



# HS2 RESIDENTS' COMMISSIONER

## Report 4 – May 2016

### Summary

Since the start of 2016, HS2 Ltd has been under significant scrutiny over its community engagement activities. This report will focus on some of the areas that I have been involved in. Towards the end of the report, I will also look at the forthcoming changes in community engagement and the areas where HS2 Ltd needs to do further work.

My recent actions:

- Meeting residents at some of the HS2 Ltd community engagement events held along the Phase One line of route in February, March and April.
- Providing evidence for the review published by the Parliamentary Public Administration and Constitutional Affairs Committee in March 2016. This followed the Parliamentary and Health Service Ombudsman's investigation into a complaint about HS2 Ltd's communication, engagement and complaints-handling procedures (published in November 2015). I also provided evidence for Ian Bynoe's review of HS2 Ltd's complaints handling and community engagement (published in April 2016) in response to the Ombudsman's report.
- Working with the Department for Transport (DfT) and HS2 Ltd on the recently published changes to the Need to Sell and Exceptional Hardship Schemes.
- Working with HS2 Ltd on promoting the full range of property schemes alongside launching the Phase Two West Midlands to Crewe discretionary property schemes.

### The property schemes

I have continued to monitor the various property schemes, as well as being involved in discussions with the Government about how to improve them.



## **Phase One Express Purchase Zone**

This applies to some properties 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 30 April 2016, 144 Blight Notices have been accepted, and a further seven are being assessed.

## **Phase One Rural Support Zone**

This is the area outside the surface safeguarded area and up to 120m from the centreline of the HS2 railway in rural areas. As of 30 April 2016, 82 applications have been received, of which 69 have been accepted and three are being assessed. The scheme is generally working well and will benefit from the revised valuation process, which I mention below.

## **Phase One Need to Sell**

The scheme is open to owner-occupiers who can show that they have a compelling reason to sell their property, but have been unable to do so – other than at a substantially reduced price – as a direct result of the announcement of the route of HS2.

As of 30 April, 168 applications have been received, of which 76 have been accepted and 20 are pending a decision. A further 20 applications have been withdrawn. Of those applications considered by the panel so far, 59% have been accepted.

## **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 sell – other than at a substantially reduced price – as a direct result of the announcement of the proposed route of Phase Two.

As of 30 April, 251 applications had been received. Of those on which the panel has made a decision, 42% have been accepted. This is a slight fall in the acceptance rate and will require further monitoring.



## Property schemes issues and concerns

During the past quarter, the main issues raised with me about the property schemes had to do with valuations, and the time taken from application to completion of sale.

HS2 Ltd is now more closely monitoring the time taken to complete acquisitions of properties bought under each scheme. However, it is still the case that all acquisitions will follow the same process as for any other property transaction.

Property sellers should be aware that they need to provide the same level of documentation as would be expected if the property were being sold on the open market.

I am pleased about the Minister for Transport's announcement that property owners are no longer limited to the valuation panel appointed by HS2 Ltd. Property owners can now appoint a qualified Royal Institution of Charter Surveyors (RICS) valuer of their own choice. This change follows recommendations that I made to the DfT and HS2 Ltd.

The requirement for 'no prior knowledge' of the railway line continues to be one of the concerns most frequently raised with me by people affected along the line of route. This will become ever more relevant as time moves on from the Phase One Need to Sell scheme's original qualifying date of March 2010; and as more people who bought their property after this, but for whom circumstances have changed, will find they are outside the remit of the scheme as it is currently defined.

The difficulties in selling a property near the line of route will increase if potential buyers know that they will not meet this criterion, should they, in turn, wish to sell in future.

The fact that other HS2 Ltd discretionary property schemes have different qualifying dates is another reason for HS2 Ltd and the DfT to review this element of the schemes, and adopt a more flexible approach, perhaps on a rolling programme. For instance, qualification to the NTS could be achieved on this criterion once a property has been owner-occupied for, say, five years.



## Fulfilling the Residents' Charter

In the Residents' Charter, HS2 Ltd undertakes to "promote awareness of all our discretionary property schemes so that anyone who may be eligible knows about them".

My principal concern remains that, despite assurances from HS2 Ltd, and the recommendation in my previous report to "undertake a widespread general information communication of all property schemes as early as possible in 2016 to ensure that all those affected are aware of the availability of the schemes," a separate awareness campaign for the discretionary property schemes has still not taken place.

Wider awareness of all of the available schemes will ensure that property owners who believe their property is affected know about the schemes and can judge whether to apply. I call upon HS2 Ltd to fulfill its obligations within the Charter.



## Community engagement

Since my last report, HS2 Ltd's community engagement activity has received a lot of attention. There have been the following positive outcomes:

- More than 10 community engagement information events were held between February and April, a number of which I attended. Most were also attended by representatives from the DfT, which is particularly relevant in relation to the property schemes that originate with the department. These events provide a good opportunity for a significant number of people to raise questions and issues with HS2 Ltd staff. I am aware that a number of follow-up meetings have taken place as a direct result of these events and that, in addition, the wider engagement process is really underway now, with more proactive individual engagement.
- In addition to the three senior engagement managers mentioned in Sir David Higgins' response to my last report, HS2 Ltd has now recruited eight engagement managers and executives. A further three posts remain to be filled. These HS2 Ltd engagement staff are getting out into the field and providing a first point of contact for residents and community groups. In the interests of making this a two-way communication, I encourage HS2 Ltd to publicise the contact details for these new staff members so that those affected know who they can talk to.
- I note from Sir David's response that HS2 Ltd intends to re-establish community forums, to be led by project milestones. I welcome this prospect as a support to other engagement initiatives, and it would be helpful for HS2 to make the details available as soon as possible regarding when they will recommence and how they will work.

I welcome HS2 Ltd's wider focus on community engagement. There has been a significant increase, particularly over the past six months, in HS2 Ltd's engagement and community-related activities, reflecting the greater maturity of the company as it approaches Royal Assent.



## Concerns

There remain a number of areas where further or more targeted engagement is required, and I urge HS2 Ltd to address these areas.

- I am concerned that there are some residents who, because of language barriers or other factors, may not be getting satisfactory support. I have been made aware of a small number of people affected in this way, especially in the Camden area, and HS2 Ltd is working with the London Borough of Camden to ensure that these individuals are reached. There may be other individuals or groups who need additional support and HS2 Ltd should use its new community engagement managers – supported by its own Equality, Diversity and Inclusion team – to ensure that effective engagement takes place. I would like HS2 Ltd to put in place a structure to ensure that all directly affected residents within 300 metres of the line of route have been identified, and that their concerns and their preferred method of communication are known.
- I note that HS2 Ltd has not publicised any schedule of community information events from April onwards. The high number of attendees at all events held to date demonstrates the need for this type of engagement. Following matters raised to me, I have suggested to HS2 Ltd that a more mobile unit for community engagement would be appropriate. This would enable smaller rural communities to be approached more directly, with information relevant to their area.
- In my first report, I suggested that a newsletter would be an appropriate tool for general communication. I am disappointed that there has been no general follow-up to the Autumn Update sent out in September 2015, especially given the limit of the newsletter's circulation to community and business representatives, rather than to individual households. The exception to this has been in the Euston area where, due its specialised and concentrated nature, a separate dedicated community newsletter has recently been circulated. Another round of newsletters should be circulated, much more widely, to all residents – especially on Phase Two – to ensure that updates are provided to those people affected who currently receive little or no information about the project.



- HS2 Ltd should be better aware of how individuals would prefer to be communicated with. The demographic research that was undertaken, together with the exit polls that are taken at each community engagement event, shows that people want a wider range of information-sharing methods. HS2 Ltd should gather details of how each household within a given area would prefer to be communicated with. Where possible, it should tailor its communication methods accordingly, for example putting information online, sending it by post, or holding further engagement events.

### **Other areas**

Among the people I meet are sections of the community with concerns and issues that may not have been experienced on Phase One. As an example, there is a mobile home park close to the line of route proposed for Phase Two. A policy needs to be agreed for these and other occupiers with homes that do not fit easily into the ownership categories of the property schemes.

### **Next steps**

I will continue to monitor the property schemes. In particular, I am looking at any effect from changes to the valuers, and at the roll-out of the schemes to Phase Two West Midlands to Crewe. I will continue to press for better identification of, and engagement with, all those residents closest to the line of route.

I will also be urging HS2 Ltd to hold more community events, and to share information more widely once changes have been identified and agreed through the parliamentary hybrid Bill process.



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