



# Phase 2b Western Leg Information Paper

## C2: Rural landowners and occupiers guide

This paper outlines our approach to the agricultural and rural land property matters which will be adopted for the High Speed Rail (Crewe - Manchester) Bill.

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.

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## 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 the agricultural and rural land property matters which will be adopted for the Proposed Scheme. Some of the matters discussed are more fully covered in other documents, which are mentioned in the text.
- 2.2 Many site-specific concerns can only be resolved following Royal Assent to the Bill and development of the detailed design. The Promoter recognises that this may present difficulties for rural landowners and occupiers. The policies explained in this paper do not affect the landowner or occupier's statutory rights or rights under the Compensation Code.
- 2.3 The principles set out in this paper will be adhered to throughout the construction of the Proposed Scheme. Complaint and dispute resolution processes are noted in Section 14.

### **3 Land acquisition, disposal and the Compensation Code**

- 3.1 Powers to build and operate the Proposed Scheme are being sought in a Bill, which is currently being considered by Parliament. The compulsory purchase powers sought in the Bill will follow the principles of the Compensation Code. References in this paper to the powers in the Bill are to the Bill when enacted.
- 3.2 The Secretary of State will exercise powers of compulsory purchase with the nominated undertaker acting as his agent. Land permanently required for the Proposed Scheme will be purchased. Where land is only temporarily required, for example, during the construction period, the nominated undertaker will discuss with the owner the temporary use of that land where reasonably practicable and economic to do so and at no greater burden to the public purse. See paragraph 4.2 of Information Paper C3: Land acquisition policy with each request considered on a case-by-case basis.
- 3.3 In circumstances where agricultural land is permanently required for the purposes of the construction of the permanent railway corridor forming part of the Proposed Scheme, the Secretary of State will not exercise their temporary powers of acquisition prior to its permanent acquisition. There are a number of exceptions to this where agricultural land may still be occupied temporarily in advance of compulsory purchase and details of where land may be occupied temporarily in advance of acquisition are set out in Appendix 1 of this Information Paper.

### **4 Land disposal and the Crichel Down rules**

- 4.1 Where any land has been compulsorily acquired for the construction of the Proposed Scheme and is no longer required for the satisfactory completion of the works, or not required in connection with the operation of the Proposed Scheme, it may be offered back to the original owner in line with the Crichel Down Rules.

- 4.2 The Crichel Down Rules provide that the obligation to offer back land to a former owner does not apply where the land has been materially changed in character as a result of the works. However, in a case where surplus land previously had a long-term authorised agricultural or forestry use, and there is a good faith intention to resume the long-term authorised agricultural or forestry use, the Secretary of State may decide that the property should be offered back under the Land Disposal Policy as set out in Information Paper C6; Disposal of surplus land, notwithstanding that the land has been materially changed in character. This means that the 'material change' exception to the Crichel Down Rules will not apply. Further information on the Crichel Down Rules is explained in Information Paper C6: Disposal of surplus land.
- 4.3 Land referred to in paragraph 4.2 includes land on which a construction or accommodation access has been constructed from an adjacent public highway and which, following completion of the works, is not required for use by the nominated undertaker or any third party and is to be retained for agricultural use by the former owner.'

## **5 Communication with landowners and occupiers**

- 5.1 It is recognised that good communication will assist all parties during the construction of the Proposed Scheme.
- 5.2 As set out in the draft Code of Construction Practice (CoCP), the nominated undertaker will therefore take reasonable steps to liaise with affected landowners, occupiers and agents, as appropriate. The nominated undertaker will require its contractors to:
- advise landowners, occupiers and agents, as appropriate, regarding the intended commencement of construction works in areas of the site adjacent to agricultural and forestry holdings, and when any agricultural and forestry land used temporarily is intended to be returned to its former use or uses;

- advise landowners, occupiers and agents, as appropriate, regarding the provision of accommodation works; and
- advise the programme of works and access routes to be used.

5.3 The arrangements described in the draft CoCP include a construction operations website and a 24-hour telephone helpline for enquiries about construction activities. This is also a first point of contact in the case of any emergency or an incident. It will also include a procedure for handling complaints and a complaint resolution system, as detailed from section 14 onwards in this paper.

5.4 The Promoter will require the nominated undertaker to use reasonable endeavours to keep affected agricultural/rural businesses informed of the progress of the Bill and of likely target dates for implementation of the Proposed Scheme.

5.5 The Promoter has issued a Farmers and Growers Guide to explain the HS2 policies and approach to landowners and occupiers on agricultural matters. The Guide will be updated at regular intervals as the Proposed Scheme develops.

## **6 Date of entry**

6.1 The Bill provides for a minimum of three months' notice of entry to be given where land is to be acquired outright. A longer notice period will be provided where reasonably practicable.

6.2 Notwithstanding the requirements under the Bill to give 28 days' notice of entry under Part 1 of Schedule 15 of the Bill in relation to the temporary occupation of land the nominated undertaker will use reasonable endeavours in all cases to provide a minimum of three month's written notice, and furthermore in advance of any formal notification required under the Bill, to notify an agricultural or rural landowner in writing of the expected quarter of the calendar year in which the land is planned to be occupied temporarily under the Bill.

- 6.3 The nominated undertaker will seek to be in regular communication with landowners during the construction of the Proposed Scheme and will seek to provide advice on the proposed timescale for the start and duration of works affecting their properties.

## **7 Estimated claims for compensation in respect of agricultural land/rural businesses**

- 7.1 Where an agricultural/rural business owner submits to the Promoter detailed particulars of an estimated claim for compensation arising from the compulsory acquisition of agricultural land/a rural business (a “detailed request”), the Promoter will provide in writing within three months of receipt of the detailed request the nominated undertaker’s estimate of the compensation (including for disturbance) payable in respect of the compulsory purchase of that agricultural land/rural business. The estimate will include a breakdown on an equivalent basis as provided for in the Petitioner’s detailed request, and if the agricultural/rural business owner has provided a reasonable explanation of how they have calculated the amount of the estimated claim, provide a similar reasonable explanation.
- 7.2 Where possession of land is taken by the nominated undertaker under Schedule 15 of the Bill and an owner occupier or agricultural tenant submits to the Promoter a particularised and evidenced claim for compensation based upon agricultural losses arising from the temporary occupation of agricultural land pursuant to paragraph 1 of Part 1 of Schedule 15 to the Bill (a “compensation request”), the Promoter will make interim payments of compensation as appropriate on a case-by-case basis. For example, payments could be made on a three monthly, six monthly or (as a minimum) annual basis taking account of the particular characteristics of the agricultural business in question. Before making the interim payments, the nominated undertaker may require the owner occupier or agricultural tenant to enter into a temporary possession agreement in advance of the exercise of powers.

- 7.3 Paragraph 7.4 shall apply where an agricultural/rural business owner submits to the Promoter a request for an advance payment of compensation pursuant to section 52 (1) and (2) of the Land Compensation Act 1973 arising from the authorisation of the compulsory acquisition of an agricultural /rural business (“an advance payment request”). An advance payment request must be made in accordance with section 52(2) of the Land Compensation Act 1973.
- 7.4 Once the Promoter has received an advance payment request, if this has been sent to the Promoters email address as follows; LPClaims@hs2.org.uk, reasonable endeavours will be made for an automated acknowledgement email to be sent within five days of receipt.
- 7.5 Following the making an advance payment of compensation to an agricultural/rural business owner in accordance with section 52 (2A) and (4) of the Land Compensation Act 1973, the Promoter will provide to the agricultural/rural business owner a breakdown of the advance payment of compensation being made and, if the agricultural/rural business owner has provided a reasonable explanation of how they have calculated the advance payment, and the land to which it relates, provide a similar reasonable explanation.”
- 7.6 A breakdown provided by the Promoter under paragraph 7.5 will identify the component elements of the advance compensation payment made to the agricultural/rural business owner, including disturbance payable in respect of the prospective compulsory purchase of that agricultural land/rural business.’

## **8 Construction activity**

- 8.1 The construction activities will be controlled through provisions contained within the Bill and through the EMRs, to which the nominated undertaker will be bound. The Bill will also enable qualifying local authorities to exercise control over certain construction arrangements. See Information Paper B2: The main provisions of the planning regime and Information

Paper E1: Control of environmental impacts for more details about the EMRs.

8.2 The EMRs include the draft CoCP, which sets out a series of proposed measures and standards of work, to be applied by the nominated undertaker and its contractors throughout the construction period to provide:

- effective planning, management and control during construction to control potential impacts on people, businesses and the natural and historic environment; and
- the mechanisms to engage with the local community and their representatives throughout the construction period.

8.3 Controls will be implemented to mitigate potential impacts on soils, farms, and farm-based businesses, including maintaining access, and for this purpose the nominated undertaker will:

- identify the farms and types of farms adjacent to the construction site;
- identify watercourses and, where known, field drainage layouts and outfalls into watercourses or ditches, fixed irrigation pipes and sources of irrigation water and fixed water supplies for livestock;
- maintain details of the owners, occupiers and agents for land adjacent to the construction site; and
- maintain details of the husbandry associated with the areas of land adjacent to the construction site.

8.4 The controls will include the following, as appropriate:

- protecting agricultural land adjacent to the construction site, including provision and maintenance of appropriate stock-proof fencing and avoidance of traffic over the land that would lead to soil compaction;
- reinstating any agricultural land which is used temporarily during construction, where this is the agreed end use;

- detailing farm accesses which may be affected by construction, including the manner in which farm access will be maintained and avoidance of traffic over land which is used temporarily during construction; and
- providing a method statement for stripping, handling, storage and replacement of agricultural, forestry and woodland soils to reduce risks associated with soil degradation on areas of land to be returned to agriculture, forestry and woodland following construction. This will include any remediation measures necessary following completion of works.

8.5 In summary, the construction works will be carried out so as to manage dust, air pollution, odour and exhaust emissions during the construction works in accordance with best practicable means. This will include good housekeeping procedures to limit dust and air pollution, monitoring activities and measures to control or mitigate the effect of potential nuisance caused by the construction works.

## **9 Measures to reduce potential impacts on agricultural, forestry and soil resources**

9.1 Appropriate measures will be implemented, in accordance with the CoCP for the sustainable use of soils on construction sites, in relation to undertaking works on or adjacent to agricultural and forestry land.

### General construction arrangements

9.2 The requirements stated in Sections 6, 7 and 15 of the draft CoCP relating to the handling and storage of material, and Section 16 of the draft CoCP in relation to control of run-off, insofar as they are applicable to protecting soils, will be met. The requirements stated in Section 7 of the draft CoCP in relation to control of dust, insofar as they are applicable to the protection of agricultural crops (including grass), will also be met.

- 9.3 The nominated undertaker will require its contractors to manage their site activities and working methods to protect the quality of surface water and groundwater resources from other adverse effects, including significant changes to the hydrological regime, through controls to manage the rate and volume of runoff. Monitoring systems will be employed during the construction works and emergency procedures in the case of any pollution incidents. Best practice measures will be used (e.g. through the use of silt traps and the re-use of water in wheel washers). Where required, the contractor will include arrangements to obtain appropriate approval for works from the relevant regulatory body or statutory undertaker, which could affect a surface water or groundwater resource.
- 9.4 The provision of on-site workers' temporary living accommodation in the construction compounds will be considered and approved in advance by the local authority and be managed in accordance with arrangements set out in that approval. The location of temporary living accommodation will be approved by the relevant local authority and be subject to the same environmental control measures as are set out in the CoCP for other construction works.
- 9.5 Generally, workers will not be allowed pets on site or in their on-site accommodation. The only dogs allowed on site (if at all) will be guide dogs or hearing dogs, security or detection dogs.

#### Agriculture, forestry and soils

- 9.6 Prior to works commencing, surveys will be undertaken to record agricultural and forestry soils disturbed for the Proposed Scheme. These surveys will include as appropriate:
- topsoil and subsoil, covering depth, texture and structure;
  - drainage, irrigation and water supplies;
  - roads, accesses and paths;
  - hedgerows, ditches, field boundaries and irrigation ponds; and

- forestry, including individual trees and small woodlands.
- 9.7 Where land used temporarily for construction is to be reinstated to agricultural and forestry use, reinstatement works will be implemented in accordance with the contract specification and Department for Environment, Food and Rural Affairs (Defra) guidance where appropriate.
- 9.8 Reasonable precautions will be taken in relation to the handling and storage of agricultural and forestry soils, including the following, as appropriate:
- the separate handling and storage of different soils, particularly topsoils and subsoils;
  - handling soils that are in a suitably dry condition and not during wet weather to avoid long-term damage to soil structure from compaction;
  - seed or seal medium or long-term excavated material and soil stockpiles;
  - the prevention of soil contamination with chemicals or other materials; and
  - the control of weeds on soil stores either through treatment or removal.
- 9.9 Reasonable precautions will be taken during the design and construction of the Proposed Scheme to identify, protect and maintain existing land drainage, irrigation and livestock water supply systems.
- 9.10 The requirements of Section 9 of the draft CoCP in relation to measures to prevent the spread of invasive and non-native species will be met. Measures to prevent the spread of injurious weeds generally from the construction site to adjacent land will also be implemented.
- 9.11 The nominated undertaker will require its contractors to comply with the relevant guidance issued by Defra regarding the prevention, as far as reasonably practicable, of the spread of soil-borne, crop and animal diseases. Appropriate measures, such as those described in Section 16 of

the draft CoCP, will be implemented to control run-off to reduce any risks associated with disease transmission.

- 9.12 Appropriately qualified environmental management staff, whose responsibility will include the monitoring of topsoil and subsoil stripping, handling, storage and replacement, as appropriate, will be appointed to facilitate compliance with this section of the CoCP in relation to soils.
- 9.13 The nominated undertaker will work with agricultural and rural landowners whose productive soils are temporarily affected by the construction of the Proposed Scheme and/or are affected temporarily as a result of land raising. Where there is the intention to bring agricultural soils back to enable their former use before construction of works for the Proposed Scheme, the nominated undertaker shall prepare in consultation with the relevant agricultural or rural landowner and the relevant local authority an agricultural soils plan and more information on this is provided in Information Paper E19: Soil handling for land restoration.

#### Crop Loss Claims

- 9.14 A Crop Loss Expedited Payment (CLEP) scheme has been developed which enables farmers and growers to receive early compensation, before their loss has occurred. A link to this guidance can be found within the references section of this paper.

## 10 Water Supply

- 10.1 Where an existing private water supply to a farm is adversely and directly, affected by the construction of the Proposed Works, and if requested by the farmer or landowner to do so, the nominated undertaker will take all necessary steps as quickly as practicable to either –
- (a) meet the reasonable cost incurred by the farmer or landowner in the provision by the farmer or landowner of an alternative supply of water where there is no other practicable alternative means of supply available, or

(b) provide or procure on behalf of the farmer or landowner an alternative supply of water where reasonably practicable to do so if there is no other practicable alternative means of supply available.

- 10.2 Without prejudice to paragraph 10.1 but subject to paragraphs 10.3 and 10.4 any private water supply pipes damaged during construction will be repaired or replaced as quickly as reasonably practicable and normally within 24 hours of the damage being brought to the attention of the nominated undertaker. Within the first 12 hours beginning with the time at which the damage and /or interruption of the water supply is first brought to the attention of the nominated undertaker and until water supplies are reinstated and tested, the nominated undertaker will use reasonable endeavours to provide bottled water and/or a tanker as a temporary measure as appropriate to affected parties including for livestock as appropriate.
- 10.3 For the avoidance of doubt, the repair of any damage to public water supplies caused by utility companies working on behalf of the nominated undertaker will be the responsibility of that utility company in accordance with the service delivery requirement applicable as between that company as a statutory undertaker and the farming business concerned, and
- 10.4 Where damage to public water supplies does occur in the circumstances mentioned in paragraph 10.3 and the water utility company is not under a service delivery requirement towards the farming business concerned to temporarily supply bottled water and/or a tanker within 12 hours of damage and/or interruption being brought to the nominated undertaker, the nominated undertaker will use reasonable endeavours to procure or provide bottled water and/or a tanker to that farming business as a temporary measure.

## **11 Accommodation works**

- 11.1 The provision of permanent accommodation works will depend on the individual circumstances on the holding and will usually be developed as

the detailed design of the Proposed Scheme is undertaken and where relevant accommodation works will be determined in accordance with section 68 of the Railways Clauses Consolidation Act 1845.

- 11.2 Accommodation works are taken to include accommodation bridges and access arrangements and will have regard to the commercial justification by the landowner, such as the value, use and location of the lands concerned and including both the current and reasonably foreseeable operational needs of the landowner. Where shared use of accommodation bridges or underpasses would enable current or future operational needs of a landowner severed by the railway to be accommodated, the nominated undertaker will in a timely way discuss with the landowner the process of finalising the detailed design of the Proposed Scheme.
- 11.3 The nominated undertaker will discuss with each landowner the provision and timing of accommodation works as part of the compensation package.
- 11.4 The structures of accommodation bridges, underpasses, culverts or sleeves over or under the Proposed Scheme will be maintained by the nominated undertaker. The maintenance of any surfaces or fences will need to be determined on a case-by-case basis. The landowner will normally be responsible for any surface over which that landowner will have exclusive use.
- 11.5 During construction, the nominated undertaker will maintain access to the rural landowner's land where reasonably practicable and where necessary under controlled conditions, without prejudice to the landowner's rights to maintain disturbance compensation.

## **12 Utilities**

- 12.1 Where private utilities for a holding are affected by the proposed works, alternative supplies will be provided where practicable.

12.2 Where the public utilities for a holding are affected by the proposed works, except when agreed otherwise, alternative supplies will be installed before the existing supply is disconnected.

## **13 Use of private access roads across agricultural land**

13.1 Without prejudice to paragraph 13.2, when exercising powers under clause 14 of the Bill the nominated undertaker will have due regard to the access requirements of the farmer concerned and will use reasonable endeavours to minimise inconvenience to the farmers use of the private access road for agricultural purposes.

13.2 The nominated undertaker will engage with the owner and occupier of agricultural land with respect to the particular purpose(s) he expects to exercise the powers under clause 14 of the Bill, the type of vehicle(s) to be used, the purpose of the use and the expected frequency and period of use.

## **14 Agricultural Liaison Officer**

14.1 The nominated undertaker will put in place agricultural liaison officers who will be available by telephone 24 hours a day, 7 days per week, during the construction of the Proposed Scheme on agricultural land. More information will be available on this after Royal Assent to the Bill.

14.2 The Secretary of State will require that the Nominated Undertaker:

- Provide the name and contact details of the agricultural liaison service provider(s) (and any replacement) to the NFU before they take up their post;
- Arrange meetings between the agricultural liaison service provider(s) and the NFU on a regular basis, and at least every three months to discuss the activities of the agricultural liaison service provider(s).

## **15 Statement of Impact and timing for replacement buildings**

- 15.1 The Promoter acknowledges that in some cases where the Proposed Scheme requires the demolition of agricultural buildings, a farmer/rural business owner may wish to use their compensation and parts of their retained land to re-provide agricultural buildings that have been lost in consequence of the construction of the Proposed Scheme.
- 15.2 An explanation of the specific powers available to the Promoter under the Bill to make provision for the relocation of businesses is provided in section 7 of Information Paper C7: Business Relocation and a general description of the arrangements covering relocation is set out in section 3 of the Farmers and Growers Guide.

## **16 Disputes**

- 16.1 The CoCP will help to limit disturbance from construction sites and also to help to keep the number of complaints and claims to a minimum.
- 16.2 In the event of a claim, the landowner will have access to the Small Claims Scheme and the Construction Commissioner procedures which will be available to assist in reaching a resolution. These policies and measures are not a substitute for the normal legal remedies open to a claimant but are expected to allow claims to be handled less formally and more quickly than would otherwise be possible.
- 16.3 The Secretary of State confirms that the nominated undertaker will be liable to agricultural and rural business owners for the actionable acts and omissions of the nominated undertaker's contractors and sub-contractors in constructing the works authorised by the Bill, and as a consequence the Secretary of State will require the nominated undertaker to set in place arrangements to deal promptly with any claims made by agricultural and rural business owners arising as a consequence of the construction of the works authorised by the Bill (including as a consequence of the acts or omissions of the nominated undertaker's contractors and sub-contractors).

- 16.4 The Secretary of State will require the nominated undertaker to implement contractual monitoring, reporting and enforcement procedures to ensure that third party claims against the nominated undertaker arising out of the execution of HS2 works on the agricultural/rural business owner's land are being dealt with promptly and effectively.

## **17 Small Claims Scheme**

- 17.1 Following Royal Assent, the nominated undertaker will establish a small claims procedure to provide a positive and clear mechanism for minor construction-related residential, business or agricultural claims, up to a value to be determined at the time (expected to be up to £10,000 and subject to review).
- 17.2 If a farmer considers he or she has a claim for physical damage arising from a construction related activity, he or she would first address the claim to the person identified as the point of contact. If immediate action cannot be taken to resolve or settle the claim, it would be passed to a Small Claims Administrator for resolution or settlement.
- 17.3 The Small Claims Administrator would be responsible for investigating the claim, setting up a meeting with the claimant to discuss the claim, deciding whether the claim was warranted, assessing the damage, and arranging payment to the claimant.
- 17.4 It is hoped that any claim could be successfully dealt with in this manner. However, if a claim could not be resolved satisfactorily, the claimant would be able to write to the Construction Commissioner requesting resolution and settlement.
- Construction Commissioner
- 17.5 An independent Construction Commissioner will be appointed by the Promoter to provide an independent arbitration service in relation to the Small Claims Scheme.

17.6 The primary role of the Construction Commissioner will be to help resolve complaints about damage or problems caused by construction activity associated with the Proposed Scheme. It is envisaged that the Construction Commissioner will act primarily as a last resort intermediary when other avenues have failed.

#### Third-party claims

17.7 The general legal position regarding third-party claims for the Proposed Scheme is not significantly different from that applying to other public works (e.g. highway schemes). However, the introduction of the small claims procedure is expected to facilitate prompt resolution of claims.

17.8 For more information, please see Information Paper C10: Small claims scheme and Information Paper D4: Construction commissioner.

## **18 HS2 non-statutory property schemes**

18.1 In addition to the statutory processes that relate to the safeguarded area, property owners inside and out of this area may be eligible for one of a number of schemes, depending on the distance of the land or property from the route of the Proposed Scheme. These schemes are non-statutory and have been formulated specifically for properties affected by HS2. They include property purchase schemes and cash payment schemes. Property owners may have more than one option available to them.

18.2 Please see Information Paper C5: Property schemes for non-statutory purchases or the 'Guide to HS2 Property Schemes' for further information.

## **19 More information**

19.1 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).

## Appendix 1

Section 3 above in general provides that where agricultural land is permanently required for the purposes of the construction of the permanent railway corridor, the Secretary of State will not exercise their temporary powers of acquisition prior to its permanent acquisition. There are some circumstances where, however, agricultural land may be occupied temporarily pending its eventual acquisition under compulsory powers and those limited circumstances are set out below.

### 1.1 Where -

- detailed design plans of the proposed railway works are sufficiently advanced to enable the Secretary of State to assess, in his opinion, the extent of relevant land required permanently for the construction, operation and maintenance of the permanent railway corridor comprised within the Scheduled Works for the Bill, and
- the exercise of such powers is in his opinion required for the timely and economic delivery of the Proposed Scheme,

the Secretary of State will exercise acquisition powers over relevant land rather than the nominated undertaker seeking to exercise temporary possession powers over relevant land.

1.2 In advance of the exercise by the Secretary of State of acquisition powers over relevant land pursuant to paragraph 1.1, the nominated undertaker shall not, save where otherwise agreed with the relevant landowner, or where subject to paragraph 1.3, exercise temporary possession powers over relevant land.

1.3 Pursuant to paragraph 1.2, the nominated undertaker may exercise temporary possession powers over relevant land in advance of acquisition powers where in the reasonable opinion of the nominated undertaker, the relevant land is required to be occupied temporarily for the purpose of –

- programme critical construction works including but not limited to, works to establish construction access routes,
- environmental mitigation works,
- utility works; or
- highway works,

which cannot be undertaken pursuant to the exercise of acquisition powers whilst also being consistent with the timely and economic delivery of the Proposed Scheme.

1.4 In this Appendix -

“acquisition powers” means the power of compulsory acquisition of land to be conferred on the Secretary of State under clause 4 of the Bill;

“agricultural land” means land classified as agricultural land as described in the Agricultural Land Classification of England and Wales, published by the Ministry of Agriculture, Fisheries and Food in October 1988;

“relevant landowner” means the freehold owner and occupier of agricultural land;

“relevant land” means the whole or part of agricultural land belonging to the relevant landowner which is subject to the exercise by the Secretary of State of acquisition powers for the purposes of the construction, operation and maintenance of the permanent railway corridor comprised within the Scheduled Works for the Bill;

“Scheduled Works” has the same meaning as in clause 63 of the Bill;

“temporary possession powers” means the power of temporary occupation of land to be conferred on the nominated undertaker under paragraph 1(2) of schedule 15 to the Bill.

## References

Farmers and Growers Guide:

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

HS2 Property Schemes:

<https://www.hs2.org.uk/documents/guide-hs2-property-schemes-phase-2b/>

How to request a crop loss expedited payment (CLEP) if you receive a temporary occupation notice:

<https://www.hs2.org.uk/documents/how-to-request-a-crop-loss-expedited-payment-clep-if-you-receive-a-temporary-occupation-notice/>