

Last updated: March 15, 2013 11:54 am

High-speed rail legal fight to drag on

By Mark Odell, Jane Croft and Jim Pickard

Legal wrangling over plans for a high-speed rail line from London to the north of England could drag on for years after opponents were given leave to appeal against a court ruling.

Campaigners against the first stage of the £34.5bn High Speed 2 project, suffered a setback after a judge dismissed nine of the 10 challenges to the way that the government consulted on the route between London and Birmingham.

But property and landowners affected by the route could get more generous payouts after the court ruled in favour of a challenge to the proposed compensation scheme for blighted properties.

The government had estimated that the scheme could cost £1.3bn before Friday's ruling. Planning experts said it was too early to say if that figure would increase as a result of the government having to rethink the scheme.

Simon Burns, transport minister, 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."

The judge granted opponents of the project leave to appeal against his decision. He warned that the Court of Appeal could refer the decision to the European Court of Justice.

His ruling also left open the possibility that opponents could renew their challenge after the completion of the complex and lengthy planning process, which is scheduled to go before parliament at the end of the year.

Opponents hit out at the judgment. "This defies reality and risks a very bad scheme being nodded through the political process and then facing further legal challenge in several years time," said Martin Tett, leader of Buckinghamshire county council and head of a grouping of 15 local authorities opposed to HS2.

HS2 Action Alliance (HS2AA), a network of protest groups, which was also part of the mass litigation and won the legal challenge against the property compensation scheme, said it would join the grouping of local authorities and one other plaintiff in appealing.

It had rejected the compensation scheme as "derisory" and attacked the legality of the

government's decision in January 2012 to set it up.

Mr Justice Ouseley agreed and ruled that the consultation was "so unfair as to be unlawful".

According to the government, more than 2,000 homes and commercial properties would be affected by the first stage of the line. But HS2, the government-owned delivery body has identified more than 172,000 properties within 1km of the first phase of the line that could be affected. HS2AA said for the route up to Leeds and Manchester that number would rise to 300,000.

The judge criticised the "sorry saga" of the Department for Transport losing HS2AA's response to consultation.

Ministers had faced other challenges to the first phase of the scheme, including claims that they had failed to assess the environmental consequences, examine the impact on communities and other transport infrastructure and adequately look at alternatives.

HS2 is due to be built in two stages. The first, between London and Birmingham, is due to open in 2026 and is expected to run through the Chilterns, designated as an Area of Outstanding Natural Beauty and a traditional Tory heartland.

The vociferous local opposition includes a number of high-profile Conservative MPs and Tory-led councils.

The second phase will see the line split into a Y just north of Birmingham, with links to Manchester and Leeds due to open by 2033.

The cost of that section has jumped from £16.4bn to £18.2bn in a little more than 12 months, according to the small print in the document outlining the preferred route for the second section published in January.

You may be interested in

Iberia unions to back plan to end strike

Cameron draws top official into rail row

Unions edge closer to deal at Iberia

Finance ministers seek Cyprus bailout pact

Cyprus fights doubts over Russian money

UK to compensate troops hit by Cyprus bank tax

Cypriot bank deposits hit in €10bn bailout

Anger as Cypriots wake up to savings grab

Cyprus depositors' fate sealed in Berlin

Europe's finance ministers are risking a bank run

Russians join locals as big Cyprus losers

European yields jump on Cyprus bailout

Eurozone banks hit by Cyprus levy

Cyprus concerns spook markets

Commerzbank hit by rights issue talk

Europe must not allow unfinished business to fester

Q&A: The impact on Cyprus bank depositors

Ex-SFO chief apologises for exit payments

Cypriot authorities in revised deal talks

Landmark: The Fields of Photography, Somerset House, London - review

Printed from: <http://www.ft.com/cms/s/0/16d7eada-8d58-11e2-82d2-00144feabdc0.html>

Print a single copy of this article for personal use. Contact us if you wish to print more to distribute to others.

© **THE FINANCIAL TIMES LTD 2013** FT and 'Financial Times' are trademarks of The Financial Times Ltd.