



Department
for Transport

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

Promoter's Response to the Select Committee's First Special Report of Session 2014-15

June 2015

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: <https://forms.dft.gov.uk>

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Introduction

1. This document constitutes the response of the Promoter of the High Speed Rail (London - West Midlands) Bill to the interim report published on 26 March 2015 by the House of Commons Select Committee on the High Speed Rail (London - West Midlands) Bill (hereafter referred to as the Bill).
2. The Bill is being promoted by the Secretary of State for Transport. Responsibility for delivering the various actions that are outlined in this response will rest with either HS2 Ltd, the Department for Transport or the relevant Nominated Undertaker. The term 'Promoter' and 'we' is used at various points in this document to encompass all of these parties.
3. We recognise that the Select Committee will make its recommendations on matters raised by petitioners when it publishes its final report. The Promoter nonetheless feels that it would be helpful to respond to the Committee's interim report.
4. The format of this response aims to address, in turn, the matters raised by the Select Committee in their report, where an action from the Promoter is sought. Where appropriate, the responses set out a timescale for a future progress report with a further update.

HS2 Ltd engagement

In paragraph 36 of the report, the Select Committee notes:

"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"

5. Although it would have been inappropriate to have given assurances during the pre-election restricted period, we have been able to make good progress on continuing discussions with many forthcoming petitioners on a without prejudice basis. We have made significant headway in drafting formal Promoter's Response Documents (PRDs) in order that they could be issued after the election. PRDs for all the petitioners due to be heard in Committee in June and July have now been issued, and those for petitioners due to be heard in September are expected to be issued in July.
6. With respect to more timely engagement with petitioners, in cases where we have been able to hold discussions with a petitioner in advance of their Select Committee hearing date, we have endeavoured to follow up the PRD with a letter setting out in some further detail the Promoter's position on what are considered to be the petitioner's key issues. This letter aims to provide further assurances to address the petitioner's concerns in advance of the petitioner's appearance in front of the Select Committee. There are of course many instances when the

precise manner in which a petitioner would like their concerns addressed does not crystallise until quite soon before they are due to appear in front of the Select Committee.

Birmingham Curzon Street and Washwood Heath

In paragraph 38 of the report, the Select Committee asks:

“... for the extent of temporary land take [at Birmingham Curzon Street] 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.”

7. As stated during the Select Committee proceedings, we will aim to ensure that we reduce land take, as far as possible, but this needs to be balanced against the ability to deliver the railway in a timely and economic fashion.
8. We are considering, together with the relevant Curzon Street landowners on the site, the possibility of using temporary, as opposed to permanent, land acquisition powers with the aim of providing an early indication of what may be possible. A further assessment of what land could be acquired temporarily will take place prior to exercising the powers of acquisition under the Bill and we will communicate this to the landowners at the relevant time. We will aim to indicate clearly the areas of land that will be returned post-construction as early as possible, but due to the need to maintain the necessary flexibility for construction purposes, in some cases we will only be able to do this during or after completion of the relevant construction period.
9. With regards to consulting with local interested parties on connectivity to and access across the station, the Promoter’s information paper on Design Policy (D1) has been updated to state the following:

“The Promoter plans to adopt the following approach for public engagement in design development:

Stations – the Promoter will undertake public engagement for stations designs. While the exact form and nature of such engagement will be developed closer to the time, it is likely to be an open engagement exercise, with public exhibitions, leaflet drops, interactive on-line materials and related publicity, reflecting the complexities of station design and the importance of their existing and potential contexts.”

In paragraph 40 of the report, the Select Committee notes:

“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. An update will be called for in due course.”

10. In February 2015, we met with Birmingham City Council (BCC) as the local planning authority and representatives of AXA Real Estate & Friends Life in their capacity as one of the land owners at the site. This meeting was to discuss the review of the temporary and permanent land take at Washwood Heath. Several actions were agreed including sharing information on the developing technical design for the Rolling Stock Maintenance Depot.
11. Other land owners at Washwood Heath, KPI SARL (St. Modwen) and PXP have been informed of these discussions.
12. The Promoter’s review of land use at Washwood Heath will include the following elements:
 - Preparation of a technical scope to undertake a review of the operational layout of the depot with a view to ascertaining if it would be feasible to reduce the permanent land take;
 - A review of the size, location and layout of the balancing ponds at the site with a view to ascertaining if it would be feasible to reduce their footprint and facilitate the release of more developable land;
 - A review of the construction phase land use at the site with a view to ascertaining if it would be feasible to reduce the temporary land take or to release parcels of land earlier than the final project completion date;
 - A review of the transport connectivity of the site in relation to depot construction and its development potential;
 - A review of the socio-economic impacts on the site in relation to the land use planning of the residual land (following construction of the depot), site connectivity, employment potential and Birmingham City Council’s plans and policies.
13. The Promoter has also held technical workshops in April and May 2015, with both BCC and AXA, to discuss the technical issues arising from AXA’s suggested revised layout of the depot. Further workshops are planned in June 2015 and the Promoter is due to share a report on the AXA proposal with BCC and AXA imminently.
14. The Promoter will then also produce a revised layout design for the depot. This revised layout design will include alternative locations of balancing ponds with reduced land take. An Additional Provision to the Bill with respect to these

changes would not be necessary as any design changes relating to reduction in size or changes to their location would be within the current land take limits.

15. We will report back to the Select Committee on Washwood Heath by the end of October 2015 when we expect to have concluded our review work and our discussions with relevant stakeholders. That review will also consider the location of the control centre.

Staffordshire

In paragraph 43 of the report, the Select Committee notes:

Near the village of Hints in Staffordshire...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.

16. We have committed to several improvements, being brought forward in a forthcoming Additional Provision to the Bill, that will benefit the residents of the village, including:
- The diversion of Brockhurst Lane over the railway to maintain connectivity and to run around the edge of the existing woodland;
 - The diversion of Hints footpath 11 onto the grassland areas to the east of the railway route instead of running along the access track to the west;
 - Enhanced landscape earthworks to provide additional screening of the route and the diverted Brockhurst Lane;
 - A retaining wall to minimise intrusion into Rookery Wood; and
 - Additional woodland planting to enhance connectivity between existing woodlands, including a green bridge for Brockhurst Lane
17. These improvements will help maintain the connectivity of Hints village to the local woodland and we will work with the community in the village of Hints to encourage them to make a bid for funding from the Community and Environment Fund for a local project that might further provide measures that 'reduce intrusion by the railway and to allow enjoyment of the extensive local woodland'.

Middleton and Kingsbury

In paragraph 45 of the report, the Select Committee notes:

"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."

18. We have received a Community Engagement Paper from the residents group and the ideas set out in the paper are being considered as part of the community engagement element of the draft Code of Construction Practice.
19. As the Select Committee is aware, in acknowledgement of the pressures faced by this particular community an assurance was given to North Warwickshire Borough Council which committed to providing a 'Special Management Zone', specifically for the North Warwickshire areas affected by the project. This will ensure that appropriately experienced community engagement personnel are appointed to manage stakeholder and community relationships during the development of HS2.
20. Plans for the forthcoming Additional Provision to the Bill that relate to Kingsbury have been shared with the Parish Council and we will continue to provide additional material, as it becomes available through the detailed design process, in order to help the community better understand the effects of the Proposed Scheme in advance of construction.
21. As part of this Additional Provision, amendments are being made to the balancing pond layout and landscape mitigation areas around the Kingsbury railhead which provide an element of visual mitigation.
22. A study on the benefits of implementing traffic calming measures on Bodymoor Heath Lane will also be undertaken at the detailed design stage in recognition of the community's concerns about traffic being displaced onto the lane.
23. The Promoter will also work with the community in Kingsbury to encourage them to make a bid for funding from the Community and Environment Fund for a local project that could support improved 'community liaison' in this area during the construction period.

Berkswell and Balsall Common

In paragraph 51 of the report, the Select Committee notes:

"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."

24. Work has been commissioned in response to this request to consider noise mitigation options for the Berkswell area and these options will be included in the Supplementary Environmental Statement for a forthcoming Additional Provision to the Bill. The impact of the proposed extended tunnel in Burton Green is being assessed and this is also likely to reduce adverse noise effects in the Berkswell

area. The forecast results of this assessment will also be contained within a forthcoming Additional Provision to the Bill.

25. We will provide the Select Committee with a written briefing on the range of noise mitigation measures by July 2015 and will support this with an oral briefing that we will build into the programme at an appropriate date.
26. Details of construction noise monitoring will be agreed with the relevant local authority as part of the application for prior consent made by the Promoter under section 61 of the Control of Pollution Act 1974. This will typically consist of a combination of short and long term monitoring at sensitive and representative locations affected by construction works.
27. A draft framework for operational noise monitoring is currently being developed with input from the local authorities that have been nominated to lead on route-wide petition issues that relate to operational noise and vibration. This framework, when finalised, will provide the basis for agreeing individual noise monitoring regimes with local authorities.

In paragraph 52 of the report, the Select Committee notes:

“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 to the Bill. Station access and car parking should be maintained.”

28. We will bring forward amendments to the Bill so that Hob Lane is no longer required as a construction traffic route and so construction traffic would be kept away from the primary school. These amendments will be implemented through a forthcoming Additional Provision to the Bill.

In paragraph 53 of the report, the Select Committee notes:

“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.”

29. We met with the Greenway Trust on 22 April 2015 to continue dialogue and engagement over the impact of the project on the Kenilworth Greenway. An update was provided on the current progress of the design including the amendments being developed that will be brought forward as part of a forthcoming Additional Provision to the Bill.
30. Whilst both parties recognise that many issues will be addressed during the detailed design stage, we will continue to engage with the Kenilworth Greenway Trust in relation to issues involving the Greenway. It has been agreed that the next meeting with the Trust will take place in June 2015 and future meetings will continue to take place and will be programmed according to progress.

31. We met with the Tree Warden Group in May 2015 to provide an update on the development of the design including the amendments being developed that will be submitted as part of a forthcoming Additional Provision to the Bill. We will continue to engage with the group as the detailed design of the scheme progresses, focussing on environmental mitigation proposals.

Burton Green

In paragraph 58 of the report, the Select Committee notes:

“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.”

32. The village hall trustees have now confirmed that they are content with the proposed site for relocation and this will now be brought forward through a forthcoming Additional Provision to the Bill.
33. This follows an information sharing event organised in Burton Green on 20 March 2015 to share further detail regarding the package of amendments for Burton Green including the alternative location for the hall. The event was advertised in the local Burton Green community newspaper, as well as through community contacts. Around 90 people attended the event.
34. Discussions at that event included the potential for providing greater numbers of car parking spaces than currently exist. The trustees and villagers role in delivering the relocation was discussed, including engaging an architect to develop their design which will be funded by the Promoter.

In paragraph 58 of the report, the Select Committee also notes:

“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.”

35. The following amendments to the provisions of the Bill will further mitigate the effects of the project in Burton Green and help to support pupil numbers at the Burton Green primary school. Changes to the construction site locations have removed the requirement for a construction traffic haul route past the school. The proposed location for the village hall has been changed, which will remove the need to use land next to the primary school, leaving this land free for its future use by the school.
36. These amendments are being brought forward by means of a forthcoming Additional Provision to the Bill. They are expected to avoid significant amenity effect upon the primary school in Burton Green. We also expect that this will lessen the concerns of residents about the project, and so reduce the risk of people relocating to avoid the construction works, thereby reducing the risk of a fall in pupil numbers.

37. A number of our discretionary property schemes are also designed to support community cohesion that should act to reduce any potential impact on the school's pupil numbers. For example the 'Rent Back' offer will allow current residents to stay in their properties following sale while the Cash Offer and Homeowner Payments offer alternative options for those considering selling their homes.
38. We aim to ensure properties purchased under our compensation arrangements are rented as quickly as possible following the sale. In this way, we hope to reduce the potential impact on the school's pupil numbers.
39. Burton Green primary school has provided us with information on the potential impacts of reductions in their numbers of pupils. We are studying this information and will continue to work with the local community, the school and the Local Education Authority to understand the impact on the school and what mitigation might be provided in the event that the construction of HS2 does impact on the viability of the school.

In paragraph 59 of the report, the Select Committee notes:

"It is important 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. We expect a further report in due course."

40. A further report on rented properties in Burton Green will be provided to the Select Committee in Summer 2015.

Kenilworth area

In paragraph 60 of the report, the Select Committee notes:

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.

41. Following the provision of the assurances, we have swiftly followed up on completing the traffic assessments that were committed to.
42. The primary outputs from the transport assessments involve a change to construction traffic routes and enhancement works to the Stoneleigh Road junction on the A46 Kenilworth Bypass. These changes are being developed and will be brought forward through a forthcoming Additional Provision to the Bill.

Ladbroke and Southam

In paragraph 63 of the report, the Select Committee notes:

“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.”

43. The Promoter confirms that it will take full account of any potential adverse effects on business and employment from disruption caused by construction works in the Southam area. In formulating and implementing the traffic management controls during construction works, we will have as a key objective the need to ensure that any such effects are kept to the reasonable minimum. We are confident that the impacts of works to the local roads around both Kenilworth and Southam will not significantly impact on businesses in the towns. Local community engagement as set out in the draft Code of Construction Practice and Local Environmental Management Plans (LEMPs) will help ensure appropriate management of any effects on the towns.
44. We will continue to liaise with the highway authority under the control mechanisms within the Bill and refer to these to resolve any issues that arise during the practical implementation of the works.

In paragraph 64 of the report, the Select Committee notes:

“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.”

45. A wide range of temporary traffic management measures will be used, where safe and appropriate, to facilitate the construction works and mitigate potential impacts. The strategy for traffic management will be developed in collaboration with the local highway authority at the detailed design stage, and the arrangements for traffic lights outside Ladbroke during construction as part of this strategy will be agreed with Warwickshire County Council as the relevant local highway authority.
46. The Promoter met with representatives of Ladbroke Parish Council on 24 April 2015 to provide an explanation of the proposed changes to footpaths and the Southam cycleway proposal which are being developed and will be part of a forthcoming Additional Provision to the Bill. Engagement will continue with the Parish Council with the next meeting anticipated to take place following submission of the Additional Provision.

Wormleighton and Priors Hardwick

In paragraph 65 of the report, the Select Committee notes:

“We have requested that the Promoter consult further with local interested parties 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.”

47. A feasibility study has recently been completed, which considers the potential for further lowering the line north and south of the Oxford Canal crossing in order to address the concerns of petitioners regarding views westwards over the Oxfordshire countryside.
48. Several options have been considered within the feasibility study and we will start discussions imminently with interested local parties, co-ordinated through Stratford-on-Avon District Council.
49. Each option considered will have consequences for other local parties. For example, it is anticipated that a lowered alignment would change the Radbourne north and south viaducts to culverts, impacting on agricultural connectivity. Such an option could require replacement accommodation over-bridges or lead to further severance for local landowners.
50. It is worth noting that the Stratford-on-Avon District Council petition also raised the issue of the visual mitigation of the railway in this area. A solution was agreed in respect of this issue and consequently was not raised in front of the Select Committee. The solution was to implement a 1m increase in the height of the landscape mitigation works on each side of the railway. This change will be included within a forthcoming Additional Provision to the Bill. This increase in height of the mitigation works takes the top of the landscape mitigation works to approximately half the height of the electrical catenary system (4m above rail level). This change would not, however, address the Priors Hardwick petitioners' concern that the landscape mitigation works themselves impact on their views across the countryside. Whether the change agreed with Stratford-on-Avon District Council will be implemented depends on the discussions with interested local parties already mentioned.
51. We will aim to report back to the Committee on the outcome of discussions with local parties on this issue in Summer 2015.

Thorpe Mandeville and Culworth

In paragraph 66 of the report, the Select Committee notes:

“... 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. We welcome this. The study should be made available as soon as possible.”

52. We have followed up swiftly and completed the agreed feasibility study, which we have now shared with Culworth Parish Council and other relevant parties.

53. Discussions on the content and conclusions of the feasibility study are taking place in June 2015. The outcome of these discussions will be reported back to the Select Committee in July 2015.

Radstone

In paragraph 67 of the report, the Select Committee notes:

“The Promoter has agreed to review the feasibility of this proposal [realignment of the route] 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.”

54. A review of the feasibility of an alternative route option, as presented by the Radstone Residents Group, which moves the route some 400m to the west of the village has been undertaken. We have established that it would not be possible to deliver a change in the alignment to this extent without affecting a neighbouring village or significantly compromising the speed of the railway in that location. This information has now been shared with the Residents Group and we have also informed them that we are in the process of assessing a number of alternative route/mitigation options which may address some of their concerns. We will discuss the outcome of this work with the Residents Group and then report back to the Select Committee by Autumn 2015.

Brackley

In paragraph 68 of the report, the Select Committee notes:

“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.”

55. The proposal is for the A43 to be realigned approximately 80m north of its current location to allow it to remain open throughout the construction phase. A new bridge (as opposed to a viaduct) will carry the realigned A43 over the railway and will be approximately 2-3m above existing ground level.
56. The height of the bridge is governed by the need to provide sufficient headroom under the structure for the trains and the overhead line equipment.
57. There may be opportunities at the detailed design stage to reduce the construction depth of the bridge (currently just over 3 metres) which would allow the bridge to be lowered. We will continue to engage with local communities during the detailed design and share information about how the design is developing.

58. We recognise that the works to realign the A43 will take approximately 18 months and coincide with other engineering works in the immediate vicinity, such as the constructions of the earthworks, the Turweston viaduct and overbridges for Public Rights of Way. We are considering how best we can manage these works and the related traffic management proposals for the area in order to minimise the disruption to local residents as far as is practicable. We will report back to the Committee on this in Autumn 2015 and also set out in more detail the programming/phasing of these works.

Finmere and Mixbury

In paragraph 70 of the report, the Select Committee notes:

“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.”

59. With respect to the impact the operation of the Proposed Scheme may have on nearby horses, there is a distinction between the effect of noise and visual impacts. With respect to visual impacts, we recognise the importance of considering where it may be appropriate to provide visual screening to mitigate the risk of a train suddenly passing and, in certain circumstances, causing a nearby horse to startle. Accordingly, the bridleway in this location has already been earmarked to receive additional tree planting.
60. With respect to mitigation for any noise impacts from the operation of the Proposed Scheme, generally the Promoter considers that there will be no exceedance of noise levels along the route which could create risk of startle for horses. The International League for Protection of Horses has issued advice which suggests that horses usually became accustomed to repeated noise including that from passing trains. It is therefore considered that any adverse effects of noise on outdoor riding, equestrian centres and horse racing courses, will not be significant.

Old Oak Common

In paragraph 72 of the report, the Select Committee notes:

“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.”

61. The recently established Old Oak and Park Royal Development Corporation, which is chaired by the Mayor of London, brings together parties interested in both rail connectivity and possible wider regeneration opportunities at Old Oak Common, including but not limited to TfL and the GLA. The Promoter has

attended all meetings to date. Outside of this forum the Promoter has also been in active discussions with TfL, the GLA and relevant London Boroughs about the Old Oak Common area with a view to agreeing a long-term process and governance for relevant organisations and projects to achieve the most productive outcome for this site in a coordinated manner.

Tunnelling

In paragraph 75 of the report, the Select Committee notes:

“We have requested that the Promoter make available a guide to tunnel costs to assist petitioners arguing the case for more tunnelling.”

62. A guide to tunnelling costs is currently being finalised and is expected to be published in June 2015.

Highways and Traffic Safety

In paragraph 76 of the report, the Select Committee notes:

“... the project should endeavour to leave a legacy of reduced risks and improved road safety in areas that receive no other benefit from HS2.”

63. We will work actively with relevant local highway authorities in considering whether any temporary improvements/enhancements/interventions to local highway networks made to improve road safety during the construction period can also provide longer term benefits. If such benefits are potentially available in specific locations, we will discuss with the local highway authority the relevant agreements necessary to ensure they remain following the conclusion of construction works in that area.

64. Large and heavy goods vehicles to and from construction sites will be required to follow designated construction routes. If the number of large vehicles to or from a site exceeds 24 per day, any local roads used by them must have been approved by the relevant planning authority under the planning regime established under Schedule 16 to the Bill.

65. The final decision over which roads are eventually used as a lorry route will therefore generally be subject to local authority approval. In approving the use of such roads the local authority can refuse to approve the arrangements if it considers that they ought to be modified so as to preserve the local environment or to prevent detrimental effects on road safety or on the free flow of traffic in the local area. This could include proposing additional traffic management and safety measures.

66. An example of where we have already started taking a similar approach is in the assurances that we have provided Warwickshire County Council on the A446,

where we have agreed to limit HS2 related construction traffic on that route during specific times.

In paragraph 76 of the report, the Select Committee suggests:

“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.”

67. The Promoter accepts this proposed amendment and agrees to provide a pedestrian crossing on the A425 Southam Road in the village of Ufton. Discussions will shortly take place with Warwickshire County Council as the relevant local highways authority and Stratford-on-Avon District Council to determine whether this will be temporary during the construction phase or should remain in place permanently. The change will be reported in the Environmental Statement supporting a forthcoming Additional Provision to the Bill.

In paragraph 76 of the report, the Select Committee suggests:

“A roundabout or equivalent safety measures at the Long Itchington construction compound to help with handling construction traffic entering and exiting the compound.”

68. The Promoter accepts this proposed amendment and agrees to provide a roundabout or other safety measure at Long Itchington construction compound. Discussions will be progressed with Long Itchington Parish Council and with Warwickshire County Council as the relevant local highway authority to agree the most appropriate solution to resolve concerns regarding road safety on the Fosse Way in the immediate vicinity of the access for construction traffic from the construction compound in Long Itchington. The change will be reported in the Environmental Statement supporting a forthcoming Additional Provision to the Bill.

In paragraph 76 of the report, the Select Committee suggests:

“A roundabout north of Chipping Warden at the intersection of the A361 and Welsh Road to address safety concerns; and a roundabout in Greatworth at the junction of the B4525 Welsh Road and the Dump Road.”

69. The Promoter accepts this proposed amendment and we are consulting Northamptonshire County Council as the relevant local highway authority on the introduction of a roundabout at the intersection of the A361 Byfield and Welsh Road near Chipping Warden and a roundabout at on the junction of the A4525 Welsh Road and the Dump Road in Greatworth to address safety concerns for local residents.
70. The provision of these two roundabouts, subject to agreement with the local highway authority, will be reported in the Environmental Statement supporting a forthcoming Additional Provision to the Bill.

71. Other options that may potentially be more suitable solutions to the road safety concerns are also being discussed with the County Council and we have agreed that a decision on the final option will take into consideration the results of a Road Safety Audit that will be completed in June 2015.

Viaduct design and HS2 Design Policy

In paragraph 78 of the report, the Select Committee notes:

“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.”

72. As stated in the Design Policy information paper (D1), for key design elements such as viaducts, depot buildings, key ventilation shafts in sensitive areas and specific road overbridges, such as the one to the north of Ladbroke, local community engagement will be a core element in the design development process that will be undertaken in advance of submission for approval of the detailed design for such elements under Schedule 16 of the Bill.
73. It is also still the case that detailed design of viaducts will be subject to the approval of the relevant qualifying authority under the planning regime established under Schedule 16 to the Bill. This is explained in the Design Development – Detailed Design and the Role of Planning Authorities information paper (G6).

In paragraph 79 of the report, the Select Committee notes:

“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.”

74. In response to the request from South Northamptonshire District Council for written commitments to locally sympathetic design policies, Design Policy information paper (D1) has been amended to confirm as a design objective for the project that the design of all visible elements of the built and landscape environment in both rural and urban areas will be sympathetic to their local context and environmental and social setting.
75. The revised wording was shared with the petitioner (and other planning authorities) at the Planning Forum in March 2015.

Farm Land take, tax issues and alternative mitigation

In paragraph 81 and 83 of the report, the Select Committee notes:

“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.”

“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.”

76. We are preparing a Farmers Pack to assist the future discussions with farmers, growers and diversified agricultural businesses and have had initial discussions regarding the content of this with the National Farmers Union.
77. The aim of this document is to provide a single repository of information and guidance to assist farmers and growers affected by the proposals to ensure the smooth delivery of the new railway and implement effective engagement to assist relevant parties and limit disruption to farming activities.
78. Many site-specific concerns can only be resolved at the detailed design stage of the project and we will maintain engagement with farmers and growers during that key stage in development of the project.
79. The Farmers Pack will aim to manage expectations and engender a spirit of co-operation to help farmers and growers plan to get ready for the design, construction and operation of the new railway.
80. We will report back to the Select Committee on our progress on producing the Farmers Pack in Autumn 2015.

In paragraph 84 of the report, the Select Committee notes:

“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.”

81. We are happy to commit to meeting with farmers whose land lies within the Bill limits shortly in advance of their appearance in front of the Select Committee to discuss outstanding issues and to resolve them wherever possible.

Tax issues

In paragraph 87 of the report, the Select Committee notes:

“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.”

82. A positive and constructive meeting took place between HM Treasury, HMRC and the CLA on 26 March 2015 to discuss Capital Gains Tax and Inheritance Tax. Alongside an agreement to consider how the availability of the existing discretions regarding the reliefs for these two taxes could be better communicated, it was agreed that further discussions would take place to consider specific examples where the issues raised by the CLA had affected their members.

Alternative mitigation and Petition Monitoring

In paragraph 88 and 89 of the report, the Select Committee notes:

“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.”

“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).”

In paragraph 90 of the report, the Select Committee notes:

“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 Provision to the Bills).”

83. We have written separately to the Select Committee to provide an update on the current of status of discussions with the above named petitioners.

The Community and Environment Fund (CEF) and the Business and Local Economy Fund (BLEF)

In paragraph 94 of the report, the Select Committee notes:

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.

84. Full details of the Community and Environment Fund (CEF) and the Business and Local Economy Fund (BLEF) are being finalised following an engagement exercise undertaken with local authorities, local enterprise partnerships and environmental organisations in Spring 2015. These details will then be put to Ministers for approval. Following this a comprehensive brief will be presented to the Select Committee on the scale and scope of these funds. However, set out below are the emerging views of how the two funds would operate.
85. The CEF and BLEF will make £30m available to support communities and local economies that experience disruption as a result of the construction and initial operation of the new railway. The funds will support projects that provide benefit to local communities, the environment and local business.

The Community and Environment Fund (CEF)

86. The objective of this fund is to help offset the impacts on communities along the route as a result of disturbance associated with the construction and initial operation of the railway. The aim is to maintain local quality of life and, wherever possible, leave a sustainable legacy.
87. The emerging thinking is that there will be two types of CEF grant, one focussed on small scale projects and one focussed on larger more strategic projects
88. Examples of projects that the CEF could potentially support include:
- Improved pedestrian, equestrian and cycle access;
 - Landscape and nature conservation and enhancement projects that improve biodiversity;
 - Enhancement or replacement of sports and recreational facilities;
 - Enhancement or provision of new community facilities (e.g. village hall, community centre); and
 - Improved access or enhancement to public open spaces.
89. Applications for both types of CEF will be invited from community-based voluntary organisations, charitable bodies and local authorities.

The Business and Local Economy Fund (BLEF)

90. The objective of this fund is to help offset the impacts on business from disturbances associated with construction of the railway.
91. Examples of projects that the BLEF could potentially support include:
- Schemes to improve the local public realm;
 - Improve walking and cycling access to local economic areas;
 - General promotional activity of local economic areas;
 - Events that increase footfall or promote business activity; and
 - Projects that aim to increase tourist visits to the area.
92. It will be for local business support organisations, including local authorities, to work with their local enterprise partnerships to identify appropriate projects which will help maintain business activity in local communities.
93. For both the CEF and the BLEF, HS2 Ltd has commissioned advice on appropriate eligibility criteria which will be made available to the Committee and stakeholders in Autumn 2015. Detailed criteria and guidance for applicants will subsequently be finalised by the organisation we select or appoint to manage the grant making process. All applicants will be required to demonstrate temporary or permanent disturbance, arising from construction works
94. CEF and BLEF grants will be awarded on the basis of the quality of the projects as opposed to ensuring a parity of distribution of the funds across all the affected communities. However, to ensure the inclusion of projects from affected communities across the length of the route, communities will be supported to help encourage and develop bids.

In paragraph 94 of the report, the Select Committee also notes:

“Improvements to the River Tame have been suggested as an example of what could be achieved for the wider community.”

95. We will discuss the availability of the CEF with Warwickshire County Council and advise them to consider if a bid to the CEF could be made with the aim of supporting improvements on the River Tame.

Tunnel portal noise

In paragraph 95 of the report, the Select Committee notes:

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. We have looked at how we might be able to model and demonstrate tunnel portal noise, but limitations in loudspeaker technology makes it difficult to replicate this noise with sufficient accuracy in a general purpose public environment.
97. To address the concerns raised by the Select Committee, we are bringing together available research material and will present this information in a way that should be comprehensible to a public audience. We will report back on this by Autumn 2015.
98. We are happy to consider any requests for demonstration of noise threshold levels where appropriate.

Health Impact Assessment

In paragraph 96 of the report, the Select Committee notes:

“The materials deposited with the Bill include a Health Impact Assessment. 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.”

99. We are considering what would be an appropriate scope and terms of reference for a research study on the health impacts of infrastructure construction and operation and will announce how it will take this work forward ahead of the Select Committee finalising its work.

The role of the Residents’ Commissioner

In paragraph 97 of the report, the Select Committee notes:

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

100. The role of the Residents’ Commissioner is to keep improving the way the Promoter is working with affected property stakeholders. Deborah Fazan was appointed to the position in January 2015 and a central part of her role will be to uphold the standards set out in the Residents’ Charter. The Charter sets out the Promoter’s commitment that all those affected by HS2 will be dealt with in a manner which is clear, fair and competent, and to promote awareness of the discretionary property schemes so that anyone who may be eligible knows about them.
101. The Residents’ Commissioner will perform a number of functions including:
- Producing a quarterly report which will be published on the HS2 website.

- Overseeing and monitoring communication standards with regard to property compensation schemes.
- Providing recommendations on how communication and engagement can be improved.
- Hold regular meetings with the HS2 Ltd Chairman about emerging trends and concerns regarding property schemes

102. However, the Residents' Commissioner will not:

- Act as an arbitrator for individual residents regarding the scope of property measures, eligibility or the amount of compensation to which they may be entitled.
- Advise on disputes about the validity of any blight notice counter-notice - such disputes are dealt with by a specialist property court, known as the Upper Tribunal (Lands Chamber).
- Advise on matters relating to petitioning.

103. The Residents' Commissioner will provide an additional layer of quality assurance in regard to communication with people whose property is affected. The Commissioner will report her findings directly to the HS2 Ltd Chairman and will not be part of the standard HS2 Ltd staff structure.

104. This direct link with the Chairman and the publication of her quarterly report will ensure concerns or issues can be aired in a timely manner in order that they can be addressed swiftly.

Damian Green

In paragraph 98 of the report, the Select Committee notes:

"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."

105. We are considering, together with relevant local planning authorities, how contractors should engage with residents and the public during the construction of the rail line and will consider the comments from Rt Hon Damian Green MP as part of that. The discussions with the local planning authorities are focussed on the community engagement measures that all contractors will be contractually required to undertake and will be set out in the Code of Construction Practice.

106. The draft Code of Construction Practice currently sets out that in construction locations we will implement a stakeholder engagement framework and provide appropriately experienced community relations personnel to implement the

framework, to provide appropriate information and to be the first point of contact to resolve community issues.

Small Claims Scheme

In paragraph 99 of the report, the Select Committee notes:

“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.”

107. The small claims scheme, details of which are set out in information paper c10, will offer an informal approach to handling minor construction related residential, business or agricultural claims from the public. We fully expect the scheme to be administered in a non-adversarial manner.

108. We will consider how best to take on board the Committee’s request when agreeing the detail of how the scheme will operate.

Specific Cases for report back and decision

In paragraph 102 of the report, the Select Committee notes:

“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)”

Kenilworth Golf Club

109. The Golf Club had concerns relating to a lay-by near the entrance to the golf course. Traffic surveys regarding this issue have now been concluded and passed to Highways England who have considered them. A meeting is taking place between the Promoter, Highways England and the Golf Club in June 2015 to discuss the results of this report and consider what, if any, assurances it may be appropriate to offer the Golf Club in relation to this issue.

110. We have also had constructive meetings with the Golf Club and its acoustics advisers in March 2015 to discuss the noise impacts on the golf course. In May 2015, at its request, we provided the Golf Club with additional data on sound levels at various receptor points. This meeting included an acoustic simulation to demonstrate the noise impact.

111. The Golf Club and its advisers considered the data provided and has indicated that it plans to provide further information on potential mitigation measures for us to examine.

Otter and Company

112. Otter & Co. have provided alternative designs for the road layout of Dalehouse Lane. These are currently being considered and further meetings are planned during Summer 2015 to discuss these plans

Silklink

113. A report was commissioned to explore the issue of a material detriment compensation claim from the petitioner and further information has been requested from the petitioner regarding the use of the property to aid that work. A further report on the outcome of this work will be provided to the Select Committee in Autumn 2015.

In paragraph 103 of the report, the Select Committee notes:

“We want the Promoter to provide various reports back on Stoneleigh petitions. Proposed Additional Provision to the Bills 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.”

114. All of the assessments for the additional mitigation proposed by the petitioners have been completed in line with the assurances offered and detailed in the joint statement agreed with them. The reports have been shared with the petitioners and these include details on the items we will bring forward, those we will not and the supporting rationale.
115. The petitioners have agreed the content and outcome of the report with the exception of one item where we are now conducting a further review at the request of the petitioners. This remaining item would not require an Additional Provision to the Bill to facilitate it and negotiations on a final agreement are now reaching a conclusion. We expect this to be complete by the end of June 2015.

In paragraph 106 of the report, the Select Committee notes:

“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.”

116. The Housing and Planning Minister in the Department for Communities and Local Government, Brandon Lewis, wrote to Local Planning Authorities on 18 March 2015. A copy of that letter is provided at annex A.

Need to Sell and Compensation

Distinguishing compensation cases

In paragraph 111 of the report, the Select Committee notes:

“The Promoter recognised in the April 2014 decision document on consultation that special cases exist, and Counsel for the Promoter confirmed that these are intended to be part of the overall scheme. 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 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.”

117. With respect to these cases, the Promoter has a senior team of officials to consider any applications for compensation to be provided under the auspices of ‘special circumstances’ on a case by case basis.
118. This senior team will make recommendations having considered the details of individual cases to ensure that fair and appropriate access to compensation and all necessary support is provided.
119. We have received 16 specific requests from homeowners to be considered as a special circumstance. We have accepted six of these requests and are pursuing an agreement on the terms for the acquisition of these properties. Six requests were not accepted and four are currently under consideration
120. Additionally, we have considered a number of cases that have been highlighted through the consultation and petition process where we believe the situation warrants particular special consideration, despite the fact that no request for consideration as a special circumstance has been made.

Need to Sell scheme

In paragraph 116 of the report, the Select Committee notes:

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

121. The Need to Sell (NTS) scheme was launched in January 2015 and an update on the current application statistics can be found at annex B.
122. Each application is judged on its merits and the Independent Panel have the flexibility to make their own judgement with respect to the compelling reason to sell and whether the evidence provided with an application is sufficient. The precise evidential requirement for an application to the scheme is simply that which is necessary to substantiate the basis on which the application is being made.
123. While we have only received a limited number of NTS applications thus far, we are clear that the scheme is intended to ensure that those people who need to sell, including those that need to sell because of their “age and stage” in life, are able to do so through the scheme.
124. We will undertake a review of the performance of the scheme in Autumn 2015, the results of which will be reported to the Committee. This will examine the types of applications that are successful and those that are unsuccessful to determine whether there are any trends that suggest the scheme is not operating as intended.”

In paragraph 117 of the report, the Select Committee notes:

“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.”

125. We recognise that it may not be possible to demonstrate the effort to market in all cases and so we have set out in paragraph 3.1.21 of the NTS Guidance:

“Evidence provided in a Phase One NTS application about applicants’ attempts to actively market their property will be carefully considered. In particular, evidence that a number of local estate agents have refused to market the property due to HS2 is considered key information.”

126. Page 6 of the NTS application form provides more detail on the level of evidence of estate agents refusal to market the property. It notes that copies of emails to this effect can be adequate to meet the Effort to Sell criterion.
127. We have considered the suggestion for allowing the purchase of a property in a specific location under the NTS scheme to be used as evidence for demonstrating that a neighbouring property need not go to the effort of marketing. In view of the existing flexibility noted above and the potential

difficulties in defining the limits of what constitutes a 'neighbouring' property, we feel that it is right to retain a requirement that links the inability to sell the property at unblighted market value directly to the impact of HS2.

128. We accept that there could be improvements in clarifying the level of evidential requirement in the NTS guidance. We will update the guidance document to provide clearer examples of information that could support an application in this regard.

In paragraph 118 of the report, the Select Committee notes:

"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."

129. Following the launch of the NTS and Rural Support Zone schemes, those people who had previously applied to the Phase One Exceptional Hardship Scheme (EHS) and had been unsuccessful, were written to and informed of the new package of schemes, identifying which scheme was likely to be of interest. This exercise was complete by 30 January 2015.

In paragraph 118 of the report, the Select Committee also notes:

"We have also sought information on how extensively the schemes have been advertised."

130. On 16 January 2015, three discretionary compensation schemes were launched for Phase One – Need to Sell (NTS), Voluntary Purchase (VP) and the Cash Offer (CO). The latter two schemes will operate within the associated Rural Support Zone (RSZ). The Homeowner Payment (HOP) was announced on the same date, and is due to be launched at the time of Royal Assent of the hybrid Bill.

131. Accompanying the launch of the schemes, a comprehensive communications initiative was undertaken including direct mailing, online publications, social media and briefings. Specifically, the following activities were undertaken upon the launch:

- New webpages were published with all documents, applications forms and guidance notes.
- A press notice was issued to national, regional and local media.
- Letters were sent and phone-calls were made to brief MPs and Local Authority leaders along the Phase One route.
- Emails were sent to Local Authorities and Parish Councils advising them of the schemes.
- Letters were sent directly to named individuals whose property lies in the RSZ and HOP bands.

- Letters were sent to those people who had responded to the 2014 consultation on the Phase One compensation proposals and also to those who were previously rejected under the EHS.
- Posters advertising the NTS were sent to libraries, Citizens Advice Bureaus, and local community venues.
- Social media activity was undertaken (using twitter) to promote the launch.
- Phone-calls were made to brief relevant national stakeholders such as the Royal Institute of Chartered Surveyors and the National Farmers Union.

132. In addition to this, a fully briefed public enquiries team continues to be available to respond to calls, emails and letters. Since January (to April) 2015 the Public Enquiries team have dealt with approximately 600 queries in relation to compensation schemes in the form of calls / emails / letters.

133. The enquiries team pro-actively identifies opportunities for people to understand the discretionary compensation schemes where a query may not have been specifically asking about compensation; for example, where someone is having difficulty in selling a house or has a query about impact on house values.

134. Many queries received are from property agents who are advising homeowners, solicitors or estate agents. Often it is the case that people wish to understand whether they are entitled to compensation in which case the enquiries team identify where the property is located and which scheme or schemes may be appropriate for that property.

135. For completeness, it is also worth noting that we have also been promoting the Phase Two Exceptional Hardship Scheme as part of the engagement process for Phase Two of HS2. This has included organising several meetings with local groups such as Citizen's Advice Bureaus to discuss the Phase Two EHS, what sort of situations people are likely to come to them with and what sort of advice they should be giving them. We have also worked with interest groups for instance at Rotary Clubs and Civic Societies to help spread information.

136. As the schemes are to operate for one year after the railway is open for public use, communications over the longer term will be required and a plan for this, with key milestones, is currently being developed. To help inform this plan, we will undertake a review of how property owners are receiving information about NTS scheme.

In paragraph 118 of the report, the Select Committee also notes:

“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.”

137. We agree that when sending decisions on Need to Sell applications that are not successful it should be alongside feedback that enables applicants to

understand why they were turned down and whether they may be able to make a successful re-application. When an application for Need to Sell is turned down, under the existing process the applicant receives clear feedback on the reasons for this directly from the decision making officer/Minister. The applicant is invited to re-apply if their circumstances change within six months of the date of the letter or they feel they are able to provide new evidence relating to the criteria against which they were unsuccessful.

138. The letter explaining the decision also contains email addresses and phone numbers for the applicant should they wish to discuss the content of the letter further.

In paragraph 119 of the report, the Select Committee notes:

“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.”

139. The Cash Offer (previously known as the Alternative Cash Payment) is available to those property owner-occupiers whose homes or 25% of land falls within the RSZ. The Cash Offer aims to provide an alternative to selling the property (via the Voluntary Purchase scheme) to support community cohesion.
140. We share the Committee’s view on taking a sensible approach toward the interpretation of the compelling reason to sell. To this end, the NTS does not require applicants to demonstrate an immediate compelling reason to sell but a compelling reason to sell within the next three years.
141. We believe that this timeframe offers a reasonable length of time within which an assessment of an applicant’s circumstances can be made.
142. The offer to purchase a property lasts for three years and after that time applicants would be able to re-apply. Unless their circumstances have changed we would in most cases expect to be able to provide a further offer.

In paragraph 120 of the report, the Select Committee notes:

“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.”

143. A response to the letter to the Independent Panel will be provided separately to the Select Committee.

Dossier of Exceptional Hardship Scheme application queries

In paragraph 121 of the report, the Select Committee notes:

“ 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.”

144. A separate response to the issues raised by Dan Byles’ office with respect to applications from the North Warwickshire constituency will be sent to the Select Committee.

In paragraph 122 of the report, the Select Committee notes:

“ 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.”

145. Following the establishment of the Exceptional Hardship Scheme we recognised there were a small number of cases where an application had been rejected on the basis of a specific criteria and upon reapplication rejected on a previously accepted criteria. We have already acted on this and in July 2013 amended the process so that no longer occurs. This change in process has also been adopted for the Need to Sell scheme.

Expedited process

In paragraph 123 of the report, the Select Committee notes:

“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.”

146. We are committed to ensuring all applications to either the EHS or the NTS are treated with the highest degree of respect and sensitivity.

147. The existing process sets out to consider applications in the order that they are received. While the maximum time that we expect it would take to process an application is 3 months, the process has consistently taken less time, on

average this is 6-7 weeks, but this does not include the time it may take to receive any additional documentation that applicant had been advised may help support their application.

148. The reason for any application taking longer than average would reflect a high degree of complexity in a case. In most cases, the Secretariat team in HS2 Ltd which administers the EHS and NTS request further information from the applicant in order to ensure that the application, when it is considered by the Independent Panel, has the best chance of succeeding. Were the Secretariat Team to simply forward the application onto the Independent Panel almost as soon as it was received, the application might be unnecessarily rejected when it could otherwise be successful. The total time taken for any application to be processed, necessarily includes the time it takes for applicants to respond to these requests for additional information.
149. Having considered the options for achieving the Select Committee's recommendations in this respect, we will in future ensure any application that highlights that an applicant is suffering from an urgent medical condition, will receive a phone-call from a named member of staff within 2 working days of the application being received . The purpose of that phone-call will be to ensure that we can, in the most sensitive manner, provide a clear indication of the likely timescales of the application being processed. We will then keep the relevant person updated on the progress of their application in the manner they request.
150. We feel that in such circumstances, this approach would be a far more appropriate and productive method of dealing with a case as opposed to setting more stringent deadlines for the processing the case which could simply result in a poorer quality decision from the independent panel.

Valuation procedure

In paragraph 124 of the report, the Select Committee notes:

“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.”

151. The Promoter has taken care in the implementation of the discretionary property schemes to ensure that the valuation of properties is undertaken in a fair and transparent manner. The current process enables the applicant (as well as the Promoter) to choose from a list of valuers appointed by the Promoter to provide an unblighted market valuation of the property in accordance with the Royal Institution of Chartered Surveyors guidelines.
152. The process is broadly that the Promoter selects a valuer and then the applicant chooses another another (both from the list of valuers). If there is a 10% difference in the values determined by these two agents a third valuer is chosen. The average of the two (or closest two if a third is needed) is taken to form the offer price. This mechanism ensures that if there is a high degree of

variance between the first two valuation, this can be corrected by a seeking a third valuation.

153. We have developed a standard form of valuation report that helps to provide a consistent approach and which highlights the need to identify clearly the method and approach to valuation together with the comparable evidence that has been used in order to inform that valuation. Copies of the valuations are provided to applicants where requested.
154. Any complaint on the process followed by the valuer in undertaking the valuation is forwarded to the relevant agent and they are asked to respond to the specific complaint, whether that refers to the manner in which the valuation was undertaken or the types of comparable properties use to determine the valuation.
155. The process of using up to three separate valuers to determine the value of a property aims to respond directly to any concerns that a single valuation may be erroneous and ensures appropriate flexibility in valuation.
156. We will review the valuation approach to identify any improvements as part of the review of the operation of the scheme in Autumn 2015.

Retrospective compensation

In paragraph 132 and 133 of the report, the Select Committee notes:

“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;*

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.”

157. The merits of various options have been considered for providing some form of additional discretionary compensation for property owners who did not apply for any of the existing compensation schemes and who have subsequently indicated that they have suffered a loss.

158. As part of this we have considered the need to define a time period within which compensable losses might be considered, the geographical boundaries for any such claims and the level and type of evidence that would be required for a claim to be processed.
159. Our considerations also included the need to ensure an equity of treatment with those homeowners who have applied for, and in many cases successfully received, compensation under either the Exceptional Hardship or Need to Sell schemes.
160. Having carefully considered the various options, we feel that save in exceptional circumstances (and each case will be considered on its own merits) generally the approach should be that any provision of compensation should remain within the confines of the existing statutory and discretionary compensation schemes.
161. The fundamental basis of the Promoter's approach to this discretionary property scheme is the recognition that in return for the discretionary purchase of an applicant's property, the Promoter has an asset, which it is able to realise at a future point in time. In this way the Promoter is able to balance the objective to provide compensation for those qualifying homeowners affected by HS2 with the duty to the taxpayer. If we were to widen the scope of eligibility to pay compensation to those who did not apply under the discretionary schemes, that basic protection for the taxpayer would be removed. Compensation would become payable in circumstances where the property in question had been sold to some third party and not the Promoter, with no prospects of potential future recovery of the payment through retention of the underlying asset.
162. We reflected on the circumstances of each of the petitioners referred to above. Each of them indicated to the Select Committee during their hearings that they were aware of the availability of the Promoter's discretionary compensation schemes in advance of the eventual sale of their properties, but that they chose not to apply. They all also responded to the January 2012 discretionary property compensation consultation.
163. For the same reasons outlined above, it would follow that consideration on how to deal with the inheritors of a deceased person's estate, that person having sold their property without having made an application to the available discretionary compensation schemes, would generally be subject to the same conclusions.

In paragraph 132 of the report, the Select Committee also notes that it would like the Promoter to try to consider and find an equitable way to deal with cases such as:

"widows or widowers whose wish to sell arises from the death of their former spouse (or partner)."

164. The Need to Sell (NTS) scheme is open to receive applications from widows or widowers. Clearly, the loss of a partner and the need to release capital or to

simply relocate are scenarios that could very well be considered appropriate to meet the criteria of the existing scheme.

165. It may also be worth noting that the NTS scheme is open for applications from personal representatives of a deceased person who had a qualifying interest (as defined by the scheme) at the time of death. It would be expected that the winding-up of a deceased person estate would normally be regarded as representing a compelling reason to sell.

In paragraph 134 of the report, the Select Committee notes:

“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.”

166. As noted previously, an update on the current statistics on the Need to Sell scheme are provided in annex B. The figures in the latest set of statistics indicate that the Need to Sell scheme seems to be performing successfully in its initial period of operation. While we accept there may still be anomalies on specific case decisions that we are always happy to explore, we would hope that the Select Committee will allow some further time to consider the performance of the scheme before recommending any further changes to the existing process. As previously noted a review of the performance of the scheme will be undertaken in Autumn 2015.

Future programming

In paragraph 143 of the report, the Select Committee notes:

“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.”

167. We intend to produce a response to the several hundred template petitions from the Chilterns area and to issue it to the petitioners concerned well in advance of their scheduled appearance before the Select Committee. The expectation is that these template petitioners would be scheduled to appear before the Committee in October 2015, and we aim to issue our response in July 2015.

Locus standi

In paragraph 147 of the report, the Select Committee notes:

“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.”

168. An expedited procedure for dealing with locus standi challenges, whether through a written procedure or by having locus challenges determined in advance by a body other than the Select Committee, would require changes to the rules and practice relating to locus challenges on Hybrid or Private Bills and this is a matter for the House authorities in the first instance.

In paragraph 148 of the report, the Select Committee notes:

“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 to the Bill 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.”

169. We assume that in due course the Committee will reiterate this message in the guidance provided on the Select Committee website (e.g. in the FAQs), in the Additional Provision to the Bills petitioning kit (“How to Petition against Additional Provision to the Bills on a Hybrid Bill in the House of Commons”) and in the petitioning leaflet (“The Proposed Amended High Speed Rail (London-West Midlands) Bill in the House of Commons – What you need to know”) issued with the various statutory notices and available at deposit locations alongside each Additional Provision to the Bill.
170. For its part, the Promoter has amended HS2 Information Paper B8, Additional Provision to the Bills to highlight the Committee’s statement.

Petitioners within 500m of the proposed Phase Two route

In paragraph 152 of the report, the Select Committee notes:

“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.”

171. We note the Select Committee’s recommendation to amend the powers in the Bill in relation to the survey powers for future high speed rail lines in order to

ensure any extension of the geographical limit of those powers be made subject to an affirmative resolution. We will provide the Committee with appropriate wording for them to include in the “filled out” Bill to ensure that orders to amend the 500m under Clause 51(10)(a) are subject to the affirmative resolution procedure.

Annex A - Letter from The Housing and Planning Minister in the Department for Communities and Local Government, Brandon Lewis to Local Planning Authorities



**Department for
Communities and
Local Government**

Brandon Lewis MP

Minister of State for Housing and Planning

*Department for Communities and Local
Government*

*Fry Building
2 Marsham Street
London
SW1P 4DF*

Tel: 0303 444 3430

E-Mail: brandon.lewis@communities.gsi.gov.uk

www.gov.uk/dclg

18th March 2015

The delivery of High Speed Two (HS2) will radically redraw the economic geography of the nation, bringing our cities closer together and rebalancing growth and opportunities. HS2 will act as a catalyst to city centre regeneration and major development schemes, bringing new business and jobs to their areas, which is a key priority for my Department.

It is, of course, important that we deliver this essential scheme in a manner that minimises the impact on the environment, on local communities and individuals. There will, nonetheless, be situations where the impact on an individual or a group of individuals, whether that be due to the new rail line affecting a residence, a business or some other feature, is unavoidable and the ability to minimise that impact is limited. In those scenarios it is essential that those affected are fairly compensated and offered reasonable assistance in their relocation where appropriate.

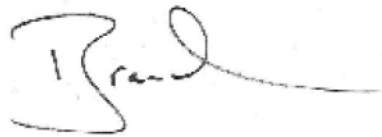
The tried and tested compensation code forms the basis of the compensation offered for those affected by HS2 and as you know the Government has introduced a package of discretionary compensation schemes that sit on top of those.

The Government recognises that in some instances, owners of homes and businesses purchased by HS2 Ltd, either on a discretionary or compulsory basis, may wish for those premises to be re-built and may require planning permission to do so. Applications for replacement buildings should be dealt with in the first instance by local planning authorities. Local planning authorities are best placed to fully consider the range of specific local issues, relevant planning policy and involve local communities in decision making.

I note that the HS2 Ltd have already offered to provide letters that set out the impact the new rail line is due to have on an individual's interests, which can be used to support a planning application. In addition, I want to make it clear that the Government expects local planning authorities to work pro-actively and positively in all areas with applicants who are seeking permission for replacement buildings; taking a pragmatic and flexible approach to identify appropriate ways forward within the context of the Local Plan and national policy.

In particular, I would expect that where there is a need for a building to be demolished, suitable measures, such as planning conditions, can be put in place to allow, so far as possible, for the uninterrupted transition of business or home life from one property to another and to ensure that there are confirmed plans for demolition. This could apply in cases where buildings are demolished either to make way for HS2 or, for example, where this is necessary to obtain planning permission for a replacement building in line with local policy.

Clearly each case may raise a unique combination of considerations to be taken into account in determining an application. However, in each case involving a replacement building, decision takers should have regard to the impact of HS2 in determining an application, although the weight attributed to this consideration is a matter for the decision taker.

A handwritten signature in black ink, appearing to read 'Brandon', with a long horizontal flourish extending to the right.

BRANDON LEWIS MP

Annex B – Update on the performance statistics on the Need to Sell Scheme

The following figures cover the period 16 January 2015 (the launch of the Need to Sell scheme) to 31 May 2015.

Applications accepted	15
Applications declined	8
Applications currently being processed	48
Total applications received	71

- Of the 48 applications currently being processed, we expect to have sent decisions on 11 of these by the end of June 2015.
- The current average time it is taking to process an application from the point of receipt is just over 7 weeks (this excludes waiting time for any additional documentation that is requested by the Secretariat team that administers the scheme).