



HS2 RESIDENTS' COMMISSIONER

Report 2 – September 2015

Summary

This past quarter has enabled me to continue to monitor the property schemes, now that they have had a suitable period in which to operate. HS2 Ltd and the Department for Transport are now determining applications from those who waited for the Need to Sell scheme to be launched before starting the process of applying to it. As a result, there is now more data available on the schemes – enough to usefully examine how well they are working. I address this later in my report.

Initial applications to the Rural Support Zone schemes have also been processed, and acceptances of either cash offers or sale to HS2 Ltd are being received and taken forward.

Following minor amendments to the Residents' Charter, it has now been more widely publicised. It has been distributed to community areas, such as libraries, Citizens Advice bureaux and parish councils, as well as to more than 3,500 households along the line of route.

My recent actions

- Monitoring the progress of each of the property schemes;
- Identifying areas in which data can be shared, to help people understand the schemes better;
- Monitoring HS2 Ltd's response to my initial report; and
- Meeting residents and MPs to gain a wider understanding of people's perceptions of HS2 Ltd's property schemes and how the company communicates.

Property schemes

Phase One Safeguarding/Express Purchase

This applies to some property in the surface safeguarded area. All those affected who may be eligible should already be aware of their entitlement. People who live in this area and satisfy residency requirements can serve a Blight Notice on the government. As of 31 August 2015, 122 Blight Notices have been accepted; more are being assessed.

Phase One Rural Support Zone

This is the area outside the surface safeguarded area and up to 120 metres from the centre line of the HS2 railway in rural areas. As of 31 August 2015, 46 applications have been received, of which 36 have been accepted, and four more are being assessed. After an application is accepted, the next stage is valuation. 18 applicants have completed the valuation stage: 13 have decided to sell to HS2 Ltd under the discretionary voluntary purchase scheme and five have decided to accept a cash offer.

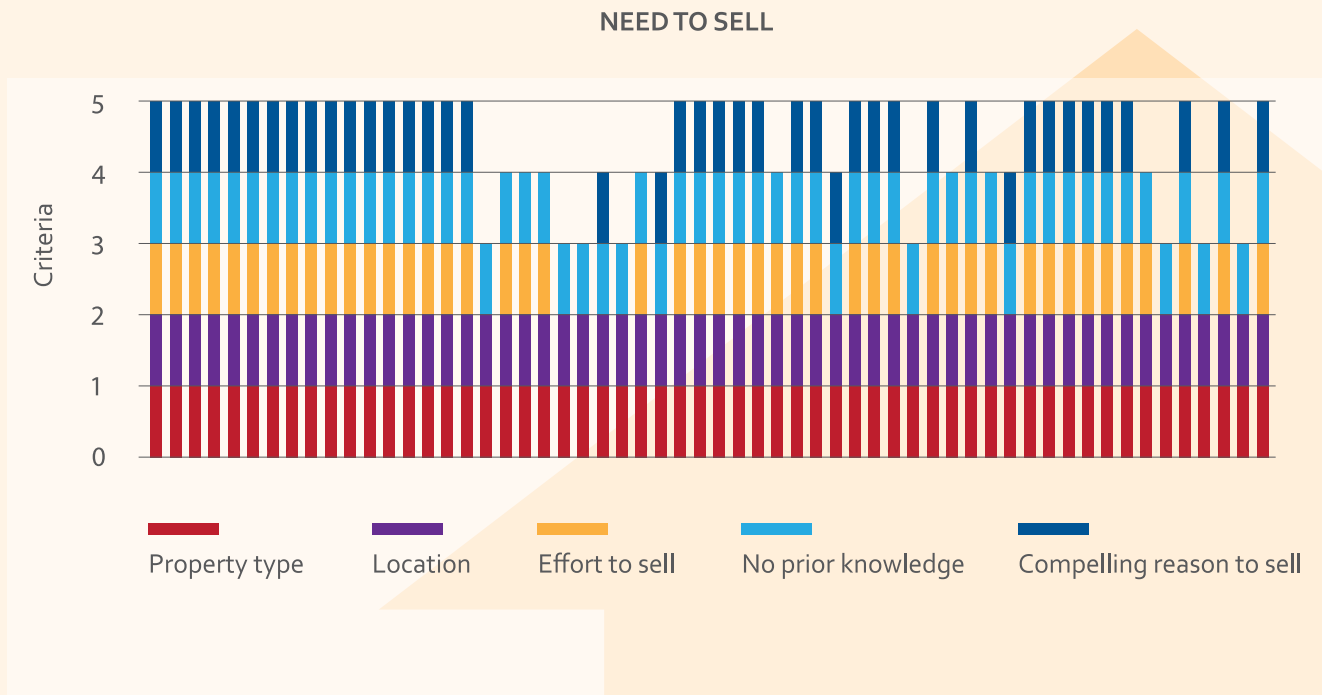
Phase One Need to Sell

The Need to Sell (NTS) scheme is open to owner-occupiers who can show that they have a compelling reason to sell their property, but have not been able to do so – other than at a substantially reduced price – as a direct result of the announcement of the route of HS2.

Since January 2015, when the scheme was launched, a total of 99 applications have been received; this includes a number carried forward to the NTS from the earlier Phase One Exceptional Hardship Scheme (EHS). 36 applications are still being assessed; in a number of these cases, the applicant has not progressed their application for over six months.

One early concern of the NTS scheme - and of the EHS that it replaces - was that too many applicants would be rejected because they could not demonstrate that they had a 'compelling reason to sell'.

The table below includes all 58 of the cases considered as of 31 August 2015. Under the scheme, applicants must meet five criteria (represented in the table by the five different colours) and provide supporting evidence about each.



This table shows that 'compelling reason to sell' is not the only reason why applications fail. In most cases, a lack of supporting evidence is the deciding factor. If a person's application does not meet all five criteria, HS2 Ltd writes back to explain the reason for the panel's decision. Unsuccessful applicants can reapply to the scheme, with additional information, to have their case reheard.

The panel can recommend that a person's application has extenuating circumstances. This means that even if the application does not meet all five criteria, the panel's view is that it should be accepted. The Department for Transport's decision-maker can then apply discretion and accept the case.

Where a decision has been made, 67% of the applications to the NTS scheme have been accepted. This indicates that the NTS is working well. The DfT and HS2 Ltd have confirmed that they will be reviewing the performance of the NTS this autumn; I will be taking part in that review.

Phase Two Exceptional Hardship Scheme

This scheme is available to owner-occupiers who can show that they have an urgent reason to sell their property, without which they could suffer exceptional hardship, but have been unable to do so – other than at a substantially reduced price – as a direct result of the announcement of the proposed route of Phase Two of HS2.

This scheme started in 2013. As of 31 August 2015, 210 applications have been received. 74 have been accepted and 95 rejected: an acceptance rate of around 44%. This is an interim scheme to assist those with an urgent need to sell. The criteria for the scheme are designed to assist those whose urgency to sell is immediate.

Community engagement

My original recommendations for HS2 Ltd:

- Restore community forum areas, each with an identifiable community engagement team;
- Re-establish working links with communities to share information on the project; and
- Promote more information days.

Outcome

Community events are being planned to start in the autumn and will be rolled out more widely. They will be an opportunity for people to talk to HS2 Ltd about the project. I welcome the programme of events planned, but I will continue to press for each area to have a nominated team to provide continuous information and support for communities affected by HS2.

Demographics

My original recommendations for HS2 Ltd:

- undertake a demographic survey of communities and households along the line of route to enhance its understanding of residents' communication needs.

Outcome

HS2 Ltd has engaged a market research company, which is carrying out a demographic survey. When it is done, HS2 Ltd will have much more information to enable it to focus its communications on those affected.

Newsletter

My original recommendations for HS2 Ltd:

- print and distribute regionally focused newsletters, every quarter or more frequently.

Outcome

HS2 Ltd has produced an Autumn Update for 13 regions along the Phase One and Phase Two lines of route. This has been circulated to community and business representatives and to principal community locations, including Parish Councils and libraries. HS2 Ltd has also asked for feedback on how to communicate the updates more widely.

I welcome this new circular, which I hope will be more generally available when it is next produced.

Residents' Charter

This has been re-examined and relaunched, and distributed to more than 3,500 households along the line of route, as well as to community areas such as libraries, GP surgeries, Citizens Advice bureaux and parish councils.

Other work

Meeting a number of MPs in July provided me with valuable insight into the concerns of their constituents regarding the property schemes. I will bring this feedback to the NTS review later this year.

Since my first report, HS2 Ltd has been exploring the possibility of working with a national body or not-for-profit organisation that could help people and community groups to engage with HS2. Further work is needed, but I hope that more local engagement can be achieved in future.

Community engagement - other steps

HS2 Ltd has granted a lease to Camden Town Unlimited (CTU) to make use of an empty building that has been acquired. Although part of it cannot be used due to the presence of asbestos, the remainder has the potential for short-term office and retail use. CTU has previously converted unused retail units into pop-up shops and a similar proposal is being explored, with HS2 Ltd using part of the available space for an information point on the project.

Recommendation

When HS2 Ltd acquires buildings, it should make them available, wherever possible and appropriate, for short-term community projects and HS2 information points.

Irregular properties

There are a small number of residential properties which are not owned and occupied in the usual way, but which are required for the project and are scheduled for demolition. These include residential leasehold properties that are held under an agricultural tenancy, or subject to other lifetime interests. These occupiers do not come within the Express Purchase scheme and could be left in uncertainty for a considerable time before their situation can be addressed, as HS2 Ltd has no power to acquire their property interest before Royal Assent.

Recommendation

HS2 Ltd should identify a clear strategy for acquiring this type of leasehold property so that these residents can have more certainty about their future.

Next steps

I will review the NTS scheme with HS2 Ltd and will look for ways to make the language clearer and more accessible. I will also continue to work with HS2 Ltd and the Department for Transport to identify properties that fall within the geographic boundaries of the three main property schemes for Phase One, but are currently unable to qualify for them.

