

Examples to help you respond:

Note: Below are examples that may help you on topics to feedback based on discussions from members of the SOWHAT group.

If you think of more, **do share** with the group on [facebook](#), or via email (woodlesfordhs2@gmail.com) so we can update the template for all!

Responding to the Compensation Consultation

The compensation consultation form can be used as supplied by HS2, although you are also entitled to supplement or submit your response by letter or email if you wish. See compensation

<https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-property-consultation-2016>

Where to send:	Property2b@dialoguebydesign.co.uk
Subject / Email Title:	Feedback for Property Consultation 2016 – HS2 Phase Two: from the West Midlands to Leeds (Specifically the Methley / Woodlesford / Swillington area)
Full Name (otherwise response will not be included):	
Address:	
Post code:	
Email:	
Question on the HS2 Phase 2b feedback form:	Example items to include in response
Question 1: Are there any factors which you think should be considered to make the proposed schemes more suitable for the preferred Phase 2b section of HS2?	<ul style="list-style-type: none">• We/ I live in close proximity to the tunnel entrance/exit that has been added since the route was revised, and the compensation scheme doesn't cover this. The schemes looks specifically set to only offer payments to those within the bandings of the home owner payments scheme, and the rural support zone. This seems very unfair, and illogical. A solution to this would be to use a radius from where the trains will enter, and exit the tunnel.• Properties around the tunnel entrance, and exits will experience high levels of blight both in construction, and then once the line is operational. There seems to have been little thought on this, and a full review on how compensation will be worked out is required. This was acknowledged at the recent HS2 'road show' on Rothwell on the 20th Jan 2017

<p>Can you suggest any ideas you may have to improve the package of compensation and assistance schemes for the preferred Phase 2b section of HS2?</p>	<p>by various HS2 delegates. Specifically, Stephen Milburn (Project Manager - Safeguarding HS2) said we should reference him, and that he along with other HS2 staff felt the compensation wasn't adequate for the level of blight being caused by Hs2.</p> <ul style="list-style-type: none"> • Our/My house will be directly above the newly proposed tunnel. We/I feel eligibility should be reconsidered for additional compensation above the purchase of subsoil rights for those properties directly above the tunnel, especially where the tunnel is not at its deepest passing under properties. • We/I understand that due to the length of the tunnel, there will need to be safety entrances, if these need to be located anywhere near properties this should be compensated for. • Whilst its mentioned about the before and after surveys for properties above deep tunnels that are considered to be at greatest risk of settlement, we/I feel this should also be applicable to properties adjacent to tunnel entrance and exits. This is of specific concern to those in the Woodlesford area due to the geology of the area the tunnel is being proposed to going through. • Settlement deeds, and reimbursement for any damage to properties caused by HS2 seem to only be available to those above the tunnel, We/I feel this should also be extended to those adjacent to tunnel entrance, and exit.
<p>Question 2a: What are your views on the proposed boundary of the RSZ sout east of Leeds on the eastern Leg?</p>	<ul style="list-style-type: none"> • We/ I live in close proximity to the tunnel entrance/exit that has been added since the route was revised, and the compensation scheme doesn't cover this. The schemes looks specifically set to only offer payments to those within the bandings of the home owner payments scheme, and the rural support zone. This seems very unfair, and illogical. A solution to this would be to use a radius from where the trains will enter, and exit the tunnel. • Properties around the tunnel entrance, and exits will experience high levels of blight both in construction, and then once the line is operational. There seems to have been little thought on this, and a full review on how compensation will be worked out is required. This was acknowledged at the recent HS2 'road show' on Rothwell on the 20th Jan 2017 by various HS2 delegates. Specifically, Stephen Milburn (Project Manager - Safeguarding HS2) said we should reference him, and that he along with other HS2 staff felt the compensation wasn't adequate for the level of blight being caused by Hs2.

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<p>Question 3: Do you have any comments on the current operation of the 'no prior knowledge' criterion in relation to the need to sell scheme? Do you believe changes should be made to this criterion and, if so, what changes should be made and why?</p>	<ul style="list-style-type: none"> • We/I understand that anyone moving in after 28/01/13 is not eligible to compensation schemes. Due to the changes proposed with the route refinement since that date, this must be reconsidered as the goal posts have now change. We/I weren't previously affected in the same way we now are.
<p>General Feedback / Issues not covered by consultation questions</p>	<p>Fairness</p> <ul style="list-style-type: none"> • We/I acknowledge there are aesthetic advantages to the new route refinement moving the original viaduct to a tunnel through Woodlesford. However, the residents in the area will now suffer blight from all angles, including under, though, and being overlooked from huge heights on the viaducts that are still running up to the new tunnel, and off the spur up to Garforth. This, as an overall design for this section of the route is hugely devastating to this whole area

of Leeds (Woodlesford / Oulton / Swillington / Methley). Compensation should be widened due the colossal disruption and long term environmental damages to the wider community, and not just those directly next to the line.

- We/I have found the Need to sell scheme seems to exclude almost all households that look into using it, due to the point that requires a compelling reason to move. HS2 should allow anyone within a defined boundary use the reason they do not wish to live right next to HS2 as a valid compelling reason to move, as it has been proved as part of the original proposal that as soon as the plans for the route were released, homeowners closest to the line were either unable to sell their property, or had to sell at a reduced price. This is unacceptable.
- We/I feel it is hard to understand how Government can call these proposals “generous”. It is estimated that proposals will compensate less than 2% of those affected by blight nationally. Unpublished data for HS2 Ltd suggests blight is extensive and covers a wider area than the schemes envisage. The vast majority of those blighted are left uncompensated and having to bear the loss themselves. This initial loss is not even included in the business case – so that despite including social and welfare benefits, this disbenefit is excluded.
- We/I feel that HS2 should consider that no individual should have to bear a disproportionate share of the cost of HS2 (ie both as the owner of an affected property and as a taxpayer). We believe the current compensation proposals do not avoid this injustice.
- We/I believe that compensation should not rely on arbitrary distance limits (as in the Voluntary Purchase Zone (VPZ) in rural areas); or on a location being “substantially adversely affected” (as under the long-term scheme criteria); or be qualified by personal circumstances of hardship (as under the long-term scheme rules). Instead we believe that compensation should depend on loss in market value due to HS2 having occurred, which is how the blight actually manifests itself. This is fairer, simpler and would apply equally across rural, urban and tunnelled areas, according to the nature and degree of loss.
- We/I believe that it is not co-incidence that Philip Hammond emphasised the need for fair compensation when he first laid the groundwork on settling the principle of compensation for blight. Unless the principle of fairness to those affected is established, the inadequacies in the package of compensation arrangements will inevitably cause

opposition to any project. We have consulted our supporters and affiliated members and believe the following principles should apply:

- No individual should bear a disproportionate share of the cost of HS2 by suffering a personal loss in the value of their property as well as contributing as a normal citizen and taxpayer
- Government should at least keep its promises eg to compensate 'significant losses'
- HS2 should not deny people the freedom to move or re-mortgage for 15yrs and more
- Government should apply the 'polluter pays' principle – as HS2 causes the loss in property values, HS2 should pay for it (with any uncompensated loss included in the business case)
- All decisions should be subject to independent appeal
- If the Government cannot afford fair compensation, then we believe it cannot afford HS2.

Rural Support Zone - Voluntary Purchase area

- We/I would like to highlight that the evidence indicates that blight is considerably more widespread than the safeguarded area and Voluntary Purchase Zone (VPZ), with most blight left uncompensated and therefore with its cost borne by individuals.
- We/I would like to highlight the proposed VPZ is determined by a simple geographic boundary (of 120m from the line), restricted to rural areas only (excluding urban areas and areas over tunnels).
Plainly there is no possibility of more than a small fraction of blight being covered by a 120m VPZ (in rural areas) and none in urban or bored tunnelled areas, as discussed below;
 - We/I would like to raise that in conclusion from the available evidence that to deliver against the various Government promises, there should not be an arbitrary distance limit, but the criterion for inclusion should be that the property has its market value adversely affected. Eligibility should be based on incurring 'loss in market value' and include all blighted properties (urban, rural, and those over tunnels).
 - We/I would also like to highlight the government are taking a contradictory position on the boundary ie for VPZ an arbitrary cut off is used irrespective of topography, ie the lie of the land and HS2's configuration (eg in a cutting, or on a viaduct) while under the "need to sell" scheme it is argued a simple geographic yardstick is inappropriate. This was confirmed in the past by HS2 Ltd's Manager of EHS23 who gave evidence (to the appeal hearing against HS2 Ltd's failure to provide information) that distance is not a reasonable basis to judge the effects of generalised blight.

- When the EHS scheme was in operation, it was demonstrated that blight (which had to be greater than 15% to qualify) extended at least as far as 700m. Evidence from HS1 suggested that blight extended up to 600m (from HS1 EHS evidence). The blight cases did not reduce over the distance examined so the cases over the 120m were not outliers. The average distance for successful EHS cases is estimated at 338m

Properties Above Tunnels

- As responses to previous consultations have made clear, there is no compensation available for blight for properties over tunnels (other than at portals). The unavailability of compensation is unsatisfactory.
- The tunnel guarantees that are offered are solely about reassurance for tunnel works (and do not even contain reference to train operations). However there is likely to be aversion to being over a tunnel, and dealing with remedial works, noise, vibration, etc. Some properties will suffer substantial loss in value from not being allowed development that involves sub-soil works.
- In practice property owners may suffer uncompensated damage, anxiety concerning whether they will be compensated, and may suffer the stress of noise and vibration of the tunnelling and the operation of the railway. This means that many properties over the line are and will be blighted – potential purchases will require a discount from unblighted values to suffer the risk and stress. This is ignored by the Government’s compensation proposals. As a result the tunnelling guarantee must inevitably fail to give sufficient confidence to overcome blight.
- Properties over tunnels should be eligible for generalised blight compensation like any other property that is in the Safeguarded Zone.
- The provision of pre-works surveys gives a basis against which subsequent damage can be identified. This is positive in that it diminishes the scope for HS2 Ltd to contest that HS2 are the cause of damage when it is, but it does not eliminate it. The reality is that attribution of damage can be complex. HS2 Ltd can be expected to try to avoid compensation where possible – with the result that property owners may face expensive disputes on liability with uncertain outcomes.

- Currently only a token sum is offered for subsoil compensation and the £250 contribution towards legal costs is unlikely to be adequate should any issues of substance emerge. In practice, for some properties the potential for subsoil development will be of high value.

Failure to Compensate for Construction Blight

- Currently all that is being offered in relation to construction blight is the operation of a Construction Code and a small claims court arrangement – but the latter appears only to facilitate obtaining existing legal rights.
- In many locations the period of construction, and the nuisance and loss of amenity that accompanies it, is very extensive – 10 years. Notwithstanding, some people will need to remain in their properties rather than move out of the area, sometimes simply because they cannot afford to fund the loss in value of their property. The compensation proposals offer no recompense for such people.
- There should be compensation provided both to those whose properties are adversely affected by construction, and to communities that are blighted.