



## Court date set for legal challenges to High Speed 2

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*Legal challenges to High Speed 2 will be heard in High Court on 3 December 2012*

A date for the court case against the government's decision to press ahead with High Speed 2 has been announced.

Five legal challenges against the High Speed 2 programme will be heard together over a seven day period in the High Court of Justice, Queen's Bench Division, in the Administrative Court starting on 3 December 2012.

At a meeting in London on 26 July the government's solicitors and the five parties challenging the lawfulness of the Secretary of State's decision to proceed with HS2 met with the Judge, Mr Justice Ouseley, to set the timetable for the challenges to be heard in the courts and agreed that:

The cases will be heard together but organised separately: There will be an agreed running order and the Court will give its decision on each case after all five have been heard.

Transport secretary Justine Greening will be required to answer criticism of the HS2 consultation process. Three of the four parties bringing cases (HS2 Action Alliance, Cherwell District Council and Heathrow Hub) made clear to the court during the meeting that the news last month that their 2011 consultation responses had been omitted could now affect their grounds for challenge. The Secretary of State has been asked to provide a full explanation for what happened. The judge agreed their cases could then be amended if required.

It was agreed that there could be a further hearing in October dealing with the government's decision not to release official data on passenger numbers on the West Coast Main Line. The costs to the 15 councils will be reserved: no decision has been made on costs as yet and this will be dealt with at a later date.

Martin Tett, chairman of the 51m alliance of local councils challenging the rail scheme and leader of Buckinghamshire County Council said: "The decision is good not just for the people we represent in 15 local authority areas but for hard pressed taxpayers across the entire country. The hearing in December will give us the chance to show exactly why we believe the decision to proceed with HS2 is unlawful. We took the decision to go down the legal route with great reluctance but we still feel the government left us with no alternative."

The original grounds for the legal challenge include shortcomings in the consultation process, inadequate consideration of the impact on HS2 on Euston Underground station, a failure to complete an environmental assessment, and a claim the government's plan to submit a hybrid bill is not compatible with the Environmental Impact Assessment Directive which states that the public should be given the opportunity to participate in the environmental decision-making process before a decision on development is made.



On 20 July 2012 the government released a report showing that 407 of 55,322 responses to the HS2 consultation were not included in the response assessment process while a further six were incorrectly marked as duplicates. The report concludes that these 413 responses do not provide any



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information that was not already included in the previous consultation summary report or would have made a difference to the substantive content or balance of that report. However, the errors have been seized upon by HS2 opponents as evidence of a flawed consultation process.

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