



By e-mail: philip.graham@dft.gsi.gov.uk

The Red House  
10 Market Square  
Old Amersham  
Buckinghamshire  
HP7 0DQ

31 July 2010

Philip Graham,  
Deputy Director, High Speed Rail,  
Department for Transport,  
Great Minster house,  
76 Marsham Street,  
London SW1 4DR

Dear Philip

### **Exceptional Hardship Scheme Consultation**

As our e-mails crossed on 27 July 2010, and subsequent to our further conversation on 29 July, this letter now sets out position on the Consultation process, and in particular the published analysis.

Given consultation is to advise the decision maker, we take it that the purpose of the Analysis ('Consultation on High Speed 2 – Proposed Exceptional Hardship Scheme: Analysis of Responses'), prepared by 'ihpr' is threefold:

- To accurately summarise the nature and number of the responses received
- To reproduce or reference those points that are pertinent to taking decisions on the matters under consultation
- To give an unbiased context in which the Secretary of State's decisions can be judged to be rational and fair.

While the 'High Speed 2 EHS Consultation' document itself does not explicitly require justification of any alternative principles and mechanisms that consultees may propose, plainly the weight accorded to responses should relate to their merit. Where proposals are not self evident, merit turns on the validity of the supporting reasoning and soundness of the supporting evidence. While 'ihpr' may lack the capacity to judge validity and soundness, where supporting reasoning or evidence is given, they should either summarise it or at minimum make reference to its existence.

It would be indefensible to argue that the reason for some of the exclusions which they made is that the supporting rationale does not specifically concern the three questions. The questions

invited alternatives to be given, and some of the quoted non-campaign responses include the individual's rationale for his/her submission. How can the Secretary of State give or be seen to give appropriate consideration to alternatives when the reasons for adopting them are omitted?

It may be that the 'ihpr' Analysis played no actual part in the decision processes of DfT, and that another process ensured that all pertinent material submitted was considered. But even if the analysis is only the public summary of the consultation results, it is central to public confidence in both the consultation and the appropriateness of the Secretary of State's decisions.

As you were aware we had three concerns with the 'ihpr' Analysis and one about how informed the Secretary of State was in taking his decision on EHS on 26 July:

**1. HS2AA omitted from list of respondents:**

HS2AA was not listed at Annex B amongst the organisations responding to the consultation.

Your e-mailed response (of 27 July) says the omission was an accident, and would be corrected.

While this is minor point (and similar to Bucks CC being omitted from the original list), the omission suggests flaws in the process of response documentation or checking procedures,

There is evidence that 'ihpr' are not careful on matters of fact. For example the extension to the consultation period was not for the reason stated in para 1.4 (ie 'the large number of responses'). The actual reason as announced was 'The Secretary of State for Transport has taken this decision in the light of representations arguing that ten weeks is not sufficient to allow all those with an interest to have the fullest possible opportunity to comment on these proposals'.

**2. Formal 17 June 2010 response ignored.**

Any reference to HS2AA's detailed formal response of 17 June was excluded (only referring to standard, or campaign template or website responses). Our submission attached our extensive April briefing report that provided the underpinning research, analysis and justification for not adopting EHS but the Alternative Scheme, and also detailed how the Alternative Scheme would work. Neither is there any reference made to the existence of supporting material.

The evidence that this letter and supporting material was ignored is unequivocal. It is set out at Annex A

Your e-mailed response (of 27 July) did not address this issue.

**3. Property Blight report omitted.**

Any reference to HS2AA's detailed report ('Property Blight from HS2: Pilot Study') that was separately submitted as part of our consultation response was omitted. This report provided the core evidence on causes, extent and degree of blight, and specifically followed on from discussions with HS2 Ltd/DfT on 27 May. These matters are critical to deciding on the potential efficacy of any scheme.

Your e-mailed response of 27 July said our blight report was excluded because it arrived after the consultation was closed.

Given HS2 Ltd's involvement and agreement to when our report was submitted its exclusion is indefensible. We note that any reference to a similar report (submitted prior to 17 June) was also omitted. Annex B sets out our evidence, with copies of e-mail exchanges at Annex D.

#### **4. Secretary of State's awareness**

In addition we wished to know if the Secretary of State was aware of both documents (our formal response and our Property Blight report), and hence the reasons we have given for why the principles of EHS are deficient and our proposals necessary, in coming to his decision.

Your e-mailed response (of 27 July) says the Secretary of State may not have been directly aware of our Property Blight Report when he took his decision (although you took it into account in preparing advice for him).

We appreciate that, due to your personal knowledge, the briefing material for the Secretary of State was prepared with an understanding of our submissions.

However we believe the Analysis is an unsafe basis on which to judge the results of the consultation. We have taken the opportunity to read the 'ihpr' Analysis of responses more carefully and found it unsatisfactory in a number of further ways, specifically on matters of bias and confusion.

#### **5. Biased analysis and presentation of responses by 'ihpr'**

The analysis provides an incomplete executive summary. More generally the presentation of results marginalises important points and understates their real support, through a division between campaign and non campaign responses (with all detailed statistics and comments focusing on the 13% (590) of non-campaign responses rather than the 87% (3,930) campaign ones). Annex C provides our evidence for this conclusion.

The HS2AA campaign was linked to 84% of responses, including 60% of those from local authorities and 60% from Other Interested Bodies.

The treatment of Local Authorities and Other Interested Bodies is particularly concerning given these groups often represent many thousands of individuals. We know that at least some of these submissions included additional points, for example on the equitable treatment of their residents, which are not reported.

The presentation adopted conceals that HS2AA's proposals are supported by detailed reasoning and evidence, and that many individuals, Local Authorities and Other Interested Bodies branded as campaigning, also offered well reasoned and evidenced bases for their own proposals.

#### **6. Genuine confusion amongst respondents**

As 'ispr' Analysis notes, many people were confused about parts of the EHS, reinforcing the need that we found to help people with their responses. But one of the key confusions does not emerge from the Analysis (presumably because it focused on just the 590 responses).

We know that the consultation materials and FAQs created further confusion. We believe because of this many people failed to object to the EHS under the mistaken belief that compensation would be available once the route was selected. The reason for this is because few understood that the 'statutory blight provisions' that applied once the route was confirmed were predominantly for properties required by HS2 Ltd. These paragraphs were in a standard reply letters from HS2 Ltd and in the FAQ published 2 June (Question 4 is at Annex E).

Many thought 'statutory blight provisions' meant full compensation when the route was settled and became relaxed about the EHS in advance of choosing the route.

Clearly, that there was confusion calls into question the effectiveness of the consultation materials in supporting an effective consultation.

## **Conclusion**

A detailed review of the 'ihpr' Analysis shows it is unrepresentative of the actual submissions of which we have personal knowledge, leading us to fear that it may have done no better a job in other areas. While I appreciate you knew our submission, should you have used 'ihpr's' work to inform the DfT about all the consultation submissions, I doubt you would happen to have been similarly familiar with all the other submissions to correct for other omissions in the Analysis.

After the consultation closed we learnt from an FOI request that just £15m<sup>1</sup> had been budgeted for EHS compensation until 2012 – despite the route being 207kms. This represents compensation of under £72,500/km, or just 43 properties valued at £350k each (one house every 5 kilometres). The modifications announced seem unlikely to greatly increase this sum. Had the Secretary of State been aware of the actual extent of blight from our report, it seems implausible that he would have considered EHS an appropriate response. However, we would accept that he might well have wanted to have further thought given to the issues, and to proceed with EHS as a temporary measure. But this is not what was said in the Secretary of State's written statement.

These concerns strike at the efficacy of the consultation. There seems a clear case for:

1. A thorough review of the published Analysis of responses, and revisions to take account of the points made in this letter
2. A reconsideration of whether the Secretary of State's decision would have been reached on a proper consideration of the full responses, should this not have happened
3. Determining whether the Secretary of State knew of the £15m budget for EHS and what this represented in purchasing terms in the context of the true extent of blight on the routes.

If the deficiencies of the Analysis are not publicly redressed, and the process to summarise them improved, it will destroy confidence in the consultation process itself. If information central to the decisions to be made is largely disregarded by those processing the responses, so that either the information is ignored or appears to be ignored, it will inevitably result in consultations or the Secretary of State's decisions being the subject of legal review.

Yours Sincerely



Hilary Wharf

Copy Miranda Carter, HS2 Ltd  
Tim Barrow, HS2 Ltd  
Cheryl Gillan, MP  
David Lidington, MP  
Steve Baker, MP

By e-mail to [gillanc@parliament.uk](mailto:gillanc@parliament.uk); and [gibbss@parliament.uk](mailto:gibbss@parliament.uk)  
[davidlidingtonmp@parliament.uk](mailto:davidlidingtonmp@parliament.uk); and [leechj@parliament.uk](mailto:leechj@parliament.uk)  
[steve.baker.mp@parliament.uk](mailto:steve.baker.mp@parliament.uk)  
[miranda.carter@hs2.gsi.gov.uk](mailto:miranda.carter@hs2.gsi.gov.uk)  
[Tim.Barrow@hs2.gsi.gov.uk](mailto:Tim.Barrow@hs2.gsi.gov.uk)

---

<sup>1</sup> The latest February 2010 spreadsheets provided on 24 June 2010 in the FOI request by Speen Action Group show just £5m for 2010/11 and £10m for 2011/12 estimates for EHS; the next scheme is costed at £25m/a

## Annex A

### Annex A: Details of 17 June formal response and attachments omitted from 'ihpr' Analysis

The analysis at Section 7 makes no reference to our detailed 8-page submission of 17 June (that had our 33 page April briefing report attached). The evidence that this letter and supporting documentation has been omitted is wholly unequivocal:

- The other three campaigns (covered in para 7.8 to 7.14) all refer to their group campaign response, while ours does not
- Our 17 June letter went into considerable detail on the findings of our Property Blight Pilot Study (about 1.5 of 8 pages). But there is no reference to this crucial evidence on the causes, degree and extent of blight in Section 7. This is therefore quite irrespective of any debate about the exclusion of the Blight report itself

The omission of this letter therefore also lead to the following important exclusions:

- No reference to the underpinning research on, and analysis of, public and private sector schemes that helped explain both how EHS was unsatisfactory and why an alternative approach could address blight
- No reference to the detailed operation of the Alternative Compensation Solution (it was not just a standard Annex as referred to at para 7.3, but the whole of Appendix 1 of the April Report); the summary at para 7.3 also included no reference to covering those who never move – page 2 of the letter
- No reference to the counter arguments put forward by some as to why our Alternative should not be adopted eg its costs and benefits, and issues related to setting a precedent
- No reference to detailed definition questions that were not covered by the non campaign responses eg on medical conditions, what 'offers' count, distinction between 'price and value', whether 'close vicinity' meant the same as in other public sector schemes eg Crossrail, Highways Agency, all points made at page 32 -33 of Annex B). Neither are these questions answered in the 26 July FAQs
- No reference made to points concerning the other alternative approaches to compensation and how they were not appropriate (eg in the Interdepartmental Working Group Report on Property Blight of 1997). Given the consultation was focused on asking about Alternative provisions to those proposed, this is relevant material
- The discussion on 'proximity' is reduced to 5 words (at para 7.5); the 'non campaign responses' however omit points made by HS2AA such as use of noise contours (that are suggested by a comment at para 4.9) that in a tranquil area are quite different from noise in an urban environment (as noted in Annex B of our April Report); similarly references to views are not made
- The need for good information to be issued by HS2 Ltd to address the uncertainty that is rife and causes the blight to extend is not referred to (the note on tunnelling issued by HS2 Ltd is a start, but the almost complete absence of information on noise and impacts on the environmental impacts means communities cannot hope to know the impact and blighting effect on their properties)
- No reference to EHS being against natural justice ie that individuals should bear the cost of the reductions in property value
- Our letter also covered further information on human rights issues which were not mentioned (only the template response was quoted).

## Annex B

### Annex B: Property Blight report omitted from 'ihpr' Analysis

It is stated in your letter of 27 July that because our Property Blight report was received on 29 June, after the consultation had closed, it was excluded from the 'ihpr' analysis which was well underway at that point.

This exclusion is indefensible:

- Tim Barrow of HS2 Ltd who was in charge of the EHS consultation process agreed to the delay, and on his return from leave I am sure he will confirm his agreement
- The fact it was part of our formal response was covered both in our 17 June letter and in the Blight Report itself
- The report arose from the minuted meeting we had with yourself and HS2 Ltd on 27 May 2010. HS2 Ltd had expressed surprise that there was blight affecting Route 2.5, and we promised to provide our Property Blight report that was being produced precisely to show the extent and degree of blight on the different routes.
- Another property blight study (submitted before the due date) on which we collaborated, was also excluded. See below

As you are aware, the prime reason for the delay concerned FOI issues. You may recall that you personally were involved in the discussions on 16 June. However, we also had important information still coming in on 17 June and I attach the relevant e-mails between Tim Barrow and myself at Annex D

While most of our communications had been by phone, these e-mails make abundantly clear that Tim was fully aware of the Blight Report on the 17 June itself, and was kindly helping us to overcome potential issues with FOI and data protection disclosure arising from its submission. Indeed those discussions began with yourself on 16 June.

I said I would cover key findings of the Blight Report in the 17 June letter (which we did) and the full report would follow the next week. As it emerged Tim was away a few days and it took longer to sort out FOI issues our end too. I mentioned (the e-mail confirms) that we were coming to a meeting with your department on 29 June, and it was agreed we dealt with it face to face with an FOI/data protection expert at HS2 Ltd offices that same day. This meeting took place with three of us present, Tim and the FOI expert. At no point was there any suggestion the report would be excluded.

HS2AA were not the only organisation to submit a Property Blight Report. HS2AA supported the Chiltern Society who produced their own report but with an earlier cut off date and with an earlier FOI statement.

There is similarly no mention by 'ihpr' of the Property Blight study by the Chiltern Society. This was submitted before the 17 June deadline.

## Annex C: Biased analysis and presentation of responses by 'ihpr'

### *Executive Summary*

The Executive Summary is unbalanced and deficient in a number of ways:

- It excludes any mention of HS2AA proposing an alternative scheme. Given that over 80% supported this approach, this is clearly an omission. There is also no mention of any of the underpinning evidence and rationale for the Alternative scheme, or the property blight evidence
- All the statistics covering the 3 questions relate solely to the 590 non campaign responses, ignoring the 3,930 other responses. Paragraph 2.1 either needs amending to also give the campaign response percentages and findings; or it needs to be made clear that the whole of paragraph 2.1 only covers the 590 non campaign responses and adjustments are made to other sections to give a more balanced presentation
- Campaigns – that related to 87% of the responses (84% being HS2AA with a fully worked up alternative scheme)) – were given minimal mention (allotted just 7% of the space). This gives a distorted picture of the results
- Any reference to the geographic limit of the EHS is not mentioned eg despite 'closeness to route' covering 1.5 pages of the 'ihpr' report, and irrespective of the fact HS2AA covered it in their letter

### *The format of the report*

The report structure and format does not fairly represent those who supported campaigns (especially HS2AA) who were overwhelmingly in the majority. This is because the analysis and statistics in the report result from dividing responses into two groups:

(a) those that were campaign related ie about 3,930<sup>2</sup> (3,768 Individuals, 22 local authority responses and about 140 from Other Bodies); and

(b) non campaign responses ie about 590<sup>3</sup> (509 individuals, 11 local authorities, and about 70 Other Bodies).

The body of the report at Section 3 to 5 then discusses (in 15 pages) the results for the much smaller non campaign group first (the 590, representing just 13% of total responses). The 87% are then covered in just over 4 pages for the campaigns (and local authority/Other Bodies).

This approach meant:

- Detailed tables of results by Question (at par 3.1, 4.1 and 5.1) only appeared for the 590 non campaign responses and not the 3,930 responses assigned to campaigns
- Any local authority or Other Body that linked themselves to our campaign, and 60% of both groups did, was similarly treated, ie there were no statistics for their results by question and any commentary was confined to Section 6. Further it never categorically states that they supported our Alternative Compensation Solution, only our proposals.

---

<sup>2</sup> Precise figures are not given in the Analysis

<sup>3</sup> Balance of total

- The flavour and quantum of the quoted comments comes overwhelmingly from the 590 non campaign group, where it often says 'a couple' or a 'few' respond on a particular topic. This marginalises responses that were given by virtually all respondents, giving a completely false impression of the level of support for specific views – whether it was actually a 'few' or the vast majority.
- Only one local authority and 5 Other Bodies actually had quoted comments (presumably due to two thirds being assigned to 'campaign groups' and in Section 6 where no quotes were provided at all
- The HS2AA section covers just 1.5 pages despite representing almost 3,800 responses ie 84% of total. The 'ihpr' Analysis refers only to the website, the standard Alternative Scheme Annex, and various templates provided for responses:
  - Importantly it makes no reference to the many individuals who also responded with particular detailed letters but supported HS2AA as well. Neither were there any quotes from them.
  - No quotes were given in section 7 except one from the campaign template on the human rights issue.
  - There was no reference to our main response of 17 June; the other issues we raised in that letter; or the Property Blight Report (see letter)
- Para 1.10 states that statistics in sections 3 to 5 do not include campaigns and these are found at Section 7. Within Section 7 there is only the figure of total responses for each campaign. This falls short of representing statistics.

The analysis seems more concerned to describe how some of the submissions were created than address matters of substance.

There is perhaps the implication that because HS2AA helped people with developing points they could use in their reply that less account should be taken of their responses.

The reason that HS2AA needed to provide help became evident early in the initial 10 week process when discussing the scheme with residents. As the Analysis itself confirms there was much confusion on the terms of the scheme. Many found it difficult to understand, or articulate those concerns and suggest alternatives. We held information days to assist and it was abundantly clear that many wanted, needed and asked for help.

Just as DfT put out guidance in terms of FAQs during those weeks, so did HS2AA. Our guidance explained the scheme and its background. It gave residents points they could consider and use, emphasising the need to answer the three questions, and provide responses in their own words.

No standard automatic response was ever provided. We discussed our shortened website version with the DfT when we met on 27 May. It went live on Sunday 15 May originally to cover the last 4 days before the closure date of 19 May (at that time the extension had not been granted).

We are fully aware that the key issue for consultation purposes is the validity of arguments made and not the number of responses. But with no statistics or comments from the 3,800, an unbalanced picture has been presented

## Annex D

### Annex D: E-mail exchanges on the Property Blight Report

----- Original Message -----

**From:** [Hilary Wharf](#)

**To:** [Tim Barrow](#)

**Sent:** Thursday, June 24, 2010 4:29 PM

**Subject:** Re: HS2 new remit letter

Tim

Many thanks for this.

On the Property Blight Report I think we may put all the individual data in an annex that we could then show you rather than submit, to protect individuals, as I do worry about their details getting out.

I did have another thought. Given I was coming up on Tuesday 29 June to see Phil Graham (at DfT) could I perhaps bring the report to you first and then you could advise having seen it, as to the best process. If it meant any adjustments I could do them then and there on my laptop, and leave you with it. You could then decide if you wanted to see the actual details then, or subsequently in a more formal meeting.

regards

Hilary

----- Original Message -----

**From:** [Tim Barrow](#)

**To:** [Hilary Wharf](#)

**Sent:** Thursday, June 24, 2010 3:01 PM

**Subject:** HS2 new remit letter

HILARY

This is just to let you know that DfT have placed on their website a couple of letters from Philip Hammond:

- (i) to the Chairman of HS2 with the revised remit which he wishes HS2 Ltd to undertake;
- (ii) to Lord Mawhinney regarding the remit for his work on access to Heathrow.

You can find these at: <http://www.dft.gov.uk/pgr/rail/pi/highspeedrail/hs2remit> and <http://www.hs2.org.uk/publications/HS2-Ltds-remit-of-11-June-2010-56111>

Regards

TIM

Tim Barrow

020 7944 2227

High Speed Two (HS2) Limited, registered in England. Registration number 06791686. Registered office 55 Victoria Street, London, SW1H 0EU

----- Original Message -----

**From:** [Tim Barrow](#)

**To:** [Hilary Wharf](#)

**Sent:** Monday, June 21, 2010 2:38 PM

**Subject:** RE: Final response from HS2AA

HILARY

Apologies for the delay in replying. Having discussed your note on the report wording with our Freedom of Information and data protection people here, you may find the following helpful.

#### Freedom of Information

Whilst both the Department for Transport and HS2 Ltd are keen to receive information that will help to inform our work and the decisions of ministers, any person submitting information to us needs to be aware of our obligations under the Freedom of Information Act 2000 ("FOIA"). Any request under the FOIA for information held by public authorities must be considered on a case by case basis and, provided any request is a valid request under the Act, the information can only be withheld if one of the exemptions applies. Neither the Department nor HS2 Ltd can therefore guarantee that information provided will not be disclosed under the FOIA and you may therefore wish to take further steps to ensure anonymity.

The FOIA does include exemptions which may be relevant. In particular, section 40 of the FOIA exempts personal information from disclosure. For your information, I'm attaching a copy of the Ministry of Justice guidance on the use of the section 40 exemption. Information provided in confidence may also be exempt from disclosure by virtue of section 41 FOIA. However, that exemption only applies to information the disclosure of which would constitute an actionable breach of confidence.

#### Data protection

Given past incidents involving data held by government organisations, this is obviously an area which is very important. In order to determine how far the Data Protection Act would apply here, would you be able to send us a short (just a couple of paras would be fine) description of what type of data the report will contain. Information contained within a report that has been processed and analysed would likely fall under the FOIA and the section 40 exemption could potentially apply (for instance properties within 1 mile of the route have been affected by x% since the HS2 plans), although information that is closer to the base information you have collected is likely to fall under the Data Protection Act (e.g. a property with postcode x has suffered a y% affect) and would be subject to the requirements of the DPA, such as the requirement for each of the people who supplied you with the data consenting to the information being used in the way proposed.

Finally, were you planning to send the report to us by e-mail? If so, it will need to be encrypted and password protected. In order for us to access the document, you'll need to call up the HS2 recipient and give us the password over the phone. If you were planning to post it, it'll need to be sent through Special Delivery.

I'll be out of the office tomorrow, but am back in on Wednesday if you can get back to me by then. Although this may delay you submitting the report by a couple of days, it's obviously important to get this right.

Regards

TIM

---

**From:** Hilary Wharf [mailto:hilarywharf@hs2actionalliance.org]  
**Sent:** 17 June 2010 17:58  
**To:** Tim Barrow  
**Subject:** Final response from HS2AA

Tim

Please find attached our final response (with typos removed from the Appendix!)

Thanks

I also attach the wording we thought we might use on the property blight report that I will submit next week. Will the wording be satisfactory?

Regards  
Hilary

----- Original Message -----

**From:** Philip Graham  
**To:** Hilary Wharf  
**Sent:** Wednesday, June 16, 2010 3:30 PM  
**Subject:** Freedom of Information Regulations

Hilary,

The Information Commissioner's Office provides information on all the exemptions to the Act, which at first sight looks like it is the same as our internal guidance (which is what I would expect). The full list and links are here:

[http://www.ico.gov.uk/home/what\\_we\\_cover/freedom\\_of\\_information/guidance.aspx#exeguidance](http://www.ico.gov.uk/home/what_we_cover/freedom_of_information/guidance.aspx#exeguidance)

The exemption most likely to be of relevance in this case is, I think, Section 41, which relates to information provided in confidence. The guidance on this is here:

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailed\\_specialist\\_guides/confidentialinformation\\_v4.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/confidentialinformation_v4.pdf)

Two others which may be of interest are:

Section 40 Personal Data:

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailed\\_specialist\\_guides/personal\\_information.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/personal_information.pdf)

Section 43 Commercial Interests:

[http://www.ico.gov.uk/upload/documents/library/freedom\\_of\\_information/detailed\\_specialist\\_guides/awareness\\_guidance\\_5\\_v3\\_07\\_03\\_08.pdf](http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/awareness_guidance_5_v3_07_03_08.pdf)

You should look through the list to see if any others may be relevant.

Hope that's helpful,  
Phil

**Annex E: Extract from FAQ issued by DfT on 2 June 2010**

**HIGH SPEED 2 - EXCEPTIONAL HARDSHIP SCHEME  
Some frequently asked questions**

**Q4. Is the EHS my only chance of getting you to buy my house or of getting any compensation?**

A4. No, this is not your only opportunity to claim. The EHS is designed to help people who have an urgent need to move before a final decision is taken on (i) whether to build a new high speed link, and (ii) exactly what its route would be. The Government intends to launch a consultation on both of these issues shortly. Only after the Government has had a chance to consider the responses to this latter consultation will a decision be taken on any new link and its route.

Even if it is decided broadly to take forward the current recommended route there may still be some changes made in order to reduce its effects on particular areas; this might mean for instance that some properties will not be affected after all.

If a decision is taken to go ahead with a new high speed route, and exactly what the route should be, the Government is likely to “safeguard” the route. Safeguarding is designed, amongst other things, to protect route corridors which have already been identified for building transport projects from other new developments which are proposed. For example, if someone else was proposing to build a new supermarket which would block the route of the high speed line.

Safeguarding the final route for the line would also trigger what are known as statutory blight arrangements. Once these arrangements come into force, the owner of a blighted property who tried to sell it but, because of the HS2 proposals, was unable to do so other than at a price substantially lower than what it would otherwise have been worth, can serve the Government with a “blight notice”. Government may then buy the property at its full market value. This is separate from the EHS and not all of the eligibility criteria proposed for the EHS would apply. In particular you would not need to show that you would suffer exceptional hardship if you were unable to sell your property.

Looking further into the future, and depending upon individual circumstances, as a property owner you might also qualify for compensation if a new line is built. This might be available even if it didn't prove necessary for the Government to purchase your property, for example if you suffered from increased noise levels during the building of the line or after it opens.