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HS2 rail route given green light

By Jim Pickard, Jane Croft and Mark Odell

Home-owners affected by plans for a new high-speed rail line from London to the north of England may expect more generous compensation after a judge ruled that the government's proposed compensation scheme for blighted properties was "unlawful".

But ministers declared victory over opponents to the first stage of the £34.5bn High Speed 2 project, after the High Court dismissed nine out of the 10 challenges to the way the government consulted on the route between London and Birmingham.

This makes it less likely that the scheme will now be subject to significant delays as a result of the mass litigation which saw five separate cases brought against the government in a judicial review. Two of the plaintiffs said on Friday they would appeal against the ruling.

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."

HS2 Action Alliance, a network of protest groups, had argued that the public had not had enough information to respond adequately to the 2011 consultation. It claimed that the consultation did not provide enough information and complained that the government lost its own 34-page response.

It had rejected the compensation scheme as "derisory" and attacked the legality of the government's decision in January 2012 to proceed with only a "refreshed hardship-based property purchase scheme" for those affected by "generalised blight" – in other words people affected by HS2 but whose properties will not be compulsorily purchased.

According to the government, more than 2,000 homes and commercial properties would be affected by the first stage of the line. But according to court papers, HS2 had identified more than 172,000 properties within 1km of the first phase of the line that could be affected.

Mr Justice Ouseley said in relation to HS2AA's challenge that the consultation was "so unfair as to be unlawful".

The judge was also critical of the Department of Transport for losing HS2AA's response, which he called a "sorry saga".

On other grounds, however, the government is unlikely to face further delays as it looks to complete the documentation for the complex planning process that is scheduled to go before parliament at the end of 2013.

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

The upholding of one judicial review represents a hiccup for the government but ministers will be relieved that this should not mean a major delay to the project, held up by the government as one of the central planks in its infrastructure strategy.

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 main opponents include a group of 15 local authorities and resident groups, represented by the HS2 Action Alliance.

The estimated cost for stage one is £16.3bn but looks set to rise after Friday's ruling. 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.

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