Rt Hon Chris Grayling MP
Secretary of State for Transport
Great Minster Houses of Parliament
33 Horseferry Road
London SW1P 4DR

11 February 2019

Dear Chris,

Government Response to the Committee’s Second Special Report

The Committee is very grateful for the seriousness HS2 has taken on the issue of mental health. We appreciate this was a difficult issue and we thank HS2. We welcome the further work that has been done in the area of proposals to monitor mental health and look forward to receiving an update soon.

In our Second Special Report of the HS2 Phase 2a Bill Committee we highlighted a number of issues that merited attention regarding the Bill scheme and that of Additional Provision 1. We also looked at how HS2 Ltd has been conducting its preparation for the building of the railway on the Government’s behalf. In its response to the Committee, there are several outstanding matters that have not been adequately addressed.

The building of the high speed railway presents land owners with unusual and unwelcome challenges, both during the planning and the construction phases of the project. Whilst HS2 Ltd are refining their plans, farmers and landowners continue to face the challenges of running a viable business which is seasonal in nature. It is for this reason that the Committee is extremely unhappy with the Government’s response to its concern about notice periods for access to land. The Committee requires a concrete commitment of a minimum period of three months’ notice for planned works by either HS2 Ltd or any nominated undertaker and any contractors or sub-contractors employed to undertake work on behalf of the Secretary of State for Transport. The response given by the Government that reasonable endeavours will be used to give longer notice is disappointing. High profile public schemes should aim towards best practice and positively engage with opportunities to raise standards and reduce the impact on those affected. The Committee asks that you request that your team look at this once again.

Under “Other matters” the response gives the committee an overview of the existing compensation arrangements, this is not what we were seeking. We asked that special
provision be made for the categories of dwellers highlighted by Ms Sandbach at the hearing on 4 June. The consultation document for HS2 Phase 1 makes a specific mention of occupiers living in atypical properties or special circumstances. We have identified a small group of dwellers who we feel will be disadvantaged by the scheme and whom the compensation scheme has failed to make provision for. We were told by Counsel on 19 March at the opening of our proceedings that “that the code is based on the principle of fair compensation also known as the principle of equivalence” and we would ask why the consultation did not meet the requirements of those constituents represented for example by Ms Sandbach. We note that Ms Sandbach had already been in contact with Peter Spittall from HS2 who has acknowledged in a letter of 24 February 2017 that there is a the gap in this area of compensation provision. Despite this matter being highlighted almost over a year ago by Ms Sandbach and later by the Committee in its Second Special Report it is extremely disappointing to hear that there has been no progress on this matter and that the scheme runs this risk of making people homeless. The Committee is not content to see this happen to constituents. We therefore recommend that HS2 set up an extra compensation scheme to ensure that vulnerable residents receive financial help. This should include those tenants with shorthold assured periodic and some agricultural tenancies and permanent narrow boat dwellers and provide them with a separate scheme under which they can apply for removal / relocation payments in order to help them to manage the change to their circumstances. HS2 should work with the local Members of Parliament and the community in order to identify eligible constituents.

HS2 has deviated from the instruction given by the Committee regarding the Inland Waterways petition. The Committee would like to know why HS2 has proposed an alternative solution which it perceives to be better than the decision of the committee.

Throughout the hearings for petitions against the Bill and Additional Provision 1 we have been told by Counsel that certain matters in relation to borrow pits will form part of the borrow pit review. We have been waiting for detailed information about the borrow pit and without this information the Committee is constrained in conducting its business which could lead to a delay in proceedings. The Committee would expect to see this information before the deposit of Additional Provision 2.

Regarding access to land purchased under compulsory purchase orders. The Committee is not content with the use of the words “in general” in paragraph 87 and would like to see them replaced with the words “without good reason”. The purpose of this change would be to give landowners a greater degree of protection which the Committee thinks is necessary having heard evidence from both petitioners and Counsel. This may be a change that your Department would like to include as an amendment to the Bill.

The Committee will be keeping a watching brief on the totality and usage of severed land. Having made a helpful suggestion to HS2 (that of using any severed parcels of land for environmental mitigation planting) there was little commitment to do this in the response. The committee sees this as a wasted opportunity.
There are some further matters to which the Committee would like further attention paid:

Dr and Mrs Carter and the villagers of Nethertown require 24 hour access to their village for not only emergency vehicles but in order that they may continue their daily lives (paras 52-54). HS2 appear to water this down. Dr and Mrs Carter petitioned for 24 access and the Committee supported this. Can you give a commitment that they will have such access?

In Committee, Counsel offered to liaise with the local authority with a view to reclassify the route from footpath 58 to the railway in order for it to be made available for riders (para 70). Yet HS2 have placed the onus on the Bridleways Association to establish whether there is an ancient right to a bridleway. The Committee said in its First Special Report that the Committee had not been persuaded that HS2 had given adequate consideration to the local community and should adequately mitigate the impact on petitioners. Whether there is an ancient bridleway is irrelevant, a bridleway should be created.

We have repeatedly heard that petitioners, especially farming businesses, have not had access to experts and we ask whether HS2’s Community Engagement Team staff are sufficiently qualified to understand when a specialist might be required? What is the process for an expert to be deployed by the Community Engagement Team, what triggers such a response?

The committee maintains that the nomenclature of the Residents Commissioner is misleading to the public and causes unnecessary additional frustration to constituents who are already upset. The Committee will be inviting the Residents Commissioner to appear before the Committee about the role of the Commissioner and the resources provided in support of this role.

We welcome a commitment to ensure documentation sent out to affected parties is written in plain English, but ask which “key documents” to which this will apply? (Paras 11-19).

I look forward to receiving your response by the end of this month.

Yours sincerely,

James Duddridge MP
Chair

PS: month end or before we all again would be helpful.