

HS2AA update: 28 April 2013 AGAHST Meeting

HS2AA aim to fight on all the fronts all the time. We addressed three of the four fronts of the campaign in the last 6 weeks, and locally Ealing secured a success on the fourth (mitigation).

- **Environmental case** –the court case; other legal issues; support on Env. Consultation
- **Compensation** – EHS phase 2 consultation (lack of info, errors, and HS2 Ltd climb-down leading to deadline extension); Newsnight; the Property Bond
- **Business case** – latest advert; newnight; ‘people coming out of the woodwork’
- **Mitigation** – Hybrid bill, petitioning work. (Locally the big news was of course the Ealing tunnel, which shows the war of attrition works.)

1. Legal issues

Court of Appeal: As everyone knows we won one JR and got leave to appeal (on judgement day) our environmental case. We have been working on the case itself and funding (see below). Government have expedited the hearing (no surprize there!) - the date is now set at **10 June 2013**, in front of 3 Judges: Master of Rolls, Sullivan and Richards. To abide by the court timescale we commissioned the key arguments to be submitted, BUT we have to raise the money to actually be there to have the case presented. This is clearly CRUCIAL!

Costs. On top of our own costs you have to pay the **other sides costs** if you lose. Luckily we had negotiated a Protective Costs Order for other sides costs on the Environment case (£10k- that HS2AA owe). But we need to negotiate a PCO again for the next stage – this is in hand.

£100k Appeal: £100k Legal Fund Appeal was launched in Amersham pop-up shop in March. Our team that masterminded the previous successful legal fund appeal has gone into action:

- Arrangements are on [our website](#); we have been using local press, radio, u-tube – all free! – to spread the message and the url www.hs2aa.org/legalfund
- Working with a number of local groups that have again set up independent appeal funds to help achieve the target – in particular CRAG, Amersham, Chiltern Society
- Promoting individual and AG contributions direct to the ring fenced HS2AA legal Fund. 6 AGs have made donations to date. Many thanks to you
- Producing [FAQs](#) to answer questions, including why we should have a decent chance.

We can now announce that **we are about half way there**. That’s a great start, but with 4 weeks to go we still **have about £50k to raise**. Unashamedly we will be pushing even harder.

Safeguarding: HS2AA began a legal process (Dec 2012) arguing an SEA is needed before Safeguarding Directions apply – we are reviewing this with Nabarro – our lawyers on this case

Europe: 2 areas to remind people on as we keep getting asked: (1)for SEA case, the appeal courts (not us) decide if it goes to Europe (ECJ) before making their decision on the appeal; (2) we can’t complain to European Commission (and get an “infraction order “ ie UK has not observed their duties) until we have exhausted the UK courts.

Aarhus: 2 areas with work in hand (1) going to Aarhus Compliance committee on basis not complied with treaty obligations eg not got adequate consultation arrangements; and (2) on basis of access to justice for our own sides costs at the next Hybrid bill stage.

2. Compensation

EHS phase 2: Produced [suite of materials](#) on front page of website for people to respond to the consultation – from a print’n post card, letter to the PM, and to 2 pages of key points.

Unfair consultation again: Engaged in extensive correspondence with Alison Munro, & DfT – 4 detailed letters, one reminder, culminating in letter to PMcLoughlin after Newsnight, on

- Why the consultation was unfair and was not giving key information to consultees (only HS2AA) which Judge Ouseley said was NOT good enough to make a fair consultation!
- Pointing out errors since 8 Feb in their documents on “realistic asking price”

Our [press release shows](#) they caved in to us 4-days before the deadline! A great win last week.

But more work in hand, as contrary to Alison Munros letter of 25 April 2013 to HS2AA:

- HS2 Ltd have not released all the information eg on blight forecasts, 67% applicants never get open market offers; there are other mistakes in their document; and we can prove they never lost one of our letters as they claim (so a reply going today)
- There are serious problems with [their CBRE report](#) on blight. See our [summary review](#)
- Producing key EXTRA points for those who have already submitted their EHS response

Fair compensation: Work on political and media campaigns to get fairer compensation:

- **Newsnight:** after 3yrs finally got a high profile programme that even Cameron watches!
- **EHS cases:** compiled list of “appalling EHS cases” (people who will talk to press).
- **MP’s** – written to all phase 2 (and 1) MPs again. Will now follow-up from last week
- **Property bond:** [developed detailed justification](#); sent to Patrick McLoughlin and others. It takes apart Government arguments against it. Will be part of HS2AAs response

3. The business case

Media: [latest advert](#) below in New Statesman, also going in House magazine (the MPs journal); the [ipsos mori poll](#) that showed 4% support HSR for growth has also gone in the Select Committee Annual Directory used by researchers, MPs etc (opposite Louise Ellman!)



2nd Newsnight Prog. – on the business case (focus on regen; BCR and capacity).

Killing HS2 via the business case - we have an initiative involving ‘movers and shakers’. Unconnected, but unusually new CEO of Stagecoach expresses doubts in Telegraph 28 April.

Poll: working on next poll – and how to capitalise on cost issues (spiralling costs; and businesses/councils having to pay for HS2). Settling questions.

Opportunity cost issues: initiative begun on what exactly you can get for £40bn or so!

4. Hybrid bill and petitioning

Organising meeting with Steve Bramall (following report) and Bircham Dyson Bell and others re petitioning.

Hilary Wharf

28 April 2013