

THE COUNTRY LAND AND BUSINESS ASSOCIATION

RESPONSE TO THE DEPARTMENT FOR TRANSPORT CONSULTATION: HS2 - LONDON – WEST MIDLANDS: SAFEGUARDING

INTRODUCTION

The Country Land and Business Association (CLA) is a membership organisation which represents rural land and business owners. We represent 35,000 individual owners of private property in the countryside, from large to small, many of whom own and manage rural businesses of all kinds. Between them they own and manage about half of the rural land in England and Wales. Accordingly, the subject of Compulsory Purchase, and the blight of properties due to any scheme is significant to our membership. The HS2 proposal affects a large number of our members either directly with proposed land take or indirectly due to their proximity to the three routes so far published.

The CLA has significant experience in Compulsory Purchase and blight matters. We persuaded Government to set up and participated in the “Independent Working Group on Blight” which reported in 1997. We sat on the Compulsory Purchase Policy Review Advisory Group which reported in 2000 and we responded to the Law Commission study into reform of compulsory purchase law. Unfortunately the Government chose largely to ignore the findings of those reports and has not brought forward legislation which may well have contained provisions covering pre-scheme “blight”. We do, however, continue to lobby government for more equitable system of compulsory purchase.

The CLA, NFU and CAAV are part of a HS2 Working Group representing the interests of landowners, farmers and rural business. It is confirmed that whilst this is the response of the CLA, the issues within it have had the agreement of that HS2 Working Group.

OVERALL COMMENTS

Measurements

It is unclear where the measurements within this consultation are taken from. This could make quite a difference if taken from the centre of the proposed railway track, or the centre of the land take.

As the engineering plans for the route are developed there will be varying widths of land take and different requirements for working widths too (embankments, cuttings, tunnels, and viaducts) before even taking into consideration landscaping issues. The areas needed for these could be considerable and are not detailed anywhere within either the compensation or safeguarding consultation.

Statutory Blight

In our document Fair Play: “CLA Vision for the Reform of the Compulsory Purchase System” we highlighted the following problems with the current Blight procedure:

- Statutory Blight is only a remedy once a scheme has been confirmed. Often the impacts, generalised blight, are felt well in advance, perhaps even as early as when the proposal is first announced;

- The provisions are sufficiently flexible for the acquirer to be able to sidestep the purchase of a blighted property;
- Even when the Blight Notice is accepted there is nothing to compel the acquirer to act either quickly, or even at all. There is a need for enforcement to ensure that the acquirer follows through on their duty. It is suggested that an Independent Person/Expert might be appropriate to undertake this function;
- A cap on rateable value at £34,800 is outdated, arbitrary and unfair. It is, after all, the scheme that has caused the blight and therefore the scheme must address all the impacts.

SAFEGUARDING PROPOSAL

1.6 There may be uses which, in the short to medium term may yield a useful income to the developer.

In other instances land within this substantial safeguarded area will never be taken and so this should not prevent other uses.

The safeguarding should not also restrict the ability of the change of use of existing buildings where they are unlikely to be demolished. Nor should it be used to frustrate development which has already got consent (e.g. alterations to planning consents and conditions).

The fact that certain land is safeguarded should not stagnate the use of that property

1.16 The CLA is very concerned about the width of the line being safeguarded. We have been informed that a twin track railway on level ground will have a usual width of 18m. However the Department's proposal is to safeguard 120 metres, more than six times that width. The CLA believes this to be an excessive imposition on property and businesses owners along the route.

The CLA requests that the Department only safeguard the minimum area necessary for the running of the railway. If HS2 require a greater safeguarded width in any location then they should be charged with justifying it at each location along the railway.

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