

HS2 Residents' Commissioner

Report 10 – October 2018



Summary

Over the summer period, the project has continued to develop; progress has been made on the Phase One key design elements, the Phase 2a hybrid Bill, and route information update events on Phase 2b, ahead of the publication of the working draft of the Environmental Statement earlier this month.

My focus remains on the property schemes, both discretionary and statutory, and on community engagement communications, with the emphasis on improving these areas wherever possible.

My recent actions include:

- Taking feedback from a number of users of the property schemes to understand their first-hand experiences
- Working with the Department for Transport (DfT) and HS2 Ltd on the proposed policy changes to the discretionary property schemes and the introduction of the Urban Compensation/Prolonged Disturbance scheme, both of which are taking a significant length of time to be published
- Attendance at community engagement events across all phases along the route

The property schemes

I have continued to monitor the discretionary schemes and to look for ways in which to improve their accessibility to those who qualify for them.

Phase One, Phase 2a and Phase 2b: 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 September 2018, 685 blight notices have been accepted, and a further 18 are being assessed. More than 450 applications from Phase 2b have been received, although no construction work in this phase is expected to commence before 2023 at the earliest.

Express Purchase

Express Purchase will continue to operate until the HS2 programme requires properties to be acquired. Property acquisitions on Phase One are taking place in increasing numbers under the Compulsory Purchase Order process. Early and continual engagement with affected residents is the most effective way of ensuring that the process is carried out as calmly and smoothly as possible. Early issues with Advance Payments are being resolved; however, as with most processes, this is a two-way process which requires the correct and timely service of accurate documentation from residents' agents as well as an appropriate response from HS2 Ltd.

The recently published National Audit Office report, *Investigation into land and property acquisition for the Phase One (London – West Midlands) of the High Speed 2 programme*, noted that:

"Although HS2 Ltd has made efforts to improve its land and property function since 2015, there is work to be done to support claimants to receive timely compensation where they are due an advance payment."

HS2 Ltd published a new booklet (*Selling your home or small business using the Statutory Blight or Express Purchase process*) for those applying under the Express Purchase scheme earlier this

year. It would be appropriate for similar guidance to be published for all those going through the Compulsory Purchase Order process, since publicly available guidance for individuals and small businesses is limited. This would help all those going through the unfamiliar Compulsory Purchase Order process would assist applicants in understanding the requirements upon them and their agents about what information to provide. This in turn will enable their claims for compensation, and for Advance Payments where appropriate, to be managed more efficiently.

Recommendation

HS2 Ltd should produce an explanatory booklet for the Compulsory Purchase Order procedure to assist residential owner-occupiers, residential tenants and small businesses. Given that the project is advancing quickly, new guidance should be brought in by the end of March 2019 at the latest.

Phase One and Phase 2a: Rural Support zone

This is the area outside the surface safeguarded area and up to 120m from the centreline of the new railway in rural areas.

As of 30 September 2018, 543 applications had been received, of which 443 have been accepted and 70 are being assessed. Of these, the majority (404 to date) continue to come from Phase 2b. On average, applicants receive a decision on their application within 28 working days and are then able to make their own plans accordingly.

Desktop valuations for Phase 2b applications where the applicant is intending to opt for the cash offer are now approaching 40%. This has significantly improved the completion times for those owner-occupiers.

Phase One, Phase 2a and Phase 2b: Need to Sell scheme

The scheme is open to owner-occupiers who can demonstrate 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 HS2 route.

As of 30 September 2018, 703 applications had been received, of which 253 have been accepted and 74 are waiting for a decision. More work needs to be done to improve accessibility to the scheme. The new YouTube-style video clips have recently been

uploaded on to the website, and will be shown at all future general engagement events. In addition, two workshops took place in Phase 2a during the summer period, and two more are planned for Phase 2b in the New Year.

Furthermore, property professionals are on hand to offer help and guidance at public community engagement events such as those which occurred in September at Wendover for the key design elements. These professionals will also be present at the Phase 2b events which will take place as part of the consultation on the working draft of the Environmental Statement.

Homeowner Payments scheme: Phase One

The Homeowner Payments (HOP) scheme was introduced in March 2017 for owner-occupiers of properties within 300m of the centreline for the Phase One route, following the grant of Royal Assent for Phase One.

Uptake of the scheme has been good and, as of 30 September 2018, 785 applications had been received, of which 689 have been accepted and a further 31 are in progress. More than 655 applicants have now received their payments. There has been a consistent take-up along the line of Phase One, with applicants from along the full length of the HOP zone.

Property schemes – general

Non-statutory property schemes review

Unfortunately, this review remains outstanding although I understand that the DfT intends to publish it shortly. While the DfT has kept me updated with its progress, I am unable to comment on any proposed changes, given that the report has not yet been finalised. I hope that there will be a commitment within the report, when it is finally published, for more regular and timely reviews in future to ensure that the schemes continue to meet their objectives of providing fair and reasonable compensation to those most significantly affected by HS2.

Compulsory Purchase

In my last report, I recommended that HS2 Ltd should consider appointing an independent third party to provide specialist telephone advice to applicants considering serving a blight notice. Disappointingly, I have had no response to this proposal.

There is limited information available to individuals and small businesses who are going through a blight notice process, or indeed a Compulsory Purchase Order. In my view, it is incumbent upon the acquiring authority, in this case, HS2 Ltd, to provide a good level of information to applicants and potential applicants to help them through the process. The booklet *Selling your home or small business using the Statutory Blight or Express Purchase process* is a step in the right direction; however, more needs to be done to provide support to those encountering this difficult and complex legal procedure.

Past experience

I have commenced a survey of those homeowners who have already sold their properties to HS2 Ltd under the various property schemes. I am most grateful to all those who have agreed to share their experiences. There are a number of learning points that I am capturing and will be feeding back to HS2 Ltd and the DfT to broaden their understanding of the user experience for the benefit of those who will encounter the schemes in the future. In due course, I will be making a number of recommendations regarding the process of acquisition following acceptance on to a scheme.

In my last report I raised that the area which has given rise to

most concern has been for those applying under the Express Purchase scheme, especially on Phase 2b. The team has been under-resourced to date; this has impacted on the level of case worker support which is needed and deserved by the applicants. This point was echoed in the National Audit Office report, *Investigation into land and property acquisition for the Phase One (London – West Midlands) of the High Speed 2 programme*, which commented that, as at August 2018, 17 posts remained vacant out of the requirement of 133 total staff.

There has been no comment from HS2 Ltd on this issue, nor on the measures which are being taken to address the shortfall. However, the two new Phase 2b consultations on the working draft Environmental Statement and the working draft Equality Impact Assessment Report are likely to result in new applications to the property schemes, particularly when the associated safeguarding has been issued.

Recommendation

HS2 Ltd should ensure that there are adequate levels of case workers for all applicants to the blight and discretionary schemes.

Urban Compensation/Prolonged Disturbance scheme

During the passage of the Phase One Bill through Parliament, the House of Lords Select Committee recommended the provision of improved compensation to households in close proximity to prolonged HS2 construction activity.

HS2 Ltd has been developing a scheme for some time in order to deliver on this recommendation. During the summer, a series of workshops were held to explain the proposals of HS2 Ltd and to seek feedback in a number of areas. I attended one of these feedback sessions in the Euston area, and witnessed the depth of feeling expressed.

As a result of the feedback, and of other comments received during this period from MPs, local authorities and members of the public, the scheme is now undergoing a final revision prior to approval, with a view to its launch later this year.

My focus remains on ensuring that the final scheme is comprehensive, clear, available to all, and easy to both understand and apply for, especially given the diversity of the communities which are affected. At present, I have not seen an engagement strategy or an implementation plan for this scheme, and I remain concerned that these areas are still outstanding.

Recommendation

As part of the launch of this scheme, HS2 Ltd must set out a clear implementation plan and engagement strategy appropriate to the communities for whom this scheme is designed.

Settlement deeds

In Information Paper E23 and the more user-friendly *High Speed Two (HS2) Guide to settlement*, HS2 Ltd refers to the impact that tunnelling will have on property from the construction of the tunnels and the operation of the trains. The guidance sets out the company's approach to monitoring and measuring any settlement which may occur, the mitigation measures it will take to minimise any impacts, and the legal deed which it is offering to homeowners.

Work is continuing to map out the process for homeowners to follow in due course, so that all those entitled to the scheme know about and can benefit from it. Whilst not all aspects of the scheme have been fully designed, the proposals which I have seen do suggest that settlement deeds will be available in a timely manner to all those who seek them. To date, there have been some 40 applications for pre-registration for the deeds. It remains the case that a householder does not have to be registered for a settlement deed in order to benefit from the mitigation measures.

Engagement

One of the persistent themes in my reports has been the reliance by HS2 Ltd upon the internet to the detriment of those who do not have access to it. These reports and the response to them by HS2 Ltd are only available on the internet. The most recent report from the Office for National Statistics, published in August 2018, states that "Households with one adult aged 65 years and over had the lowest proportion of internet access, at 59% in 2018." This means that more than 40% of adults aged over 65 do not have internet access.

HS2 Ltd has recently published newsletters in Camden and for Phase 2a, and it is rolling these out across the rest of Phase One, enabling those without internet access to get first-hand news of the project. This is one key part of addressing the needs of those without internet access. Other measures include leaflet drops and poster campaigns in areas affected by specific construction works; these are in addition to the various engagement and information events which take place. However, HS2 Ltd still needs to do more

to address the issue of communicating with those who do not have access to the internet.

In Mark Thurston's response to my last report, he observed that there were regular communications and community engagement events available to all affected communities. Some individuals and communities in Phase 2b have questioned this, and have written to me with their own observations on community engagement by HS2 Ltd in their area. I agree that the Chief Executive's response suggested that engagement was equivalent across all the phases. It is of course the case that engagement is differently tailored to each area, with local area engagement plans in place in Phase One. However in Phase 2, during the period of early design, there has been limited information available for the communities. I hope that the recent announcements and the ongoing consultations will provide more clarity for affected communities, and that the information events which will be held in Phase 2b will provide more detail.

I recognise that community engagement does differ in each phase due to the status of the project. However, as the project moves towards the deposit of the hybrid Bill for Phase 2b, community engagement in the area will ramp up, as it has more recently in Phase 2a.

If there are communities who feel that they would like more visibility from the community engagement managers of HS2 Ltd, or indeed, do not know who their community engagement managers are, then please do contact me, using the details below.

Community engagement strategy

The promised progress report on the community commitments made by HS2 Ltd, which was referenced in Mark Thurston's response to me in March, was delivered at the end of October. I welcome the information which it provides on HS2's delivery against each of its commitments; the case studies, in particular, demonstrate how active participation with the communities can help to mitigate the effects of the project. HS2 Ltd is continually learning and growing, and sharing its stories may give inspiration to other communities as they too look to find ways of benefiting from the project.

Code of Construction Practice

The Code of Construction Practice for Phase One, which will also apply to future phases of HS2, includes a commitment that notification will be given in advance to local residents, parish councils and local businesses, amongst others, for all works which are to take place relating to the project.

Residents have brought to my attention that, in a small number of areas, works have taken place without prior notification. Given that the project is still only at the early works stage, it is incumbent upon HS2 Ltd and its contractors to ensure that appropriate safeguards are in place well in advance of the main works commencing in 2019. HS2 Ltd and its contractors must ensure that residents are notified of works in their area in a timely and appropriate manner which reflects the severity and impact of the works on the community.

There has been a suggestion by some residents in Hillingdon that I have reported upon the impact of current works in their area. For clarification, I will not report or comment on the impact of works taking place in any area as this lies outside of my remit.

Next steps

I will be attending a number of engagement events in the next quarter across all three phases of the route.

My focus will remain on the review of the property schemes and I welcome correspondence from those directly affected by these or any other policy anomalies that should be addressed as part of the DfT policy review. My email address is residentscommissioner@hs2.org.uk or please write to me at: High Speed Two (HS2 Ltd), Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA.

www.hs2.org.uk

High Speed Two (HS2) Limited

Two Snowhill
Snow Hill Queensway
Birmingham B4 6GA

Freephone 08081 434 434

Minicom 08081 456 472

Email HS2enquiries@hs2.org.uk

CS977

HS2