

High court rejects legal challenges to HS2 in landmark victory for the government



Government wins HS2 phase one judicial review

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Work on a new high speed railway from London to Birmingham, Manchester and Leeds can continue after a High Court judge today threw out attempts to derail the crucial scheme.

In a landmark victory for HS2 in one of the biggest judicial reviews ever faced by a government, of the ten broad areas of challenge presented against HS2 phase one (from London to Birmingham) by four sets of claimants, The Hon Mr Justice Ouseley ruled categorically in the government's favour on nine of these.

The judge agreed it was lawful for the government to choose to rule out upgrading the existing network as a credible alternative to HS2 – noting that a patch and mend approach fails to meet the government's objectives of providing a long term boost to capacity and economic growth.

He also found that the government's approach to consultation on the HS2 strategy/phase one route, environmental assessment and consideration of the impact on habitats and protected species, had all been carried out fairly and lawfully. The 15 local authorities challenging the Secretary of State for Transport lost on all seven grounds of challenge they attempted. The government will be seeking to recoup legal costs from the claimants.

The one area where a challenge was upheld concerned the way in which the property compensation consultation had been carried out, not the merits of the policies. In order to save time and public money and to limit the impact on residents affected, the Secretary of State has decided that instead of appealing this decision the government will re-run this consultation in line with the judge's finding that further consideration should have been given to other potential compensation models. A re-run property compensation consultation will not affect the HS2 construction timetable in any way.

High speed rail minister Simon Burns said:

"This is a major, landmark victory for HS2 and the future of Britain. The judge has categorically given the green light for the government to press ahead without delay in building a high speed railway from London to Birmingham, Manchester and Leeds."

"HS2 is the most significant infrastructure investment the UK has seen in modern times and a project the country cannot afford to do without. The judgement ensures that nothing now stands in the way of taking our plans to Parliament."

“We will now move forward as planned with the crucial business of getting the scheme ready for construction in 2017 and delivering enormous benefits for the country.”

“We have listened to the judge’s comments about the property compensation consultation and to save time and public money we will reconsult on this aspect - but this will not delay HS2. We remain fully committed to fairly compensating the public who are impacted by the scheme.”

The judge has not commented on the merits of particular property compensation schemes and he has not said the government should introduce a property bond – preferred by HS2AA.

The next stages for the HS2 project are a consultation on the draft environmental statement in the spring and the deposit of a hybrid bill by the end of the year.

Phase one of the scheme is set to open in 2026, with the full Y-shaped route open in 2032/33.

The HS2 judicial reviews took place at the Royal Courts of Justice, from December 3 to 17 last year.

Source: <http://www.hs2.org.uk/press/high-court-rejects-legal-challenges-hs2-landmark-victory-government>