

Decision Record – HS2: Response to Property Compensation Consultation 2013

Cabinet Portfolio Holder taking the decision	Cllr Bob Stevens Health
Date of Decision (not before: 29 th Nov 2013)	29/11/2013

Decision Taken

That the Portfolio Holder for Health approves the County Council's response to the Property and Compensation Consultation (as set out in Appendix A to the proposed decision report).

Reasons for Decisions

The Property and Compensation Consultation 2013 sets out a proposed package of measures designed for owners and occupiers of property along the London to West Midlands route.

For land or property owners directly on the line of route, the Government may need to buy some or all land and/or property in order to build HS2. Compensation may be available to owner-occupiers of properties near, but not directly on, the line of route who experience physical effects - such as increased noise – once the line is in operation that reduce the value of their homes. People who own and occupy a property near the line of route and wish to move may find it more difficult to sell their homes, this is referred to as blight.

There is existing legislation and case law which provides for compensation in relation to property blight. It reflects the large variety of circumstances for which compensation must cater, such as any land or property taken from owners and for any loss of value caused by the physical impacts of a scheme.

In addition to the existing legislation, the Government is consulting on a package of measures which include:

- express purchase for qualifying owner-occupiers within the safeguarded area;
- a long-term hardship scheme which would apply to owner-occupiers who are outside both the safeguarded area and the rural support zone and who have a need to sell their property to avoid suffering hardship because of HS2;
- options for renting properties to their former owners;

Also, for those who live in a proposed 'rural support zone', a discretionary scheme will offer:

- a voluntary purchase scheme for owner-occupiers up to 120m from the line; or
- a property bond scheme which would provide a transferable bond guaranteeing Government purchase of properties within a rural support zone.

The property and compensation consultation raises several issues for the Council on behalf of its residents and these are set out in Appendix A to the proposed decision report.

The impact of the property compensation scheme will have a significant impact of the population's health, well-being and quality of life. The Council welcomes the attempt to introduce measures to remove complexity from part of the compensation process, but is still

seeking clarification on aspects of the content and criteria referenced in the consultation.

We welcome the proposed introduction of a property bond which could help build confidence in local property values and maintain balance in the property market, while also reduce further property blight.

We expect the agreed property consultation standards to be applicable for both Phase One and Phase Two to ensure consistency. This is particularly relevant in locations in the north of the county which are affected by both phases of HS2.

Background Information

Warwickshire County Council resolved in December 2010 to oppose HS2 and agreed to work with other local authorities as part of the 51m Group – a consortium opposed to the HS2 proposals which is providing a co-ordinated opposition to the scheme.

The Council supported a Judicial Review with 15 other local authorities and the HS2 Action Alliance into the Government's consultation process, and in particular the decision on the preferred discretionary compensation schemes. The High Court ruled on 15 March 2013 that part of the 2011 consultation which dealt with potential property consultation arrangements did not provide enough information to consultees on the different discretionary compensation scheme proposals. In addition, the basis on which the decision was taken differed from the one which appeared in the consultation documents. Also, the response from the HS2 Action Alliance was not conscientiously considered before the Secretary of State made a decision. As a result of the High Court ruling, the Review of Property Issues document, and the Government's package of discretionary compensation arrangements were declared void. To ensure a full, fair and prompt resolution to compensation issues relating to the railway, the Government gave an undertaking to the Court to launch a fresh consultation on property matters, including the introduction of a property bond not included previously.

The questions being consulted on are as follows:

- 1) What are your views on the criteria we have put forward to assess options for long-term discretionary compensation?
- 2) What are your views on our proposals for an express purchase scheme?
- 3) What are your views on the proposed long-term hardship scheme?
- 4) What are your views on the 'sale and rent back' scheme?
- 5) What are your views on our alternative proposals for renting properties to their previous owners?
- 6) What are your views on our proposals for a voluntary purchase scheme within a 'rural support zone'?
- 7) What are your views on the option to introduce a 'time-based' property bond scheme within a 'rural support zone' as an alternative to the voluntary purchase scheme?

The Property Compensation Consultation 2013 is open to the public to comment on long-term property schemes for Phase One of the HS2 route (London to the West Midlands). The closing date for responses is 4 December 2013. The documents are available to view on the HS2 website at:

<http://www.hs2.org.uk/developing-hs2/consultations/phase-one/propertycompensation-consultation-2013>

Financial Implications

As listed in the report.

Report Author	Christopher Cresswell
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Strategic Director	Monica Fogarty
Portfolio Holder	Councillor Bob Stevens

Checklist

Urgent matter?	No
Confidential or Exempt? (State the category of exempt information)	No
Is the decision contrary to the budget and policy framework?	No

List of Reports considered - please include link to report

Link to published proposed decision report:

<https://democratic.warwickshire.gov.uk/cm5/CalendarofMeetings/tabid/128/ctl/ViewMeetingPublic/mid/645/Meeting/2951/Committee/554/Default.aspx>

List of Background Papers - please include a contact for access to background papers

None.

Members and officers consulted or informed – please include any comments

Portfolio Holder – Councillor Bob Stevens
 All Strategic Directors
 Legal – Alison Hallworth, Vicky Newbold, Jane Pollard
 Finance – Liz Firmstone
 Equality – Minakshee Patel
 Democratic Services – Georgina Atkinson

Adult Social Care & Health OSC – party spokes:

Councillors John Appleton, John Beaumont, Richard Dodd and Ann McLaughlan