

HS2 Property and Compensation Consultation Response

submitted on behalf of the

Hints & Area Action Group

Submitted on behalf of the action group by:

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January 2013

Hints and Area against HS2 Action Group Response to the Consultation on Property and Compensation

General Comments and background information on all questions 1 to 7

Our group is seeking a fulfilment of the promises, of fair compensation for all those suffering financial loss, made by Philip Hammond. These promises were made in Parliament in December 2010 and repeated in his comments to members of our Action Group at Lichfield Guild Hall at the June 2011 HS2 Road Show.

The blight on Hints has already existed for 3 years and affects virtually the whole village in view of the topography of the area. The line runs across an escarpment above the Bourne Valley south west of the village. Most of the village is situated on slopes and a ridge north east of the valley in Rookery Lane, School Lane and Watling Street. To the west of the main village, the line also bisects Bangley Lane on which there are several properties, including businesses and also beyond the escarpment to the south west are several properties on Brockhurst Lane both of these roads lie within the private Canwell Estate. So within Hints, virtually all properties will be affected by both visual and noise blight.

Currently this is a quiet and rural location with little outside noise. The views across the valley are highly prized locally and indeed have a designated high landscape value. People seek to move here in order to be part of a slower pace of life whilst enjoying the peace and tranquillity along with the unique landscape surrounding the village they are content to sacrifice amenities such as local public transport, shops etc in order to experience the unique village life which Hints can offer.

The prospect of HS2 dominating the landscape as well as the village has caused generalised blight and the reason why people wish to live here has been seriously compromised.

Questions 4 and 5 will deal in detail with these problems

We have spent the last 9 months meeting and communicating on a regular basis with HS2 Ltd through the Community Forums. However, we still have not been told what, if any, mitigation will be applied to the line in Hints. This in our view prevents a full assessment of the extent of blight as we feel that mitigation and compensation go hand in hand.

It is clear, however, that the lack of mitigation has exacerbated the perception of blight in this area.

This is the third Consultation since 2010 to which we have been asked to respond. So far there is NO evidence that the Government has listened to or incorporated any of the comments made by residents in Hints. We sincerely hope that this time the Government is listening to the response to its unfair and unjust treatment of property owners and will act to rectify that unfairness.

Question 1

What are your views on the proposed advance purchase scheme?

- The advanced purchase scheme should apply to ALL owners and not just owner occupiers properties.
- The arbitrary cap of £47,000 on home loss payment is unfair. 10% should mean 10% regardless of the value of the property.
- Compensation for properties only partly in the safeguarding has not been given clarity and this is unsatisfactory.
- The rules about such properties should be more rigorously defined
- In our rural area this is particularly pertinent where gardens and land attached to properties tend to be larger than in urban areas.
- There are few properties in Hints and Area which fall within the safeguarded zone and although we welcome this advanced purchase scheme it will have no impact on the general blight problem facing the whole village.

Question 2

What are your views on the proposed voluntary purchase zone for rural areas?

- We do not agree with the fixed width for the VPZ distance from the track.
- Distance is only one of a number of factors which affect the impacts of HS2 on a community and therefore the level of blight caused.
- Although using this fixed line approach seems to be fair, it does not take into account topographical differences in affected communities.
- In Hints, as already pointed out in our introduction, the line is raised on an escarpment and the topography of the area produces an amphitheatre effect which will enhance both the visual blight and the noise pollution felt by local residents .
- The curvature of the line was increased beyond normal design limits when the route was altered to take the line further away from Lichfield (in 2010).
- Prof. Andrew McNaughton (HS2 Ltd), on several occasions, has confirmed that this will lead not only to additional rail to track noise but also extra night time maintenance with attendant noise and light pollution.
- The arbitrary VPZ will not give any opportunity for property owners who live within Hints (but outside of the VPZ) to seek purchase by the government despite the serious blight on their property.
- This blight has already been acknowledged by the Government as so far at least 3 properties in Hints all of which are outside of the now proposed VPZ, have been purchased under the EHS.
- One of these is approximately 1000M from the line.
- Compensation within the VPZ should include home loss payments and moving costs as it does for the Safeguarded Zone and as it did for HS1.

Question 3

What are your views on the sale and rent back scheme?

- Eligibility for this is too narrow and it should include business premises, second home owners and landlords.
- Businesses in this area are already suffering because of the uncertainty brought about by HS2 and this will continue for many years to come.
- Including ALL properties in this scheme would be fairer and would avoid any inconsistencies.
- The document acknowledges that there is a possible need for "some flexibility on a case by case basis". Consistency in approach would remove the need to apply this flexibility and would be fairer and more objective.
- The application process and letting arrangements are onerous, more so than for normal lets making it more challenging to apply for.

Question 4

What are your views on the approach to the application of the hardship criteria for the long term hardship scheme?

- The EHS scheme put in place in 2011 was seen by many as an emergency plan to stave off real hardship in the face of perceived blight surrounding the announcement in March 2010 of the HS2 proposal
- It was a reasonable expectation that once it was known that HS2 was definitely going ahead (January 2012) a fair scheme which removed hardship as the only criterion would be put in place.
- The new scheme is a mirror image of the largely discredited EHS, which our MP, Christopher Pincher has dubbed "the exceptionally hard to get scheme".
- To make this fair and consistent, the hardship rule should be removed.
- The scheme is even harder to apply for as properties have to be on the market for 12 months rather than 3 months.
- People who cannot sell because of HS2 and have a need to move urgently are further hindered by this rule.
- No reason has been given for redrawing the property type to exclude business premises, agricultural units and mortgagees repossessing a property. This is unfair.
- We have already shown that proximity to the line does not in itself indicate level of blight. The topography of this area means the whole village is blighted.
- This is borne out by the fact that no property in the village of Hints has been sold on the open market since March 2010.
- No one seeking to move to a rural area with all of its attendant benefits wishes to buy a property which will be blighted by HS2.
- Inclusion of hardship, betrays the main aim of the Government in proposing a long term hardship scheme which is to restrict those entitled to compensation to a small fraction of sellers that suffer financial loss owing to HS2 blight.

Question 4 cont.

- 172,000 properties along the whole line are said to be suffering blight and thus financial loss. This loss is effectively helping to underwrite the cost of the scheme and as such is grossly unfair.
- The purpose of a compensation scheme should be to protect people from financial losses caused by planning blight not to find ways of preventing them from being compensated.
- Within this scheme, the residents are effectively paying twice – once as taxpayers and again in the substantial loss in the market value of their homes.
- The Government has dismissed the Property Bond as being too expensive for the taxpayer and also untested but if as they say the final effect of HS2 will not be as bad as envisaged there will not be any loss to the taxpayer.
- When the Government buys blighted properties, which it has done under EHS, it still owns those properties and accrues rental income from them. It does not constitute a loss to the Government.
- We note property owners planning retirement may be eligible for consideration under hardship rules.
- This is a welcome addition to the criteria but it should be put on record that many of the residents in Hints are already retired. It is a reasonable wish as they get older to seek to downsize to a more manageable property and release some equity from their property.
- It is well documented that the real value of pensions decrease over time and low interest rates add to the uncertainty of maintaining an income. Property is, for most, their greatest asset and the blight of HS2 has seriously devalued that equity.
- Such cases are unlikely to meet the criteria of the long term hardship scheme and as such is having a worrying impact on the physical and mental health of residents.
- In Hints over 50% of residents are already over 60 with a small but significant percentage over 70. The nearest facilities, public transport, super market, shops, pubs, medical facilities are at a minimum 3 miles away and most are closer to 4 or 5 miles distant. It is self evident that as people cease to drive they can no longer continue to live in Hints.
- The demographic of the community is becoming unbalanced with fewer younger people moving in. The property market is completely stagnant with older people occupying over large houses which they are finding increasingly difficult to maintain both physically and financially.
- In Hints, each year, a Flower Festival and Open Gardens Festival organised by volunteers raises up to £5000. Which is shared equally towards maintenance of St Bartholomew's Church and Hints Village Hall.
- These are the only 2 community buildings in the village.

Question 4 cont.

- As people age, the pool of volunteers for this event shrinks and indeed it is unlikely to take place at all this year.
- We are surprised that no Community Fund is being proposed to help supplement this fund raising and to compensate homeowners for the disruption and distress caused by the building and operation of HS2.
- We recognise that some older residents, may not live to see HS2 completed. Why should the last and most difficult years of their lives be spent during the highly disruptive construction phase with all the attendant noise, dust etc?
- At the same time they will be watching their precious landscape being systematically destroyed and living in blighted homes which are unsaleable.
- It is patently unfair and unjust that the only way fair compensation can be achieved is through an arbitrary long term hardship scheme. Financial loss caused by HS2 blight should be the sole overriding criterion for compensation.

Question 5

What are your views on the operation of the long term hardship scheme?

- The operation of the Extreme Hardship Scheme has become largely discredited in a number of communities that it is intended to serve.
- It is surprising that this newly proposed scheme appears to be repeating the same unfairness of approach.
- We have already referred to the need to have your house on the market for 12 months as being totally unreasonable and unrealistic where real hardship can be demonstrated.
- Another blatant example of unfairness is that there is no appeal mechanism and none is proposed for the long term hardship scheme.
- For justice to be done it is absolutely essential that an aggrieved applicant may seek an independent review of a panel decision.
- Another affront to transparency of operation is that the hearings are heard in camera and the same is proposed for the long term hardship scheme.
- It is untenable for the Government to say that such openness of approach would lengthen the time for decision making and be more costly.
- There must be a fully open approach including an independently administered appeals process in order to recognise the Human Rights of applicants.
- If it is to be operated in a fair and transparent manner there should be no reason for the scheme to be clothed in secrecy.
- Strict rules of evidence must be established openly, as done under courts of law, not obtained by the panel without the direct knowledge of the applicant as has been done under EHS. This must be incorporated into this new long term hardship scheme.
- We welcome the promise that there will be a detailed guidance document for applicants and also provision of a full explanation given to "failed applicants".

Question 5 cont.

- In Hints, the issue is not just about loss in value of property of up to about 40% but that properties are not selling at all at any price.
- Locally there is anecdotal evidence that some Estate Agents are requesting payments of up to £1000 to market properties which are deemed to be blighted because they know they cannot sell them.

Question 6

What are your views on the Government's proposals to restore confidence in properties above tunnels?

- In Hints and area we are not aware of any properties above tunnels.
- But we note that for those affected in other communities the proposals are inadequate as there is no compensation for blight.
- Blight arises from perfectly legitimate concerns about noise, vibration, shafts dealing with repairs during construction and then later in operation.

Question 7

What are your views on how the government should work with local authorities, housing associations and affected tenants to agree with a joint strategy to replace lost social housing?

- Where HS2 is responsible for the destruction of Local Authority housing and Housing Association properties it should pay for its replacement.
- There should be fair and open consultation with tenants and community leaders to ensure that all views are considered.
- Generous compensation should be paid to people who will lose their homes.
- The Government should seek to keep communities together when planning replacement housing.
- Such solutions should be sought as near as possible to existing housing thus enabling communities to continue to thrive.
- There should be similar consideration given to owner occupied communities which will be destroyed by HS2.
- In our area at Knoxs Grave Lane and Flats Lane, a tiny community of a few dwellings, some houses are within the safe guarded zone some are not. In our view provision should be made to purchase all these houses and a similar development purchased or built so the community can remain intact. This could be done in cooperation with the Local Authority.
- HS2 Ltd have a duty to reduce the stress being experienced within all communities affected by HS2 and as such must achieve speedy and generous solutions when purchasing properties.

Concluding Comments on all questions

- The proposals set out in the document "Property and Compensation for London –West Midlands" have been developed without due regard for the extent and the severity of the blight caused by HS2.
- The DfT have refused to publish the data which shows the full extent of the blight although it holds such information.
- This lack of information has hampered an objective consultation response, particularly questions 4 and 5.
- The Government is spending unprecedented sums on HS2 in times of austerity but the people who are bearing the biggest personal cost are not to be compensated.
- Our Action Group which represents the whole community of Hints and surrounding area is angry at the unjust and unfair approach which the government is proposing to deal with both the financial loss being experienced now and also in the long term.
- The present Secretary of State for Transport, Patrick McLoughlin, has clearly failed to fulfil the expectation given by Philip Hammond that individuals would NOT have to suffer a personal loss in the value of their property to enable a project in the "national interest" to be built.
- At the same time these proposals were heralded by the DfT as being "generous" which clearly was a disingenuous statement.
- We feel that the Government should withdraw these proposals and look for a better way forward that is more consistent with Philip Hammond's statement that "more generous compensation should be the norm".
- As a start the Government should introduce the Property Bond scheme as it offers a fairer and more just solution to assist people to plan their future without the blight of property which they can't sell due to HS2.
- If the Government can't afford to compensate people fairly then it can't afford to build HS2.