

HS2 – Phase1

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NFU Petition Update

- First meeting with HS2 – 28th September
 - Information Papers ‘IPs’
 - Response HMRC
- Second meeting cancelled
- Official Response Document
 - 4 weeks before give evidence

Barrister

- James Findlay QC from Cornerstone Barristers
 - Meetings on 2nd October and 15th October
- Evidence to Select Committee
 - 17th November 2014

Update

- Informed may have the next committee programme next week -14th Oct
- London HS2 meeting
 - Informed that HS2 are agreeing petition points
 - David Higgins a second report especially looking at Crewe
 - Announcement Phase 2 end of the year
 - Accommodation bridges – agree case by case
 - Badger sets identified
 - Model heads of terms for leases/licenses for temporary land take

Update (2)

- Ground Investigation Surveys
 - Boreholes and trenches
 - Separate agreement to sign
 - Length 12 months – work take 2 weeks
 - Start May next year
 - Letters to all occupiers affected December
 - Boreholes every 150m and some longterm
 - Access payments and payments for the borehole and trench

Update (3)

- HS2 NGO meeting- 10th September
 - First time attended
 - MP Robert Goodwill
 - Process on Undertakings and Assurances
 - Community Fund
 - » S of S looking at this – community gain
 - Design panel
 - » To fit to local areas
 - Growth Team to look at maximising growth

Update

- Question raised over Brown field sites being used for environmental gain
- Impact on rail network
 - » Connection to west to east
 - » Further north and into Scotland
- Using local contractors and suppliers
- Tree working group
 - » To source all seeds and saplings in the UK

Capital Gains Tax

- **The Problem**

- Due to the size of the project and the linear nature of the scheme many farmers are likely to be seeking to acquire land to replace that lost to the railway within a narrow geographical area.
- The Taxation of Chargeable Gains Act 1992 allows for rollover relief from capital gains tax when funds released from the sale of one business asset are re-invested in another business within one year prior to the sale and three years after it.

CGT (2)

- Replacement land is most valuable when it is located next to the main holding
- **Two issues**
 - Land in a suitable location will not become available on the market and not within the CGT rollover timescale
 - Due to size of the project and area of land to be taken there will be an imbalance of supply and demand

CGT(3)

- **The Solution**

- Preferred solution is to provide a CGT exemption in regard to all property compulsorily acquired.
- Alternative to extend the period in which rollover relief can be claimed.
 - 2years before and 6 years after.

CGT (4)

- **Evidence**

- Area of land to be taken along the linear route
- Land sold annually
- Highlight cases where farmers not able to purchase land when land has been acquired for other schemes

Habitat Mitigation

- **The Problem**
- The area of land being taken for habitat mitigation away from the line including
 - » Tree planting
 - » Grassy meadows
- The area being taken is three times that being lost
- Taking this area of land out of agricultural production means businesses are not remaining as viable units

Habitat Mitigation (2)

- HS2 promoting Lawton report principles “bigger, better and more joined up”
- Concern over the use of a modified version of the Defra biodiversity offsetting metric

Mitigation (3)

- **Solution**

- Replacement land for mitigation should be 'like for like' it should not be any greater than that which is lost
- The quality of the material planted and the management of the area in the first 5 years is more important
- Land owners should be able to volunteer for mitigation habitat who may not be directly affected

Mitigation (4)

- **Evidence**

- Highlight from our case studies the land being taken from farms for mitigation habitat
- Summary overview in the ES highlighted 650ha of woodland to replace 250ha taken
- Further information about defra metric
- HS2 achieve ‘no net loss in biodiversity’

Interest on late Payments

- **The problem**

- Final compensation payments are being paid years after the land has been acquired for a scheme
- Rate of interest currently is 0.5% below the standard rate which is known as the base rate
- This has meant that no interest since 2009 has been payable on final payments
- Acquisition of Land Regulations 1995 specify the rate of interest from date of entry

Interest (2)

- **Solution**

- The Bill to state all payments due are paid promptly
- A positive compound interest rate will apply to overdue payments
- From date of entry between 4% - 8%
- All payments paid within 30 days of the amount being agreed
- To achieve this amend the 1995 Regulations so that they do not apply in relation to claims made under this Bill

Interest

- **Evidence**

- Provide details of members who have received final payments years after land taken for a scheme M6 toll, A14, HS1