

**HIGH SPEED RAIL (LONDON-WEST MIDLANDS) BILL**

Notice of Objection

to the

locus standi of

HS2 Action Alliance Ltd (HS2AA),

**WITNESS STATEMENT OF  
HILARY WHARF**

1. I, Hilary Wharf, am a director of HS2AA, which is an association incorporated as a company limited by guarantee on 19 April 2010. I stand by my previous statement dated 4 July 2014 in support of the prior challenge to our locus in the House of Commons, save where it needs updating. My previous statement is provided in the exhibits after the skeleton by Richard Harwood QC. For completeness, all the materials previously exhibited are provided again. I am also exhibiting some slides that I intend to talk to.
2. I gave evidence at the previous locus hearing of the Commons Select Committee. The transcript<sup>1</sup> shows the exchanges that took place. The decision of the Committee was that the challenge be rejected and that HS2AA be permitted locus on route-wide issues ie the issues that we had raised in our petition, as the Committee noted in its decision.
3. In accordance with the basis on which locus was granted, and how we had explained we would petition if the challenge were rejected, HS2AA then appeared several times in front of the Committee (in 2014, 2015 and in 2016). We took specific route-wide topic themes which were of concern to our registered supporters and affiliated groups, using a range of experts (ten in total) to support our case: on
  - Compensation
  - Noise
  - Environmental issues (rail speed, carbon, air quality, landscape, ecology, trees, waste and how independent oversight of HS2 Ltd could be delivered)We also took the issue of the adequacy of the environmental statement (which we do not intend to take before the Lords).
4. Contrary to the suggestion that the Promoter made at the 2014 locus hearing, HS2AA could not turn up (or provide experts) to separately support each person or group we represented, or even selected petitioners, amongst those we represent. Instead, we

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<sup>1</sup> <http://www.parliament.uk/documents/commons-committees/hs2/oral-evidence/090714-AM-Uncorrected-Transcript.pdf>

organised the issues into themes. This was an efficient use of everyone's time and our resources.

5. In the light of our appearances before the Commons Select Committee, our registered supporters and affiliated groups have a reasonable expectation that we would again be petitioning route-wide issues, and that we would be heard by the Lords Select Committee. I know that people are assuming that the Lords would take the same 'modern view of locus standi' that the Commons did. Some people have decided not to petition at all, and other people not to petition on route-wide issues as they are relying on HS2AA being heard on those route-wide matters.
6. In addition to the letters of support previously exhibited to the Commons (at Appendix 2 of the previous exhibits) we add new letters explaining how the expectation that HS2AA will petition the Lords has affected their own petitions. They include people who did not petition, as well as those that did. The letter from Chiltern District Council makes clear that they will not be taking noise on a route-wide basis in the Lords as they did in the Commons. In short the letters (at Appendix 3 to this witness statement) provide new evidence of the reliance on HS2AA to take route-wide issues on their behalf.
7. While HS2AA's previous petition raised a broad spectrum of environmental issues, our current petition is again confined to route-wide matters but focuses on a narrower range of issues. It reflects the Promoter's current position on those topics, and responds to his articulation of his position made in addressing the House of Commons petitions.
8. HS2AA's fund raising has continued in order that experts can be hired to appear on topics on route-wide matters, as set out in HS2AA's current petition. Again we do not have the funds to appear with every petitioner, or even selected ones that we represent (our affiliated groups and ultimately their members and our registered supporters). Neither would this be a sensible use of the Committee's time.
9. Two other matters have changed since my previous statement:
  - a. There are now four directors rather than five, with one having retired due to ill-health.
  - b. In 2014 we had some 15,000 individual registered supporters. By 2016 this had fallen to 10,000. However those in close proximity to the line with property interests (which are the majority) have increasing grounds for concern about mitigation, as cost pressures have become ever more evident. Our funding has not been affected by this change in the number of registered supporters.
10. HS2AA found the Promoter's current Notice of Objection (at Appendix 1) perplexing – how can he claim that we do not *sufficiently represent* those directly and specially affected, in circumstances in which there are thousands of registered supporters directly and specially affected and thousands of members of affiliated groups of people directly and specially affected? We are even more non plussed by the claim that the *interests*

HS2AA represents are not people directly and specially affected: thousands of registered supporters and thousands of members of affiliated groups are subject to various injurious effects from HS2, many having their land/property acquired, having their property blighted, suffering impacts on their business, and expected to endure noise impacts during construction and operation.

11. In this context HS2AA requested that the Promoter clarify his objections. We specifically asked if he did not in fact believe what HS2AA says in its petition regarding HS2AA's representation of people directly and specially affected. We were surprised by the Promoter's response of 27 May 2016 (at Appendix 2) as it did not address our question, but caused further confusion concerning his grounds for objection. The letter implies that the key test is whether HS2AA represents amenity interests, when of course HS2AA has been saying that it represents people whose land/property is being taken or who are otherwise injuriously affected.
12. The Promoter states quite erroneously that the founding purpose of HS2AA was to oppose the principle of High Speed 2. As my previous witness statement made clear (at para 3, 4 and 5), not only was that not our purpose (as we illustrated from our Articles of Association, now at Appendix 4) but our conduct bears this out. Initially we concentrated exclusively on compensation matters, given that the consultation on the Exceptional Hardship Scheme accompanied the announcement of HS2 in March 2010. There was then campaigning and lobbying, but not against HS2 itself but in support of a new approach to compensation – the Property Bond. Our petitions, to both the Commons and the Lords are not protests against the principle of the Bill but are about route-wide matters of mitigation which concern those we represent.
13. It is my firm view, now with the benefit of a lot of experience before the House of Commons Select Committee, that if HS2AA is not allowed locus standi then important points on route-wide issues, which the many people we represent are relying on HS2AA to take, will either not be taken at all or not be taken adequately.
14. I believe that the facts stated in this witness statement are true.

Signed

A handwritten signature in black ink that reads "Hilary Wharf." The signature is written in a cursive, flowing style.

Hilary Wharf, Director, HS2AA

2 June 2016