

# DATE IS SET FOR COUNCILS LEGAL CHALLENGE AGAINST HS2

27 July 2012

For immediate release

A date for the court case against the Government's decision to press ahead with the £33billion High Speed 2 project has been announced.

All five cases against HS2, including the one launched by fifteen councils, members of 51m, will be heard together over a seven-day period in the High Court of Justice, Queen's Bench Division, in the Administrative Court starting on 3 December 2012.

At a meeting yesterday in London, the Government's solicitors and the five parties challenging the lawfulness of the Secretary of State's decision, met with the Judge, Mr Justice Ouseley, to set the timetable for the challenges to be heard in the courts and agreed that:

- **The cases will be heard together but organised separately:** There will be an agreed running order and the Court will give its decision on each case after all five have been heard.
- **The Secretary of State for Transport, Justine Greening will be required to explain consultation errors:** Three of the four parties bringing cases (HS2 Action Alliance, Cherwell District Council (a member of 51m), and Heathrow Hub) made clear to the court during yesterday's hearing that the news last week that their 2011 consultation responses had been omitted could now affect their grounds for challenge. The Secretary of State has been asked to provide a full explanation for what happened. The judge agreed their cases could then be amended if required.
- **A further hearing may be scheduled:** It was agreed that there could be a further hearing in October dealing with the Government's continuing refusal to release official data on passenger numbers on the West Coast Main Line.
- **The costs to the 15 councils will be reserved:** no decision has been made on costs as yet and this will be dealt with at a later date.

Martin Tett, the Chairman of the 51m alliance of the local councils challenging the rail scheme and Leader of Buckinghamshire County Council said: "The decision is good not just for the people we represent in 15 local authority areas but for hard pressed taxpayers across the entire country. The hearing in December will give us the chance to show exactly why we believe the decision to proceed with HS2 is unlawful. We took the decision to go down the legal route with great reluctance but we still feel the Government left us with no alternative."

"Following HS2 Limited's own announcement this week that over 400 consultation responses were 'misaid' and therefore ignored during their consultation last summer, the Judge has given his permission to amend the claim. Those responses missed out included three of the four claimants in the case – HS2 Action Alliance, the Heathrow Hub and Cherwell District Council. This is further evidence of the appalling and inadequate way in which HS2 have handled the entire process."

The original grounds for the legal challenge included:

1. Inadequate consultation
  1. There has been a failure to consult with people north of Birmingham who therefore do not know if they will be impacted by the HS2 route;
  2. There has been a failure to consult on the Optimised Alternative which was offered to the Government by 51m;
  3. There has been a failure to consult on the changes to the route which were announced for the first time on 10 January 2012. For many people, the announcement in January was the first time they became aware that they would be affected.
2. The impact of building and operating the HS2 rail link on the Underground capacity at Euston has not been fully considered.

3. The decision to proceed with the HS2 rail link was made with inadequate environmental information. The Strategic Environment Assessment which the Government is required to carry out before reaching a decision has not been undertaken. The decision is also in breach of the Habitats Directive which is one of the EU's two directives in relation to wildlife and nature conservation, and aims to protect some 220 habitats and approximately 1,000 species listed in the directive's Annexes.
4. The Hybrid Bill process is not compatible with the Environmental Impact Assessment Directive which states that the public should be given the opportunity to participate in the environmental decision-making process before a decision on development is made. This has not happened.

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