

# HIGH SPEED 2 - HILLINGDON'S RESPONSE TO PROPERTY CONSULTATION 2014

<b>Cabinet Members</b>	Councillor Ray Puddifoot MBE Councillor Keith Burrows
<b>Cabinet Portfolios</b>	Leader of the Council Planning, Transportation and Recycling
<b>Officer Contacts</b>	Jales Tippell, Residents Services Rajesh Alagh, Borough Solicitor
<b>Papers with report</b>	Appendix 1: The Council's response to the Property Consultation 2014 for the London - West Midlands HS2 route.

## HEADLINE INFORMATION

<b>Summary</b>	This report seeks Cabinet's approval to the Council's response to the HS2 Property Consultation 2014.
<b>Contribution to our plans and strategies</b>	<b><u>Putting our Residents First:</u></b> <b><i>Our Built Environment; Our Natural Environment; Our People</i></b>  Hillingdon's emerging Local Plan Hillingdon's Unitary Development Plan Saved Policies 2007 Hillingdon Partners Sustainable Community Strategy
<b>Financial Cost</b>	None directly from this report.
<b>Relevant Policy Overview Committee</b>	Residents and Environmental Services
<b>Ward(s) affected</b>	South Ruislip, Manor, West Ruislip, Ickenham, Harefield directly

## RECOMMENDATIONS

### That Cabinet:

1. Approves the Council's response to Property Consultation 2014 for the London West Midlands HS2 route.
2. Requests that the Chairman of the Executive Scrutiny Committee waives the scrutiny call-in if Cabinet approves the above recommendation so as to ensure that the consultation response can be completed within the required deadline.

## **INFORMATION**

### **Reasons for recommendation**

The Council, in responding to the consultation, is seeking the best outcome for those residents whose properties will be blighted by the HS2 Scheme.

### **Alternative options considered**

The alternative option would be for the Cabinet to decide not to respond to the consultation. This is not considered to be an appropriate option due to the adverse impacts that HS2 will have upon residents of the Borough.

### **Comments of Policy Overview Committee**

None at this stage.

### **Supporting Information**

#### **Background**

1. The HS2 Property Consultation 2014 is the latest in a series of consultation exercises which the Government has undertaken in relation to proposing compensation payments for property owners who will suffer blight and a loss in the value of their properties as a direct consequence of Phase One of the HS2 Scheme.
2. The first consultation was launched in October 2012 and the Council sent a robust response in January 2013. The opportunity was taken to reinforce the Council's concerns about the inadequacy and unfairness of the consultation, including the lack of adequate information on which to fully understand the impacts of HS2. It was highlighted that the HS2 project itself should fully compensate the real costs to individuals and communities impacted and that suitable compensation schemes should be devised to achieve this. The Council drew particular attention to the need to have the same schemes offered in both urban and rural areas and not attempt to minimise the compensation schemes for urban areas on the basis that the costs, due to the number of properties impacted, would be greater.
3. HS2 Action Alliance went further and brought a judicial review claim against the Government on the grounds that the 2012 consultation was unfair and unlawful. This claim was heard by the High Court at the same time as 51M's judicial review challenge i.e. December 2012.
4. The High Court ruled in March 2013 that the Government's property compensation consultation proposals were unlawful which forced the Government to re-consult.
5. In September 2013, the Government launched a fresh consultation exercise on property compensation. Once again, the Council sent a robust response to the consultation proposals.

6. On 9 April 2014, the Government announced a package of measures to assist property owners affected by HS2. These measures can be summarised as follows:

- Express purchase for owner-occupied properties within the surface safeguarded area and the extended homeowner protection zone. In practice, this means that where an area of land has been removed from the safeguarded area by new Safeguarding Directions, the express purchase scheme will remain available to owners of properties in that area for a period of five years. The Government has now confirmed that it will be prepared to buy all qualifying owner-occupied property in these zones under an expedited process. This scheme was introduced on 9 April 2014.
- A voluntary purchase offer available to people up to 120m from the centre line of the railway in rural areas. Eligible owner-occupiers between the safeguarded area and 120m will be able to ask the Government to buy their homes at un-blighted market value. This scheme will be open to applicants by the end of 2014.
- A need to sell scheme to assist owner-occupiers who have a compelling need to sell their home but are unable to do so because of HS2. There is no outer boundary to this scheme. It will be opened to applicants at the same time as the voluntary purchase offer, and will succeed the current exceptional hardship scheme for Phase One, which will be closed.
- Rent Back, an approach that means that if a property that the Government has purchased under any of the available compensation schemes is suitable for letting, the previous owner can, if they wish, be considered to rent back the property from the Government on the basis of a Crown tenancy. This scheme was introduced on 9 April 2014.

7. In the HS2 Property Consultation 2014, the Government has made it clear that it is not re-opening consultation on the above schemes. Instead, it is seeking views on two new proposals which it has introduced namely, the alternative cash offer and the homeowner payment which are discretionary schemes and are in addition to the existing statutory compensation scheme.

8. The alternative cash offer proposal is to give owner-occupiers within the Rural Support Zone [this is the zone within which the voluntary purchase scheme applies] an alternative to selling their home and enabling them to stay within their community. Those in receipt of the alternative cash offer would receive 10% of what would have been the un-blighted open market value of their property - capped at between £30k and £100k. This scheme would launch by the end of 2014 and last until one year after the opening of the railway.

9. The homeowner payment is designed to share the benefits of the high speed railway with rural owner-occupiers outside the Rural Support Zone but within 300m of the line by means of a cash payment. The payments would be tapered and the amount would be dependent on how far, within the 300m boundary, the properties are from the railway line. The Government would start to make payments upon Royal Assent to the Hybrid Bill for Phase One and this scheme would end one year after the opening of the railway in that area.

10. The 2014 consultation is inviting views on both Government proposals for the alternative cash offer and the homeowner payment. The consultation document is short and the proposals set out within it only extend to seven pages. The consultation closes on Tuesday 30th

September 2014. The Council's response to the consultation is attached at Appendix 1 of the report.

### **Financial Implications**

There are no direct financial implications arising from the recommendations of this report.

The impact of HS2 on the Council's financial position will continue to be monitored and reviewed as part of the Medium Term Financial Forecast (MTFF) process.

### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

#### **Consultation Carried Out or Required**

As set out in the report.

### **CORPORATE IMPLICATIONS**

#### **Corporate Finance**

Corporate finance confirm that their comments are included within the financial implications.

#### **Legal**

The Borough Solicitor is the joint author of this report and therefore the legal implications are contained in the body of the report.

#### **Corporate Property and Construction**

Corporate Property and Construction supports the recommendations set out in this report.

### **BACKGROUND PAPERS**

NIL