspection rights during the period of use for construction. We encouraged the Promoter to develop a model that would take account of these issues. HS2 Limited also committed to developing an alternative dispute resolution system.

82. The Promoter has since taken the view that it would prefer to use its powers as temporary user under Schedule 15 to the Bill. The Country Landowners Association (CLA) has objected to this for several reasons, including that there could be inadequate individual liaison with farmers. These issues remain outstanding at the time of this report and will need resolution in the new parliamentary session. The alternative dispute resolution system is in development.

83. We still encourage the Promoter to minimise the need for permanent land acquisition, preferring temporary use where possible. Building on the concept of the agricultural liaison officer which found favour with the CLA and the National Farmers Union and which is the subject of an assurance, the Promoter should also continue developing a set of policies and practices so that liaison with farmers is earlier and better—by use of a ‘farm pack’. Farmers need to be able to approach their bank managers armed with some certainty based on proper assurances from the Promoter. The Promoter’s petition response and negotiation approach should take account of farming realities such as the need to plan ahead for seasonal feed storage and lambing.

84. A meeting with any petitioning farmers to address outstanding issues comprehensively should take place at least a week before they come to the Select Committee.

85. In a letter of 11 February 2015 to the CLA and the NFU,²³ HS2 Limited offered to hold a workshop with those two bodies to explain its policy on agricultural land occupation. The letter contained additional assurances on consultation with farmers, assistance with relocation of buildings, and soils management. These reflect sensible progress toward implementing our suggestions. How they work in practice will require monitoring.

Tax issues

86. Another reason why we encouraged minimal agricultural land take is that acquisition could generate deemed disposal for the purposes of capital gains tax. There is rollover relief on this, but farmers might not be in a position to find replacement land in which to invest

23 See High Speed Rail (London – West Midlands) Bill Committee [website publication](#)

the proceeds of compulsory purchase within the three-year time period within which rollover relief currently applies—particularly as the local real estate market might already be distorted by other HS2 activity. If they died while the assets were held as cash there might also be an inheritance tax liability.

87. Current rules allow a discretion whereby the time limit for rollover relief may be extended to six years—and beyond in exceptional circumstances. We are concerned that despite that there should be more certainty for farmers. For example, we consider that Her Majesty’s Revenue and Customs should issue a statement declaring that instances of acquisition by HS2 Limited will by presumption be covered, or perhaps reverse the burden of proof on land holders affected by the railway. We have asked for consideration to be given to these issues by HM Treasury and Her Majesty’s Revenue and Customs, and have called for HMRC to organise a meeting with representative bodies such as the NFU and the CLA to examine possible improvements. We expect HM Treasury and HMRC to report back to our successor committee.

Alternative mitigation sites

88. A number of petitioning farmers (the McGregors (1127), the Burtons (1635), and the Wilsons (1141), for instance) told us that the Promoter’s plans for the location of environmental planting and/or of balancing ponds and other drainage systems did not take account of local conditions. Whilst we recognise that environmental mitigation is often best provided nearby, we invite the Promoter to consider imaginative mitigation proposals that may involve land use at locations other than adjacent to the railway, and consult closely with local landowners on this. We welcome the general undertaking on consultation that has been provided.²⁴ Its implementation should be monitored.

Petition monitoring

89. Farm petitions that we particularly suggest be monitored for satisfactory resolution are Truggist Hill Farm (the Hughes, 224), the McGregors (1127), the Whitfields (1628), the Dowdeswells (772), Moretons (502), the Burtons (1635), the Wilsons (1141), the Humphreys (322) and the Banisters (1627).

90. The case of Andrew and Jennifer Jones (petition 1425) is also one where we have asked the Promoter to look at options for reduced land take (before the next planned additional provisions).

91. We have recommended monitoring of several other cases.

Other

92. We welcome HS2 Limited's willingness to enter into further discussions with Staffordshire Wildlife Trust and Warwickshire Wildlife Trust and to reflect the outcome of those discussions in a further environmental statement.

93. We have heard that HS2 Limited's record on engagement has been poor but we do not generally find it helpful to go into the whys and wherefores of this. Sometimes there will have been a failure by HS2 Limited to communicate adequately and helpfully;²⁵ sometimes there may have been a mismatch of expectation. In other instances, the answer requested by petitioners will not yet have been available.

94. It would go some way toward creating better relations with communities if the aggravation they will experience from construction were mitigated by moderate community and ecological improvements. This would help create positive local legacies from the project and at the same time help redress some of the grievances resulting from initial failure to engage or communicate helpfully. Improvements to the River Tame have been suggested as an example of what could be achieved for the wider community.²⁶ There will be other examples. We want the Promoter to brief our successor committee on the scale and scope of the Community and Environment Fund and the Business and Local Economy Fund, on what real schemes they might cover, on the criteria for applying to them, and on how they will be distributed, so that we can assess whether they should be extended.

95. On noise, we have said that it is not helpful for petitioners repeatedly to refer to World Health Organisation guidelines. We would rather they cited comparisons with HS1, or actual measurements or estimates. The Promoter has provided information on mitigation at tunnel portals, but there remains a clear desire among petitioners to hear modelling of tunnel portal noise. We want the Promoter to develop such a model and demonstrate it in sensitive areas such as Burton Green. There should also be demonstrations of noise at significant noise threshold levels so that people can familiarise themselves with those thresholds and what they mean in practice.

96. The materials deposited with the Bill include a Health Impact Assessment.²⁷ We are concerned that there is insufficient data on the health consequences of infrastructure construction and operation on this scale. A research project on health impacts would be welcome.

97. We have requested details of how exactly the Residents Commissioner will represent, communicate with and feed information back to residents.

25 An example is the inexplicable failure to provide important cross-sectional watercourse maps to Kenilworth Town Council when they had been provided to Warwick University (see oral evidence taken on 12 March 2015, [para 2 \(Mr Mould QC \(DfT\)\)](#))

26 Oral evidence taken on 16 December 2014, morning, [para 81](#) [Rt. Hon. Caroline Spelman MP]

27 HS2 Limited, [Health Impact Assessment](#), November 2013

98. We invite the Promoter in due course to respond to Rt. Hon. Damian Green MP's argument that contractors to the project should treat residents fundamentally differently from business partners.

99. We want the small claims procedure to be open to small 'requests' rather than strictly only to financial claims. It should not have the appearance of an adversarial process.

100. The Promoter produced a simulation of the route which has been made available to petitioners by appointment. We are content with this arrangement for the time being.

5 Matters pending for report back and decision

Approach to monitoring cases.

101. We have requested and obtained regular updates from the Promoter on unresolved petitions, including reports back on 11 Feb 2015 and on 16 March 2015. The Committee Clerk will pass the details of pending cases and all other relevant papers to our successor Committee so that that Committee is fully apprised of the facts relating to pending decisions, as well as of our views on the evidence we have heard and our reflections on other outstanding matters.

Specific cases

102. In some 20% of cases we have undertaken some active monitoring or requested a report back. Examples include the negotiations between Kenilworth Golf Club (404), Otter and Company (496) and HS2 Limited, and the petition of Silklink (Grimstock Country Hotel) (410), whose staff deserve some certainty of outcome. A smaller percentage are cases that we are confident will be settled but which we suggest also be monitored.

103. We want the Promoter to provide various reports back on Stoneleigh petitions. Proposed additional provisions will probably solve many of the issues there. Three of the principal petitioners—the Royal Agricultural Society (486), Grandstand Stoneleigh (488) and Motorsport Industry (490)—have reserved the right to return.

104. The petitions of Mr and Mrs Sadler (784) and Doreen Round (783) and Margaret and Peter Hughes of Truggist Hill Farm (224) illustrated a planning issue on the rebuilding of property affected by the line which we believed needed addressing. Mr and Mrs Sadler's farm in Staffordshire directly adjoins the location of the proposed link between the high-speed track and the West Coast Main Line. Whilst they do not wish to remain in their current farmhouse, they want to remain in the area and to build a new house on their own land, further from the line. HS2 Limited would acquire the existing building.

105. The Sadlers' dilemma is that local green belt planning restrictions prevent the building of a new home while the old one remains. Demolishing the old house would be a cost to HS2 Limited which on the face of it is both undesirable and unnecessary as, at the right price, it may find a willing occupier. Truggist Hill Farm (petition 22) and the petition of the Frushers (1521) present analogous issues with commercial buildings.

106. We wrote to the Secretary of State for Communities and Local Government requesting that such situations be examined and that guidance be given to local authorities whereby they may relax development rules in recognition of the exceptional circumstances here. He responded on 12 March 2015, saying that while he believed this was a matter best left to local authorities he would write to such authorities along the route and encourage due weight to be given to the railway's impact. We encourage those in a similar position to these petitioners to prepare and submit their applications. We recommend that our successor committee monitors progress.

6 The Need to Sell scheme and compensation

Compensation schemes

107. There are essentially two types of compensation on offer to those affected by the railway: the existing statutory compensation provisions and a discretionary package. The discretionary package was delayed because the consultation on the initially proposed package was found to be defective in a 2013 High Court decision.^{28 29}

108. The latest discretionary compensation package was launched on 16 January 2015 and we were briefed on it by the Promoter on 19 January 2015.

Distinguishing compensation cases

109. Those people whose land is required for the building of the railway, and who are compelled to move, are entitled to the full, unblighted market value of their property, together with moving costs including stamp duty and a 10% home loss payment. Those who wish to take advantage of the Exceptional Hardship, Need to Sell or Voluntary Purchase schemes, and who have some element of choice in whether to move, do not receive such moving costs, or the home loss payment.

110. Many are understandably aggrieved at this. The cost to the public purse of paying a premium together with moving charges and stamp duty to those not compelled to lose their property would be considerable. We recognise that some distinction should be drawn between those who can be forced to move and those who choose to do so. Furthermore, compensation schemes should avoid incentivising sales, thereby creating more community blight than already exists. Having regard to that, and to the balance that must be struck between the interests of potential compensation claimants and those of the taxpayer, the Government's position is not unreasonable.

111. That said, a number of property owners will face situations so adverse, despite their property not actually being required for the railway, that their degree of choice will be minimal. The Promoter recognised in the April 2014 decision document on consultation³⁰ that special cases exist, and counsel for the Promoter confirmed that these are intended to be part of the overall scheme.³¹ Examples, we believe, include those whose properties will be particularly close to or surrounded by long-term construction activity. The Homeowner Payment Scheme assists some in that category. In a limited number of further such special cases we believe the Promoter should offer an element of extra compensation, although not

28 R (on the Application of) Buckinghamshire County Council and Others -v- Secretary of State for Transport, [15 March 2013](#)

29 Railways: HS2 Phase 1, Standard Note [SN316](#), House of Commons Library, February 2015

30 Department for Transport, Property Compensation, Consultation 2013 for the London – West Midlands HS2 route: Decision document, [Cm 8833](#), April 2014

31 Oral evidence taken on 23 February 2015, [para 510](#) [Mr Mould QC (DfT)]

such as to equate their cases with compulsory purchase cases. We want to know how many applications have been made for special case compensation and how many have succeeded.

Previous ‘Exceptional Hardship Scheme’

112. The Exceptional Hardship Scheme, replaced in January 2015 by the Need to Sell Scheme, was intended to permit those substantially adversely affected by the project to sell the home they had lived in to HS2 Limited if they were unable to sell it with urgency on the open market, without substantial discount, and would thereby suffer exceptional hardship. We heard a lot about experience of this, including the high proportion of rejections, and the perception that the scheme placed excessive evidentiary demands on applicants. Joe Rukin of Stop HS2 described it as the ‘Exceptionally Hard to Get Scheme’.³² Ultimately, there were 152 successful applications and 361 rejections, representing an approximately 30% success rate.³³

113. Evidence from Sandy Trickett, senior caseworker to Dan Byles MP, suggested that up to six weeks’ work could be involved in preparing an Exceptional Hardship Scheme application:

We’re talking about bank statements, all building society accounts, pensions wherever possible, every sort of income that’s coming in, every bit of outgoing, to the nth degree. It’s very, very intrusive and a lot of elderly people don’t feel comfortable sharing that detail. They think it’s a real intrusion.³⁴

She told us that the complicated application forms had resulted in fees of several thousand pounds being charged for assistance with completion.³⁵

114. We heard about an applicant who was refused despite having taken a job involving a six-hour commute from Warwickshire to Hampshire.³⁶ That kind of case is unacceptable.

New ‘Need to Sell’ Scheme

115. The Need to Sell Scheme which has replaced the Exceptional Hardship Scheme is intended to be more accepting, and it should be. It requires a “compelling reason to sell” which the guidance notes explain covers those who will face an unreasonable burden if they are unable to sell. Urgency is not a condition.

116. We want the scheme to extend in practice to those having a justifiable reason to move, including those motivated by their “age and stage” in life. The desire to release capital to assist family members is one such motivation, and there will be a wide range of others. It is right that applications be supported by appropriate evidence, but to recognise the trauma

32 Oral evidence taken on 25 November 2014, afternoon, [para 190](#) [Joe Rukin]

33 <https://www.gov.uk/government/publications/hs2-phase-one-exceptional-hardship-scheme-applications-statistics>

34 Oral evidence taken on 20 November 2014, [paras 350–352](#) [Ms Trickett & Ms Clutten]

35 *Ibid.* [para 364](#) [Ms Trickett]

36 *Ibid.*, [para 370](#) [Ms Trickett]

experienced by some applicants the evidential requirements should be less onerous. Some humane discretion is called for.

117. For example, there should be a mechanism whereby those in areas of particular blight can avoid the need repeatedly to approach local estate agents for evidence of inability to sell. We have written to the independent panel charged with assessing Need to Sell applications, inviting them to work from a set of assumptions on inability to sell in certain such areas. The application materials should be amended so that evidence of estate agents' outright refusal to market is a clearly stated alternative to obtaining valuations. There should not be any need to provide extensive financial data where the grounds of application do not justify it

118. We have asked that HS2 write to everyone whose application under the Exceptional Hardship Scheme was rejected, inviting them to consider applying under the new scheme. We have also sought information on how extensively the schemes have been advertised. Rejections under the new scheme should endeavour to help applicants consider how to make a successful further application rather than take a negative approach. HS2 Limited should improve their approach to helping applicants.

119. The new scheme must allow successful applicants the choice of whether to pursue sale or other options such as the Alternative Cash Payment. At present, the time limit for exercising a successful application is three years. Re-applications thereafter should be considered with understanding and without undue process provided genuine reason to move remains. The scheme's requirement for a "compelling reason to sell" should not be interpreted so strictly that it is effectively open only to those who have decided that they must move soon, and not those who are only genuinely considering it. We believe that a sensible approach on this can lead to a greater number of established residents deciding to stay.

120. We expect the independent panel to tell us and the Secretary of State if they feel that their terms of reference constrain them to make what they believe to be unfair decisions.

121. On 28 February 2015, Dan Byles' caseworker, Sandy Trickett, sent us a dossier of cases of alleged procedural defects in the valuation and compensation process. We have heard from Jeremy Lefroy MP about similar matters.³⁷

122. The dossier raised several matters. One was inconsistency between grounds of refusal for a sequence of applications under the Exceptional Hardship Scheme. The first applications were refused on one basis, with other grounds accepted. Later applications were refused on the basis of the previously accepted criteria. There may have been changes of circumstance, but if not this inconsistency cannot be right and requires investigation.

123. Another issue was the lack of an adequate expedited process in cases of terminal illness. The new scheme must rectify this. We expect urgent applications to be considered urgently.

37 Oral evidence taken on 3 March 2015, morning, [paras 202–203](#) [Jeremy Lefroy MP]

124. A further issue was that of alleged defects in valuation procedure, including inadequate surveying, inadequacies in comparative valuation and alleged intransigence over appropriate valuation amounts.

125. In addition, there was the issue of the questionable sensitivity with which certain applications had been handled.

126. There is a case to answer on these matters. On the face of it, some of what has happened was wrong and unjust, and we are concerned that it may be symptomatic of an approach being adopted across the whole route. We do not intend to expose individual cases to public examination, but we have written to the Government asking for a report back.

Phase Two cases

127. Compensation for Phase Two matters is not strictly a matter for us, but we accept that our decisions on Phase One compensation might have some consequences for future Phase Two petitioners. We heard a number of petitioners who are located close to the currently proposed Phase Two route; many of them from Staffordshire. Two Staffordshire Members of Parliament, Sir William Cash MP and Jeremy Lefroy MP, also addressed us.³⁸

128. Unsurprisingly, we heard that there are blight issues despite the Phase Two route not having been finalised. The uncertainty deriving from the lack of a defined route has probably increased the extent and longevity of blight. Phase Two is at present covered only by an Exceptional Hardship Scheme which is essentially the same as the similar such scheme which operated for Phase One. Applicants under this scheme are experiencing many of the problems that Phase One applicants endured. Some 45%³⁹ of applications have succeeded—higher than for the Phase One scheme, although not overwhelmingly so.

129. The Promoter told us that the scheme is designed to avoid generalised blight.⁴⁰ Whilst we accept this up to a point, we believe that the greater gestation period of the Phase Two project is imposing heavier burdens on property owners even than for Phase One. We do not wish to see a growing number of people taking significant cuts to the value of their homes if they are compelled to sell or have to sell urgently.

130. For that reason, the incoming Administration should make an early decision on whether to proceed with Phase Two and, if it decides to proceed, quickly finalise the Phase Two route. As soon as possible thereafter, the Promoter should implement a Phase Two Need to Sell scheme. In the meantime, the efficiency, effectiveness and equity of the existing Exceptional Hardship Scheme could usefully be reviewed.

38 Oral evidence taken on 2 March 2015 [para 274](#) [Sir William Cash MP] and oral evidence taken on 3 March, morning, [para 195](#) [Jeremy Lefroy MP]

39 <https://www.gov.uk/government/publications/hs2-phase-two-exceptional-hardship-scheme-applications-statistics>

40 Oral evidence taken on 2 March 2015, [para 250](#) [Mr Strachan QC (DfT)]

Going forward

131. A substantial proportion (10–15%) of the cases we heard should be capable of being addressed through a properly working compensation scheme. This should alleviate much of the stress and hardship we heard about. The Select Committee cannot assess the working of the new Phase One Need to Sell scheme without evidence of how well it is working, however. We encourage petitioners who have a wish to move or to be able to move to apply or at least prepare to apply under the Need to Sell and/or other schemes before coming to the Select Committee. We expect that our successor committee will monitor outcomes and seek reports back.

132. We would like the Promoter to try to consider and find an equitable way to deal with cases such as:

- property owners who did not apply under any scheme but who have already sold at a substantial discount owing to blight (for example, the Strachans (794), the Normans (760) and the Edwards (1049)), taking into account whether the Promoter adequately notified potential claimants at the time (on which point we have sought a report back) and the degree of choice available to the owners;
- property owners who did not apply under any scheme and who sold at a discount, but who die before they can pursue recourse;
- widows or widowers whose wish to sell arises from the death of their former spouse (or partner).

133. Consideration should take into account whether people in the first two categories listed in the previous paragraph could and perhaps should have applied under the Exceptional Hardship or Need to Sell schemes. So that people who have applied are not disadvantaged, there needs to be some recognition that applications under those schemes should be the primary means of redress. That recognition could take the form of a rebate to take into account that a claim might not have succeeded.

134. We want to see the Need to Sell Scheme working—effectively and fairly—long before the end of the Select Committee process. We want a progress report in time for the recommencement of the process after the general election. Applicants may have to accept some element of detriment, but there must be substantial improvements. A primary aim of the scheme must be to give many residents the confidence to stay, ensuring continuity and coherence within their communities. We have not ruled out the possibility of directing implementation of a property bond scheme if such improvements are not forthcoming.

7 The Environmental Statement and route-wide Issues

Alleged defects in the environmental statement

135. We referred in paragraph 9 to the material omitted from the originally deposited printed version of the environmental statement. On 23 and 28 October 2014, we heard submissions from HS2 Action Alliance and Warwickshire County Council on whether there were other, more fundamental defects in the environmental statement. We do not rehearse those arguments here; it is sufficient to say that we do not believe a case was made out for there being any fundamental defect in the environmental statement. We welcomed the Promoter's assurance that the environmental statement would be supplemented as and when necessary, and any mistakes corrected. We understand that a further environmental statement will be published in the coming months.

Route-wide issues

136. We will hear argument on route-wide issues in due course. A number of local authorities are taking the lead on those issues. The present position on lead authorities is set out in Appendix 3.

137. We have invited HS2 Action Alliance to review what the lead authority on noise says in its evidence and to consider adding evidence of its own if it believes that there are additional points to be made.

8 Programming and hearings

Efficient programming of sittings

138. The task of dealing with 1,918 petitions (not counting further petitions against additional provisions) is significant, even if a substantial proportion of petitioners choose to settle or not to appear. We have sought to get on with the job by sitting for seven sessions each week, and have frequently sat later than our advertised sitting times. Members of the Committee have sought to manage their duties to attend as many hearings as possible.

139. At the start of the process we appointed Mr David Walker of Winckworth Sherwood as programming manager, and placed him under a duty of impartiality in determining hearing dates so that the interests of all concerned would be appropriately balanced. We asked him to programme petitions so that we would be as busy as possible each day, accepting that some petitioners would inevitably drop out at short notice. This involves a slight overloading of the programme but it has not caused undue problems so far. Mr Walker has undertaken the task of programming admirably and the number of lost sittings days has been minimised. We hope that petitioners will continue to co-operate with him in the coming months and be as flexible as possible on hearing dates. With a great many petitions remaining to be heard we ask petitioners to be patient if they have to wait until near the end of a sitting to be heard, and to be willing to stay later so that the Committee can make good progress.

Making an impact on the Committee

140. It is crucial for petitioners who wish to make an impact on the Committee to avoid rehearsing points already made by others in the same area. That is assisted if petitioners view previous session,⁴¹ and are present in the committee room throughout the day on which they are due to appear. Petitioners who form groups to share issues between them will avoid repetition and maintain credibility and individual colour to their case. We commend several groups of petitioners already heard, including those from Hampton-in-Arden, Burton Green, Ufton, Long Itchington and Harefield, for adopting this approach. We have generally found it helpful when parish councils or similar bodies have taken a lead.

141. Emotions on HS2 understandably run high. Nevertheless, few cases other than the most complex are served well by addresses lasting much longer than 30 minutes. By that time, the Committee has usually got the point. Very large amounts of written evidence also produce diminishing returns. What works well is to take the Committee succinctly through the local context (which has in most cases been assisted by site visits), what is planned to happen, and what petitioners think should happen instead—“What? So what? Now what?”, as one petitioner put it—and to do that with the help of up to a couple of dozen carefully

⁴¹ <http://www.parliamentlive.tv/Main/Archive.aspx>

selected slides. Reading out long prepared statements should be avoided. In some instances, we see nothing wrong with petitioners saying simply (for example), “I endorse what has been said by the residents’ association. My particular issue is X which affects me because of Y, and here is a photograph to show you what I mean. I would like HS2 to do Z. That is my case.”

Recommendations for future programming

142. The task of hearing petitions from the Chilterns area is particularly significant, involving some 800 or so petitions. There is much common ground between these petitions. We look to petitioners in Buckinghamshire to group their cases carefully as we have suggested. Concise local perspective on general issues is helpful. Arguments made once or twice are more powerful than those made several hundred times over.

143. We have talked with colleagues representing Chilterns constituencies on ways to encourage this approach and we ask petitioners to use the period between now and when petitions from that area are heard to marshal their approaches to best effect. In particular, we request that individual petitioners contact their local action groups to see whether there are ways to group petitioning presentations together effectively without losing impact. We have requested that the Promoter produce an early statement of position on template petitions.

144. The three days of visits to Buckinghamshire provisionally planned for our successor committee in May 2015 will allow Members to see locations for themselves. This will reduce the need for petitioners to offer detailed explanations of local road patterns, terrain and geography.

9 Rights of audience (locus standi)

Significance of 'locus standi'

145. Petitioners against hybrid bills need to show that one or more of the bill's provisions directly and specially affect them, because the purpose of the petitioning process is precisely to protect those who may suffer especially adversely. Petitioners not meeting that requirement may be ruled wholly or partly lacking in 'locus standi'—that is, lacking any case to be heard by the Committee.

Locus standi challenges and decisions

146. The Promoter sought to challenge the locus standi of 24 petitioners, including that of the two principal campaigning bodies against the Bill, HS2 Action Alliance and Stop HS2. We recognise that more could have been challenged. We heard these challenges in July 2014, at the start of our proceedings.⁴² Several of these petitioners were in practice arguing for wholly different transport policies. Such matters are not for us, and the petitioners failed to demonstrate any direct and special effect of the Bill on them. We found them not to have locus standi. Similarly, we found that petitioners with a general interest in the affected areas, such as because they habitually walk (though do not live) there, or travel through those areas, did not have locus standi. Several petitions were entirely about Phase Two, which is not within our remit. They did not have locus standi. We decided against there being locus standi in 22 of the 24 cases.

147. We acknowledge that the petitioners whom we found not to have locus believed that they had genuine points to raise, but the arguments they were presenting were clearly not for us, and we do not believe that the two and a half days spent on those issues was a good use of time. We believe there is a good case for an expedited procedure for dealing with such petitions in future, such as through a written procedure.

148. Our successor committee might have observations on how to improve the procedures of hybrid bill committees. In the meantime, so far as potential future petitions against additional provision are concerned, we strongly encourage petitioners to review the contents of their petition to ensure that they can demonstrate a direct and special effect and, if they cannot, to pursue other avenues of argument.

149. The Promoter's argument against HS2 Action Alliance and Stop HS2 having locus standi was that although many of their members might be affected by the railway, neither body would itself experience a direct and special effect. The Promoter submitted that the role of the two organisations should therefore be representative, rather than as petitioners in their own right. There was merit in that argument, and we did not easily reach a decision on the locus of the two bodies. However, many individual petitioners had argued that they would feel better represented overall if HS2 Action Alliance and Stop HS2 were allowed

⁴² A further challenge, to a petition against an additional provision, was heard later.

into the process. We felt that that point of view should be respected. We decided that HS2 Action Alliance and Stop HS2 should have locus standi on route-wide issues. This decision does not bind future committees.

Petitioners within 500m of the proposed Phase Two route

150. Clause 51 and 52 provide powers of entry to survey land within 500m of the proposed route of any high-speed railway line, including the proposed route of Phase Two. Whilst Phase Two itself is not within our remit, those clauses, although they concern future projects, are within the Bill and therefore within that remit.

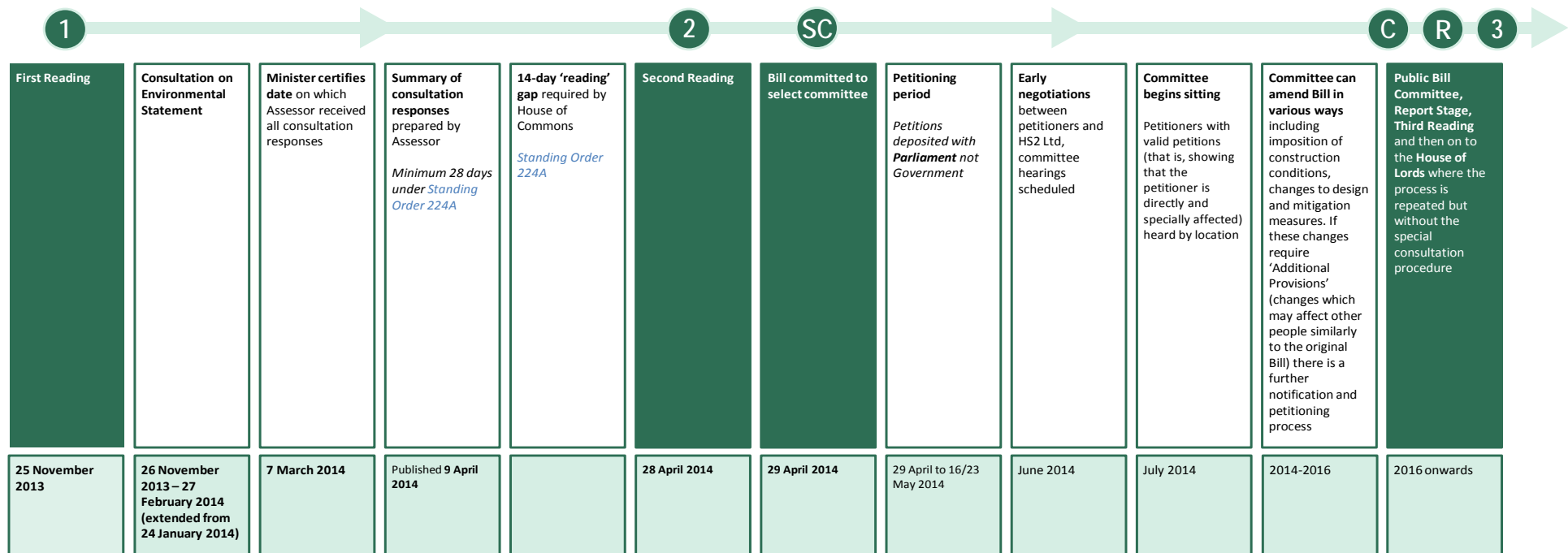
151. In early March 2015, we heard a number of petitioners located along the route of Phase Two who believed that they might be affected by such powers. We heard them on clauses 51 and 52, and on compensation (as mentioned in Chapter 6). We did not wish to hear them on other matters where we believed that petitioners against Phase One could make the case equally strongly and effectively.

152. Petitioners argued that clauses 51 and 52 should be confined to Phase One matters and that they provided insufficient protection. We did not accept this. However, we recommend that the Secretary of State's power to increase the distance within which surveys may be undertaken be subject to the affirmative resolution procedure by both Houses of Parliament, instead of the negative resolution procedure which the Bill currently proposes.

153. Our remit prevented us from helping these petitioners with their specific concerns about Phase Two. No doubt those taking an interest in our proceedings will consider the points that petitioners were able to put on record. As we have said, hearing from Phase Two petitioners made clear the need for a decision on the Phase Two route and a working Need to Sell scheme for Phase Two soon thereafter.

Appendix One: Bill timeline

HS2 Phase One Hybrid Bill – House of Commons stages



Appendix Two: List of statements from the Chair

| Date | Subject matter |
|-------------------|--|
| 12 June 2014 | Programming and Committee operations |
| 21 July 2014 | Locus standi decisions |
| 10 September 2014 | Birmingham Curzon Street |
| 26 November 2014 | Farm land take; Need to Sell; Birmingham tunnelling |
| 9 December 2014 | Environmental statement; planning policy |
| 16 December 2014 | Washwood Heath; Need to Sell |
| 12 January 2015 | Balsall Common and Berkswell |
| 13 January 2015 | Kingsbury, Middleton, Water Orton, Hampton-in-Arden; sensitive medical information; World Health Organisation noise guidelines |
| 14 January 2015 | Colne Valley programming; Committee operations; policy on second petition appearances |
| 10 February 2015 | Approach to Phase Two petition subject matter |
| 16 March 2015 | Petitioners who do not give notice of non-appearance |
| 17 March 2015 | Burton Green |
| 18 March 2015 | Offchurch and Cubbington; Southam; Ufton; Long Itchington |
| 23 March 2015 | Wormleighton; Chipping Warden; Greatworth |

Data Source: High Speed Rail (London – West Midlands) Bill Select [Committee website](#)

Appendix Three: Table of route-wide issues and the lead authorities on them

| Issue | Lead local authority |
|---|---|
| Environmental statement | Warwickshire County Council |
| Noise and vibration (operational) | Chiltern District Council |
| Noise and vibration (construction) | London Borough of Camden |
| Highways | London Borough of Camden and Buckinghamshire County Council |
| Code of Construction Practice | London Borough of Camden |
| Minerals and Waste (including sustainable placement of spoil) | Buckinghamshire County Council |
| Community compensation fund | Buckinghamshire County Council |
| Cost recoupment for local authorities (planning application fees and safety, maintenance issues and s.61 Public Health) | Warwickshire County Council |
| Business rates relief | North Warwickshire Borough Council |
| Socio-economic impacts and tourism, loss of community assets | London Borough of Hillingdon |
| Clauses 4-7 (Acquisition of Council Land) and clause 47 (Acquisition outside limits) of the Bill | London Borough of Camden |
| Maintenance of ecological mitigation | London Borough of Hillingdon |
| Ecology standards and no net loss | Warwickshire County Council |
| Flood risk | Solihull |
| Planning/Heritage/Design Townscape and Design | London Borough of Camden |
| Landscape | Buckinghamshire County Council |
| Electro-magnetic interference | London Borough of Hillingdon |
| Air quality | London Borough of Camden |
| Vent Shafts | London Borough of Brent and London Borough of Camden |

Formal minutes

Monday 23 March 2015

Members present:

Mr Robert Syms, in the Chair

Mr Henry Bellingham
Sir Peter Bottomley
Ian Mearns

Yasmin Qureshi
Mr Michael Thornton

Draft Report (*High Speed Rail (London – West Midlands) Bill Select Committee: First Special Report*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 153 read and agreed to.

Summary agreed to.

Appendices agreed to.

Resolved, That the Report be the First Special Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[The Committee adjourned.]