

# Planning, Housing & Economy

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# Cherwell

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Dear Sir

## HIGH SPEED TWO – EXCEPTIONAL HARDSHIP SCHEME - CONSULTATION

Thank you for taking the opportunity to consult with Cherwell District Council. The proposal has created a great deal of interest and some anxiety within the communities that the suggested route crosses. The scheme has been examined by David Marriott MRICS, Head of Regeneration and Estates.

I have set out Cherwell's response in relation to the three key questions raised.

### Question 1 - Should there be an exceptional hardship scheme?

The existence of a proposed scheme will have a very significant impact on properties affected, and consequently a robust and well developed scheme should be introduced. The process for bringing these proposals forward are such that the normal arrangements to enable the serving of a blight notice do not apply, and consequently the lack of such a scheme would be unfair to residents affected by the proposals.

### Question 2 - Do you agree with the principles and criteria?

The arrangements seem to be reasonably consistent with the statutory provisions for blight which would apply if the scheme were included in a development plan. However this means its application will be quite severely restricted. It is restricted to residential owner occupiers whose property is covered by the criteria set out. Paragraph 2.10 refers to properties "on or in the close vicinity of any sections of the preferred route". It is not clear what "in the close vicinity" means, but properties some distance away from the route are likely to be adversely affected. The distance will vary according to the geography, and the degree of exposure which any property has to the route, and also the type of property itself. In some places houses up to half a mile or more away may become very hard to sell other than at a considerably reduced price. In relation to the section of the proposed route through Cherwell this is particularly important as large sections appear to be elevated above the flood plain, and as such the potential impacts are likely to be wider.

The proposals only benefit owner occupiers, defined as someone who must have occupied the property. It is not clear whether they must have been in occupation at or after a given date. It may well



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be that some houses have been vacant for some time, or let temporarily, and those may not be eligible for the scheme.

The scheme is proposed to cover only those with a pressing need to sell. It refers to extreme financial pressure, but it is not clear what this means. Many others who would like to sell will be excluded, so the scheme will not replicate the normal blight provisions in this regard.

As with Blight provisions, it will be necessary for the owner to demonstrate that he/she has been unable to sell in the normal way.

**Question 3 - Do you agree with the proposals for operating the scheme?**

It is important to note that the scheme will be entirely discretionary, and the SoS will not be bound by it. The SoS would have up to three months to consider applications, this is particularly harsh if you are experiencing extreme financial pressures. Residential owner occupiers may well be bankrupt before they get an answer. It will be up to independent valuers to determine the offer price, i.e. the price the property should have sold for in the absence of the scheme. This can be complex, and no appeal mechanism is proposed.

Overall this seems to be something of a fig leaf that may benefit a few people who are put in an impossible position. Many others who find their homes to be adversely affected will have to either take the financial hit and sell for whatever they can get, or wait it out and seek compensation when a CPO is made, or after the scheme has been built, which is likely to be many years away.

It is suggested that a reasonable and fair amendment would be to open the scheme to any property owner who wishes to sell but cannot other than at reduced value, rather than just those in hardship.

In addition we have been able to examine the comments of our neighbours in Buckinghamshire and Northamptonshire and believe that the comments they have raised are worthy of consideration and have merit. I hope these observations assist you in refining and developing a scheme that balances the national strategic interest alongside those of property owners and occupiers who will suffer impact from the construction and operation of the route.

Yours faithfully



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Head of Development Control and Major Developments