

Statement by the Promoter on Compensation and by the Chair

19 January 2015, Committee Room 5, Palace of Westminster

1. MR MOULD QC (DfT): [...] as from last Friday the discretionary package which, as the Committee knows, the Government has introduced in order to address the effects of generalised blight resulting from the HS2 proposals. That package came into operation. The effect of that is that over 2,500 dwellings now lie within the Express Purchase Area which, as the Committee knows, is a scheme that's been operating for some months.

2. Within the Voluntary Purchase provisions, which apply in the Rural Support Zone that is now in operation and the cash offer scheme, the alternative cash offer scheme that sits alongside that. In addition, the Need to Sell Scheme which, as you know, is without geographical limit, that is now in operation as well, and so the full package of measures available comprises those elements: The Express Purchase Provision, which covers the surface safeguarded area for the railway, Voluntary Purchase, the Alternative Cash Offer, and the Need to Sell. The Homeowner Payment Scheme becomes operational following royal assent. That is the banded series of cash payments that you know have been the subject of recent consultation.

3. I can confirm that the – those elements that have been the subject of consultation in the recent months, those have been brought into operation, essentially unchanged from the proposals that were consulted upon, if that's of assistance to people who are looking back over the consultation documents, and I should also just confirm this point, which I know has been of interest to Members: the Express Purchase, Voluntary Purchase and Need to Sell Schemes are all accompanied by a voluntary rent back option. Owner occupiers who, having sold their properties to the Government would prefer to carry on living there may be able to rent it back, subject to checks on the suitability of the property.

4. The other thing I should announce, if you'll just allow me a moment more, is this: that the Residents' Charter is to be introduced in order to improve communication with residents and communities near the route of the railway. The intention is to help to ensure that residents are treated in a fair, clear, competent and reasonable manner. It embraces a number of key principles: Discretionary property packages will be communicated clearly in the plainest non-technical language possible, individuals will be offered a single, named case

officer, individuals will be offered the opportunity to meet in private with a property specialist from HS2 Ltd to explain the discretionary and statutory measures, and HS2 Ltd will commit to a reasonable response time for all property related enquiries.

5. The Charter went live on Friday, and Deborah Fazan has been appointed as the Residents' Commissioner to oversee the Charter and to ensure that the principles that I have just referred to are adhered to. The information that I have just summarised is to be found on the HS2 website. We've put the page up on the screen in front of you, which comprises of the announcement made by the Secretary of State on 16 January.

6. CHAIR: Okay. Sir Peter. Sorry, Sir Peter.

7. SIR PETER BOTTOMLEY: We're grateful for that, but we don't matter as much as the people affected by the proposal matter. I've got one question, which may be more for the Secretary of State and perhaps Parliament than the Promoters, but I'll put it anyway. Which is whether, presumably when the Treasury was agreeing this with the Department, and obviously it will require cash, but whether the public calculators are thinking it's actually going to cost money in the end, or make money in the end, or it's just so uncertain people can't tell.

8. The second, which I think is more urgent, is whether those who'll be considering the applications can understand that someone may have a wish/need to sell that is compelling, but isn't necessarily only valid if it's urgent and were an offer – application, if accepted, would be triggered straight away. If I just add a sentence: It's my belief that people may have a compelling wish to sell, to be termed as a need to sell, where once they've got the offer, whether or not the price needs to be adjusted over time, they can, in effect, hold. Which makes it more likely that an individual will remain part of the settled community rather than feeling they have to go. Because one of the public interests in all this is that people who don't want to leave their community don't have to. But unless they can get the certainty that they would be able to sell their home at unblighted price, they'd probably feel they have to go, which will lead to more people leaving and a community being disrupted even more than would happen anyway.

9. MR MOULD QC (DfT): Yes. On – of those two points, the first of them I will take that away, and it may be that the answer to that should come through other channels. But we'll report that one back to the Department. On the second point, and of course it's a point

that you have been concerned about...

10. SIR PETER BOTTOMLEY: It's a new week though.

11. MR MOULD QC (DfT): It's a new week. Indeed so, and it's a point on which I think I have offered some observations in the past, and I simply – if you will forgive me – I'll simply say this. I have drawn attention to the fact that the scheme allows for an offer made under the Need to Sell Policy to remain open to acceptance, open to being taken forward by the successful applicant for a period of three years after the offer is made, and I am confident that those who are administering the scheme, and who are considering individual applications, will have that aspect of the scheme well in mind when they come to consider individual applications.

12. I'm also sure that the – by far the most effective way of addressing the manifold circumstances that individual applicants will bring before – will bring to bear in support of an application that they may make is to consider those facts carefully and sympathetically as they're presented to the project and to the independent panels whose task it is to make judgment. And, as you know, guidance is being given – has been formulated, and is in the public domain, and the Committee has seen that guidance, and the project, and the Secretary of State I know, I have it in mind to keep a close eye on the progress of the scheme in its initial period of operation. Amongst other things, to see – just to test, if you will, how it is faring and whether it is fulfilling the function and the purpose which was laid out for it in the Secretary of State's decision.

13. SIR PETER BOTTOMLEY: Can I put it explicitly, not necessarily for answer, but so it's heard. I am going to assume, on behalf of those who may be affected, that no member of the Panel will say, 'We will turn this down unless we believe that the applicant will want to take up the offer without delay.' It – if a Panel member will start saying, 'We're not going to approve this application because we don't believe they'll want to take it up without delay', or, 'They may not want to take it up at all, allow the three years to expire' I'll regard that as a trail of what we've been trying to put on behalf of those affected.

14. MR MOULD QC (DfT): Yes. I very much hear what you say on that, and all I was at pains to try and convey...

15. SIR PETER BOTTOMLEY: We heard you, and I just tried to add it in so it gets back

to those...

16. MR MOULD QC (DfT): Yes. I won't – in that case I won't repeat myself any more.

17. CHAIR: I presume that, though independent, the committee that deal with Need to Sell, do the comments of the committee get fed back to them? Or have they been given any – the views of Sir Peter...

18. MR MOULD QC (DfT): Yes.

19. CHAIR: And other members of the Committee...

20. MR MOULD QC (DfT): Yes.

21. CHAIR: Well, okay. Good.

22. MR MOULD QC (DfT): I've been very – I mean the Government's been very careful to, as I understand it, to listen to – to take account of what's been said by the Committee, yes.

23. CHAIR: Okay, well we'll be monitoring all these arrangements very carefully.

24. MR MOULD QC (DfT): Yes.

25. CHAIR: On Freedom of Information, on FOI, we would like HS2 to give us a paper with their position on disclosures of costings; when they will, when they won't, and the reasons. We would also be interested in what level of breakdown would mask commercial sensitive – commercially sensitive figures. Further, we would like to their position on what is only disclosed after an FOI request, and why, with particular reference to situations such as that mentioned on noise barriers on Berkswell and the cost of alternative options at Water Orton. We would like to know whether there are cases where information could and should be given without need for an FOI request.

26. On local authority extra costs during building, we heard from Warwickshire County Council as lead authority for the issues that they have around the need for extra local authority service provision during and after HS2 construction, but especially during construction, and who will pay for these services. This is an area where local authorities and the project may not be far apart. We will listen to whether other local authorities, such as South Bucks and Hillingdon have things to add. We would fully expect that suitable

compromise could be achieved although we recognise that the timings of this might extend into the Bill's consideration by the second House.

27. Two related matters were highway management and the cost of possible active traffic management system. Mr Mould told us that HS2 would keep talking to the county councils on that. We will hear further on this from Bucks County Council and, at that point, may make a recommendation if one is needed.

28. MR MOULD QC (DfT): Thank you.