

HS2 Judicial Review Appeals – the appeals ruling explained

July 2013

	Ground of appeal as numbered by Court	Appellant	Challenges in the Court of Appeal	Judges' ruling	What this means for HS2
1	1	HS2 Action Alliance (supported by 51M and Heathrow Hub Ltd)	Whether the Government was required to carry out a Strategic Environmental Assessment (SEA).	Appeal dismissed. The Court of Appeal judges supported the High Court ruling that the SEA Directive did not apply to HS2, and so found that the Government's approach to assessing the environmental impacts of HS2 had been lawful.	HS2 programme continues as planned. The Government is determined to minimise the environmental impacts that go with a major infrastructure project of this kind. The Government has undertaken an Appraisal of Sustainability on Phase One and has recently consulted on a draft Environmental Statement, to better understand the impact on the environment.
2	5b	The local authorities	Whether the Government properly considered alternatives to HS2 and acted lawfully by not re-consulting on the 'Optimised Alternative' proposal put forward in 51M's response.	Appeal dismissed. The judges agreed with the High Court ruling, finding that the Government did not have to re-consult on 51M's Optimised Alternative.	HS2 programme continues as planned. The Government has explained clearly at each stage of the project why there is no alternative to HS2 which meets strategic objectives and offers the same scale of benefits.
3	3	The local authorities	Whether the hybrid Bill process proposed for HS2 was compatible with Environmental Impact Assessment (EIA) Directive.	Appeal dismissed. The judges found that it was impossible at this stage to say that the hybrid Bill process will or will not satisfy the EIA requirements.	HS2 programme continues as planned. To ensure the hybrid Bill process satisfies EIA requirements we have incorporated a formal consultation for the Environmental Statement into Standing Orders for this, and all future, hybrid Bills.
4	5a	The local authorities	Whether it was reasonable for the Government to consult on the principle of HS2 and Phase One route first, followed only later by the Phase Two route.	Permission to appeal refused. The judges agreed with High Court ruling, finding that it had been reasonable for the Government to consult on Phase Two route separately from the principle of HS2 and the Phase One route.	HS2 programme continues as planned. There will be further opportunities for people to comment on all the HS2 route, including in the current consultation on Phase Two and in Parliament under the hybrid Bill process.
5	6	The local authorities	Whether the Government had fully complied with its public sector equality duty and had given full consideration to equality issues.	Permission to appeal refused. The judges found that the Government had not failed to comply with the public sector equality duty.	HS2 programme continues as planned. The Government and HS2 Ltd continue to work on equalities and health impact assessment, and these will be published at the same time as the hybrid Bill enters Parliament.
6	7a	The local authorities	Whether the Secretary of State's decision to have the HS2 London terminus at Euston was rational.	Permission to appeal refused. The judges agreed with the High Court ruling, finding that it had not been irrational of the Secretary of State to decide to have the London terminus at Euston without first having identified a means of dispersing passengers.	HS2 programme continues as planned. There will be further opportunities for views to be heard on the impacts at Euston, including when a hybrid Bill has been introduced, either indirectly or directly by petitioning against the Bill.
7	8b	Heathrow Hub Ltd	Whether the Government had properly considered the issues raised in Heathrow Hub Ltd's consultation response.	Permission to appeal refused. The judges agreed with High Court ruling, finding that no significant points had been omitted from the Secretary of State's consideration of Heathrow Hub Ltd's proposal.	HS2 programme continues as planned. The Government gave careful considerations to alternative route options during the 2011 consultation, and HS2Ltd are working closely with local communities on impacts and mitigation.