



## Phase 2b Western Leg Information Paper

### C3: Land acquisition policy

This paper outlines how landowners will be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the High Speed Rail (Crewe - Manchester) Bill. Content will be maintained and updated as considered appropriate during the passage of the Bill.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

**The Helpdesk can be contacted:**

**by email:** [HS2enquiries@hs2.org.uk](mailto:HS2enquiries@hs2.org.uk)

**by phone (24hrs):** 08081 434 434  
08081 456 472 (minicom)

**or by post:** High Speed Two (HS2) Limited  
2 Snowhill, Queensway  
Birmingham  
B4 6GA

Version 2.0

Last updated: 21 June 2022

## 1 Introduction

- 1.1 High Speed Two (HS2) is the Government's scheme for a new, high speed north-south railway, which is being taken forward in a number of phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester. As set out in the Integrated Rail Plan, published in November 2021, HS2 East is proposed to deliver a new high speed line from the West Midlands to East Midlands Parkway.
- 1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017 and Phase 2a by the High Speed Rail (West Midlands – Crewe) Act 2021.
- 1.4 In January 2022, the Government introduced a hybrid Bill to Parliament (hereafter referred to as 'the Bill'), to seek powers for the construction and operation of the Phase 2b Western Leg (the Proposed Scheme), which is called the High Speed Rail (Crewe – Manchester) Bill. The Proposed Scheme comprises the Phase 2b Western Leg from Crewe to Manchester and several off-route works. It also facilitates the delivery of Northern Powerhouse Rail by providing the Crewe Northern Connection and junctions and other infrastructure to be used in future schemes.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed

Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the EMRs and any commitments provided in the information papers.

1.7 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

## **2 Overview**

2.1 This information paper outlines how landowners will be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme.

## **3 General approach**

3.1 This policy sets out the basis upon which the Secretary of State will acquire land and property for construction and operation of the Proposed Scheme.

3.2 The Bill seeks powers for the compulsory acquisition of land within limits. These are intended to ensure sufficient flexibility in the detailed design of the Proposed Scheme.

3.3 The Bill generally includes full land acquisition powers. However, in any individual case, the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than

appears to him will be reasonably required following the detailed design of the Proposed Scheme. It is likely to be the case that detailed design will not be completed at the time that possession is required of the land and that this may mean that more land is acquired than is necessary. In these cases, the Land Disposal Policy will apply, and the surplus land may be offered back to the original owner. Further details about this are contained in information papers C2: Rural landowners and occupiers guide and C6: Disposal of surplus land.

- 3.4 If it is practicable to acquire a smaller area of land without compromising the Secretary of State's ability to secure the construction and implementation of the Proposed Scheme in a timely and economic manner, and it becomes clear that not all the land within limits is required, the Secretary of State will not generally seek to acquire this land and will be prepared to give necessary assurances to the landowners in question.
- 3.5 Landowners affected by the exercise of these compulsory powers of acquisition will be compensated according to the Compensation Code. The 'Compensation Code' is a collective term for the principles deriving from Acts of Parliament and case law, relating to compensation for compulsory acquisition. Its general purpose is to provide fair compensation for a person whose land has been compulsorily taken. Further details about the Compensation Code are contained in Information Paper C8: Compensation code for compulsory purchase.
- 3.6 Where applicable, the compensation will be the un-blighted market value of the land acquired (assuming it is sold by a willing seller) plus statutory loss payments, disturbance (including stamp duty in relation to replacement property), diminution in value of any retained land, and other losses arising as a direct and reasonable consequence of the acquisition.
- 3.7 In addition to authorising the acquisition of land within the limits in connection with the railway, the Bill also authorises the making of compulsory purchase orders, in accordance with the normal process that

applies to the making of such orders, to acquire land for relocation purposes. Further details about compulsory purchase powers for business relocations are contained in Information Paper C7: Business relocation.

## **4 Worksites and other temporary land requirements**

4.1 The Bill contains permanent acquisition powers to acquire the freehold interests in worksites due to the length of time they will be occupied.

4.2 Worksites are often formed from a number of different land parcels in different ownership and fall into two categories:

- Where the nature of the site or part of the site will not materially change, and no new railway works will be constructed on the site. These sites can often be returned to their original use. In these cases, if the landowner wishes, and it is practicable and economic for the nominated undertaker to do so, and at no greater burden to the public purse, they will normally be willing to discuss with the owner the temporary use of that land with each request considered on a case by case basis. When considering whether it is economic to do so, the Secretary of State may require the compensation for the temporary occupation of land to be agreed prior to exercising powers under the Bill as enacted; and
- Where the nature of the site will materially change (e.g. through demolition of existing buildings or construction of railway works on the site) or where land or property is planned to be developed, the freehold interest will be acquired.

4.3 In respect of land that is and will remain in long term agricultural or forestry use only, the Secretary of State will normally consider it economic to exercise temporary possession powers where practicable. There are some exceptions to this policy – for more details, see the Farmers and Growers Guide.

- 4.4 In considering the question of material change, the Secretary of State will apply the approach set out in the Criche! Down Rules.
- 4.5 Once it is no longer required for construction, worksite or other use, land that has been acquired for that purpose may be offered back to the original owner in line with the Land Disposal Policy. Further details about this are contained in Information Paper C6: Disposal of surplus land.

## **5 More information**

- 5.1 More detail on the Bill and related documents can be found at [www.gov.uk/hs2-phase2b-crewe-manchester](http://www.gov.uk/hs2-phase2b-crewe-manchester).

## References

Farmers and Growers Guide

<https://www.gov.uk/government/publications/hs2-guide-for-farmers-and-growers>

Crichel Down Rules

[www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance](http://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance)

Property schemes

[www.gov.uk/claim-compensation-if-affected-by-hs2](http://www.gov.uk/claim-compensation-if-affected-by-hs2)