



Department for Transport

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16 November 2020

Dear John,

Thank you for your valuable contributions during Grand Committee of the High Speed Rail (West Midlands – Crewe) Bill, and for raising issues where you see that policy could work more efficiently. I am writing, as promised, to follow up on some of those issues. This letter covers a number of complex issues, but I will also be happy to discuss them with you at the Peers Briefing session on 19 November. That session will also include: my colleague, the HS2 Minister Andrew Stephenson MP; Officials; and experts in Land and Property matters from HS2 Ltd. I offered you this meeting during Grand Committee and I look forward to seeing you there.

Unrecorded tenancies

You raised the matter of capturing unrecorded tenancies. Investigation of registered interests is only one of a number of tasks HS2 Ltd undertakes to establish occupancy and ownership of land. Other online registers and datasets accessible to HS2 Ltd, such as the electoral roll, are used to identify occupiers and tenants. Shorter – unregistered – interests are identified through a series of written enquiries, initially to the registered proprietors, but which are then followed up with calls and / or site visits and if necessary, notices posted on site.

While it is difficult to make something completely failsafe, this process should establish any shorter-term occupancies and complies with the necessary reasonable efforts to identify interests. In advance of any compulsory acquisition, details of all owners and occupiers held are subject to further confirmation checks.

Shorthold Tenancies

You mentioned in your speech that you were concerned about compensation for assured shorthold tenancies. Information paper C15: Guide to

Compensation for Short Term Residential Tenants is clear that it is the usual requirement that tenancies cannot be sold, in the terms of the agreement, and not the brevity of the agreement that leads to there being no land value in the tenancy itself.

Home loss payment

In your speech you also referenced the section of the House of Lords Select Committee report that concerns home loss payments to shorthold assured periodic tenancies, some agricultural tenancies and narrow boats, and asked for an update. The government is considering the Select Committee's report and will respond in good time before Report, which has now been scheduled for 30 November. When the Government publishes that response, I will make sure that I write to you to draw your attention to the publication.

As you are aware, the HS2 project applies the existing compensation code. The Ministry of Housing, Communities and Local Government (MHCLG) as the Department responsible for compulsory purchase policy is committed to consulting on a range of broader reforms. This includes reviewing the entitlement of houseboat owners to compensation (which would require primary legislation) as well as reversing the current share of loss payments between owners and occupiers, so that the occupiers receive the greater share of loss payments.

Temporary Possession

Further, you raised the use of temporary possession powers for land required for the railway. On Phase One, HS2 Ltd has followed the initial request of the Country Landowners Association and National Farmers Union (NFU) not to permanently acquire any more land than it reasonably required. Where HS2 Ltd needed to occupy land, but the extent of land to be permanently required was not clear, HS2 Ltd served temporary possession notices.

On Phase 2a, the NFU altered their approach and requested that HS2 Ltd acquire the land that was required for the actual railway early. HS2 Ltd has agreed to do so even where the extent of land boundaries of the railway are as yet unclear.

HS2 Ltd will adhere to the assurances given under the different legislation for each phase of the railway. If you are concerned that they have not done so, there is an established process for investigating any potential breaches of assurances and you should contact HS2 Ltd to start the procedure.

Outstanding Compensation cases for Phase 2a

I committed to providing you with the figures for the outstanding compensation for Phase 2a. I include this table below:

Scheme	Applied	Acquired	Withdrawn	Active	Cash Offer
Atypical	18	7	-	11	N/A
Exceptional Hardship Scheme	63	36	1	-	N/A
Need to Sell	159	69	12	16	N/A
Rural Support Zone	19	6	2	1	7
Blight	140	47	34	30	N/A

Please note that the Exceptional Hardship Scheme has been replaced by the Need to Sell Scheme.

Party Wall

Finally, I turn to the matter of Party Walls which was discussed on the second day. I hope that my response to you on Party Walls during the debate went some way to reassuring you. I am confident that the modified regimes of the Party Walls Act, as set out in Schedules 2 and 23 to the Bill, will provide those potentially affected with the necessary protections. I have attached a full response to the RICS journal article you referenced during the debate.

If, after considering these responses, there is more information I can provide before we debate this Bill further, please do not hesitate to get in touch.

*Yours,
Charlotte*

BARONESS VERE OF NORBITON