

	Challenge	Judge's ruling	What this means for HS2
1	The claimants tried to persuade the judge that the Government has failed to comply with its obligations under the <u>Strategic Environmental Assessment (SEA) Directive</u> .	Challenge dismissed. The SEA Directive didn't apply to the HS2 Command Paper, and the Government's approach to assessing the Environmental impacts of HS2 has been lawful. "I reject the contention that the Strategic Environmental Assessment Directive applied."	No impact on HS2. A significant amount of environmental assessment has already been done, and we will be consulting on a draft Environmental Statement this spring ahead of introducing the hybrid bill.
2	The claimants argued that the Government failed to comply with the requirements of the <u>Habitats Directive</u> .	Challenge dismissed. The Government was not required to do a full Habitats assessment at this stage. A decision on whether appropriate assessment is required may be taken at a later stage.	No impact on HS2. We have looked carefully at potential impacts on habitats and protected species and will continue to do so as HS2 develops.
3	The claimants suggested that the hybrid bill process will not meet the objectives of the <u>Environmental Impact Assessment (EIA) Directive</u> .	Challenge dismissed. It is premature to challenge a process that hasn't yet happened, and there is no reason to conclude now that it will not be lawful. "It is inconceivable that the UK Parliament would be unable to meet the objectives of the [EIA] Directive."	No impact on HS2. The Government will be continuing with its plans, and introducing a hybrid bill later this year.
4	The claimants argued that the Government's planned Environmental Statement will not include the cumulative impacts of both phases, and will therefore not comply with the EIA Directive.	Challenge dismissed. There is no reason why the Government's phased approach will not provide a fair assessment of environmental impacts. "There is no evidence that the Secretary of State for Transport is actually proposing to do an unlawful EIA."	No impact on HS2. The Government and HS2 Ltd will continue to give detailed consideration to the environmental impacts of both phases of HS2, including an Appraisal of Sustainability (AoS) and Environmental Statement for Phase 2. Discussions will continue to take place with the House Authorities concerning the Parliamentary Standing Orders for hybrid Bills.
5	The claimants tried to persuade the judge that the 2011 consultation on HS2 Strategy and the phase one route was unfair and unlawful. They challenged four aspects in particular: the phased approach to HS2; the consideration of upgrading existing lines as an alternative; the suggestion that Government should have provided more info on current passenger numbers; and the refinements made to the route following consultation.	Challenge dismissed on all four issues. It was reasonable for Government to consult on the phase 1 route first followed later by phase 2. Alternatives were given "conscientious consideration" and it was appropriate for Government to rule them out. There was no requirement for Government to provide further data on passenger numbers, and there was no need to consult again on refinements to the route. On Euston - "It [Network Rail's report on alternatives] marks a proper part of consultation since it shows that the Optimised Alternative (OA) was being given conscientious consideration."	No impact on HS2. There will be further opportunities for consultation – on the draft Environmental Statement for Phase One; on the route and station options for phase 2; and on compensation. The hybrid Bill process will also provide opportunities for the views of the public to be heard, indirectly (via MPs) or directly by petitioning against the Bill.
6	The claimants alleged that the Government failed to comply with the Public Sector Equality Duty, by failing to carry out the appropriate level of assessment of the impacts on minority groups.	Challenge dismissed. Minority groups "were not put at a disadvantage" and the Government showed "due consideration being given to equality issues." It was not required to carry out any additional assessment.	No impact on HS2. The Government will continue to consider the impact on minority groups.
7	The claimants argued that three of the Secretary of State's decisions were irrational: the decision that HS2 would terminate at Euston, the inclusion of a link to HS1, and the inclusion of a spur serving Heathrow airport.	Challenge dismissed on all three issues. The Secretary of State's decisions were rational on all three issues. "Solutions are being worked on, possibilities have been identified, and time exists for them to be brought about. There is not need now for the solution to be committed. That is not irrational and some might regard it as wise."	No impact on HS2. These matters will all be considered by Parliament in the bill process. The Government has recently announced that it will pause on the Heathrow spur until the outcome of the Airports Commission review.
8	The claimants suggested that the decision to go ahead with HS2 should not have been made before a decision on future aviation strategy; and that Government failed to properly consider routing HS2 directly via Heathrow.	Challenge dismissed on both aspects. The suggestion that the Secretary of State should first take a decision on airports strategy before promoting HS2 was "untenable", and it is clear that Government did consider a route via Heathrow. In respect of Heathrow Hub Ltd's response "I have come to the firm conclusion that there was no point of significance omitted from consideration."	No impact on HS2. The Government is satisfied that its chosen route corridor is the right one. The Government has recently announced that it will pause on the Heathrow spur until the outcome of the Airports Commission review.
9	The claimants tried to persuade the judge that the Government failed to consider properly the proposed route alternative submitted by the Aylesbury Park Golf Club claimants in response to the 2011 consultation.	Challenge dismissed. The Government's evidence shows that the alternative was given conscientious consideration. "I cannot possibly infer that the consultation process was unfair in relation to the change leading to the consultation route."	No impact on HS2. The Government gave careful consideration to alternative route options during the 2011 consultation, and HS2 Ltd are working closely with local communities on impacts and mitigation.
10	The claimants argued that the Government's consultation on discretionary compensation options was unfair.	Challenge upheld. The judge found that the consultation process was unfair, because not enough information was provided to consultees and the criteria by which compensation options were considered were not adequately explained. He also found that the Government had not fully considered HS2 Action Alliance's detailed consultation response on compensation.	No delay to HS2. The Government will consult again on compensation options as soon as possible, but this won't delay HS2.