

## EXHIBIT LIST

Reference No: HOL/10024

Petitioner: Buckinghamshire Standard Pack

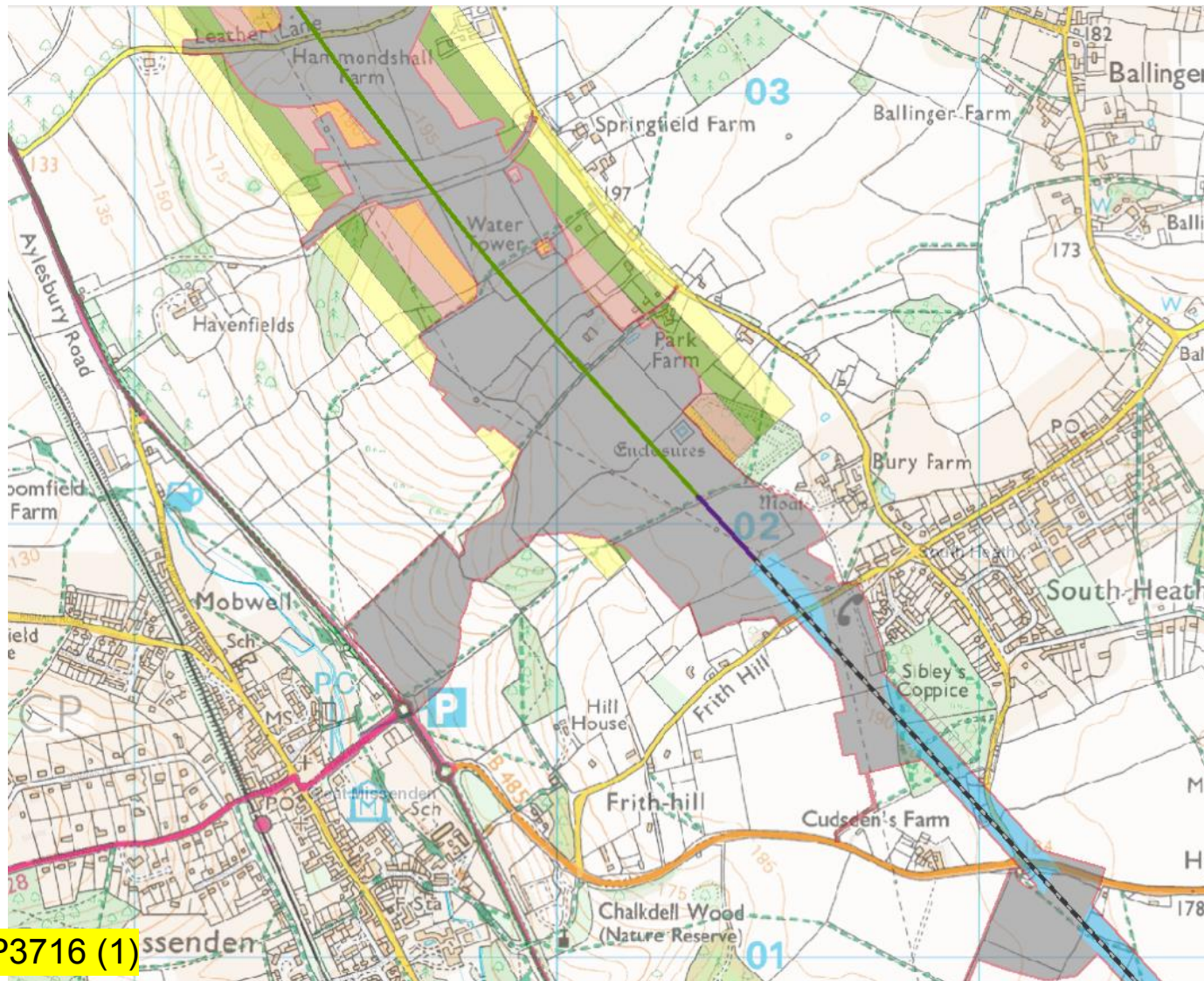
Published to Collaboration Area: Tuesday 18-Oct-2016

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# Property Zones – South Heath & Great Missenden



## High Speed Route Data

High Speed route formation

- At Grade
- Cutting
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## Land & Property

Safeguarding Zones (August 2016)

- Limits of Land Subject to Safeguarding
- Safeguarded Area: Sub-surface
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Extended Homeowner Protection Zones (August 2016)

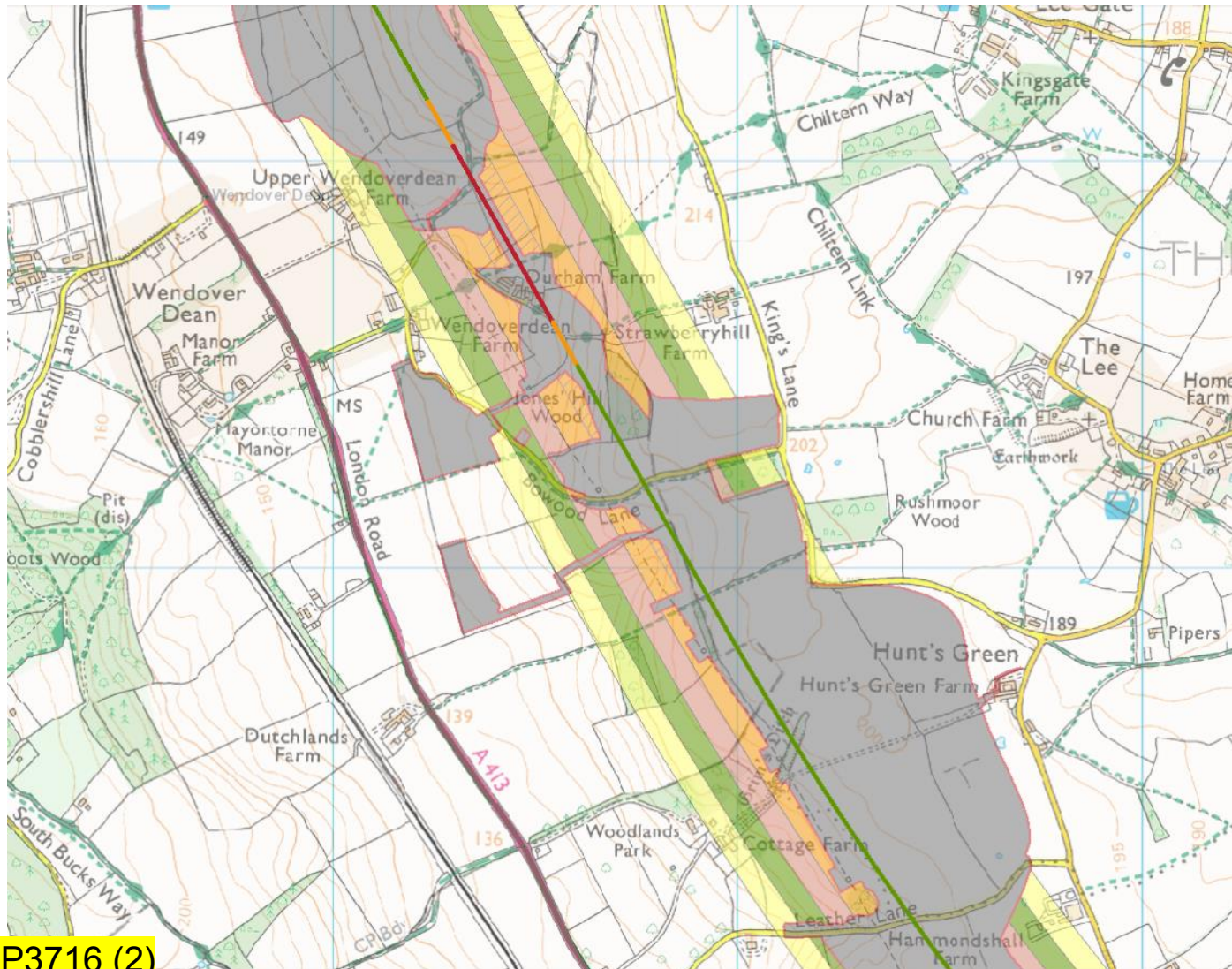
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Property Compensation Zones (August 2016)

- Rural Support Zone (RSZ): 60m - 120m
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# Property Zones – The Lee & Wendover Dean



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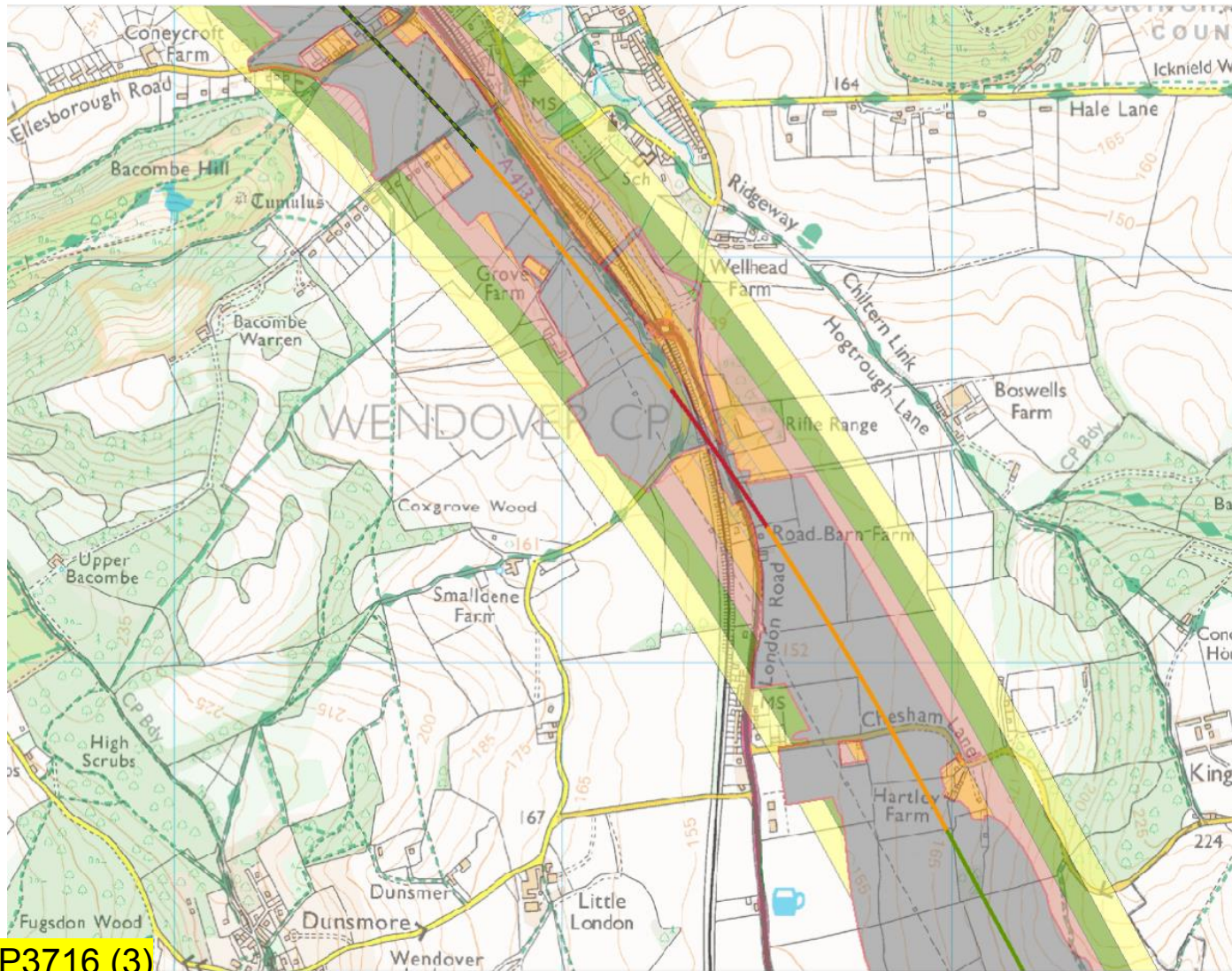
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# Property Zones – Dunsmore & Wendover



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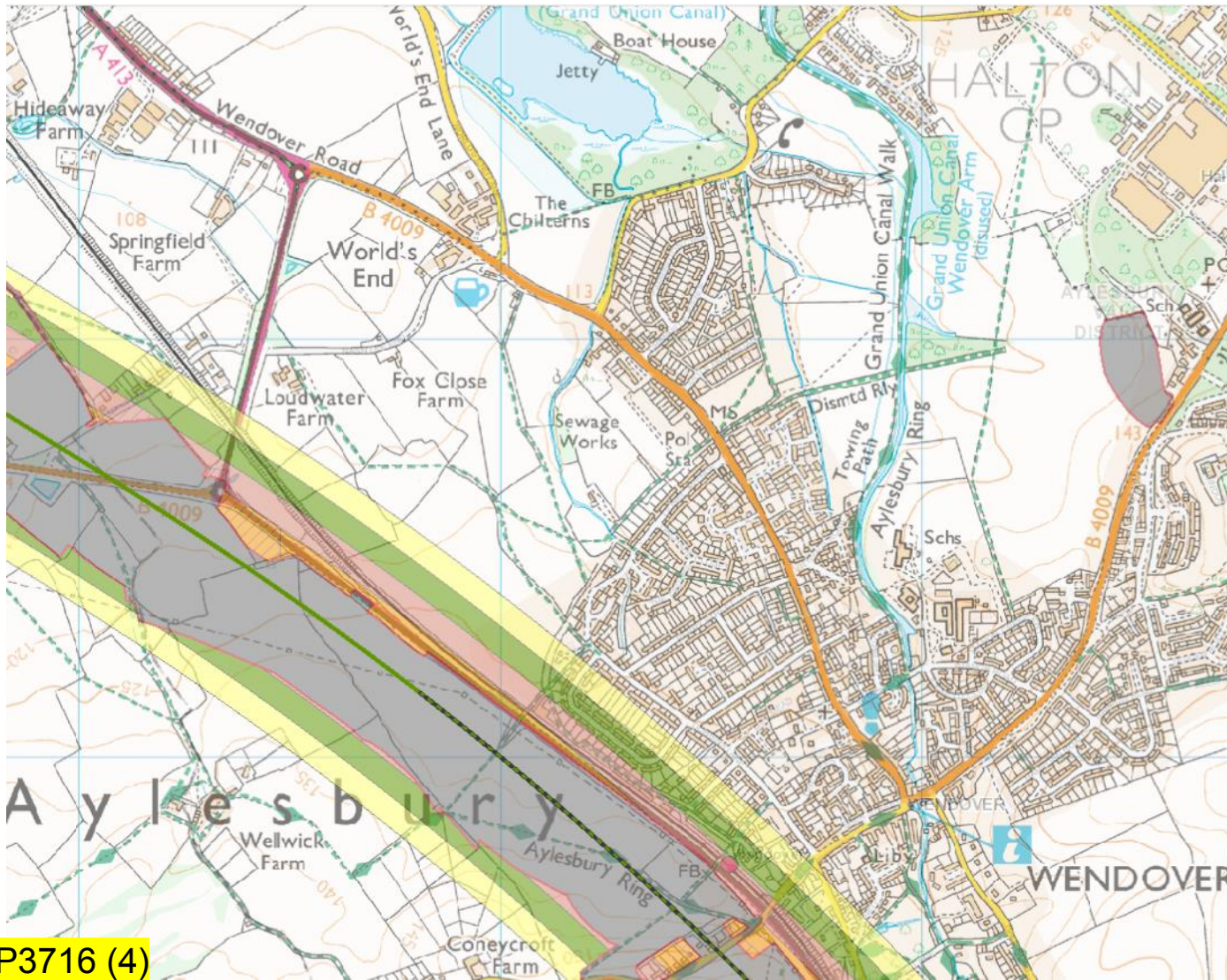
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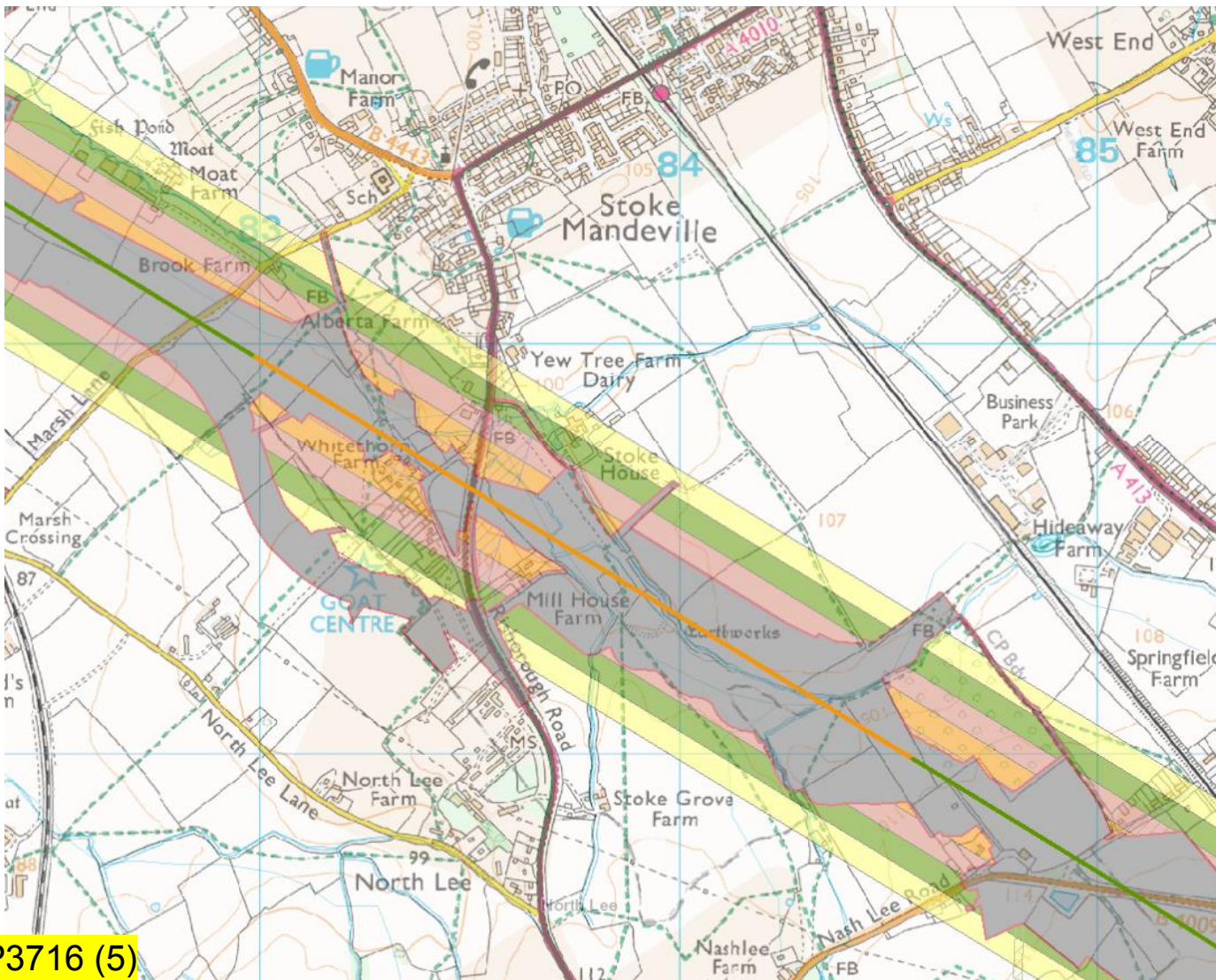
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# Property Zones – Stoke Mandeville



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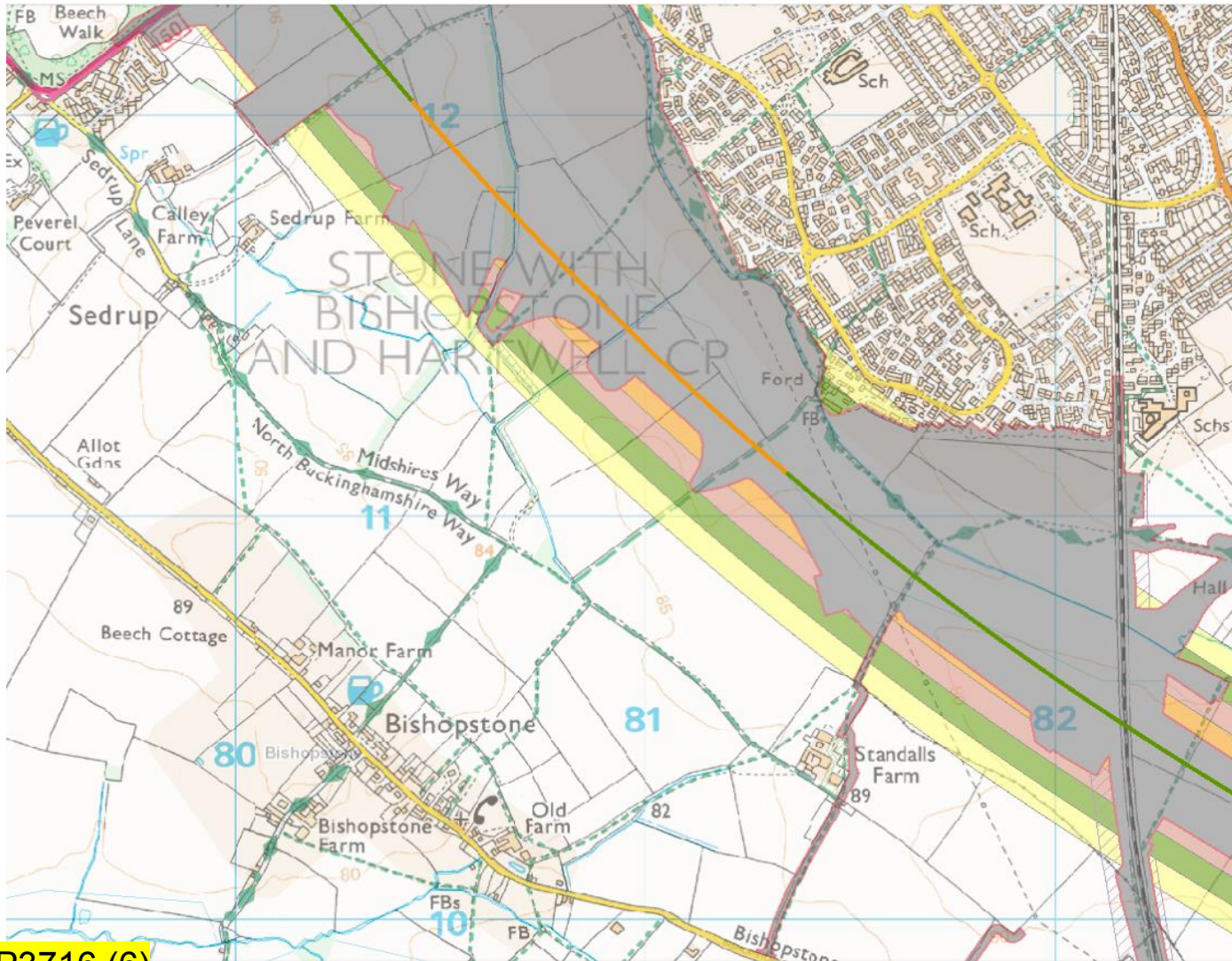
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# Property Zones – Bishopstone & Aylesbury



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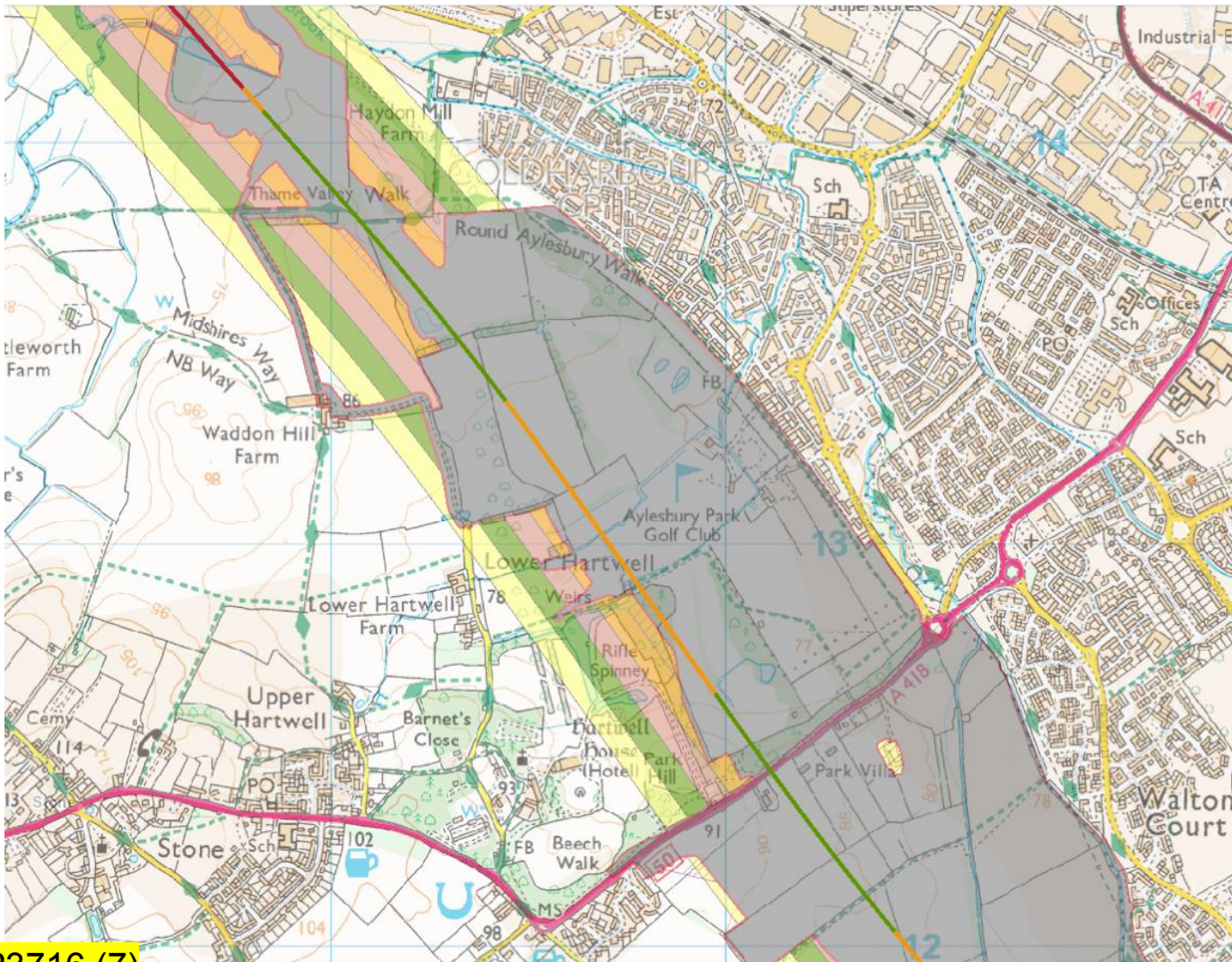
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# Property Zones – Aylesbury



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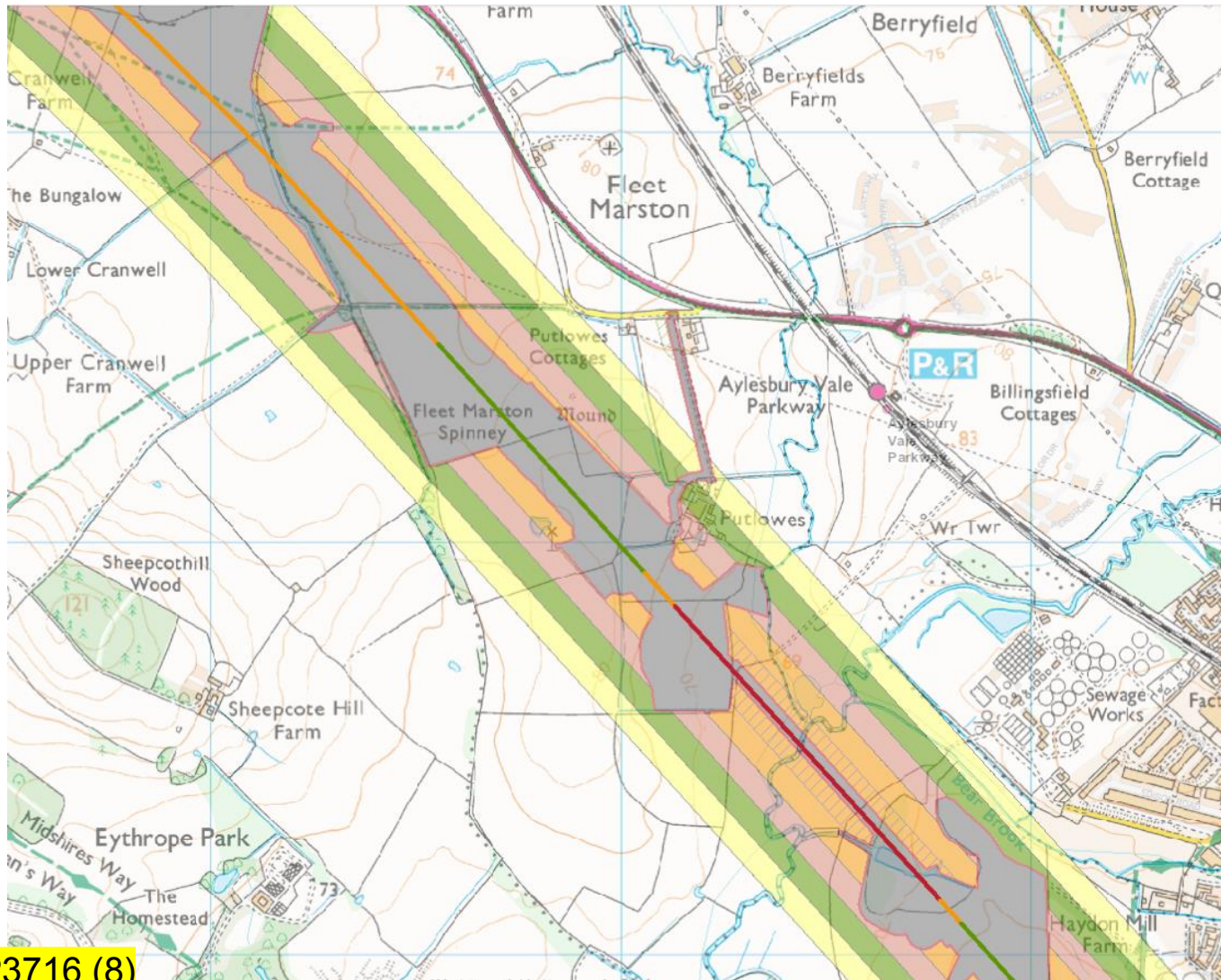
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# Property Zones – Aylesbury & Fleet Marston



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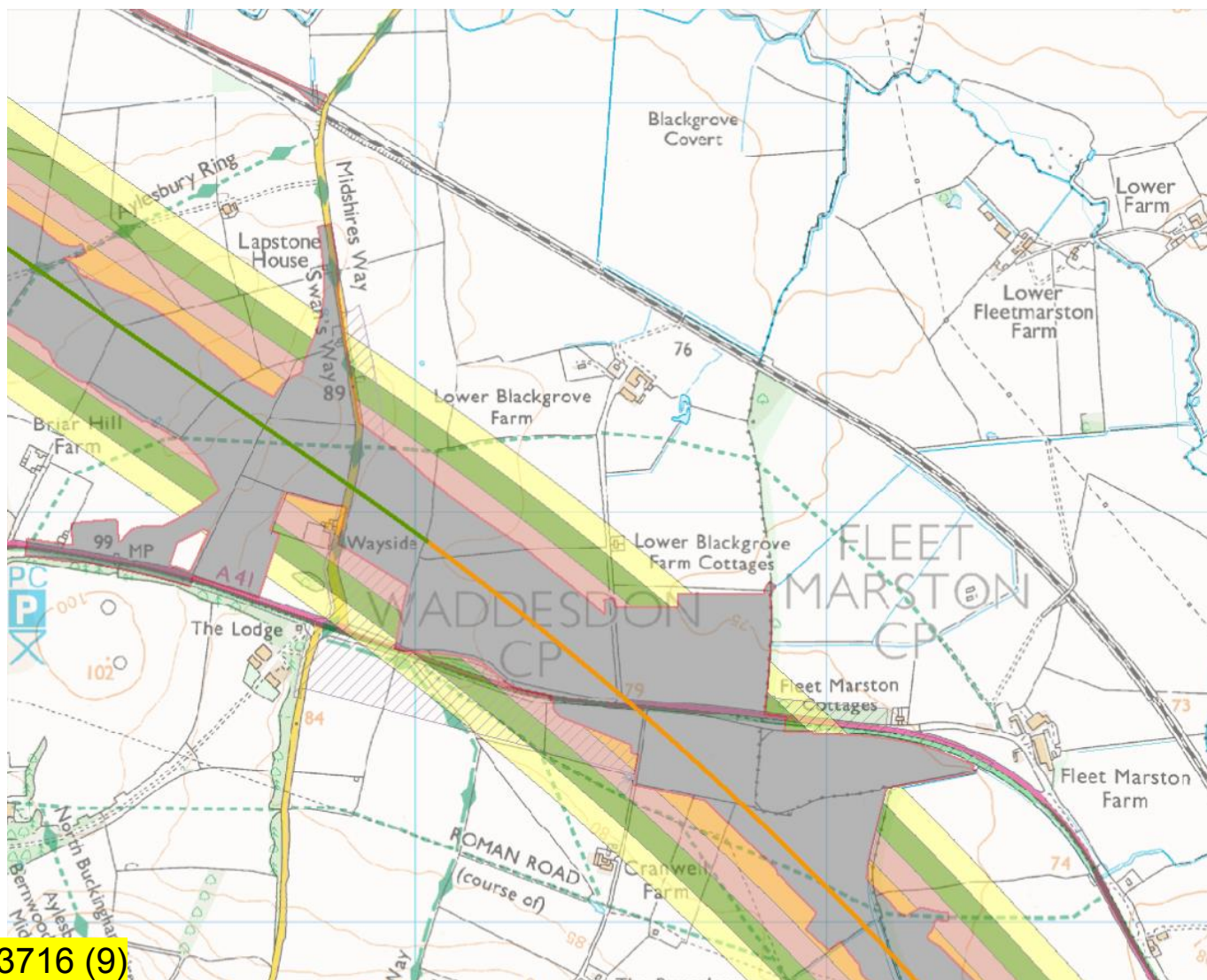
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# Property Zones – Fleet Marston & Waddesdon



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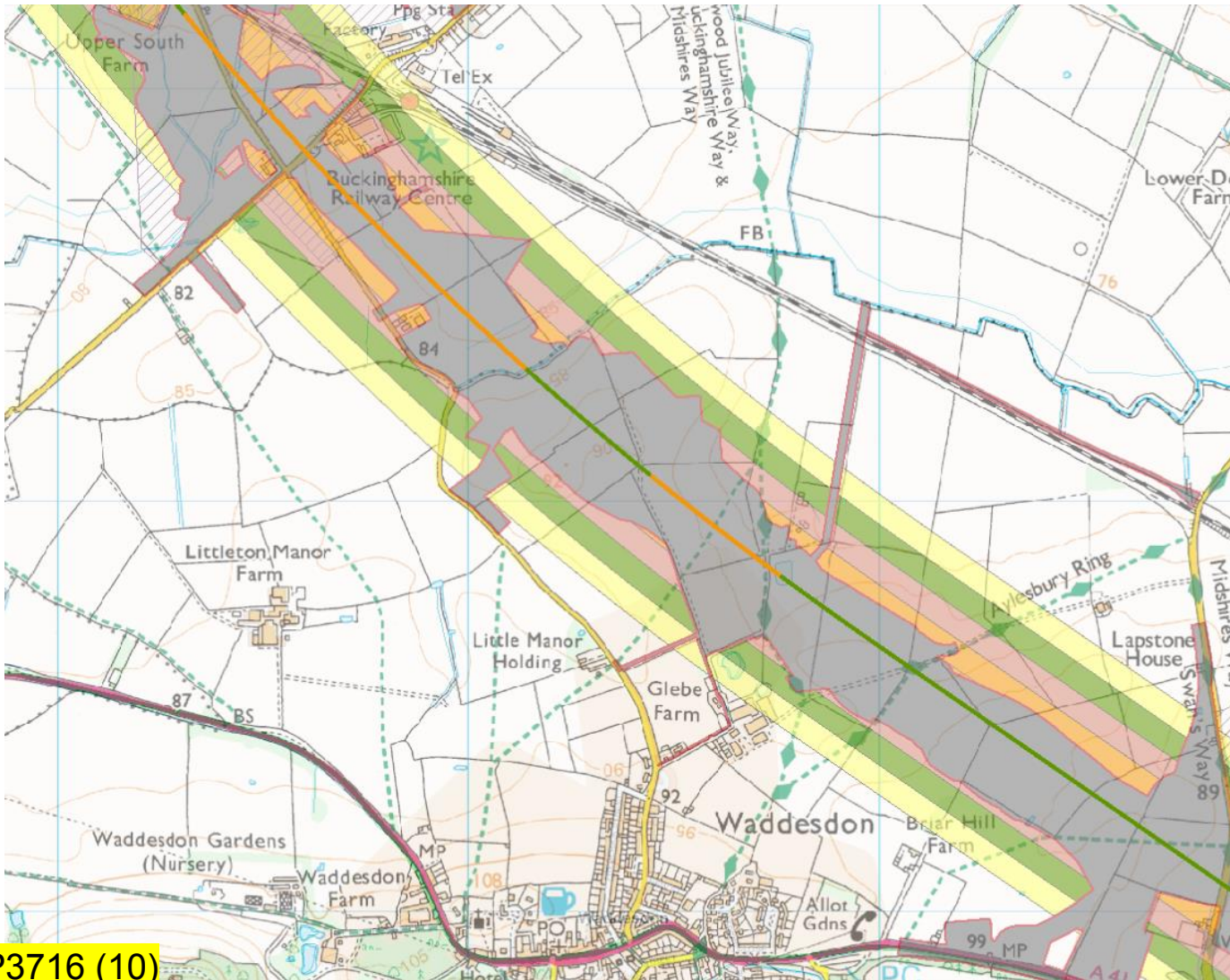
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# Property Zones – Waddesdon



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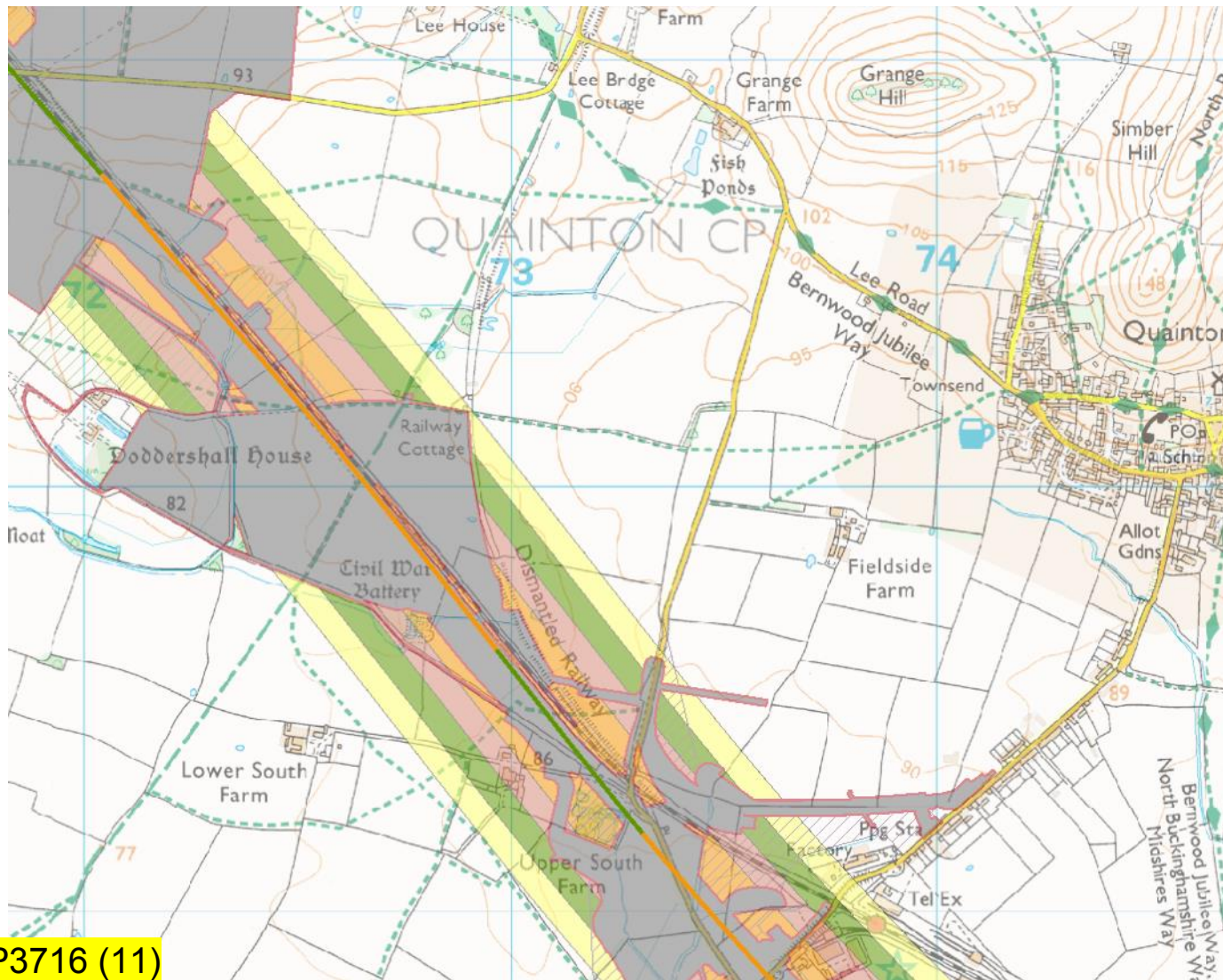
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# Property Zones – Waddesdon & Quainton



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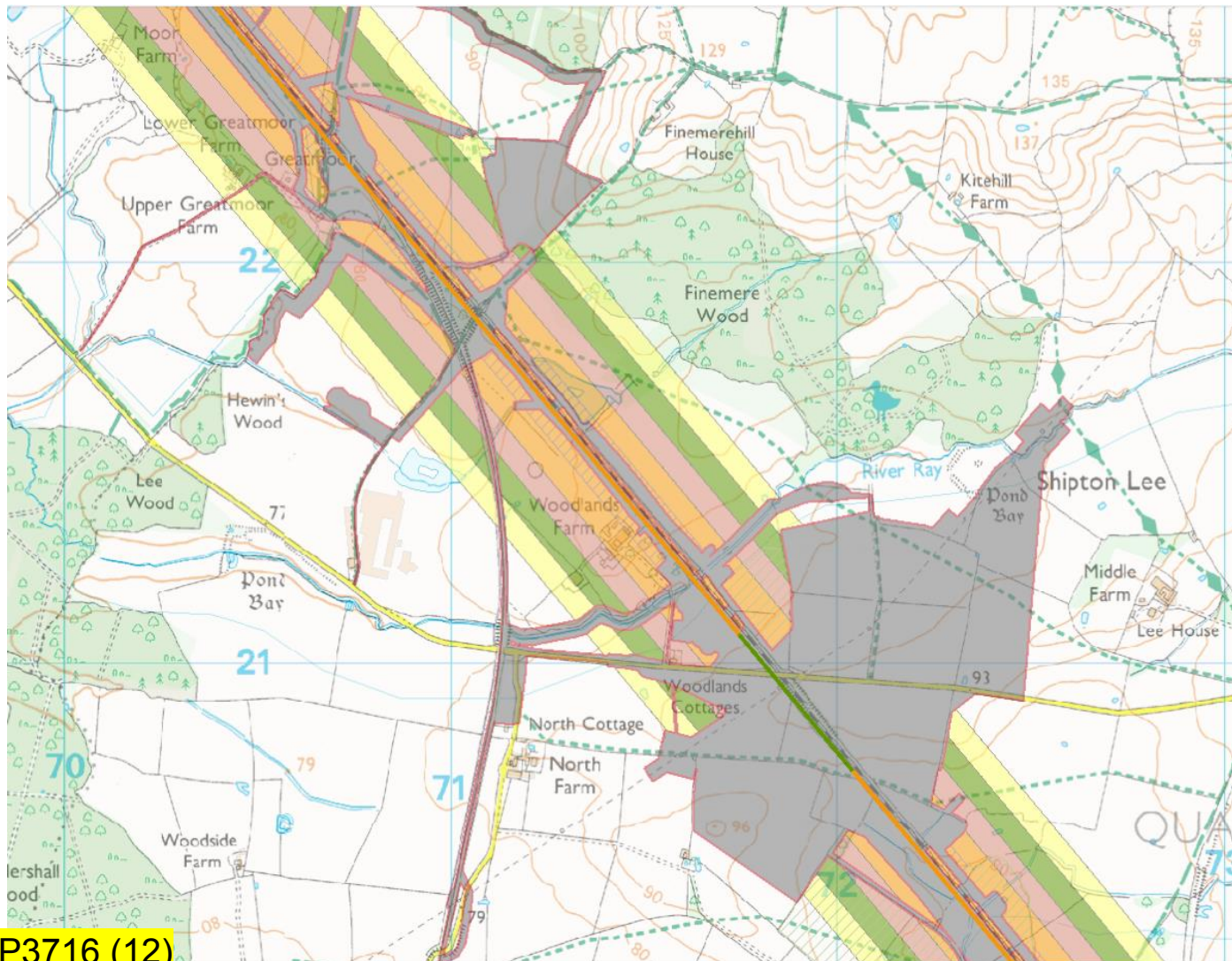
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# Property Zones - Quainton



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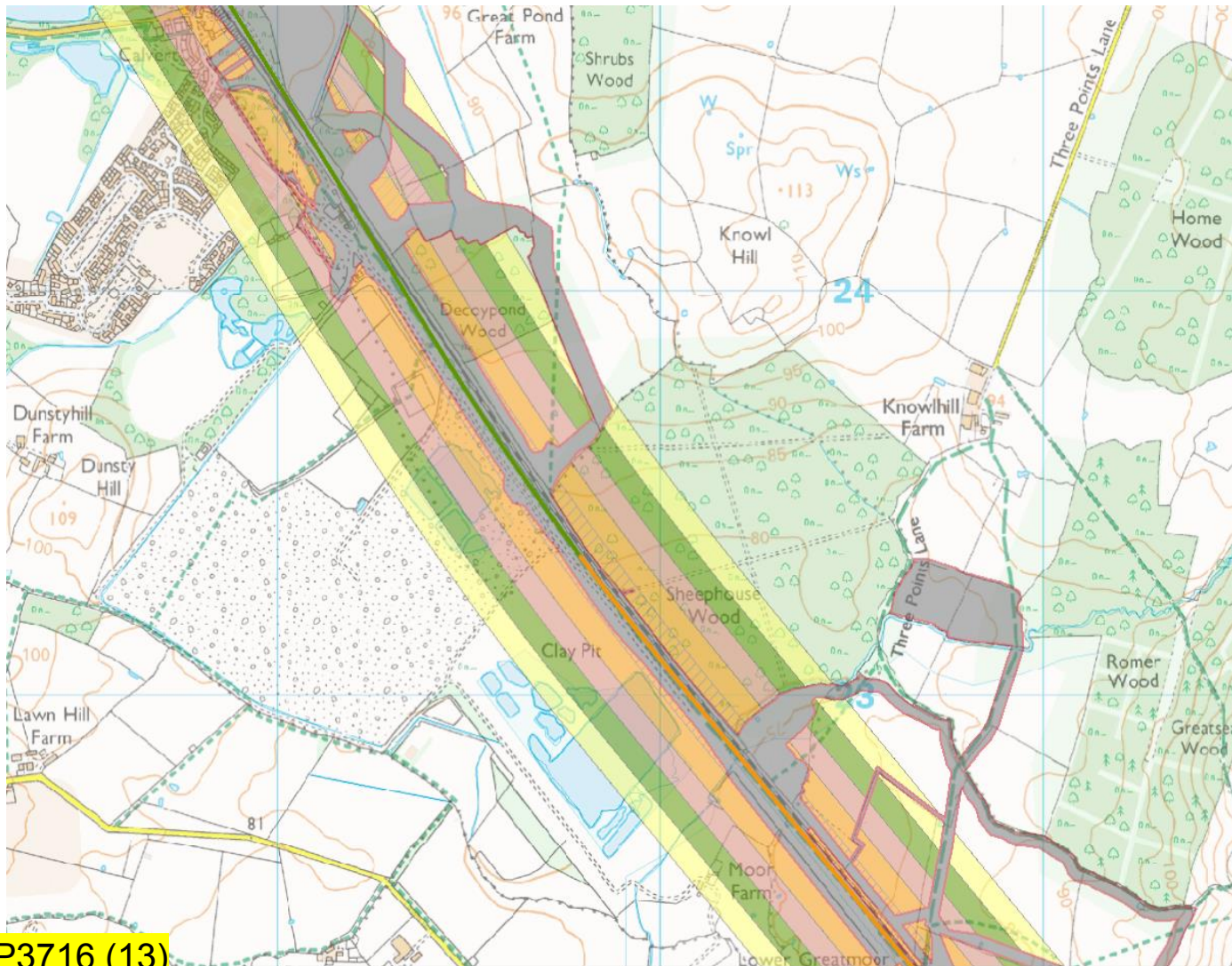
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# Property Zones – Quainton & Calvert



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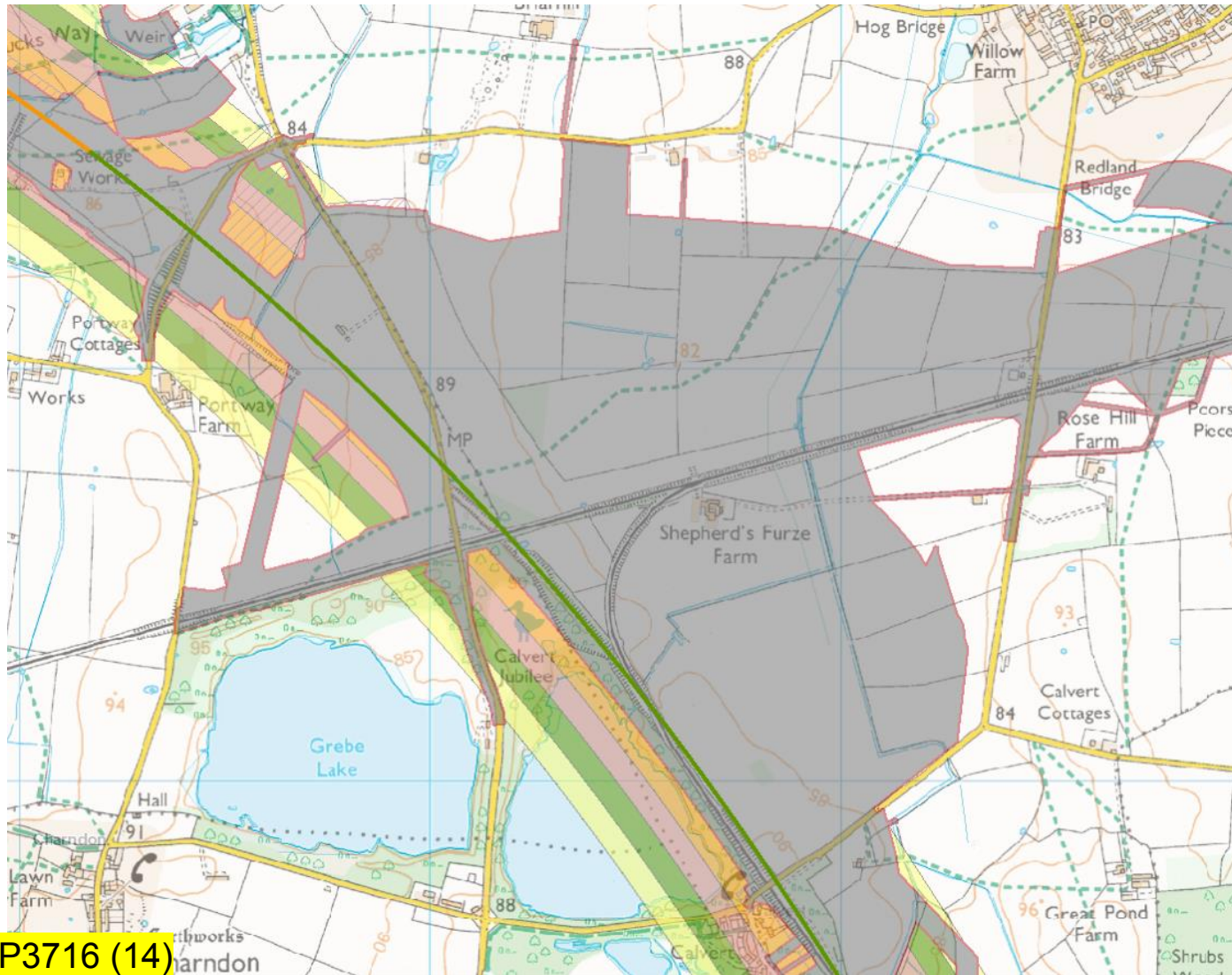
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# Property Zones – Calvert & Twyford



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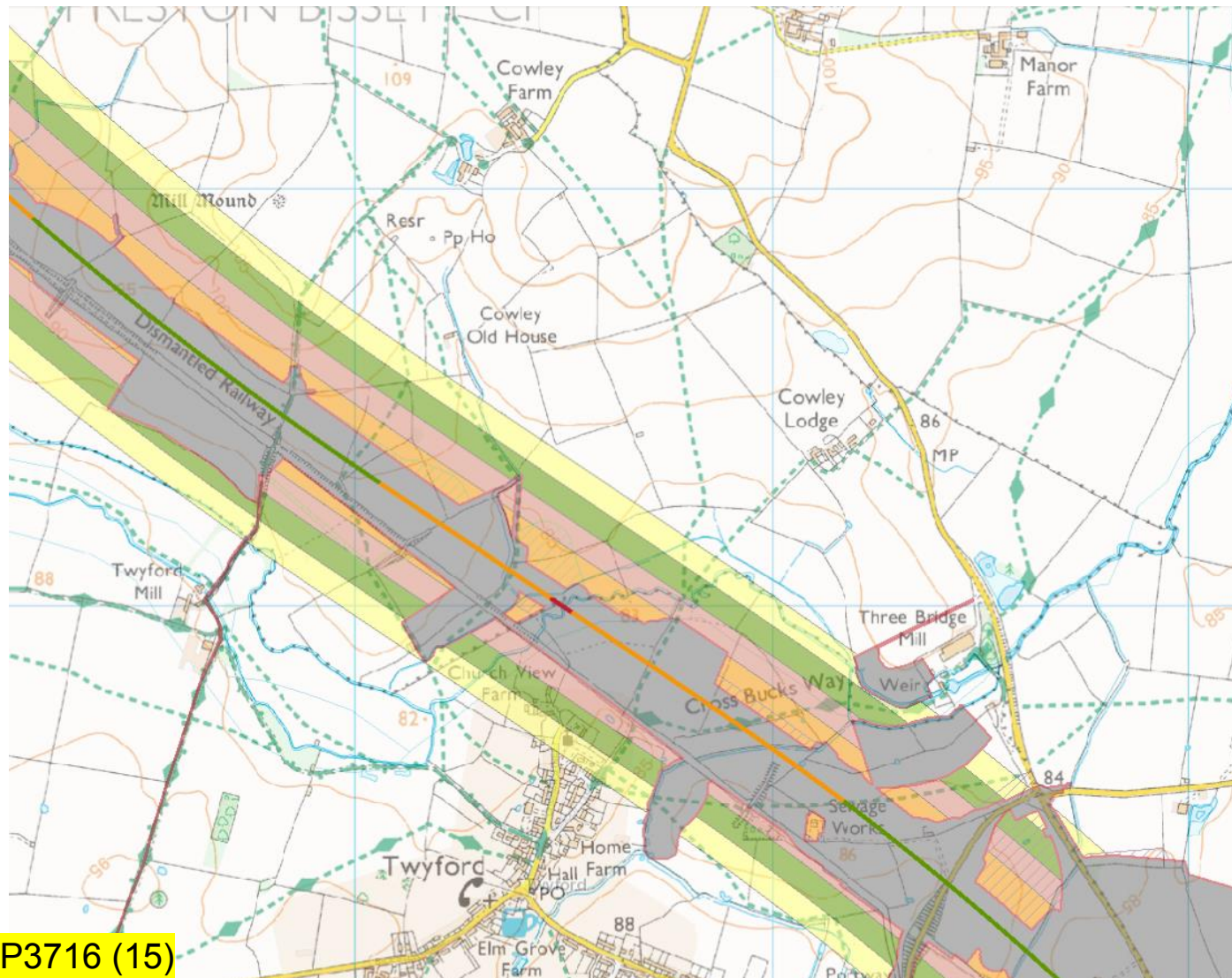
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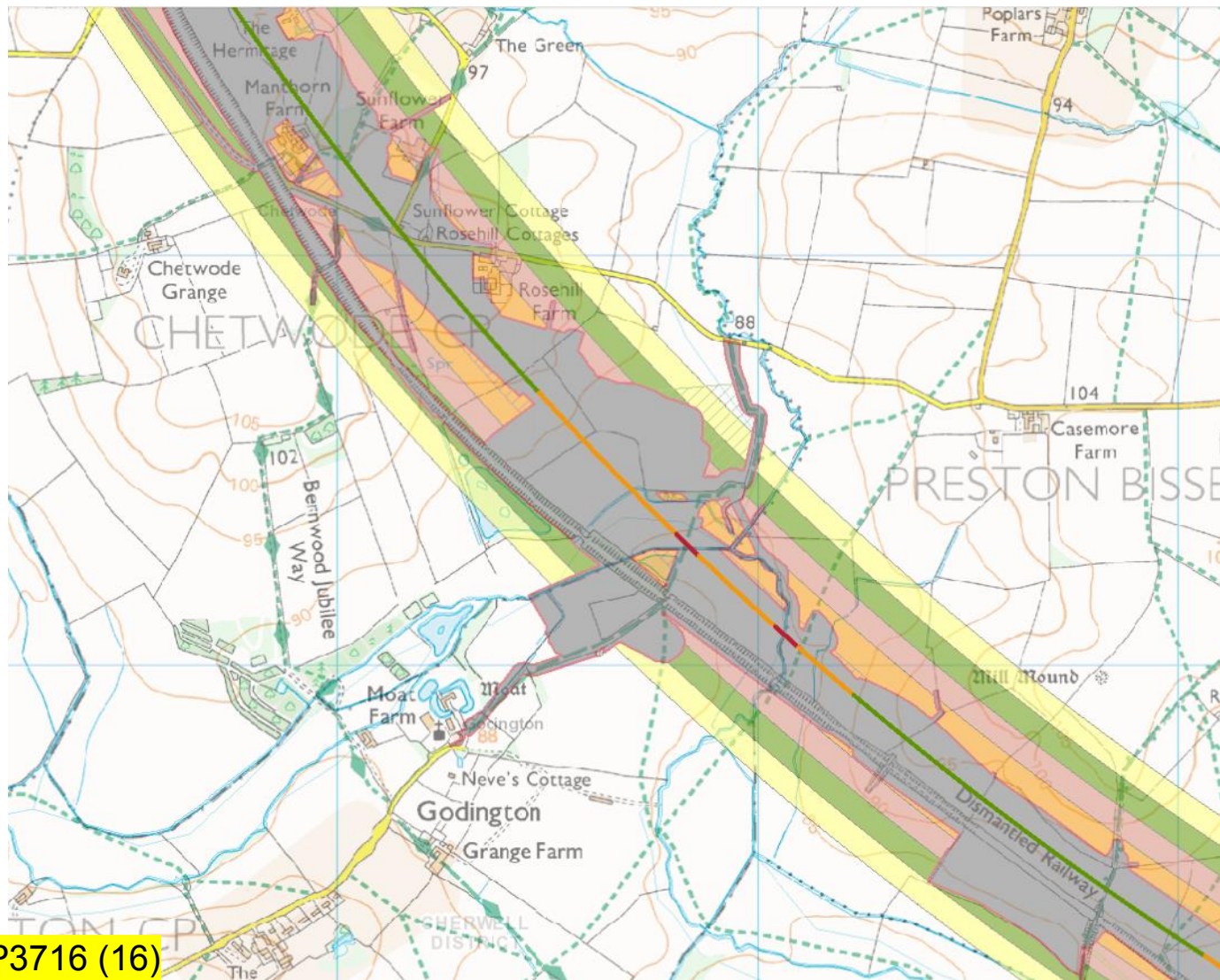
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# Property Zones – Preston Bissett & Chetwode



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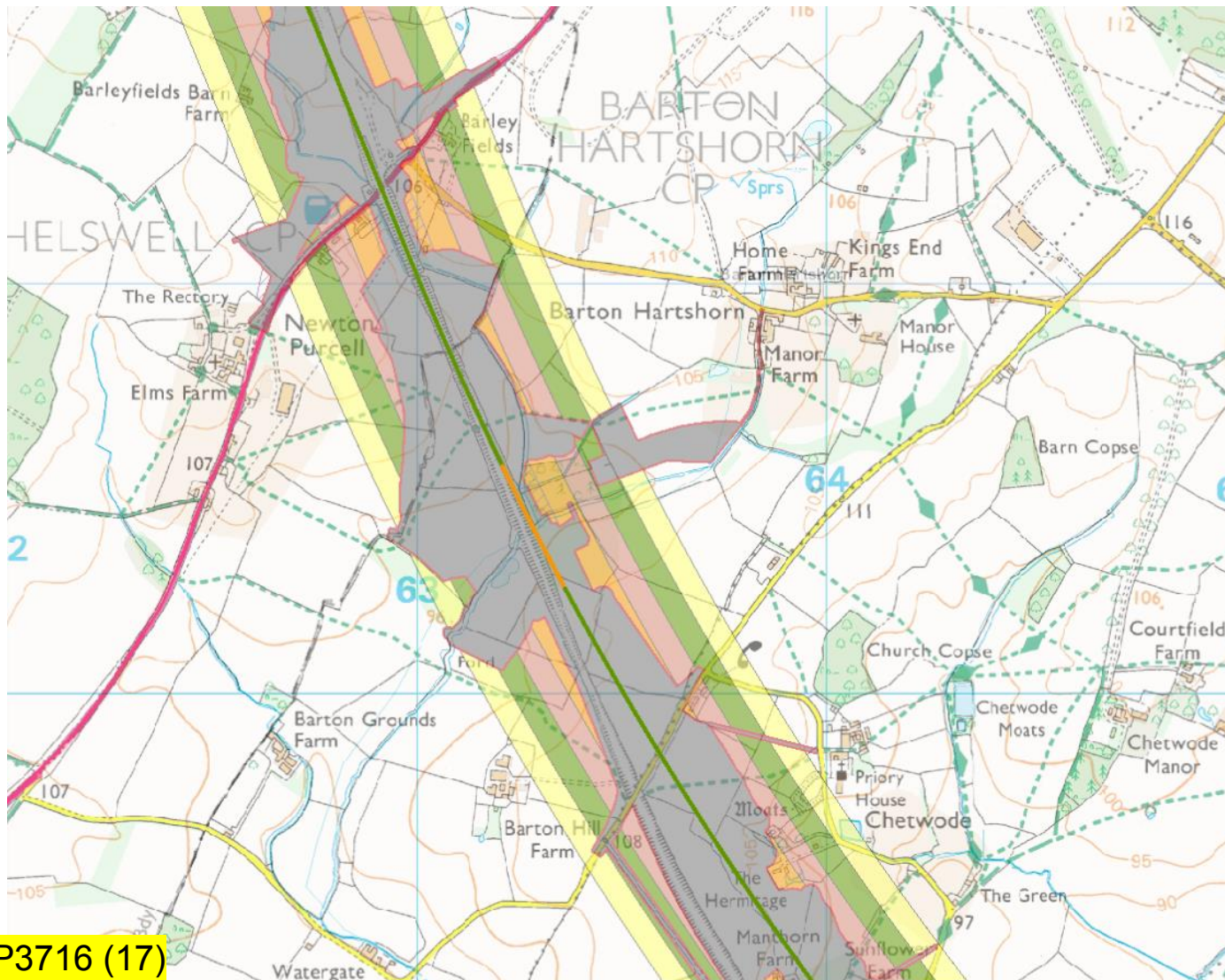
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# Property Zones – Newton Purcell & Barton Hartshorn



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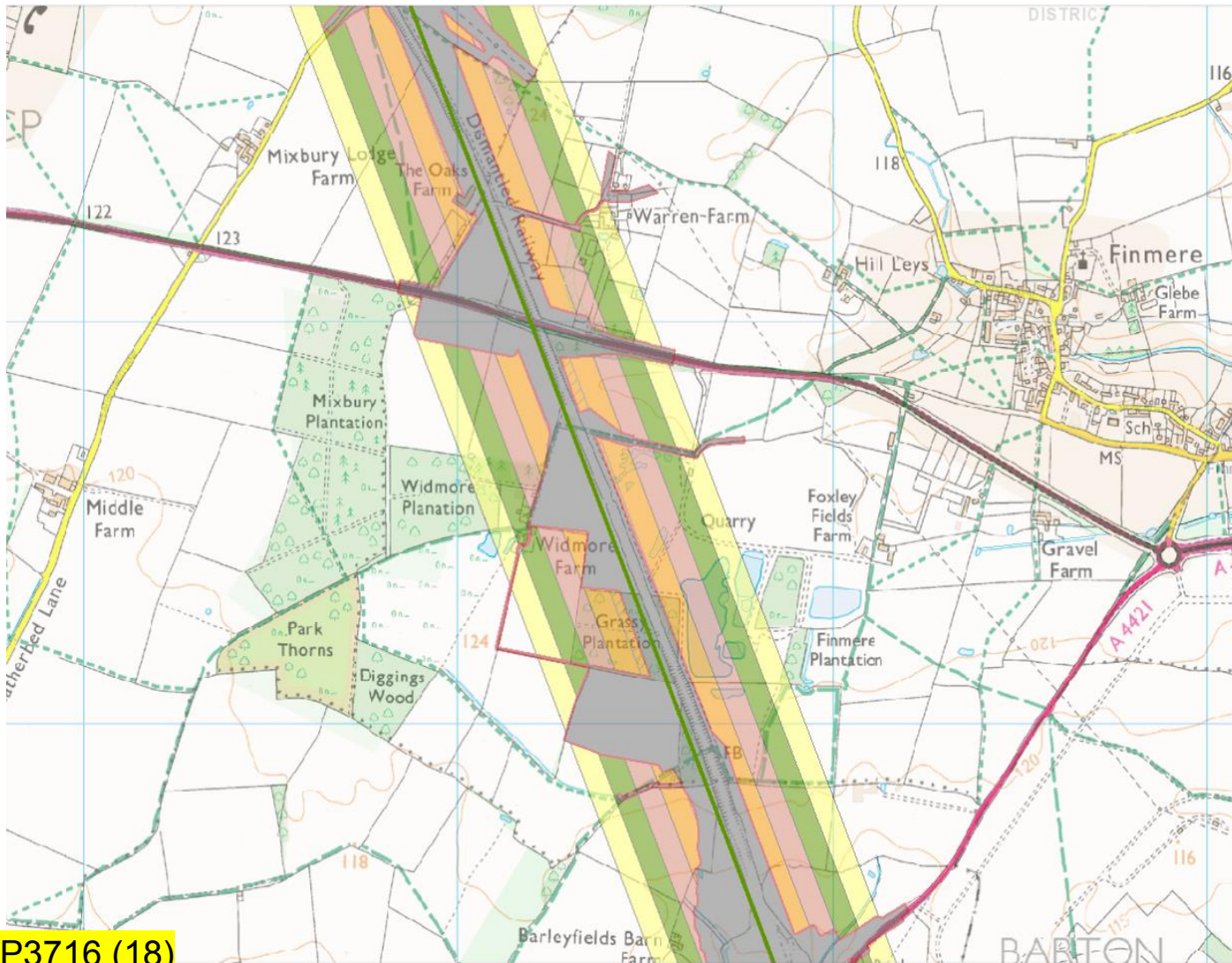
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# Promoter's Introduction to Land Compensation

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Colin Smith FRICS



# Contents

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- Land Acquisition Policy
- Statutory Compensation – The Compensation Code
- Generalised Blight – the HS2 discretionary property package



# HS2 Land Acquisition Policy – Information Paper C4



## HIGH SPEED TWO INFORMATION PAPER

### C4: LAND ACQUISITION POLICY

This paper outlines how landowners will be compensated for the acquisition of their land required for the construction and operation of HS2 Phase One.

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

This paper will be updated as required. 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 reached at:

High Speed Two (HS2) Limited  
One Canada Square  
London E14 5AB

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

or by phone: 020 7944 4908 (lines are open 24 hours)

Version 1.4  
Last update 21<sup>st</sup> March 2016

# HS2 Land Acquisition Policy

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- Information Paper C4: Land Acquisition, para 2.3 and 2.4:
- “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 to be reasonably required following the detailed design of the scheme.”
- The Bill confers powers to possess and use temporarily all that land which the Secretary of State can acquire compulsorily (Schedule 16).
- The Secretary of State has made clear that he will be prepared to consider exercising those powers in respect of land which is not required for the permanent needs of the railway (for example, during construction only) provided that to do so would not prejudice the timely and economic delivery of the Bill scheme. Information Paper C4: para 4



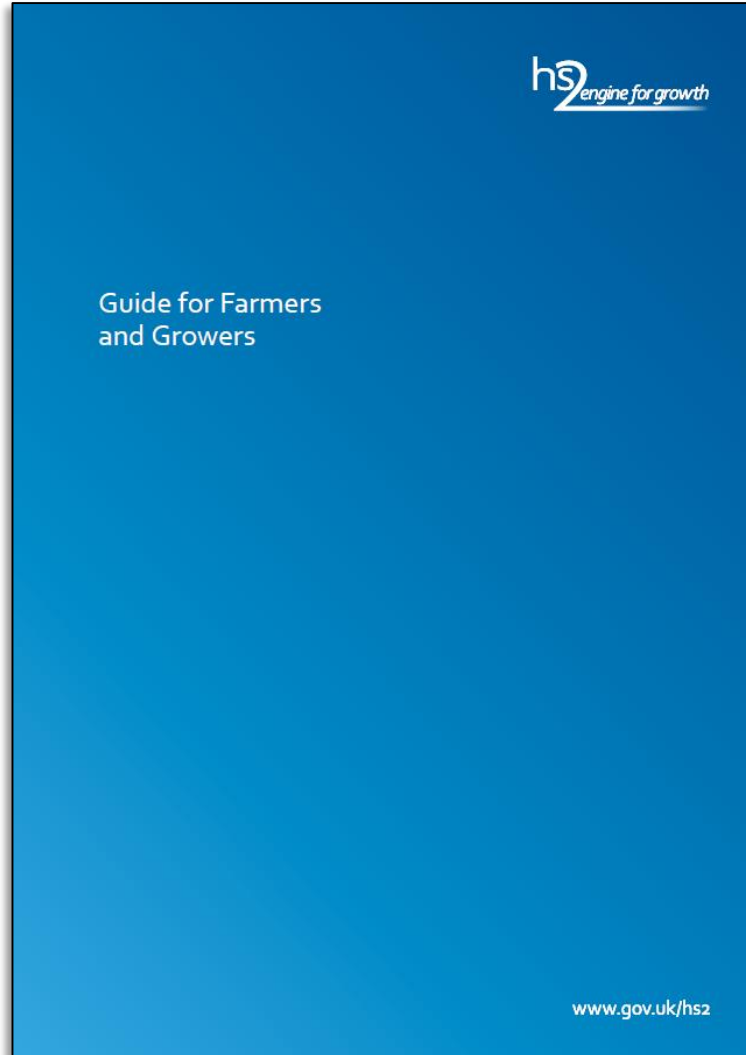
# Temporary Possession and Use

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- A number of scenarios identified as to when the Secretary of State might exercise powers of temporary possession and use: see HS2 '**Guide for Farmers and Growers**' and **Information Paper C4**.
- Factors which the Secretary of State will consider include:
  - Length of time for which the land is required;
  - Comparative overall cost of temporary use v permanent acquisition;
  - Likely cost of restoration.
  - Safeguards required to secure maintenance of mitigation measures (eg earthworks, planting) and future access to railway infrastructure (eg balancing ponds).
- Compensation is payable for any loss that result from the exercise of those powers. (Schedule 16)

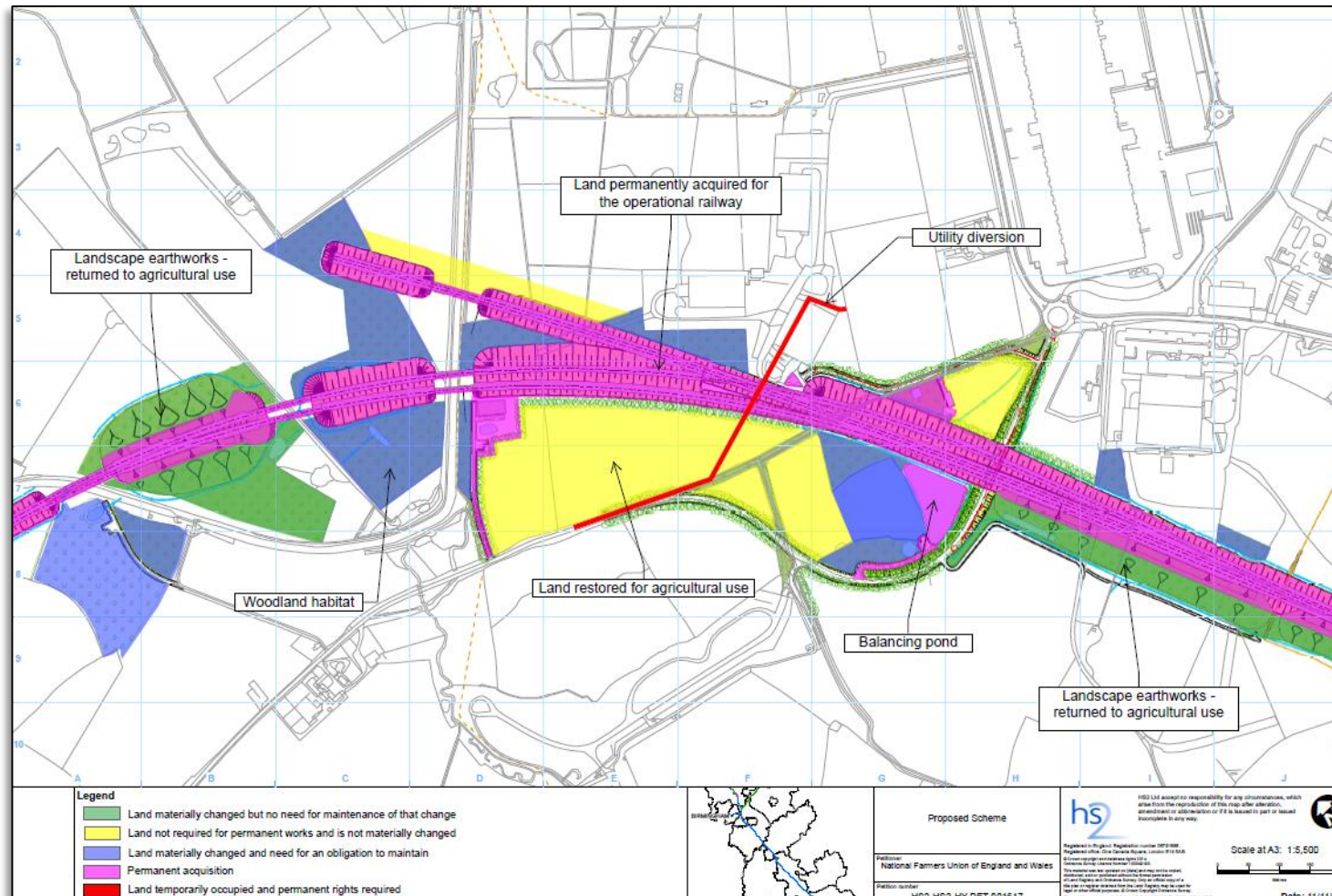
# Guide for Farmers and Growers

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# Illustrative farm affected by HS2



# Statutory Compensation: The Compensation Code

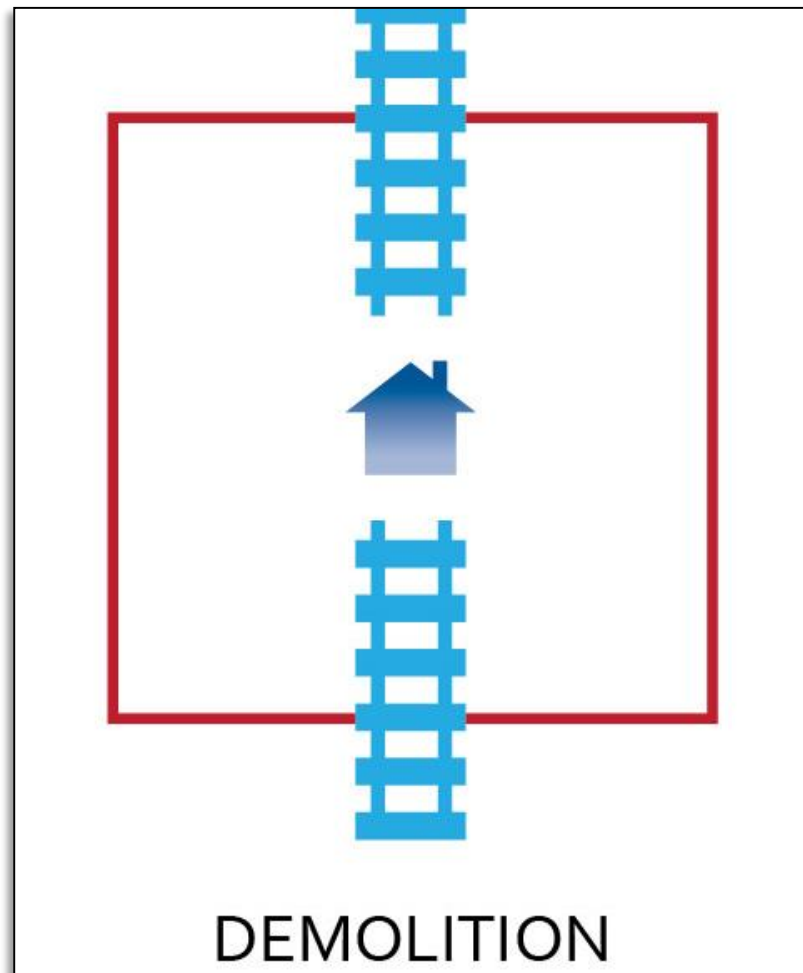


# Compensation under the Statutory Compensation Code

- The Bill adopts the general law for assessment of land compensation
- Compensation assessment for land acquired
- Disturbance compensation not based upon the value of land
- Compensation assessment where part of a property is acquired
- Compensation where no land is acquired
- Blight Notices
- Other aspects and disputes

# Land Compensation: Full Acquisition

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# Six rules for accessing land compensation

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- No additional allowance because the acquisition is compulsory
- **Assessed by reference to open market value**
- The special suitability of land for a purpose is ignored
- Enhancement of value from uses which are contrary to law is ignored
- Where land is devoted to a purpose with no general market, compensation is assessed on the basis of equivalent reinstatement
- **A land owner in occupation may be entitled to additional disturbance compensation not based upon the value of land**

# Valuation Assumptions

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- **Land is sold in a manner likely to obtain the highest price**
- Land can be developed for alternative uses if allocated on a development plan
- Land can be developed in accordance with a certificate of appropriate alternative development issued by the Planning Authority
- Premises can be enlarged in accordance with permitted development
- Hope value for future development



# Consistency of approach

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- A land owner can receive the higher of
  1. The value of land, for its current use, plus disturbance compensationOR
  2. The value of land for development
- No disturbance is payable where compensation assessed on development value because the owner would have to move in any event to achieve that development value

## Valuation aspects to be ignored

- Any depreciation or blight from Phase One of HS2
- Any enhancement of land value arising from Phase One of HS2
- **Assume HS2 Scheme cancelled in assessing compensation for the value of an interest in land**



# Disturbance Compensation Principles

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- **Costs or losses arising from compulsory acquisition and dispossession not directly based on the value of land**
- **Direct and reasonable consequence arising from compulsory acquisition**
- Cost of alternative premises not included – assume value for money
- Party dispossessed must act in a common sense and reasonable manner and mitigate losses
- Land & Property team in HS2 Ltd can discuss plans and issues in advance

# Disturbance Compensation: Examples of Heads of Claim

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- Loss of crops on agricultural land
- Cost of seeking suitable alternative premises in acquiring new premises
- Temporary and permanent loss of profits
- Costs of fitting out alternative premises
- Costs of providing new stationery
- Close down of business if relocation not possible
- Redundancy and other costs on close down
- Stamp Duty on new premises
- Legal and surveying fees

# Loss Payments

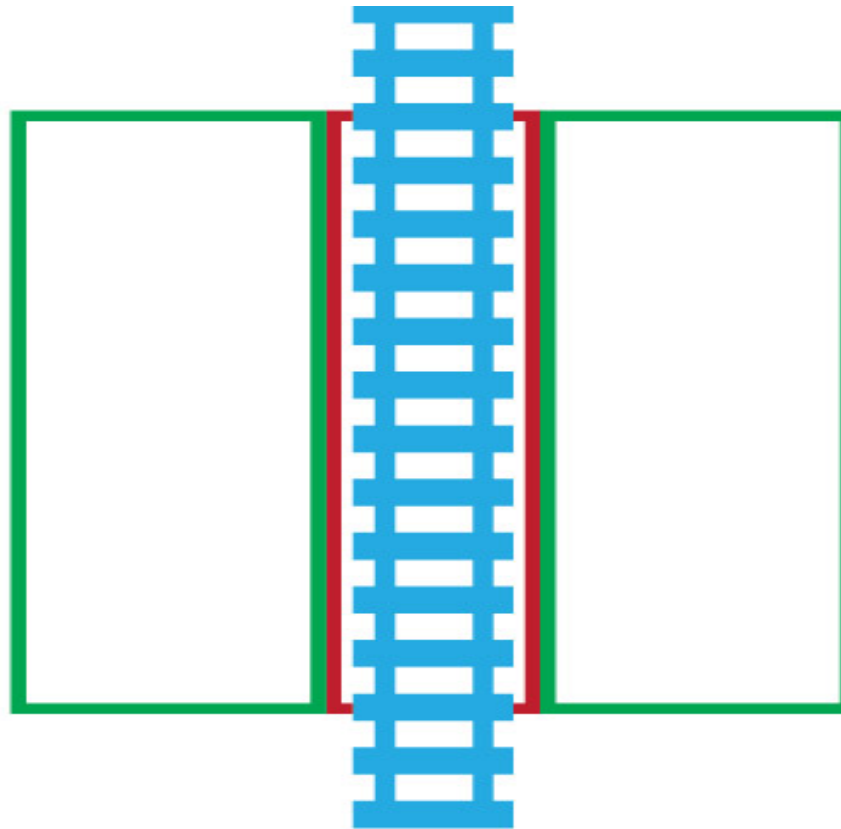
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- **An additional statutory allowance**
- Home Loss Payment – 10% market value, currently £53,000 maximum, £5,300 minimum
- Lawful residential occupier entitled to payment on displacement
- Basic Loss Payment – 7.5% market value, currently £75,000 maximum
- Occupier's Loss Payment – 2.5% market value, currently £25,000 maximum
- Occupier's Loss Payment – agricultural land and other buildings
- Owner/Occupier qualification requirements



# Part only of Land Acquired - Severance

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**SEVERANCE**  
(Depreciation to whole due to loss of part)

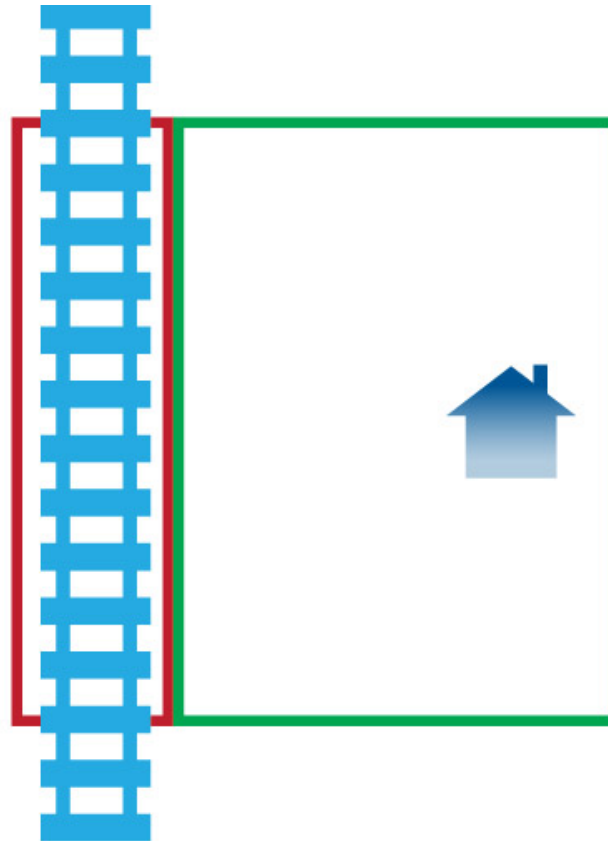
# Part only of Land Acquired - Severance

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- Value of land acquired – as outlined above
- Depreciation to retained land from severed connection is payable
- Works to accommodate existing activities on affected land
  - Provision of alternative access
  - Provision of stock proof fencing, field drainage
- Owner can compel the Promoter to acquire
  - Isolated land less than 0.5 acres
  - Isolated land where cost of linkage exceeds land value
  - Severed land economically unviable to farm

# Part only of Land Acquired - Injurious Affection

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**INJURIOUS AFFECTION**  
(Depreciation due to construction/operation)



## Part only of Land Acquired - Injurious Affection

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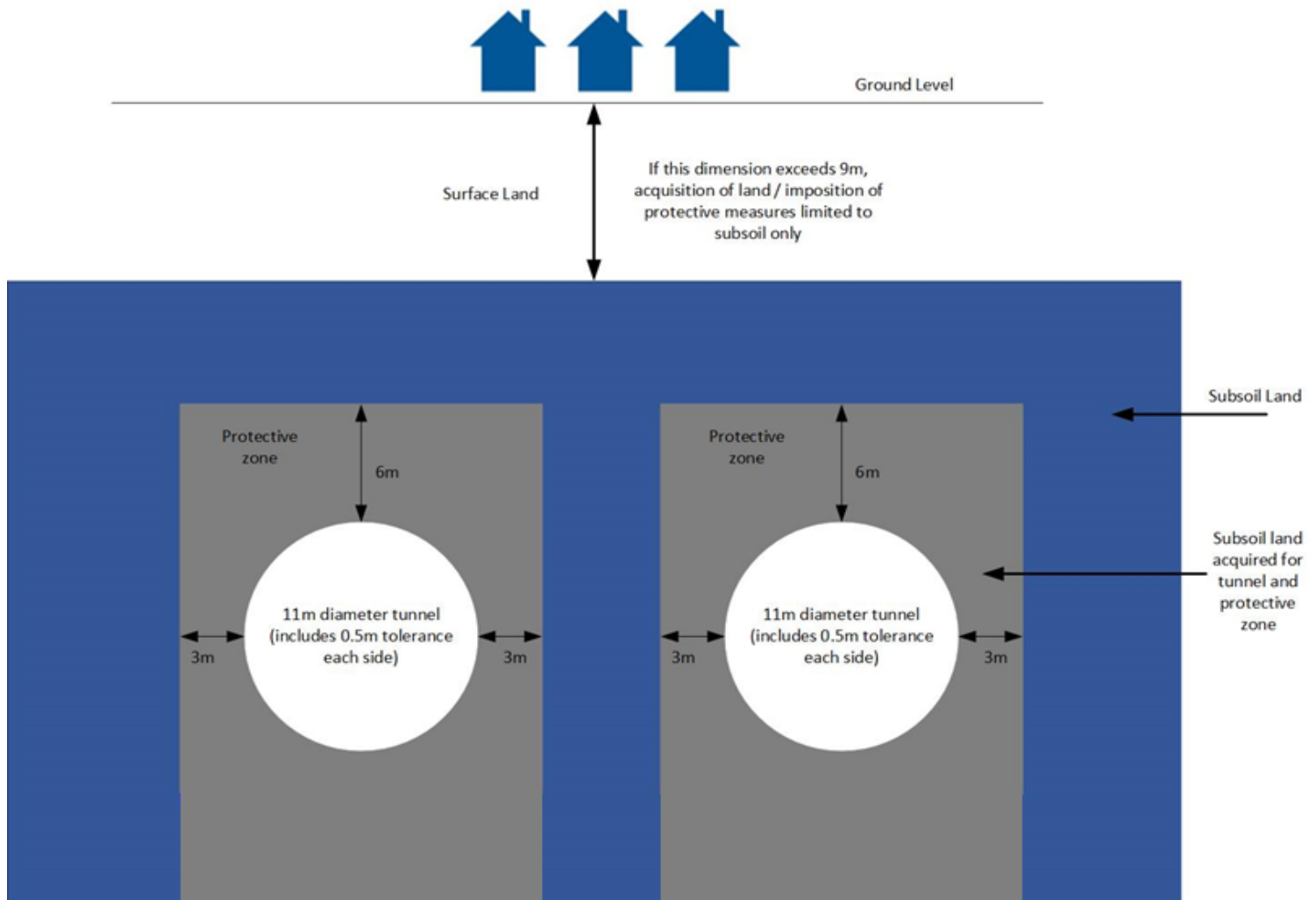
- Value of land acquired – as outlined
- Depreciation to retained land due to impact of Phase One of HS2 is payable
- Can be assessed on a “before” and “after” basis
- Impact can be reduced through mitigation (e.g. noise barriers, environmental works)

# Part only of Land Acquired Material Detriment

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- If part only cannot be acquired without
  - Material detriment to a house, building or manufactory
  - Seriously affecting the amenity of a park or garden
  - The land or building being less useful or valuable to a significant degree
- Then the Promoter can be required to purchase the whole property
- Does not apply where subsoil only acquired
- Special provisions for agricultural land

# Part only of Land Acquired: Bored Tunnels (illustrative arrangement)





# Part only of Land Acquired: Bored Tunnels

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- Compensation for strip of subsoil land taken beneath gm below ground level
- Nominal Value (£50 plus £250 towards professional fees)
- Injurious affection can arise in shallow tunnels near the portals
- Normally no injurious affection from deep bored tunnels
- The Bill contains powers to protect the tunnels when constructed – through imposition of restrictive covenants
- Qualifying owners can apply for a Settlement Deed (see IP C3: Ground Settlement) including:
  - assessment of likely ground movement,
  - monitoring,
  - protective measures where necessary and
  - cost of repairs to any damage caused as a result of tunnelling

# Land Compensation: Other aspects

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- **Date of valuation – date of entry or vesting**
- Earlier claims from landowners and occupiers can be made on:-
  - Acceptance of blight notice
  - Both parties agreeing to negotiate in advance
- **Advanced Payments – 90% of agreed compensation or (absent agreement) of the Promoter's estimate**
- Statutory Interest – prescribed rate
- Residential – role of local authorities
- Compensation claims can be made after land is occupied by HS2 under compulsory powers

# Land Compensation Disputes

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- Statutory Compensation Disputes
  - Alternative disputes procedure where the parties agree to this process (see IP C8 'Compensation Code for Compulsory Purchase' paragraph 7.1)
  - Otherwise disputes considered by the Upper Tribunal (Lands Chamber)
  - **Independent determination**



# Land Compensation: Blight Notices

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- **Reverse compulsory purchase**
- In the corridor of surface land safeguarded for HS2
- Qualifying owners-
  - Residential or business owner occupier or with 3 years lease unexpired at valuation date
  - Business owner with rateable value less than £34,800
  - Owner occupier of an agricultural unit
- Can serve a Blight Notice if:
  - In occupation for 6 months, and
  - Made reasonable but unsuccessful attempts to sell
- The property is compulsorily acquired in advance
- Land compensation is assessed and paid in advance

# Land Compensation: Where no land taken

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NO LAND TAKEN

# Land Compensation due to Construction: No Land Taken

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- **Claim – diminution in value of land where**
  - An interference to a landowner's private rights
  - Made lawful by an authorising Act of Parliament
  - Arises from construction not use
  - An injury to land, not a personal or trade loss
- The Promoter will mitigate impact through Code of Construction Practice
- Information Paper C10 (Small Claims Scheme)
  - Physical damage arising from construction – currently under £7,500



# Land Compensation due to use: No Land Taken

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- Qualifying Owners Interest
  - Residential or business owner occupier or with 3 years lease unexpired at valuation date
  - Business owner with rateable value less than £34,800
  - Owner occupier of an agricultural unit
- **Valuation Date – 12 months after public works opened**
- **Compensation – any depreciation due to physical factors including noise, vibration, smell, fumes, artificial light**
- Mitigation – noise barriers, embankments, screening, double glazing



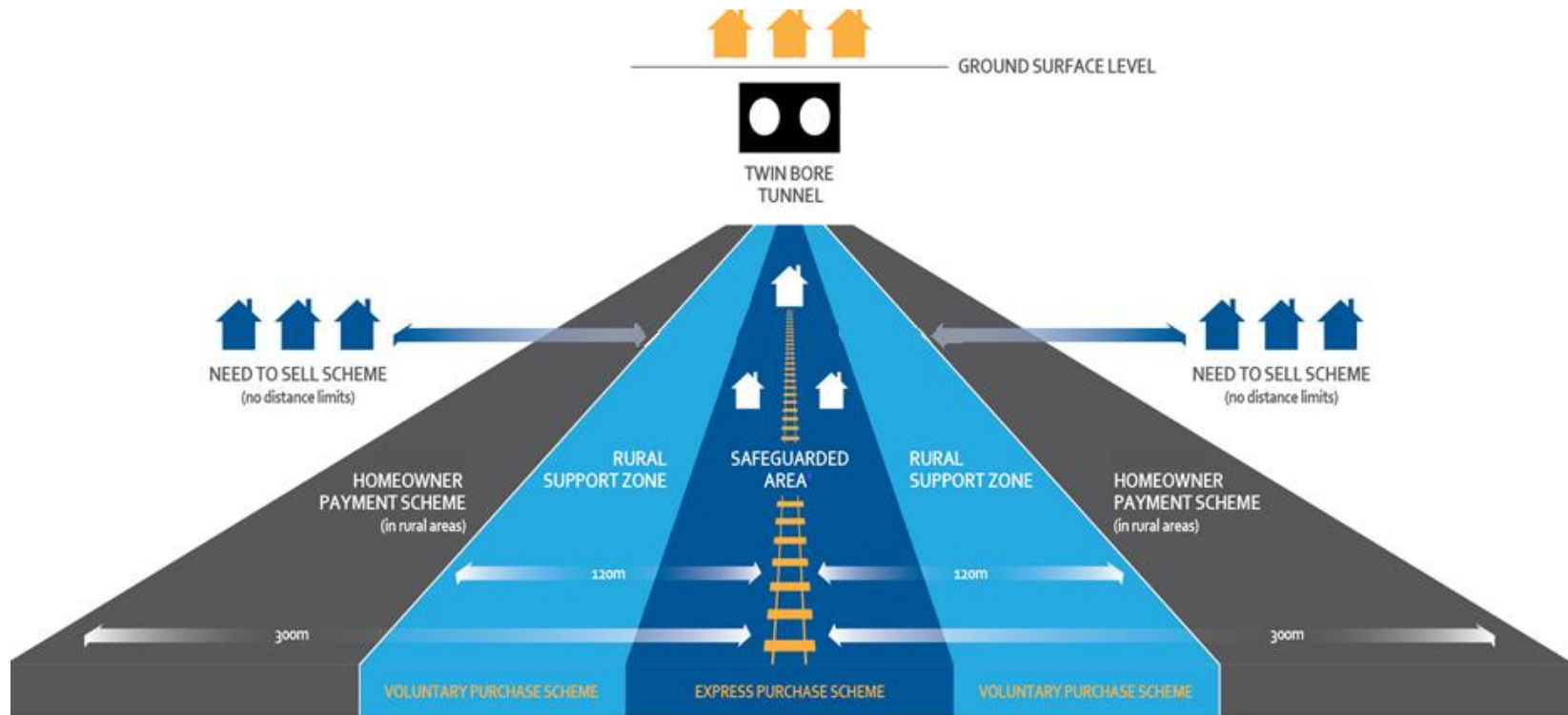
# Generalised Blight – HS2 Discretionary Property Package

# Generalised Blight: HS2 Discretionary Property Package

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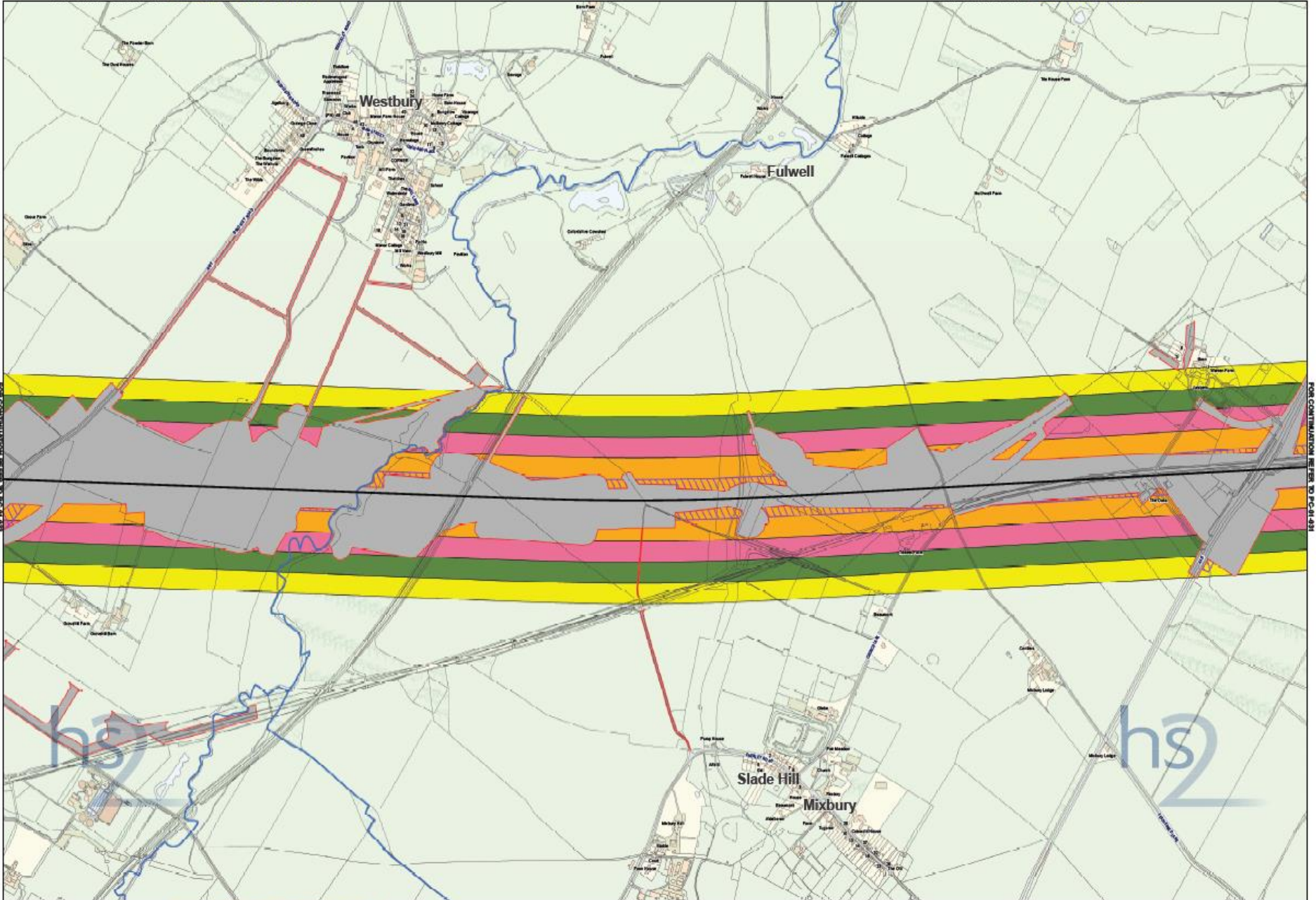
- **Express Purchase**
  - **Voluntary Purchase / Cash Offer (within Rural Support Zone)**
  - **Homeowner payments**
  - **Need to Sell**
  - **Rent Back**
- 
- Main package announced by Secretary of State in April 2014
  - Further measures announced January 2015
  - NTS reviewed with report to the House of Commons HS2 Select Committee (November 2015)
  - Further review of Discretionary Schemes by Secretary of State 2015/16

# HS2 Discretionary Property Package Summary



Please note: All distances are taken from the centre line of the railway.





Legend

- Safeguarding Limits
- Rural Support Zone (RSZ)
- Home Owner Payment (HOP) zone 2: 180m - 240m
- Home Owner Payment (HOP) zone 1: 120m - 180m
- Home Owner Payment (HOP) zone 3: 240m - 300m
- Extended Homeowner Protection Zone
- District/Borough boundary

**P3717 (34)**

Safeguarded Area: Surface  
Safeguarded Area: Sub-surface

Map Number: PC-01-082  
 Project Name: High Speed Two Phase One Property Consultation 2014  
 Date of Issue: JULY 2014

**hs2**  
 Scale 1:100,000  
 Date of Issue: JULY 2014  
**HOL/10024/0053**

# HS2 Express Purchase Scheme

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## In Safeguarded Area

For owners with qualifying interests, the Promoter has adopted the following approach to blight notices served by the affected owner.

**Aim - to speed up the process and provide greater certainty:**

- No requirement for the owner to attempt to sell the property
- If more than 25% of an owner's land or any part of the dwelling is within the safeguarding zone, a blight notice on the whole property will be accepted
- If less than 25% of an owner's land is within the safeguarding zone a blight notice may be accepted subject to the material detriment test
- Properties formerly in safeguarding zone- extended homeowner protection zone

# Voluntary Purchase

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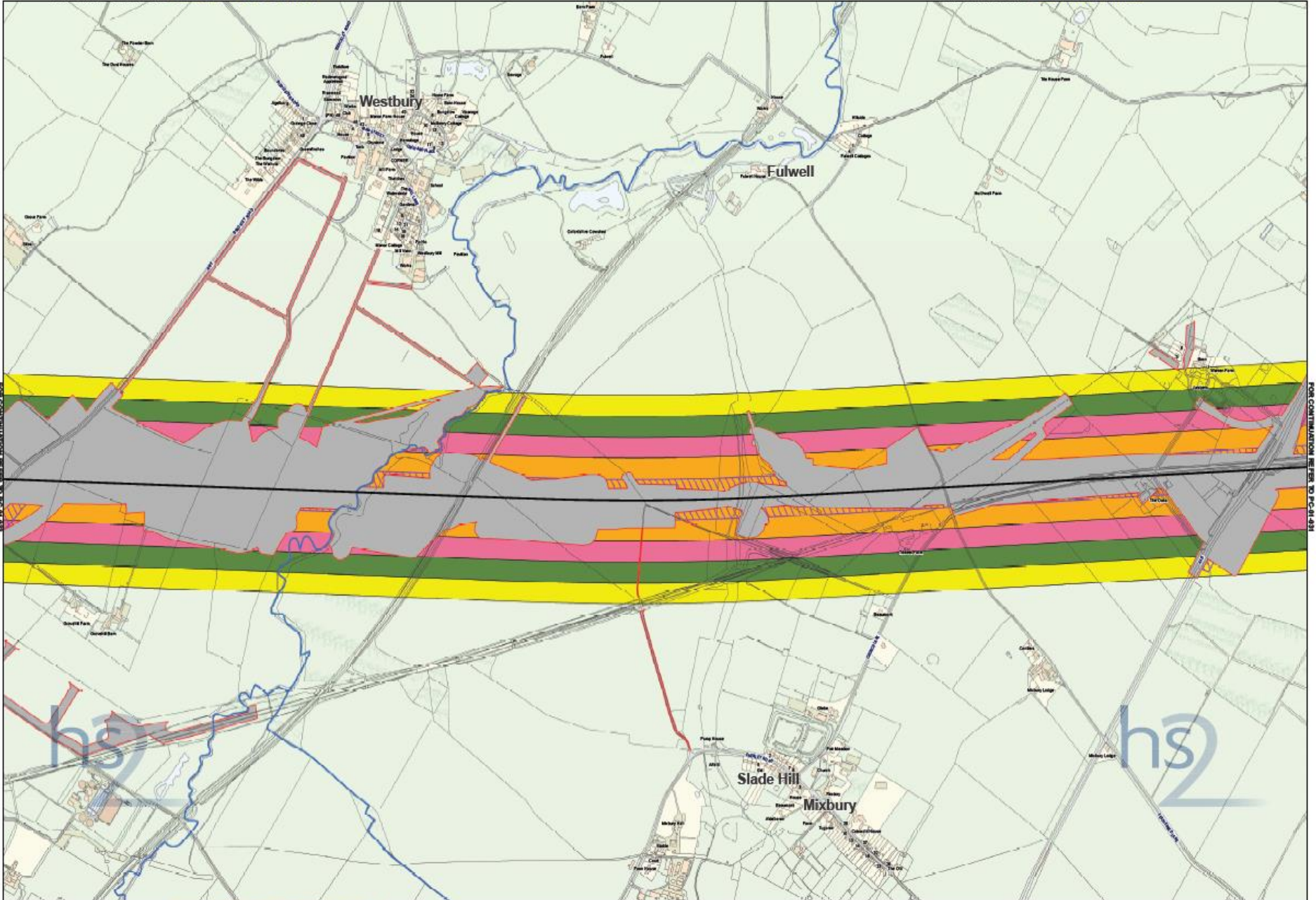
- **In the Rural Support Zone**
  - Properties outside safeguarding and up to 120 metres from the centre line of the railway (other than where the route is in bored tunnel)
  - Residential, business premises RV below £34,800 and agricultural units
- Eligible owners
  - Owner occupiers or leaseholder with 3 years remaining
  - Purchased property prior to 11 March 2010
  - No prior knowledge of HS2
- **Successful applicants can require the Promoter to purchase their properties at the full unblighted value** (no disturbance or home loss payments as properties not acquired compulsorily) OR
- Accept a cash offer

# Cash Offer

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- **In the Rural Support Zone.**
- An alternative to Voluntary Purchase
- **Eligible owners can ask the Promoter for payment of 10% of the unblighted market value of the property**
- Maximum £100,000, minimum £30,000
- Eligibility criteria same as Voluntary Purchase





Legend

- Safeguarding Limits
- Rural Support Zone (RSZ)
- Home Owner Payment (HOP) zone 2: 180m - 240m
- Extended Homeowner Protection Zone
- Home Owner Payment (HOP) zone 1: 120m - 180m
- Home Owner Payment (HOP) zone 3: 240m - 300m
- District/Borough boundary

**P3717 (38)**

Safeguarded Area: Surface  
 Safeguarded Area: Sub-surface

Map Number: PC-01-082  
 Project Name: High Speed Two Phase One Property Consultation 2014  
 Date of Issue: JULY 2014

**hs2**  
 Scale 1:100,000  
 Date of Issue: JULY 2014  
**HOL/10024/0057**

FOR CONTINUATION REF NO TO P3717-39

FOR CONTINUATION REF NO TO P3717-37

# Homeowner Payment

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- **Outside safeguarding and voluntary purchase zone up to 300 metres from the centre line of the railway** (other than where line in bored tunnel)
  - **120-180 metres £22,500**
  - **180-240 metres £15,000**
  - **240-300 metres £7,500**
- Applies to eligible owners with no prior knowledge of the project
- Will be implemented following Royal Assent to the Bill

# Need to Sell Policy

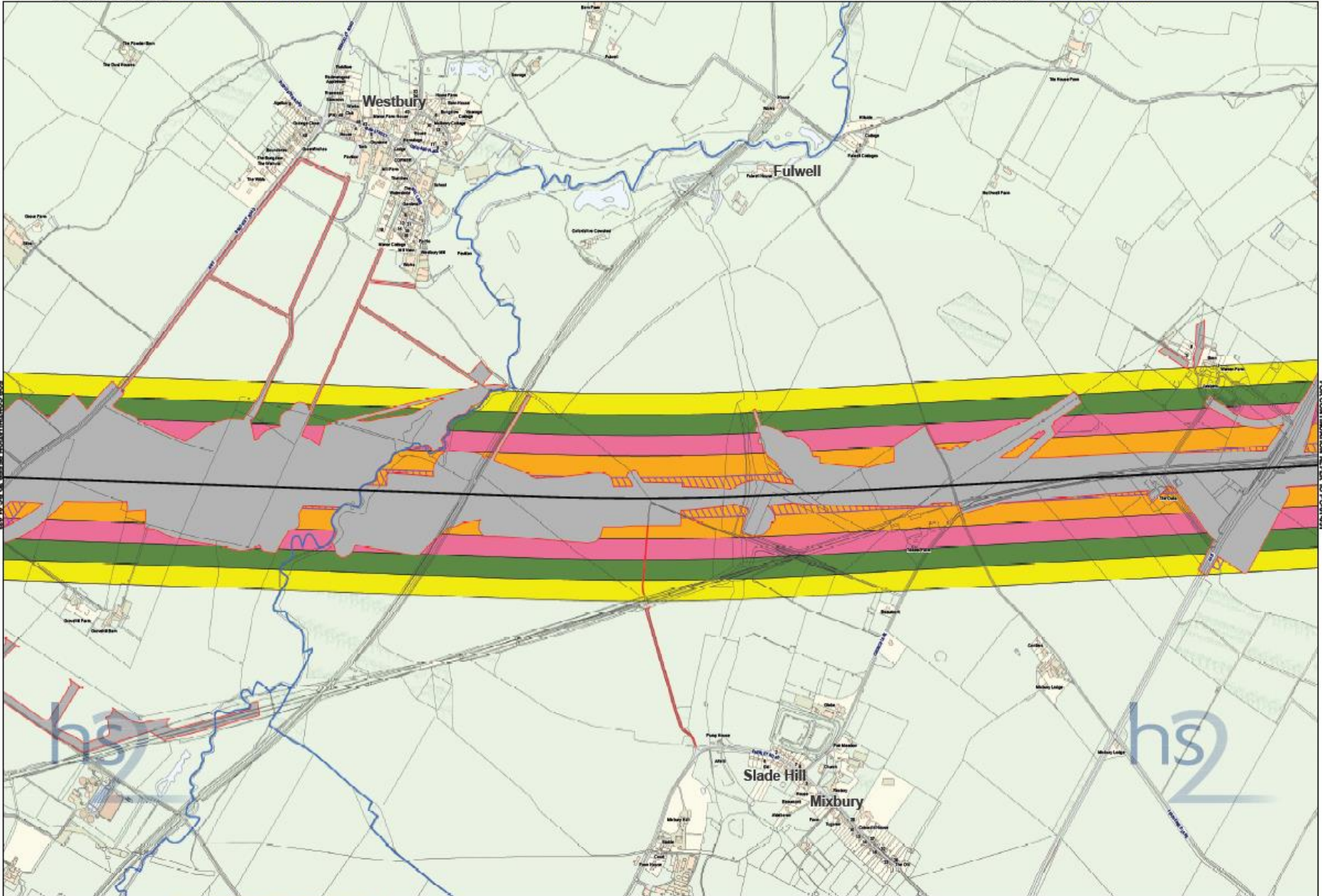
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- **No geographical boundary**

5 'criteria'

- **Eligible owner** (residential owner/occupier, small business with RV < £34,800,
  - **Location of property** – substantial adverse impact
  - **All Reasonable efforts to sell** reasonable unblighted price
  - **No prior knowledge** of HS2 when purchased
  - **'Compelling reason to sell'** – examples ill health, job, house an unreasonable burden.
- Assessed by independent panel (with recommendation to Secretary of State);
  - **Where the application is accepted the Promoter will purchase the property at the full unblighted value** (no disturbance or home loss payment)





Legend

- Safeguarding Limits
- Safeguarded Area: Surface
- Safeguarded Area: Sub-surface
- Rural Support Zone (RSZ)
- Home Owner Payment (HOP) zone 1: 120m - 180m
- Home Owner Payment (HOP) zone 2: 180m - 240m
- Home Owner Payment (HOP) zone 3: 240m - 300m
- Extended Homeowner Protection Zone
- District/Borough boundary

**P3717 (41)**

Project Number	PC-01-082		
Project Name	High Speed Two Phase One Property Consultation 2014		
Project Status	July 2014		
		HOL/10024/0060	Scale at A1: 1:5,000 Scale at A2: 1:10,000 Date Issued: 04/07/2014 Date Validity: 31/07/2014

FOR CONTINUATION REFER TO PC-01-082



# Rent Back Option

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- **All homes purchased by the Promoter can be considered for rent back provided:**
  - The costs in so doing would be at a reasonable level;
  - The property complies with relevant standards for residential occupation
- Appropriate tenancies offered depending on circumstances

# HS2 Discretionary Property Package

## Mechanism for Assessment of Unblighted Value







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- Two valuations carried out
- Through a pool of independent Registered Valuers
- Property owner and HS2 Ltd choose a firm each
- If valuations within 10%, the average figure is taken
- If valuations more than 10% apart
  - The applicant may request a third valuation
  - The figure is taken from the average of the two closest valuations
- No dispute mechanism

# Recent Consultation on Discretionary Schemes

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- Consultation by Secretary of State on Phase 2A
- Command Paper from the Secretary of State
  - Discretionary schemes apply to Phase 2A West Midlands – Crewe
  - **New Guidance and processes (apply to future and outstanding applications in Phase 1 and Phase 2) – includes**
    - ▶ Use of any Registered Valuer of their choice by applicants on both Voluntary Purchase and Need to Sell for one of the two initial valuations
    - ▶ Third valuer will see two previous valuation reports - not the figures
    - ▶ Greater account can be taken of evidence that a home represents a physical burden to the applicant – Need to Sell
    - ▶ Streamlined DfT decision making process

		Schemes being consulted on	Available once line is open for public use for a year
 Safeguarded area and extended homeowner protection zone		<ul style="list-style-type: none"> <li>• Right to serve a Blight Notice (available now)</li> <li>• Express purchase (available now)<sup>1</sup></li> <li>• Rent back</li> </ul>	Part 1 compensation (where there is no land take) <sup>2</sup>
 Rural support zone (RSZ)		<ul style="list-style-type: none"> <li>• Cash offer OR voluntary purchase<sup>3</sup></li> <li>• Need to sell scheme</li> <li>• Rent back</li> </ul>	Part 1 compensation (where there is no land take)
 Homeowner payment zone		<ul style="list-style-type: none"> <li>• Homeowner payments<sup>4</sup> <ul style="list-style-type: none"> <li>• Zone 1: 120m to 180m – £22,500</li> <li>• Zone 2: 180m to 240m – £15,000</li> <li>• Zone 3: 240m to 300m – £7,500</li> </ul> </li> <li>• Need to sell scheme</li> <li>• Rent back</li> </ul>	Part 1 compensation (where there is no land take)
 Beyond		<ul style="list-style-type: none"> <li>• Need to sell scheme</li> <li>• Rent back</li> </ul>	Part 1 compensation (where there is no land take)

Surface safeguarding only. <sup>2</sup> Compensation for any reduction in the value of property as a result of the physical effects of the operation of the railway. <sup>3</sup> Applies to areas only and does not extend to areas beyond deep tunnels. <sup>4</sup> Only available after Royal Assent to the Bill. Applies to areas only and does not extend to areas beyond deep tunnel.



# Guide for Farmers and Growers

# Guide for Farmers and Growers

## Part One

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# 1 Introduction

- 1.1.1 High Speed Two (HS2) is the Government's proposal for a new, high speed north- south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands; and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a remit set by the Secretary of State for Transport.
- 1.1.3 In November 2013, HS2 Ltd deposited a hybrid Bill<sup>1</sup> with Parliament to seek powers for the construction and operation of Phase One of HS2 (sometimes referred to as 'the Proposed Scheme'). The Bill is being promoted through Parliament by the Secretary of State for Transport, who, with HS2 Ltd as his agent, is referred to in the context of those proceedings (and this document) as the 'Promoter'. The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill (the 'Nominated Undertaker') which will be bound by the obligations contained in the Bill, assurances given to Parliament during the Select Committee proceedings, and the Environmental Minimum Requirements (EMRs), which will set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.1.4 The purpose of this guide is to explain to farmers the policies currently proposed by HS2 Ltd on agricultural property matters. Some of the matters discussed are more fully covered in other documents which are referred to in the text below. At this stage, the guide principally covers matters leading up to the point of entry. It will be updated and reissued at regular intervals as the project develops.
- 1.1.5 The detailed design of HS2 has yet to be undertaken, and many site-specific concerns can only be resolved when that stage is reached. HS2 Ltd recognises that this evolving situation may present difficulties for the farmer. However, the guide aims to manage expectations and engender a spirit of co-operation to help farmers plan to get ready for the design, construction and operation of the new railway. The HS2 Ltd policies explained in this document do not affect your statutory rights to claim compensation under the Compensation Code or the Bill or the terms of any assurance, undertaking or agreement provided to date to any farmer by the Secretary of State in relation to the Bill.
- 1.1.6 The principles set out in this guide will be adhered to throughout the design and construction of HS2. The guidance may be subject to revision from time to time, recognising that throughout the life of the project, practices may be improved or modified.

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<sup>1</sup> The High Speed Rail (London - West Midlands) Bill, hereafter 'the Bill'



## 2 Communication with farmers, landowners and rural business owners

- 2.1.1 HS2 Ltd recognises that good communication will assist all parties during the design and construction of Phase One.
- 2.1.2 HS2 Ltd will therefore seek regular engagement with all farmers on the route.
- 2.1.3 Topics to be discussed will include:
- information on the Phase One programme and the proposed detailed design;
  - consideration of the impact on the holding and whether any of the farmer's existing or future proposals can be allowed for in the programme of works;
  - relocation or re-provision of farm buildings and other facilities affected by HS2 (may be subject to planning) (see section 3);
  - detailed proposals for the temporary and permanent accommodation works;
  - land restoration; and
  - the impact on additional activities, such as fishing and sporting rights, and how best to protect them.
- 2.1.4 HS2 Ltd, or the Nominated Undertaker, will send a letter to affected farmers when the Proposed Scheme has reached an appropriate stage of detailed design, setting out:
- an indication of whether the land which they own or occupy is likely to be required for construction of the Proposed Scheme – and if part only is likely to be required, which part; and
  - the best estimate then available as to the date on which the Nominated Undertaker is likely to need to take possession or occupation of the land.
- 2.1.5 In addition, the Promoter has agreed with the National Farmers' Union and the Country Land and Business Association that, prior to the completion of the detailed design process, the Nominated Undertaker will be required to consult the owner/tenant of an agricultural holding regarding the detailed design of works proposed to be undertaken on any part of that holding. The Nominated Undertaker will be required to have regard to those responses, and as far as reasonably practicable (having regard to all other relevant factors):
- seek to minimise the loss of Grade 1, 2 and 3a agricultural land; and
  - through the engagement seek to accommodate reasonable proposals to modify the detailed design of the works for the purposes of facilitating the efficient management of the agricultural holding in question, following completion of construction of the Phase One works.
- 2.1.6 An indicative timeline for the key activities and engagement that will take place in respect of a typical farm holding is attached.

- 2.1.7 Having identified the concerns of each individual farmer, HS2 Ltd or the Nominated Undertaker will enter into arrangements following the principles set out in this Guide and how they apply to each individual farm.

### **Acquisition of land – at farmer’s request – in advance of Royal Assent**

- 2.1.8 The mechanism for requesting purchase in advance of Royal Assent is by serving a Blight Notice on the Secretary of State. The qualifying criteria and process are set out in the HS2 Phase One: Statutory Blight and Express Purchase – A guide for property owners.<sup>2</sup>
- 2.1.9 In addition to Statutory Blight, the Government has introduced a package of discretionary compensation schemes, which are intended to assist people most directly affected by the proposed Phase One works. The schemes which are likely to be of most relevance to owners and occupiers of agricultural property are the Express Purchase Scheme and the Voluntary Purchase Scheme.
- 2.1.10 The Express Purchase Scheme can apply to residential properties, small businesses or agricultural properties if the residence (generally the house) falls within the surface safeguarding area for the Proposed Scheme, or if more than 25% of the land on which that property is situated falls within the safeguarded area. Applicants must be the owner-occupier of the property and meet the residency requirements.<sup>3</sup>
- 2.1.11 For properties which qualify for Express Purchase, the Government has stated that it will accept a Blight Notice served in respect of the property, without requiring applicants to demonstrate that they have made reasonable endeavours to sell the property. The compensation payable under the Express Purchase Scheme is the same as that payable if the property was compulsorily purchased.
- 2.1.12 The Voluntary Purchase Scheme applies only to properties which are situated in the Rural Support Zone (RSZ) (if only part of the property is in the zone, either the dwelling or 25% of the whole area of the land must be in the zone). For details of the zones, please see the property compensation maps on Gov.uk.<sup>4</sup>
- 2.1.13 If the property falls within the RSZ, and the applicant is a qualifying owner-occupier (for an agricultural unit, holding a lease of more than three years remaining and having occupied for at least six months prior to submitting the application, and is the applicant’s main residence situated on the agricultural holding), they may be eligible to apply. If successful, you may be entitled to ask the Government to purchase your holding at full unblighted market value, or to

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<sup>2</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/379075/HS2\\_Phase\\_One\\_statutory\\_blight\\_and\\_express\\_purchase\\_-\\_A\\_guide\\_for\\_property\\_owners.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/379075/HS2_Phase_One_statutory_blight_and_express_purchase_-_A_guide_for_property_owners.pdf)

<sup>3</sup> For residential owner-occupiers, you must be living in the property at the date on which the Blight Notice is served and must have owned it, and lived in it, as your main residence for at least six months before that date. For owner-occupiers of business premises, you must have owned it (a leasehold interest with more than three years remaining is sufficient) for at least six months before the date of serving the Blight Notice, and have operated a business from there throughout that time. For an agricultural unit, you must have occupied it before at least six months prior to service of the Blight Notice. There are additional provisions if property is empty. For more details see the HS2 Phase One: Statutory Blight and Express Purchase: A guide for property owners (June 2014).

<sup>4</sup> <https://www.gov.uk/government/collections/hs2-property-schemes-maps-between-london-and-the-west-midlands>

ask for 10% of that value to be paid. Please see the HS2 publication “Rural support zone discretionary schemes – Guidance notes and application form” for more detail.<sup>5</sup>

## 3 Relocation of farm buildings and facilities

- 3.1.1 HS2 Ltd acknowledges that in some cases, it may be necessary for farmers to relocate or re-provide agricultural buildings displaced by the Phase One works and that these buildings may need to be relocated or re-provided before the original facility is lost. Where such a need arises, HS2 Ltd will provide appropriate assistance, which shall include the provision of a statement of impact and timing, where the replacement facility needs to be provided pursuant to a deemed planning consent under the Town and Country Planning (General Permitted Development) (England) Order 2015 or a separate application for planning consent.
- 3.1.2 HS2 will discuss requirements with affected farmers on a case-by-case basis.

## 4 Early access by HS2 in advance of main construction works

### Pre-Royal Assent

- 4.1.1 In order to prepare for the construction of Phase One, it may be necessary for HS2 Ltd to gain access to land to carry out surveys and ground investigation works in advance of exercising powers of permanent acquisition or temporary occupation. HS2 Ltd has, to date, secured access to land for the purposes of ecological, environmental and engineering surveys with the consent of landowners through Early Access Agreements. HS2 Ltd will continue to request access to land for survey purposes on the same basis until Royal Assent.

### Post-Royal Assent

- 4.1.2 Powers are being sought within the Bill to provide the Promoter with a right of entry for survey purposes which, after Royal Assent, will provide HS2 Ltd with powers to enter land after giving a minimum of seven days' notice.
- 4.1.3 Where the land is subject to an existing site access licence as a result of negotiations before Royal Assent, the terms of the licence (including any entitlement to financial payments) will continue until its expiry or termination, after which time, if access is still required, notice under Schedule 2 of the Bill will be given. Further information can be found in Information Paper C14: Site Access for Surveys.<sup>6</sup>

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<sup>5</sup> Available on the Gov.uk website at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/394299/HS2\\_Phase\\_One\\_rural\\_support\\_zone\\_schemes\\_-\\_guidance\\_and\\_application\\_form.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/394299/HS2_Phase_One_rural_support_zone_schemes_-_guidance_and_application_form.pdf)

<sup>6</sup> Further information relating to Early Access Arrangements and ground investigation work is available at <http://assets.hs2.org.uk/sites/default/files/inserts/120130%20hs2%20early%20access%20licence%20for%20surveys.pdf>  
Information Paper C14 is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/491072/C14\\_-\\_Site\\_Access\\_for\\_Surveys.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/491072/C14_-_Site_Access_for_Surveys.pdf)

## 5 Acquisition or occupation of land for the HS2 works

- 5.1.1 Powers to build and operate Phase One are being sought in a hybrid Bill which is currently being considered by Parliament. The compulsory purchase powers sought in the Bill will follow the principles of the Compensation Code as used for other infrastructure projects. References in this guide to the powers in the Bill are to the Bill when enacted.
- 5.1.2 The Secretary of State for Transport will exercise powers of compulsory purchase, with the Nominated Undertaker acting as his agent. 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 scheme.
- 5.1.3 The Bill generally includes full land acquisition powers. However, in any individual case, the Secretary of State will acquire no greater amount of land than appears to him to be reasonably required following the detailed design of the scheme.
- 5.1.4 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 project in a timely and economic manner, and it becomes clear that not all the land within limits is required, the Secretary of State will be prepared to consider exercising his powers over a reduced area of land.
- 5.1.5 The Secretary of State may also consider occupying land temporarily rather than using powers of permanent acquisition. The mechanism for occupying land temporarily would be that contained in Schedule 16 of the Bill. An explanatory note summarising how this would work in practice is attached to this Guide. Any decision to occupy land temporarily, rather than exercise powers to permanently acquire, would be subject to the Secretary of State and the landowner entering into a satisfactory agreement, with respect to things such as the reinstatement of the land, the level of compensation payable, and maintenance of any remaining structures or landscape.
- 5.1.6 The Secretary of State would also wish to exercise economic judgement as to what, on balance, he feels is in the public interest for the occupation of the land. However, as the Promoter has already indicated to the Select Committee, where land is currently used for agriculture, is required only during construction of the Proposed Scheme, is intended to be returned to long-term agricultural use and has no planning consent or development potential, it is unlikely that the Secretary of State would conclude that economic considerations weigh in favour of permanent acquisition of the land rather than temporary occupation.
- 5.1.7 In practice, in deciding whether he will limit himself to the temporary use and occupation of land, the Secretary of State will liaise with the farmer/landowner as to his requirements for that land, and the likely duration of the occupation and use of the land.
- 5.1.8 Every case will need to be considered on its own facts. However, the Secretary of State has identified a number of scenarios in which he might seek to temporarily occupy land rather than exercise his powers of permanent acquisition:
- Where land is both temporarily and permanently required for the Proposed Scheme, a



temporary notice may be served initially followed by a further notice from the Secretary of State to acquire either rights or the freehold of land required permanently.

- Where land can be identified prior to detailed design as not being required for permanent works and will not be materially changed by construction of the Proposed Scheme.
- Where the Secretary of State is satisfied, following detailed design of the project, that land is not required for the accommodation of any permanent works authorised by the Bill.
- Where land is required only temporarily and will be materially changed by construction of the Proposed Scheme, but that change does not require maintenance. Exercise of Schedule 16 powers rather than powers of permanent acquisition would be dependent upon the landowner entering into an agreement on terms satisfactory to the Secretary of State which provides that the land need not be restored to its former condition following completion of construction activity.
- Where land is required only for construction of the Proposed Scheme and will be materially changed by the construction of the Proposed Scheme, and that change needs to be maintained. Exercise of Schedule 16 powers would be dependent upon the landowner entering into an agreement in a form satisfactory to the Secretary of State which provides that (a) the land need not be restored to its former condition following completion of construction activity on the land; and (b) restricting removal or interference with land or works adjoining the railway which are to provide support or protection to the railway. Specimen Agreements will be available in due course.
- Where land is required only for construction of the Proposed Scheme and will be materially changed by the construction, in that it will be the location for ecological mitigation, and that mitigation needs to be maintained. Exercise of Schedule 16 powers would be dependent upon the Secretary of State being satisfied that the landowner/farmer is an appropriate person to be responsible for securing the maintenance of that mitigation (having regard to the nature and objectives of the mitigation to be provided), and upon the landowner entering into an agreement in a form satisfactory to the Secretary of State which provides that (a) the land need not be restored to its former condition following completion of construction activity on the land; and (b) provides for the maintenance of the environmental mitigation to be provided on or by that land. A Specimen Agreement for maintenance of environmental mitigation works will be available in due course.
- Where land is required only for construction of the Proposed Scheme, but permanent rights are required over the land (for example, in respect of rights of access for inspection, or for maintenance of services). The Secretary of State may exercise powers to permanently acquire such rights over the property, but occupy the remainder of the land temporarily pursuant to Schedule 16.

## 6 Date of entry

- 6.1.1 Once the Bill has received Royal Assent, the Secretary of State will provide a minimum of three months' notice of entry or (as the case may be) of the vesting date to be given where land is to be acquired outright. The Secretary of State will provide a minimum of 28 days' notice of entry where land is to be temporarily occupied pursuant to Schedule 16. See Section 5 for details on when the use of Schedule 16 may be applicable.
- 6.1.2 It is recognised, however, that many farmers would prefer a longer period of notice.
- 6.1.3 Although it is not proposed to alter the formal notice period, as set out above, HS2 Ltd will be in regular communication with farmers during the design and construction of Phase One and will seek to provide early and timely advice on the proposed timescales for the start and duration of works affecting the farm.

## 7 Agricultural liaison officer

- 7.1.1 HS2 Ltd has agreed to appoint an agricultural liaison officer experienced in agricultural matters who will be contactable by telephone 24 hours a day, seven days a week, during the construction of the Phase One works on agricultural land.

## 8 Construction activity

- 8.1.1 The construction activities will be controlled through the provisions contained within the Bill and the policies established in the EMRs, obligations which will be binding on HS2 Ltd and the Nominated Undertaker. The Bill also provides for 'qualifying authorities' to exercise control over certain construction arrangements. Further details can be found in Information Paper E1: Control of Environmental Impacts.<sup>7</sup>
- 8.1.2 The EMRs for Phase One incorporate a series of documents which HS2 Ltd will be required to adopt and implement, including the draft Code of Construction Practice (CoCP), which set general measures for achieving and maintaining appropriate levels of environmental protection during the construction phase. In addition, more detailed plans which set out measures to be adopted in relation to construction works at particular locations will be developed along the line of route through Local Environmental Management Plans.
- 8.1.3 The draft CoCP sets out a series of objectives and measures to be applied throughout the construction period. These arrangements will include:
- details of the works to be undertaken and the provision of a contact name, telephone number and address to which enquiries should be directed;
  - a system for dealing with enquiries or complaints, including a telephone staffed 24 hours a day; and
  - a complaint resolutions system as detailed in sections 17 and 18 of this Guide.

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<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437368/E1 - Control of Environmental Impacts v1.5.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437368/E1_-_Control_of_Environmental_Impacts_v1.5.pdf)

- 8.1.4 The Nominated Undertaker will be required to manage their activities to protect the quality of groundwater and surface water resources, and to manage dust, air pollution, odour and exhaust emissions in accordance with 'Best Practicable Means' (within the meaning of the CoCP). Further details are set out in sections 7 and 16 of the draft CoCP.
- 8.1.5 Where works are carried out by statutory undertakers or utility companies in connection with the Phase One works, they will be required to adhere to the same requirements.
- 8.1.6 Workers' living accommodation provided by the Nominated Undertaker will be confined to specific areas on some construction sites. The draft CoCP provides for each such area to be agreed and managed in accordance with a scheme to be discussed with the local planning authority.
- 8.1.7 On completion of the Phase One works, HS2 Ltd, or the Nominated Undertaker, will provide suitable plans including the final boundaries of the Phase One scheme and areas and ownership of adjoining lands.

## 9 Accommodation works

- 9.1.1 Where land is to be acquired or temporarily occupied for the purposes of Phase One, it is likely that some form of accommodation works will be provided to allow the continuation of the activities adjacent to the railway. This may include the provision of new or altered accesses to or around the farm, fencing, the re-provision of built facilities, and the provision of services. Appropriate accommodation works will be discussed with farmers on a case-by-case basis and in a timely manner.
- 9.1.2 The provision of accommodation works will depend on the individual circumstances of the holding and will usually be developed as the detailed design of the Proposed Scheme is undertaken. 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.
- 9.1.3 The structures of accommodation bridges, underpasses, culverts or sleeves over or under HS2 will be maintained by HS2 Ltd. The maintenance of access way surfaces or services within will need to be determined on a case-by-case basis. The farmer will normally be responsible for any surface over which he will have exclusive use.
- 9.1.4 The Nominated Undertaker will discuss with each landowner the provision and timing of accommodation works as part of the compensation package.

## 10 Access

- 10.1.1 Permanent access arrangements will be discussed as part of the accommodation works. In some circumstances this may include accommodation bridges or underpasses across the railway or the provision of tracks within the farm. Some of these facilities may be shared with

others or incorporate public rights of way. (See Information Paper E24: Private means of Access.<sup>8</sup>)

- 10.1.2 During construction, the Nominated Undertaker will maintain access to the rural landowner's land under controlled conditions where necessary and reasonably practicable, and without prejudice to the landowner's rights to disturbance compensation. (See information paper D11 Maintaining Access to Residential and Commercial Property during Construction.) Similarly, access across or around construction works for livestock and machinery will be provided under controlled conditions where necessary and reasonably practicable, and without prejudice to the farmer's right to disturbance compensation.

## 11 Fencing

- 11.1.1 Permanent boundary fencing will be provided as appropriate and will be discussed as part of the dialogue on accommodation works. The type of fencing required will depend on both the use of the adjoining land and the security requirements of HS2.
- 11.1.2 Temporary fencing between the retained land and the land used for construction will be erected as soon as possible after the land has been handed to the contractor for construction. The type of fencing required will depend on both the use of the adjoining land and the security requirements of the construction site.

## 12 Land drainage

- 12.1.1 HS2 Ltd will engage with farmers and growers to identify the existing drainage arrangements on land holdings required for the construction of the new railway. In the first instance this will be established through correspondence and copies of relevant drainage plans and or specialist survey where deemed appropriate.
- 12.1.2 Prior to the commencement of significant construction works, land drains affected by the Phase One works will, where practicable, be intercepted in a manner which maintains their efficiency. Work will be carried out to an appropriate specification after discussion with the farmer affected.
- 12.1.3 Where appropriate, plans to modify land drainage will be provided by HS2 Ltd.
- 12.1.4 HS2 will use an appropriate specialist to advise on drainage works. Further details about land drainage can be found in Information Paper E27: Land Drainage.<sup>9</sup>
- 12.1.5 Where natural drainage patterns are adversely affected by the Phase One works, the provision of supplementary drainage or irrigation works will be considered, having regard to an assessment of compensation and the commercial justification.

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<sup>8</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437411/E24\\_Private\\_Means\\_of\\_Access\\_v1.2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437411/E24_Private_Means_of_Access_v1.2.pdf)

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437415/E27\\_-\\_Land\\_Drainage\\_v1.1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437415/E27_-_Land_Drainage_v1.1.pdf)



## 13 Flood replacement areas

- 13.1.1 The railway will be designed so as not to increase the risk of flooding from existing watercourses. As a result, HS2 Ltd has identified a number of areas of land required to provide replacement flood storage areas. This may mean that the Nominated Undertaker will need to re-profile areas of land to a level below the existing ground surface level to accommodate these requirements. As a consequence, an area of land (which can continue to be used as before) may become more susceptible to flooding than before.
- 13.1.2 Although the broad location of these flood replacement storage areas has been identified in the Bill, the exact location and size will be determined through the detailed design process. HS2 Ltd will liaise with affected farmers in respect of the same during the detailed design process.

## 14 Services

- 14.1.1 Where private services for a holding are affected by the Phase One construction works, alternative services will be provided where reasonably practicable. These may include the provision or amendment to an existing private water supply and electricity supply around a farm.
- 14.1.2 Where a supply needs to cross HS2, services will be installed in sleeves where necessary.
- 14.1.3 Where public services for a holding are affected by the Phase One construction works, except when agreed otherwise, alternative services will be installed before the existing service is disconnected.<sup>10</sup>

## 15 Land restoration

- 15.1.1 Where land is occupied temporarily, HS2 Ltd will give up occupation no later than 12 months after the completion of the relevant construction works unless otherwise agreed with the landowner.
- 15.1.2 HS2 Ltd will utilise appropriately qualified specialists to provide advice on the restoration of agricultural land. Further details are set out in Information Paper C2: Rural Landowners and Occupiers Guide<sup>11</sup>.
- 15.1.3 Except as provided under section 5 above, where any land is used temporarily, before giving up possession HS2 Ltd will reinstate the land to such condition as may be agreed with the landowner and the relevant planning authority. An agreed record of the existing condition of the land will be made as necessary, before any works start.
- 15.1.4 HS2 Ltd will work with landowners and farmers whose productive agricultural soils are temporarily affected by the construction of the works and/or are affected temporarily as a result of land-raising, with the intention to bring agricultural soils back to enable their former

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<sup>10</sup> For more details, see Information Paper D9: Maintenance of Public Utilities

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437350/D9 - Maintenance of Public Utilities v1.2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437350/D9_-_Maintenance_of_Public_Uilities_v1.2.pdf)

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/435960/C2 - Rural Landowners and Occupiers Guide v1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/435960/C2_-_Rural_Landowners_and_Occupiers_Guide_v1.3.pdf)

use before construction of the HS2 works on the relevant land. HS2 Ltd shall prepare in consultation with the relevant landowner and relevant planning authority an agricultural soils plan in advance of construction that shall include:

- a pre-disturbance record of the soil's physical characteristics;
- a target specification, set by the Nominated Undertaker and informed by a suitably qualified agricultural soils scientist or practitioner, for agricultural soils being restored to agriculture after temporary use;
- a method of assessing the suitability of handling soils based on plastic limit (i.e. to avoid moving soils when wet and plastic so that they do not compact when replaced);
- advice on stripping topsoil and subsoil to the correct depth;
- recommendations of the most suitable equipment for soil handling;
- advice on soil storage (e.g. heights and management of soil stores);
- advice on alleviating compaction after replacement;
- a schedule of aftercare maintenance, to include soil testing, appropriate to the target specification for a period of up to five years following completion of the relevant construction work; and
- a final report to determine the final handover condition of the agricultural soil.

15.1.5 Should the target specification not be met by the expiry of the period of five years for aftercare maintenance, then, if the landowner has fully complied with a schedule of aftercare, HS2 Ltd, informed by a suitably qualified agricultural soils scientist or practitioner, may extend that period by a further five years.

15.1.6 The agricultural soils plan will be incorporated in and prepared as part of the CoCP, and will form part of the EMRs with which the Nominated Undertaker will be bound to comply.

## 16 Compensation payable

16.1.1 Farmers affected by the exercise of 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. The code's general purpose is to provide fair compensation for a person whose land has been compulsorily taken.<sup>12</sup>

16.1.2 Where land is acquired permanently, compensation can be claimed for 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 land tax 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.

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<sup>12</sup> For more details about the code, please see Information Paper C8: Compensation Code for Compulsory Purchase [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437327/C8 - Compensation Code for Compulsory Purchase v1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437327/C8_-_Compensation_Code_for_Compulsory_Purchase_v1.3.pdf)

- 16.1.3 Where land is occupied only temporarily, under Schedule 16 of the Bill, the landowner can claim compensation for any loss which the landowner and occupiers may suffer by reason of the exercise of the power to occupy land. No statutory loss payments are payable where temporary possession powers are taken.
- 16.1.4 The Promoter has confirmed, in accordance with wider Government policy, that compensation will be paid promptly, and has agreed with NFU/CLA that if a farmer provides detailed information of his claim the Promoter will provide an estimate of their likely compensation entitlement.
- 16.1.5 The assessment of compensation can be complex and it is recommended that farmers take appropriate professional advice. HS2 will generally pay for farmers to take professional advice where it is agreed in advance.<sup>12</sup>

### Compensation disputes

- 16.1.6 In the event that a dispute arises on compensation payable, the matter is referred to the Upper Tribunal (Lands Chamber) for independent determination by experts.

### Alternative dispute resolution

- 16.1.7 Referring disputes to the Upper Tribunal (Lands Chamber) can involve lengthy periods of time until the case is determined, and can be expensive. HS2 Ltd will introduce an alternative dispute resolution process to assist in resolving disputes in valuation and compensation in a more timely and economic way.

## 17 Construction disputes

- 17.1.1 The measures set out in the draft CoCP are designed to help limit disturbance from construction activities and are expected to keep the number of complaints and claims to a minimum. HS2 Ltd or the Nominated Undertaker will provide individual farmers and landowners with a single point of contact for claims for compensation in the event of damage being caused by construction activities. In the event of a claim, a farmer would also have access to the Small Claims Scheme, which is to be established to enable quick and ready redress for damage to property arising from construction activities.<sup>13</sup> In addition, the Construction Commissioner procedures<sup>14</sup> would also be available to assist in reaching resolution of construction related disputes. 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.
- 17.1.2 The Promoter has already confirmed that claims arising in respect of contractors or sub-contractors engaged by the Nominated Undertaker to carry out certain works can properly be addressed to the Nominated Undertaker. In addition, the Promoter has confirmed that it will require the Nominated Undertaker to put in place appropriate contractual, monitoring and enforcement procedures to ensure that claims against contractors arising out of the execution

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<sup>13</sup> For more information on the scheme, see Information Paper C10: Small Claims Scheme  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486365/C10\\_-\\_Small\\_Claims\\_Scheme\\_v1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486365/C10_-_Small_Claims_Scheme_v1.3.pdf)

<sup>14</sup> For more information, see Information Paper G3: Construction Commissioner  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486372/G3\\_-\\_Construction\\_Commissioner\\_1.3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486372/G3_-_Construction_Commissioner_1.3.pdf)

of Phase One works on agricultural land are being dealt with promptly and effectively by the Nominated Undertaker.

## 18 Small Claims Scheme

- 18.1.1 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).
- 18.1.2 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.
- 18.1.3 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.
- 18.1.4 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.

## 19 Construction Commissioner

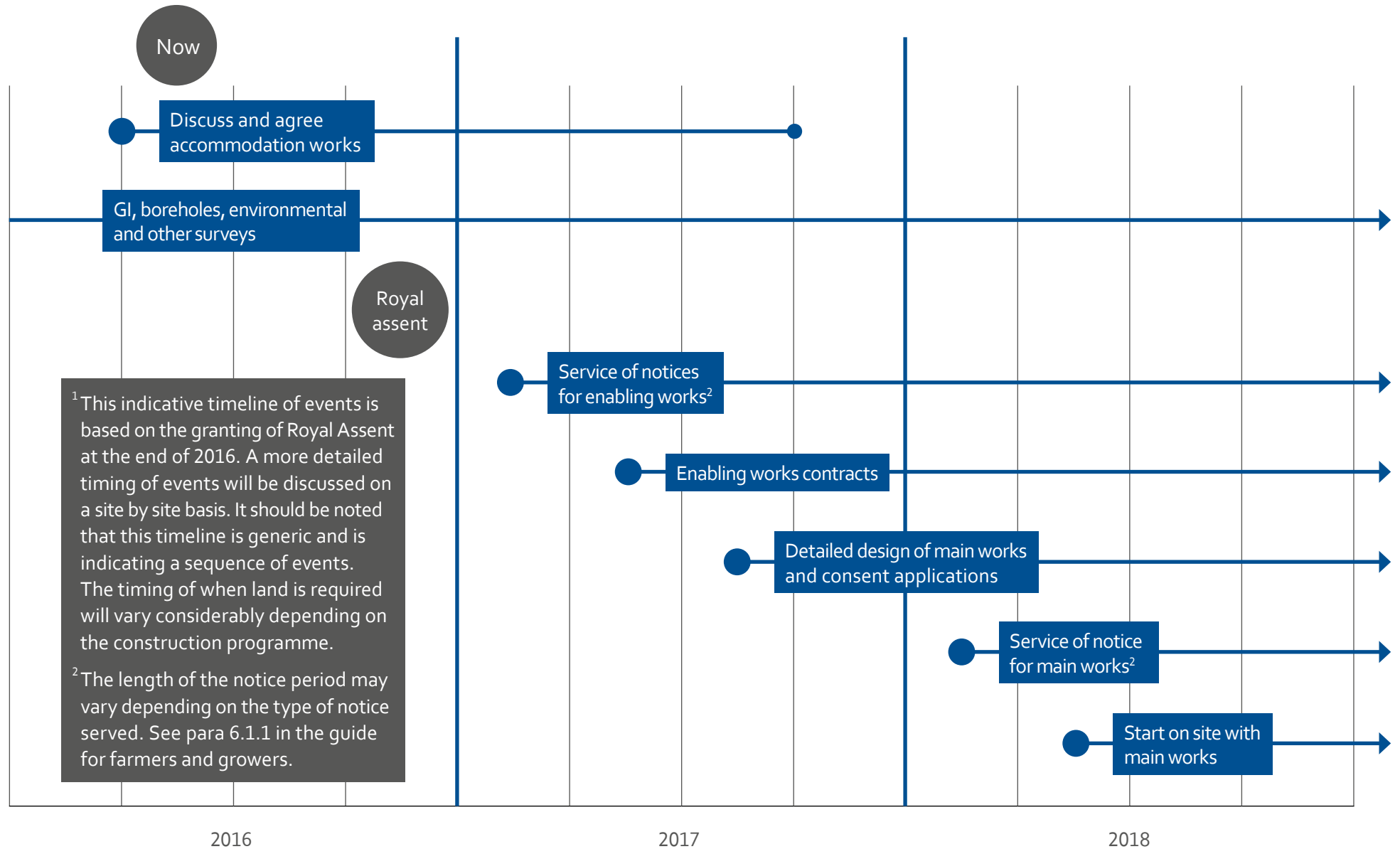
- 19.1.1 An independent Construction Commissioner will be appointed by the Promoter to provide an independent arbitration service for complaints of the manner detailed above.
- 19.1.2 The primary role of the Construction Commissioner will be to help resolve complaints about damage or problems caused by construction activity associated with Phase One. It is envisaged that the commissioner will act primarily as a last resort intermediary when other avenues have failed.

## Timeline

In order to keep farmers informed, an indicative timeline on the next page shows key activities and engagement that could take place on a typical farm. Different activities may happen at different times during Phase One works and this will depend on the overall project timetable. Some works may be carried out in advance on the main civils works and this could include surveys, utility diversions and other preparatory work needed before the main works start.



# HS2 activities – Generic timeline<sup>1</sup> May 2016



# Guide for Farmers and Growers

## Part Two – Explanatory note

# Explanatory note for landowners and occupiers

## Agricultural land – temporary occupation under Schedule 16

*Version 1 - May 2016*

1. Schedule 16 of the HS2 Phase One Bill gives the Promoter the right to uninterrupted use and occupation of land within limits for the purposes of constructing the railway and ancillary works.
2. Schedule 16 Powers for temporary occupation are normally used where:
  - a. the land is not materially changed in nature by the HS2 works;
  - b. the land is used for agriculture and will be returned to long-term agriculture following completion of the HS2 works;
  - c. the land is not required for permanent works, or is not within the permanent acquisition boundary; and
  - d. the land is required for construction, but the land boundaries with permanent works have yet to be finalised. Final arrangements and boundaries will be determined once detailed design of the railway is fixed and after engagement with the landowner, and those with an interest in land, on the details.
3. Schedule 16 Powers can, in certain circumstances, be used where land is materially changed in nature by HS2 works, provided that the landowner agrees - before a notice to acquire is served - to:
  - a. manage, in accordance with management arrangements agreed between the Promoter and the landowner, land materially changed by HS2 works (e.g. earth bunds graded for future agricultural use, or woodland or ecological sites of replacement habitats) where the landowner is a competent person to do so;
  - b. remove the obligation on the Promoter to reinstate land materially changed by HS2 works (and the landowner contracts out of the obligations set under Schedule 16 of the Bill);
  - c. accept a restriction on removal of HS2 works; and
  - d. enter into any necessary easement (or similar arrangement) for services or utilities under or over the land.
4. Land required permanently for the operational railway will be compulsorily acquired by outright acquisition under Clause 4 of the powers sought in the Bill.
5. Information Paper C<sub>4</sub>, paragraph 4 sets out the policy for worksites and other temporary land requirements. Generally, if it is economic for the Secretary of State to acquire temporary rights of occupation under Schedule 16, rather than outright acquisition, he will do so.
6. If agricultural land is available to the Secretary of State on a temporary basis for construction works under Schedule 16, it will normally be considered economic for him to

acquire temporary rights of occupation, provided the land concerned is planned to be used solely for agricultural purposes after hand-back. This will not normally be the case in the following examples:

- a. Where compensation could be sought reflecting the development potential of the land.
  - b. Where compensation could be sought reflecting the value of mineral or tipping rights in the land.
  - c. The land also includes buildings which require demolition and re-instatement involving greater costs.
  - d. The land is used for a tunnel or tunnel drive working site.
  - e. The period of occupation exceeds 5 years.
  - f. There are other factors which significantly increase the costs of temporary acquisition.
  - g. The HS2 works materially change the nature of the land and the landowner will not agree to the requirements set out in paragraph 3 above.
  - h. The landowner and occupier of a piece of land do not both agree to temporary occupation under Schedule 16.
7. In assessing whether it is economic for the Secretary of State to occupy land planned to be used in the long term for agricultural purposes under Schedule 16, the cost of occupation and restoration must not materially exceed the overall cost of outright acquisition and subsequent disposal of the land with rights of access to the land in question. An agreement between the landowner and HS2 Ltd on the occupation costs and the heads of claim for losses and reinstatement under Schedule 16 may be necessary in advance of service of a formal notice to enter onto the land.
8. The Promoter is committed to engaging with landowners and occupiers on matters including future land arrangements and accommodation works.
9. For temporary occupation, a formal notice is served on landowners and occupiers under Schedule 16 of the Bill enabling the Promoter to take entry following a period of not less than 28 days. However, the detailed programme and likely date of occupation will normally be discussed with landowners and occupiers beforehand. We will also provide an indication of the period of planned occupation and update the landowner and occupier from time to time.

## Compensation

10. The landowner and those with an interest in land have the right to claim for any loss arising from the temporary occupation. Professional fees reasonably incurred may form part of that claim.
11. Compensation can be paid either in the form of an annual payment (where the occupation is for a number of years) or one-off payments to cover both a land element and payment of ancillary losses.



12. Annual payments or a one-off payment for occupation within a period of a year would normally be treated as income rather than a capital gain for tax purposes.
13. If there is a dispute on compensation under Schedule 16, the assessment of compensation can be referred to the Upper Tribunal (Lands Chamber) for independent determination.

### **Leases and licences**

14. There is no merit in a lease or licence agreement because it offers no more protection for the landowner (or those with an interest in the land) and the Bill powers are necessary to give certainty of occupation by the Promoter.

# Guide for Farmers and Growers Part Three – Individual Plan

## HS2 Phase One – Individual plan for affected farms

May 2016

### 1. Contact details

<b>Farm address</b>	Address 1 Address 2 Address 3 Address 4 Address 5 Postcode
<b>Contact name</b> <b>Correspondence address</b> (if different from farm address)	Address 1 Address 2 Address 3 Address 4 Address 5 Postcode
<b>Name of farmer's land agent</b> <b>Company</b> <b>Address</b>  <b>Telephone - landline</b> <b>Telephone - mobile</b> <b>email</b> <b>Agent's case ref</b> <b>Agent's fee agreement in place</b>	Address 1 Address 2 Address 3 Address 4 Address 5 Postcode

<p><b>Name of farmer's solicitor</b>  <b>Company</b>  <b>Address</b></p> <p><b>Telephone - landline</b>  <b>Telephone - mobile</b>  <b>email</b>  <b>Solicitors case ref</b></p>	<p>Address 1  Address 2  Address 3  Address 4  Address 5  Postcode</p>
<p><b>HS2 land agent</b>  <b>Company</b>  <b>Address</b></p> <p><b>Telephone - landline</b>  <b>Telephone - mobile</b>  <b>email</b>  <b>Agent instructed</b>  <b>HS2 Contact</b>  <b>Address</b></p> <p><b>Telephone - landline</b>  <b>Telephone - mobile</b>  <b>email</b></p> <p><b>HS2 area property lead</b>  <b>Telephone - landline</b>  <b>Telephone - mobile</b>  <b>Email</b></p>	<p>Address 1  Address 2  Address 3  Address 4  Address 5  Postcode</p> <p>Address 1  Address 2  Address 3  Address 4  Address 5  Postcode</p>
<p><b>HS2 helpline</b></p>	<p>020 7944 4908</p>
<p><b>HS2 enquires email</b></p>	<p>hs2enquiries@hs2.org.uk</p>

## 2. Farm details

<p>Brief description</p> <p>Area</p> <p>Tenure</p> <p>Landlord</p> <p>Is the land affected subject to VAT?</p> <p>Agri -environmental schemes</p> <p>Other farm activities</p> <p>Land drainage if yes are plans available</p> <p>Drainage advisor?</p> <p>Holding plan</p> <p>Rural Payment Agency plan</p> <p>other agreements on farm</p> <p>Wayleaves/easements</p> <p>Private services</p>	<p>Brief description of the farm, farming and other activities on the farm.</p> <p>Description of tenure (freehold, FBT, AHA or other arrangements).</p> <p>Does the farm fall within stewardship schemes or any other schemes that have a bearing on compensation? Identify if other users or farm activities are impacted by the proposed scheme.</p> <p>Identify other services, water, electricity, irrigation, abstraction licences</p>
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### 3. Scheme impacts

<p><b>Scheme Impacts</b>          Area of land within limits          HS2 contract area          Works description          Plan Ref</p>	<p style="text-align: right;">xx hectares</p> <p>List identified works on the holding - including whether permanent or temp. What is needed and what for?</p>
<p><b>Utility diversions</b>          Description diversion 1          HS2 utility ID          Documentation required          Proposed timing of works          Duration          Issue info pack          Restoration          As built plans available          Completed          Description diversion 2          HS2 Utility ID          Documentation required          Proposed timing of works          Duration          Issue info pack          Restoration          As built available          Completed</p>	<p>Diversion description.</p> <p>Form of agreement required.</p> <p>Info pack to include helpline numbers, ALO contact details - contractor contacts/details.</p> <p>Land restoration and appropriate aftercare needs to be agreed with the landowner. Details need to be discussed prior to start of restoration works with a scheme for land drainage alterations or new installation. Plans to include any aftercare requirements.</p> <p>As built plan from utility installer need to be provided once work is complete.</p> <p>Confirmation that the necessary documentation/ agreement is in place.</p> <p>Form of agreement required.</p> <p>Info pack to include helpline numbers, ALO contact details - contractor contacts/details if applicable.</p> <p>Land restoration and appropriate aftercare needs to be agreed with the landowner. Details need to be discussed prior to start of restoration works with a scheme for land drainage alterations or new installation. Plans to include any aftercare requirements.</p> <p>As built plan from utility installer need to be provided once work is complete.</p> <p>Confirmation that the necessary documentation/ agreement is in place.</p>

<p><b>Mitigation or environmental works</b></p> <p>Description of planting Proposed timing of works Duration</p> <p>if yes can it be returned to landowner basis of return</p> <p>Maintenance period</p> <p>Agreement in place</p>	<p style="text-align: right;">yes/no</p> <p>Type of planting, purpose.</p> <p>Expected duration of planting activity including access arrangements.</p> <p style="text-align: right;">yes/no</p> <p>Details of what restriction would be imposed if land is to be returned and any access requirements needed.</p> <p>Explanation of the maintenance requirements for establishment and then more permanent arrangements.</p> <p style="text-align: right;">yes/no</p>
<p><b>Ecological works</b></p> <p>Description of works Proposed timing of works Duration</p> <p>If yes can it be returned to landowner basis of return</p> <p>Maintenance period</p> <p>Agreement in place</p>	<p style="text-align: right;">yes/no</p> <p>Type of works required.</p> <p>Expected duration of construction activity.</p> <p style="text-align: right;">yes/no</p> <p>Details of what restriction would be imposed if land is to be returned and any access requirements needed.</p> <p>Explanation of what are the maintenance requirements for establishment and then more permanent arrangements.</p> <p style="text-align: right;">yes/no</p>
<p><b>Scheme access requirements</b></p> <p>Are access rights required over farmer retained land If yes, specify</p> <p>Additional HS2 requirements</p>	<p style="text-align: right;">yes/no</p> <p>HS2 access requirements on land outside the boundary fence. List if other requirements are identified.</p>
<p><b>Land restoration</b></p> <p>Return to land owner If yes, restoration plan agreed with landowner Scheme agreed with LA</p> <p>Restoration completed and signed off</p> <p>Handback Aftercare in place</p>	<p style="text-align: right;">yes/no</p> <p style="text-align: right;">yes/no</p> <p style="text-align: right;">yes/no</p> <p style="text-align: right;">yes/no</p>

<p><b>Site access agreements</b></p> <p>GI access agreement signed          Expiry date          Doc number          Environmental access agreement signed          Expiry date          Doc number</p>	
<p><b>Accommodation works (in contract)</b></p> <p><b>Fencing</b>          Temp          Permanent</p> <p><b>Access gates (perm)</b>          Accesses from Highways incorporated within design agreed with Highway authority          Confirm to landowner          Work instructed          Works completed          Sign off</p> <p><b>Access (Temp)</b>          Requirement during works          Confirm to landowner</p> <p><b>Access tracks in works</b>          Requirement incorporate in design          Confirm to landowner          work instructed          works completed          sign off</p>	<p>Required spec          Required spec</p> <p>Description of requirement.          yes/no          yes/no          yes/no</p> <p>Description of requirement.</p> <p>Description of requirement.          yes/no</p>
<p><b>Land drainage</b>          Existing land drainage plans exist?          Amended design undertaken          Design agreed between parties          Work instructed          Works completed          Sign off          Provide as built plans</p>	<p>yes/no          yes/no</p>

<p>Accommodation works (out of contract)</p> <p>Required</p> <p>Proposal</p> <p>Agents recommendation</p>	<p>These could include off-site works like replacement facilities to mitigate claim.</p> <p>yes/no</p> <p>Description</p> <p>yes/no</p>
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#### 4. Correspondence log, Undertakings and Assurances (if applicable), payments and notices served

<b>Meeting and correspondence log</b>	Record of meetings and correspondence relevant to claim including any agreements reached.
<b>Assurances</b>	List of any assurances or other commitments given that relate specifically to the farmer.
<b>Related Undertakings</b>	Identify any undertakings or assurances that have may have relevance to the landholding.
<b>Payments</b>	Listing all payments made in relation to claim including professional fees, planning fees (if required) and advanced payments.
<b>Notices served</b>	List of notices served with dates and notice type.
<b>Land handback</b> Restoration plan produced Discussed with land owner Handback agreed Agreement in place Discharge of HS2 obligation	



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# PROPERTY SCHEMES

For the London-West Midlands  
HS2 route

Need to sell scheme

– Guidance notes and application form

January 2015

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January 2015



Department  
for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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# 1 Introduction

- 1.1.1 This guidance and application form provide information for property owners whose properties may be affected by Phase One of High Speed Two (HS2) - the proposed high speed railway between London and the West Midlands - and who have a compelling reason to sell their property. This is the need to sell (NTS) scheme.
- 1.1.2 This scheme replaces the Phase One exceptional hardship scheme (EHS), which was introduced in August 2010. If you have an application currently open under the EHS, it will automatically be considered under NTS - but please see our FAQs section for more information.
- 1.1.3 This scheme will run until 12 months after the railway is first open for public use.
- 1.1.4 The NTS scheme recognises the importance of providing assistance to those who have a compelling reason to sell their property but are unable to do so - other than at a significant loss - due to HS2, or, if they are unable to sell their property, would face an unreasonable burden in the near future.

## 2 The need to sell scheme

- 2.1.1 The need to sell (NTS) scheme is available to eligible owner-occupiers who can demonstrate that they have a compelling reason to sell their property, but have been unable to do so - other than at a substantially reduced price - as a result of the announcement of the route of Phase One. Successful applicants can then have their property purchased by the government at its un-blighted market value (i.e., the value of the property as it would have been without any effect arising from the high speed rail proposals).
- 2.1.2 The NTS is a discretionary scheme (it is not required by law). The scheme will be administered by HS2 Ltd on behalf of the government, with a Panel of three fully independent professional members considering applications and making a recommendation to the Secretary of State for Transport on whether each case should be accepted. The final decision will be made by a senior civil servant with delegated authority from the Secretary of State. However, if the Panel believes that there are extenuating circumstances - that is, if an application has not met the criteria to be accepted but the Panel considers it should be accepted - or if the senior civil servant disagrees with the Panel's recommendation, then the case will be decided by a minister.

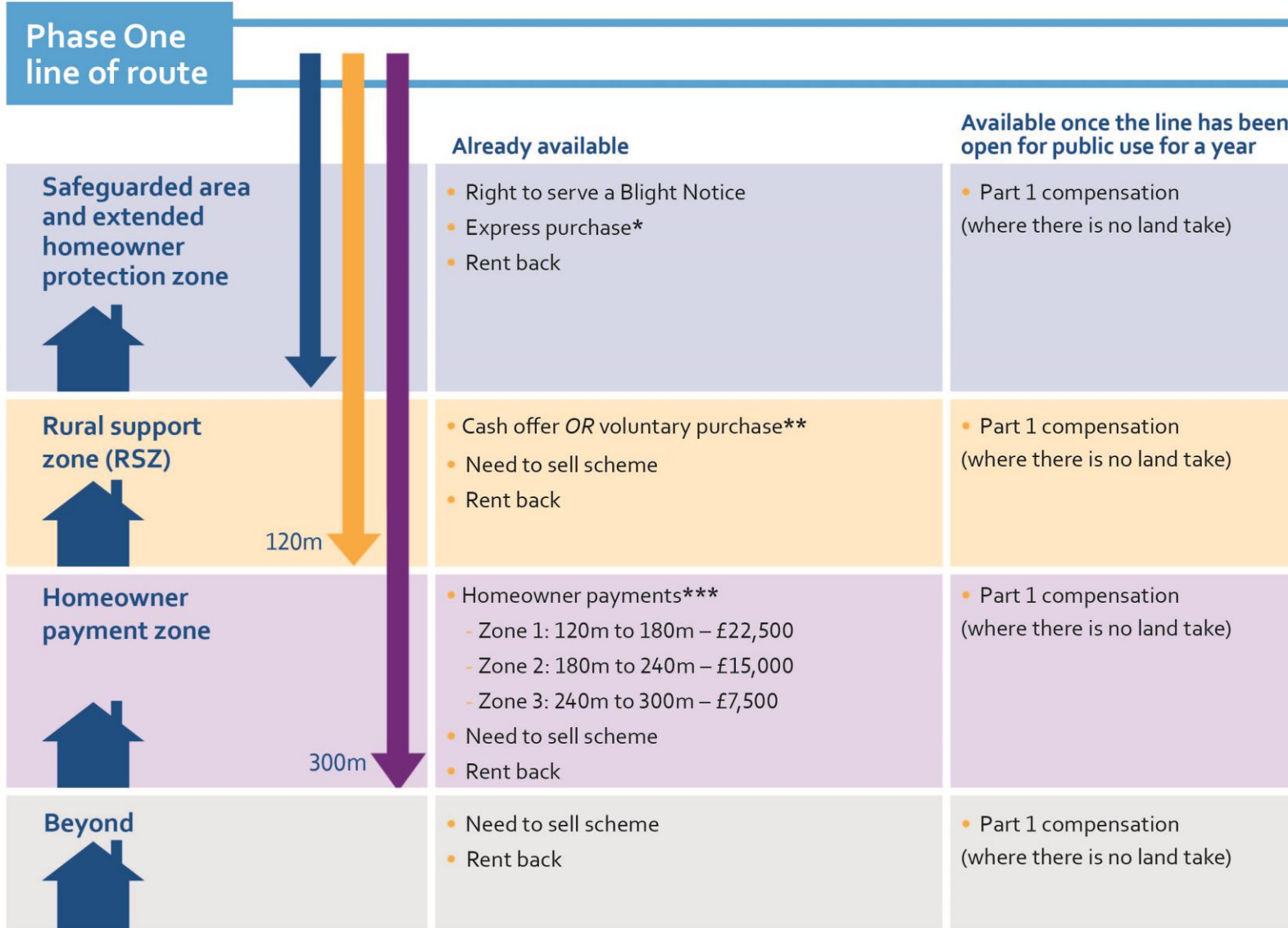
### Before applying

- 2.1.3 Owner-occupiers who need to sell their homes, and who consider their property to be affected by proposals for Phase One, should check whether they may be eligible for Statutory Blight, express purchase or cash offer/voluntary purchase before submitting an application to the NTS scheme.
- 2.1.4 The graphic on the next page also shows the schemes that are and will be available. More information on all the schemes, as well as maps on which you can check your eligibility, are available at [www.gov.uk/hs2](http://www.gov.uk/hs2).

### Statutory Blight

- 2.1.5 The Secretary of State for Transport has issued safeguarding directions for the Phase One line of route. Eligible owner-occupiers whose properties fall wholly or partly within the 'safeguarded' area are now able to serve a Statutory Blight Notice on the government, requesting the purchase of their property under the provisions of the Town and Country Planning Act 1990.

# PROPERTY SCHEMES AVAILABLE



\* Surface safeguarding only. \*\* Applies to rural areas only and does not extend to areas beyond bored tunnels.  
 \*\*\* Applies to rural areas only and does not extend to areas beyond bored tunnels. Only available after Royal Assent to the Bill.

## 3 Criteria

- 3.1.1 If you choose to apply for the NTS scheme, we recommend that you provide as much evidence as possible in order to help the Panel to reach an informed decision.
- 3.1.2 In exceptional circumstances, where a strong overall case can be made for acquisition of the property, the Panel may exercise discretion in relation to applications which do not meet all of the criteria.
- 3.1.3 The application form includes an indicative explanation of information and documentation that might be used as evidence to prove eligibility under the criteria.

### Criterion 1 - Property type

Do I have an interest in property which means that I am eligible to apply?

Yes, I am an owner-occupier of a private residency

Yes, I am an owner-occupier of a business

Yes, I am an owner-occupier of an agricultural unit

Yes, I am a mortgagee (eg a bank)

Yes, I am a personal representative of a deceased person

Yes, I am a reluctant landlord

- 3.1.4 To be eligible for NTS, we need to see evidence that you have a qualifying interest in the property. The definition of a 'qualifying interest' is contained in Part 6, Chapter II of the Town and Country Planning Act 1990. It includes:
- resident owner-occupiers of private residential properties;
  - owner-occupiers of business premises with an annual rateable value not exceeding £34,800 (please refer to your local authority's business rate banding for further details of rateable values); and
  - owner-occupiers of agricultural units.
- 3.1.5 Owner-occupiers must have an 'owner's interest' on the date the application is signed. This is either a freehold or leasehold interest in the property. If it is a leasehold interest, the tenancy must be signed for a certain term of years, not less than three years of which remain unexpired on the date the application is signed.
- 3.1.6 For the purpose of the NTS, the following property interests will also be able to apply:
- mortgagees with a right to sell the property and who can give immediate vacant possession;
  - personal representatives of a deceased person who had one of the above qualifying interests at the time of death; and
  - 'reluctant landlords' - individuals who can demonstrate that they had a compelling reason to sell at the time they moved out of the property in order to avoid or escape a situation of unreasonable burden, and that letting the



property could provide only temporary relief from this burden, and they do not own another home.

- 3.1.7 Ownership of a freehold or leasehold interest is defined by the names on the Land Registry title - or, for 'unregistered land', on the title deeds or conveyance for the property.
- 3.1.8 Property owners would qualify as reluctant landlords if they owned only one property, which they had been forced to let. They would not qualify if they had bought another property having let the first one.
- 3.1.9 To demonstrate that you are an owner-occupier, you will also need to show that you meet the residency requirements.

### Do I meet the residency requirements?

#### Private residency:

must either be living in the property at the date on which the application is submitted and must have owned it and lived in it as their main residence for at least six months before that date;

**OR**

if the property is empty, must have lived there for at least six months prior to it being empty, provided that it has not been empty for more than 12 months and has not been occupied by anyone else since.

#### Business premises:

must hold a qualifying interest in the premises at the date of application and must have owned it for at least six months before that date and have operated a business from there throughout this time;

**OR**

if the property is empty the applicant must have operated a business from there for at least six months prior to it being empty, so long as it has not been empty for more than 12 months.

#### An agricultural unit:

must have had a qualifying interest in the agricultural unit and have occupied it for at least six months before that date;

**OR**

if the agricultural unit is not occupied the applicant must have a qualifying interest in it and must have occupied it for at least six months prior to it being empty, so long as it has not been unoccupied for more than 12 months;

**AND**

for the purpose of these schemes, we also require that the main residence of the owner is located on the agricultural unit.

#### Non-residents:

must have the right to sell the property and can give immediate vacant possession.

Representatives of a deceased person:

In such cases, the Land Registry title for the property does not need to be updated with the name(s) of the beneficiary under the will.

Entitlement can be proven by submitting relevant documentation demonstrating entitlement, such as a death certificate, a will and grant of probate and letters of administration.

Reluctant landlords must show that: the property applied for is the only property that the applicant(s) own(s) and/or the applicant ceased to reside at the subject property after 11 March 2010; and the applicant(s) now live in accommodation they do not own.

## Criterion 2 - Location of property

- 3.1.10 **Is your property in such close proximity to the route that it would be likely to be substantially adversely affected by either the construction or the operation of the new line?**

3.1.11 Distance from the route is one factor, but others include:

- the particular characteristics of the property and the nature of its local area, including its position and its surroundings;
- the character of the line once completed (for example, whether it will run in a cutting or on a viaduct);
- the likely impacts of the construction of the line in the area;
- the topography of the area (for example, whether it is a flat flood plain or hilly); and
- the distance to any nearby points of significant change to the character of the line (for example, a cut-and-cover tunnel entrance or a viaduct).

3.1.12 The Panel will consider each application on a case-by-case basis, taking into account the variable characteristics of the proposed line. When considering an application, the Panel will use engineering and construction drawings, mapping software and aerial photographs (if available) provided by HS2 Ltd to consider the impact of the construction or operation on the applicants' property. If they wish to, applicants may also submit their own photographic evidence of the features of their property and the immediate vicinity to support their statements about the effects on their property.

3.1.13 Overview and detailed maps, with which you can gauge the proximity of your property to the route, can be found at: [www.gov.uk/hs2](http://www.gov.uk/hs2).

3.1.14 There is no fixed distance within which a property must be situated in order to satisfy this criterion. The purpose of this criterion is to determine whether a property's location means that it would be likely to be substantially adversely affected by the construction or operation of the route. The location criterion is needed to link the geography of the property to the route and will take into account the variable characteristics of the route. This is not designed to determine generalised blight: that is assessed separately under the 'effort to sell' criterion.

### *Tunnels*

3.1.15 Under this criterion, the Panel will only consider surface construction and eventual infrastructure, which constitutes surface or cut-and-cover/green tunnelled sections of the route, as well as vent shafts and tunnel entrances (or any surface infrastructure). It will not consider bored (deep) tunnels near the property.

## **Criterion 3 - Effort to sell**

3.1.16 **The purpose of this criterion is to determine whether it is the blight resulting from the route of Phase One, rather than any other factor, which is the reason why the property has not sold or could not be sold, other than at a substantially reduced value (blighted value).**

**The Panel would normally consider the following:**

- HS2 is the reason that the property has not sold or cannot be sold - other than at a substantially reduced (blighted) price - through feedback from viewings or those who have chosen not to view.

- You have made all reasonable efforts to sell your property in the context of the current market.
- You have not received an offer within 15% of its realistic un-blighted asking price.
- You have sought a reasonable range of marketing proposals from more than one recognised estate agent, including proposals for what a realistic un-blighted asking price for your property should be.
- Your property has been on the market for at least three months prior to the date of application, with at least one recognised estate agent.

3.1.17 The requirement that all reasonable efforts should have been made to sell a property and that, despite those efforts, no offers have been received within 15% of its realistic un-blighted asking price, helps to demonstrate any effect of HS2. We would not expect applicants to accept the blighted value of the property (i.e., the amount that the property is worth following the HS2 announcement).

3.1.18 We use the term 'recognised estate agent' to mean an estate agent with experience of marketing properties in the local area, advertising through a variety of media. This can include estate agents who do not have a physical presence in the local area, but who, for example, speak to potential viewers, collect feedback, provide a 'For Sale' board and a floor plan, and take professional photographs.

#### *Other routes to marketing property*

3.1.19 Given the variety of options available to sellers today, this criterion recognises that 'self-marketing' might form part of applicants' efforts to sell their property. This would include websites that allow users to upload details of their property themselves, in the form of a listing, to publicise its availability. However, it is unlikely that this sort of self-marketing approach would be able to provide the same level and quality of evidence as using a recognised estate agent.

3.1.20 This criterion requires that information be included within an application regarding estate agents' marketing proposals and feedback from those who viewed - or chose not to view - the property in question. Self-marketing efforts would not be ignored under this criterion, but the requirement for marketing with at least one recognised agent still applies.

#### *Inability to market a property*

3.1.21 Evidence provided in a Phase One NTS application about applicants' attempts to actively market their property will be carefully considered. In particular, evidence that a number of local estate agents have refused to market the property due to HS2 is considered key information.

#### *If you have evidence of the following, you should submit it*

- the performance of the current housing market and the efforts that sellers would ordinarily have to make in such circumstances, particularly if they needed to sell their property urgently;

- the price at which the property would be marketed, ignoring the effect of plans for Phase One;
- evidence that you have approached more than one estate agent for a proposed asking price and that the eventual asking price used reflects professional advice;
- whether more than one asking price has been tried;
- whether more than one recognised estate agent has been tested in the marketing of the property throughout the marketing period;
- the feedback provided either directly to the applicants or via the estate agent(s) on viewings carried out during the marketing of the property;
- any information from the applicant or their estate agent demonstrating that potential purchasers did not want to view the property due to the anticipated impact of HS2;
- whether the property has been actively marketed with at least one recognised estate agent for a minimum of three months; or
- evidence that the applicants are unable to market their property owing to a number of recognised estate agents refusing to take it on due to HS2.

#### *Phase One and Phase Two overlap areas*

3.1.22 Applicants who believe they are affected by both phases of the route, and wish to apply to the Phase One NTS, should demonstrate that Phase One predominantly affects the property. However, the Panel and decision maker will also take into consideration whether there is any additional generalised blight resulting from the route of Phase Two in relation to this criterion.

## Criterion 4 - No prior knowledge

Did you buy or enter into a lease of your property prior to the announcement of the preferred route of Phase One of HS2?

Yes

No

If you completed on your purchase or lease of your property prior to 11 March 2010, you will qualify.

An assessment will be made (please see below).

- 3.1.23 If you bought your property at any time after the publication of the Phase One initial preferred route on 11 March 2010, we may consider that purchase had been made with foreknowledge of Phase One. In considering this criterion, the Panel and decision maker will look at:
- the amount of information available at the time of purchase; and
  - whether this information was such that a reasonable person could have foreseen the potential for generalised blight.
- 3.1.24 There may be cases where purchases were completed after 11 March 2010, but the purchasers remained unaware of the proposals for Phase One or were unaware that the property would be in proximity to the route. For example, if the searches relating to the purchase of the property were undertaken before this date, but the exchange took place after it, the panel would take this into account.
- 3.1.25 Likewise, following subsequent changes to the route on 20 December 2010, 10 January 2012, 16 May 2013 and 25 November 2013, or at any point in the future, purchasers who bought after 11 March 2010 may find they are now in proximity to Phase One, but were not at the time of purchase. In these circumstances, applicants will need to provide satisfactory evidence that they indeed had no prior knowledge.
- 3.1.26 This criterion is in place in order to avoid abuse of the NTS by individuals buying a property at its blighted value in order to sell it to the government at an un-blighted value later, thereby profiting from the difference. This protects the interests of taxpayers and of those looking to sell their property who have a compelling reason to do so.



## Criterion 5 - Compelling reason to sell

### Do you have evidence of a compelling reason to sell your property?

- 3.1.27 The scheme is intended to allow a sale at the full un-blighted open market value of properties which are significantly blighted by the Phase One route, for those who have a compelling reason to sell. The scheme is expected to assist those who would be placed under an unreasonable burden if they were unable to sell their property (except at a significant loss due to Phase One) in the near future. It is not intended to act as a mechanism to either mitigate or exploit property market performance.
- 3.1.28 It is expected that, depending on the detail of the circumstances, applicants who can demonstrate that this unreasonable burden would occur within the next three years from the date of application would meet this criterion. Within the last three years of the scheme (2024-2027), this timeframe will only extend to the end of the scheme and therefore may be less than three years. This is because the market is expected to normalise towards the end of the scheme, and one year after the railway has been first open for public use, another property measure – namely, Part 1 compensation – will be available for property owners to apply for.
- 3.1.29 As set out in the April 2013 Property Consultation Decision Document, it is not considered beneficial for the government to provide specific examples demonstrating a compelling reason to sell. The Panel will consider each individual case on its unique merits. Creating a list of circumstances where applications will be accepted could perversely restrict the panel with rigid evaluation criteria that would not reflect the intended flexibility of the scheme.
- 3.1.30 By way of an example, and as set out in the April 2013 Property Consultation Decision Document, it is foreseeable that the following scenarios (among many others) could provide a trigger for a compelling reason to sell:
- unemployment;
  - relocation for a new job;
  - the division of assets as part of a divorce settlement;
  - ill-health; or
  - the need to release capital for retirement.
- 3.1.31 This is not a comprehensive list, and prospective applicants to the NTS scheme should not categorise themselves as fitting into one or more of the above scenarios, but should instead demonstrate why they have a compelling reason to sell their property.
- 3.1.32 The evidence that the applicant provides must demonstrate why they would suffer an unreasonable burden within the next three years, as a result of the circumstances set out, if they cannot sell their property at the current time. If your application is accepted you will have a total of three years from the date of your acceptance letter to commence the process of selling your property to us. You can request the valuations to be commissioned by HS2 Ltd at any time within the first two and a half years, giving a subsequent period of six months to accept our offer and instruct your

solicitors to begin the conveyancing process. If you do not instruct your solicitors within the three years, the acceptance will no longer be valid and you will need to re-apply to the scheme.

## 4 Application process

- 4.1.1 The NTS Secretariat is unable to give guidance to applicants on which evidence will result in a successful application, as each case will depend on the precise circumstances. The role of the NTS Secretariat is to manage a fair and efficient decision-making process on behalf of the Secretary of State for Transport and to do so in an impartial manner. It is the applicant's responsibility to supply all the relevant evidence to support an application.
- 4.1.2 The Phase One NTS scheme does not require or expect applicants to commission valuations of properties by a chartered surveyor at any stage prior to or during the application process. Those considering the application will take into account the views of all marketing agents approached on what the realistic un-blighted asking price would be.

### Step One: Submitting the application and supporting evidence

- Complete the application form and submit it with as much supporting evidence as you can provide.
- Please see the sets of examples of documentation in the application form; these are intended to give an idea of the types of evidence that will be expected.
  - Page 2 of 12: evidencing the property type criterion;
  - Page 4 of 12: evidencing the location of property criterion;
  - Page 6 of 12: evidencing the effort to sell criterion;
  - Page 7 of 12: evidencing the compelling reason to sell criterion; and
  - Page 10 of 12: proof of signature.
- We encourage applicants to provide evidence to cover at least the past six months, as this will help the panel to ensure that it has a full picture of the applicant's circumstances.
- Failure to submit originals or certified copies of evidence, or failure to provide any documentary evidence of statements made, will cause delays. This evidence, or an explanation of why it cannot be produced, is needed before the panel considers the application. Therefore, if one or more pieces of evidence cannot be produced, the reason should also be included in the application.
- If providing certified copies of evidence, these should be certified by a UK solicitor, accountant, a doctor listed on the General Medical Council website, or a bank manager. This person's name and address should be recorded so that he/she can be contacted, if necessary. If applicants cannot provide originals or certified copies of documents, they should explain why the originals are unavailable when making their application, to avoid delays.

- One piece of documentation is required to verify the signatures of all those who need to sign the application form. This could be a document that you are already providing as evidence for another aspect of your application. Please see the declaration section of the application form for a complete list of documents that can be used to verify your signature under the scheme.

## Step Two: NTS Secretariat reviews your application

- The NTS Secretariat will acknowledge your application via email or letter. It will then review your application to ensure that it is ready for consideration by the panel and contains the information specifically requested on the application form. If information is missing, or if there is an obvious lack of evidence provided in relation to any of the criteria, you will be contacted and asked if you would like to provide it. In addition, in almost all cases the estate agent(s) currently marketing the property will be contacted.
- Original documentation will be verified and returned to the applicants as soon as possible after receiving the application.
- The Secretariat will contact applicants if it needs to retain originals where it is unable to produce clear copies of the document. The NTS Secretariat will hold paper and electronic copies of your documentation in accordance with the Data Protection Act 1998.

## Step Three: Consideration by the Panel of professionals

- Completed applications will be submitted to the Phase One NTS Panel for consideration.
- The three members of the Panel will be fully independent of HS2 Ltd and the Department for Transport.
- The Panel will make a recommendation to the Secretary of State for Transport to either accept or refuse the application.

## Step Four: Decisions on application by the Secretary of State

- A senior civil servant with delegated authority from the Secretary of State will consider your application. He or she will either make the final decision or, occasionally, will present their view to the Secretary of State or a Minister of State for Transport for a final decision.
- If your application is accepted, you will have a total of three years from the date of your acceptance letter to commence the process of selling your property to us. You can request the valuations to be commissioned by HS2 Ltd at any time within the first two and a half years, giving a subsequent period of six months to accept our offer and instruct your solicitors to begin the conveyancing process. If you do not instruct your solicitors within the three years, the acceptance will no longer be valid and you will need to re-apply to the scheme.
- The offer will represent 100% of the un-blighted open market value at the time

of the valuation. The un-blighted open market value at that point may be different from the un-blighted realistic asking price used when marketing the property.

- If you are unsuccessful, the NTS Secretariat will write to you, detailing in full the reasons for the decision.
- You can re-apply if there is a material change in your circumstances or you are able to provide new evidence that may be relevant to the reason(s) your application was turned down.
- You need re-apply only in relation to the criterion or criteria on which you were previously unsuccessful, provided that:
  - the application is submitted within six months of the previous decision being communicated (i.e. six months from the date on the most recent, previous decision letter); and
  - there has been no material change in your circumstances in relation to the criterion or criteria on which you had previously been successful.
- Otherwise, re-application would need to re-address all five criteria.

## Representation throughout the application from professionals and others

- The application process is designed in a way that does not require a third party to act on behalf of the applicants. We endeavour to provide as much information in this document up front; once an application is submitted, applicants are welcome to contact us with questions at any point in the process using the contact details provided in their acknowledgement letter.
- However, applicants are welcome to use a third party to help with their application, if they wish to do so. Please note that any costs incurred in doing so will not be reimbursed by DfT or HS2 Ltd. A third party may, for instance, be a friend or relative or a professional; the relationship between the applicant(s) and any representative with whom we are asked to correspond with must be made clear in the application.
- The applicant(s) (i.e. the person(s) with the qualifying interest in the property) must **sign** and **date** the declaration page and read and understand every page of the **completed** application form and every page of evidence being submitted on their behalf.
- Representatives will be copied in to all correspondence, but it will always be sent directly to the applicant(s) for security, transparency and speed.

## In the case of acceptances of applications and offers made

Please note that if we become aware of any information or a material change in circumstances that would affect the decision already made after an application has been accepted on to the Scheme and prior to exchange of contracts, we reserve the



right to review the decision. This could result in the retraction of the acceptance/offer. If this is the case, applicants will be entitled to reapply to the scheme to reflect their change in circumstances or additional information.

## 5 Frequently asked questions

### Who can I speak to before submitting an application?

If you have any questions about the application process, please call our enquiries line on 020 7944 4908 (9am to 5pm, Monday to Friday) or email us at [hs2enquiries@hs2.org.uk](mailto:hs2enquiries@hs2.org.uk)

### Who will I be in contact with once I have submitted an application?

The NTS Secretariat will acknowledge that we have received your application. The letter you receive will contain contact details for the case officer responsible for your application. This case officer will then be your point of contact for any queries about your application.

### Can I have my application under the EHS transferred to the NTS?

Yes. Any EHS applications that were received before the NTS opening date and have not yet been considered by a panel will automatically be considered by the NTS panel.

### If my EHS application was refused within the past six months, can I apply to the NTS under only the criterion/criteria for which I was unsuccessful?

Yes.

### How long will it take to consider my application?

Depending on the volume of applications, and assuming that all information and documentation is submitted correctly, a decision on an application made under the NTS will normally be made within three months of our receiving it. We will aim to process it more quickly if possible.

Cases will be dealt with in the order they are received. It would not be fair to introduce a fast-track system for some applicants.

### Who will consider my application?

HS2 Ltd has set up a panel of fully independent members who were appointed following a publically advertised open competition. The Panel will consider individual applications. It will then make a recommendation to the Secretary of State for Transport as to whether or not the government should agree to purchase the property in question. The final decision is taken by, or on behalf of, the Secretary of State.

### How will the Panel consider my application?

The scheme is designed as a paper-based scheme, without any personal representation from applicants or any visits to the property. In all circumstances, your application should include the full evidence that you have under all relevant criteria, in order to show your eligibility for the scheme.

We recognise that in certain limited circumstances, it may be appropriate for the Panel to request a site visit or personal representation in order to ensure fairness and equality within the application process. Panel members will be empowered to agree, only where exceptional circumstances apply and a request has been made, a site visit or personal representations from the applicants.

## **If my application to the NTS is successful, what will be the basis of the valuations given and payment to be made?**

The valuations will be based on the un-blighted open market value of the property – that is, the value of the property without any adverse effect arising from proposals for a high speed rail line. This will not necessarily be the price at which you had marketed your property. It will be an independent assessment, carried out by qualified chartered surveyors, of what the sale price (value) should be.

The payment is simply this sale price. It will not cover additional costs, such as the seller's agents' fees, legal fees or removal costs, on the grounds that if the property owner was already looking to sell their property, they would normally expect to meet these costs themselves.

Please note that the government will purchase the entire property as it was marketed before its acceptance under the NTS. If the property significantly changes after acceptance of an application, you must re-apply to the NTS scheme with this new information.

## **How will my property be valued?**

If the Secretary of State for Transport agrees in principle to buy your property, two valuations will be carried out. These will be done by two independent chartered surveyors, chosen from a pool of chartered surveyors who are familiar with your area and have appropriate expertise. The applicant will select one of the chartered surveyors from the pool; the other will be chosen from the pool by HS2 Ltd. Both valuations will be paid for by HS2 Ltd. If the valuations are within 10% of each other (calculated by taking the difference between the two values as a percentage of the higher value), the Secretary of State will offer a price that is the average of the two. If the valuations differ by more than 10% (calculated by taking the difference between the two values as a percentage of the higher value), an additional valuation will be obtained and the offer made on the average of the closest two. If the third valuation is the same as the average of the first two valuations, then this will be the value of the offer. The valuation date will be the date on which the valuer inspects the property.

## **How did HS2 Ltd appoint the pool of independent chartered surveyors that will carry out the valuation?**

The pool of valuers has been appointed by HS2 following a competitive tender exercise to identify those who can demonstrate the resource and capability to cover valuations over the geographic extent of Phase One. The valuers are instructed to provide an open market valuation of property in accordance with Royal Institution of Chartered Surveyors (RICS) guidance. This means that while HS2 Ltd picks up the cost of the valuation, the resulting valuation is not an 'HS2 valuation' and one that is not influenced by HS2 Ltd paying or instructing. The full definition of open market value is: 'the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion'.

## **How long are valuations valid for?**

If your application is accepted, you will have a total of three years from the date of your acceptance letter to commence the process of selling your property to us. You can request the valuations to be commissioned by HS2 Ltd at any time within the first two and a half years, giving a subsequent period of six months to accept our offer and instruct your solicitors to begin the

conveyancing process. If you do not instruct your solicitors within the three years, the acceptance will no longer be valid and you will need to re-apply to the scheme.

### **If you offer to buy my property and I accept, how will the purchase proceed?**

The purchase process will be handled in the same way as any private property purchase. We estimate that the whole process will take approximately 12 weeks from the date that both you and our solicitors are instructed. As with any private purchase, this may vary depending on the particular circumstances of the case.

Following your acceptance of the offer, we will instruct our solicitors to start the legal formalities and our property acquisition agents to start the purchase process. They will appoint surveyors to undertake structural and condition surveys. The surveyors will contact you directly to make the appointment to visit your property.

### **If my application is unsuccessful, what happens?**

You will be sent a letter by the NTS Secretariat, setting out in full the decision maker's explanation of why your application was not successful. You can, however, re-apply (see below).

### **I submitted an application and was turned down, but since then my circumstances have changed. What can I do?**

You can re-apply on the criterion/criteria on which you were previously unsuccessful if:

- there is a material change in your circumstances; or
- you are able to provide new evidence that may be relevant to the reason(s) your application was turned down.

However, there are two conditions to re-applying in this way:

- the application must be submitted within six months of the previous decision letter; and
- there must have been no material change in the applicants' circumstances in relation to the criterion/criteria on which they had previously applied successfully; otherwise, the re-application would need to address all five criteria.

In the case of a re-application within six months of the previous decision, the Panel will see the detail of the previous decision and the evidence in relation to the successful criterion/criteria from your earlier application. This is so the Panel has all the necessary information and evidence on the successful criteria and can fully consider and deliberate on the reapplication. Please note that the decision on the previously successful criteria will not be overturned, provided that you declare that your circumstances have not changed.

### **Is this my only opportunity to receive assistance from the government?**

No. The government has introduced a suite of discretionary property measures to address the concerns of individuals who may be affected by the construction or operation of the railway.

You can also claim for Part 1 Claims under the Land Compensation Act 1973 one year after the operation of the railway begins.

## **I am in an area which, I believe, is affected by both the Phase One and the Phase Two proposals. Which scheme applies to me: Phase One NTS or Phase Two EHS?**

For those who believe they are affected by both phases of the route, the applicant should demonstrate that Phase One of the HS2 route predominantly affects the property to apply to the Phase One NTS. However, the panel and decision maker will also take into consideration whether there is any additional generalised blight resulting from Phase Two under criterion 3.

If the applicant believes that it is predominantly the Phase Two route that affects the property, they should apply to the Phase Two EHS instead.

We recommend that you read the guidance and eligibility criteria for all schemes carefully, so you can decide which one you are eligible to apply for and which one best suits your situation. You are welcome to apply to any scheme that you consider yourself eligible for. However, if you consider that there is a choice between Phase One NTS and Phase Two EHS, we cannot directly tell you which scheme to apply for.

Please note that we do not recommend applying for more than one scheme at the same time. This is in the interests of avoiding any confusion for applicants, marketing estate agents and those operating the schemes and the unnecessary duplication of public resources.

## **Now that the NTS is in operation, what happens to my application under the EHS?**

Any EHS applications that have been received before the NTS opening date and have not yet been considered by a panel will automatically be considered by the NTS Panel. The date of the panel that the application will go to will be communicated to applicants in the same way as under the EHS. As before, applicants will be consulted and asked to agree that the application is ready.

Any EHS applications that have already been considered by the EHS Panel will progress to the point of a decision being communicated - under the EHS rules, not the NTS rules.

Any applications received after the opening of the NTS using an EHS application form will automatically be treated as an NTS application.

## **What happens if I have had my application accepted under the EHS and I am going through the valuation or purchase stage?**

This process will carry on as previously explained to you by the NTS Secretariat (formerly the EHS Secretariat). If you have been made an offer for the purchase price of your property and have not yet accepted it, this offer will be valid for six months from the date of our offer letter. If you have not yet been made an offer, it will be valid for six months after it is made.

If you have already accepted our offer, your sale will proceed as planned.

## **Can I rent my property from the government if I sell it to the government under the NTS?**

Once a successful applicant has accepted the government's purchase price offer under the Phase One NTS, they will be able to ask the HS2 NTS Secretariat to note their interest in renting the property back from the government following its sale. This would trigger a process of assessment under which a determination would be made as to whether or not the property in question could be made suitable for letting in accordance with legal requirements, and in line with sound

commercial principles. The request should be made to the NTS Secretariat in good time and by the point of exchanging solicitor's details to allow requests to be assessed and appropriate letting documents drawn up.

**Will you pay any agents' fees in respect of my application or any additional valuations?**

No.

**If I am accepted under NTS and move away, will I still be eligible for the homeowner payment?**

No.



# APPLICATION FORM

## Phase One need to sell scheme

When completing this application form, please provide as much information and documentary evidence as you can, using additional sheets if needed. This will help to ensure that your application can be considered as quickly as possible. When sending supporting documentation, please send originals or certified copies.

**Applications must not be bound. Please provide loose leaf.**

Title: .....	Title: .....
First name(s): .....	First name(s): .....
Surname: .....	Surname: .....
Telephone number 1: .....	Telephone number 1: .....
Telephone number 2: .....	Telephone number 2: .....
Email address: .....	Email address: .....

Title: .....	Title: .....
First name(s): .....	First name(s): .....
Surname: .....	Surname: .....
Telephone number 1: .....	Telephone number 1: .....
Telephone number 2: .....	Telephone number 2: .....
Email address: .....	Email address: .....

We will use email as our main means of getting in touch. If you don't check them regularly, or you would prefer to be contacted by post or phone, please tick below.

by telephone

by post

Address including postcode of the property which you are applying for:

.....  
.....  
.....  
.....

Contact address(es) including postcode, if different from the address above:

.....  
.....  
.....  
.....

### Criterion 1: Property type

What interest do you have in the property to which the application relates?

- Owner-occupier of private residential property.
- Owner-occupier of business premises whose annual rateable value does not exceed £34,800.
- Owner-occupier of an agricultural unit.
- Mortgagee that has a right to the sell a property and who can give immediate vacant possession.
- Personal representatives of a deceased person.
- Reluctant landlord(s).

**Please include evidence to support your answers. Evidence provided should be originals or certified copies, and may include one or several of the following:**

- proof of ownership – epitome of title (if the property contains more than one title, all titles should be provided), conveyance to current owner or Land Registry Office copy entry;
- proof of residency at the property for the required duration by submitting documents dated at least six months apart within the last 18 months. In relation to this criterion, all documents must show the applicant’s name and property address and must be original or certified copies of paper statements – (i.e. not printed out from the internet).

We acknowledge that this may mean you need to request a paper copy of statements from relevant organisations. Documentation provided should be of the following types:

- household utility bills (e.g., gas, electricity, water or fixed-line telephones);
- business bills along the same lines as residential bills for resident small businesses;
- notification letter from a relevant Government benefits agency, confirming the right to benefits or state pension;
- home contents insurance certificate for cover relating to the specified period for the relevant address – this certificate issued must have been issued within the specified period;
- bank, building society, mortgage or credit card statements; or
- local authority tax bill (e.g. council tax).

#### **Owner-occupier of business premises:**

- Business rates bill for small businesses which meet the criterion.

## **Mortgagees:**

- Details of any mortgage roll or reference number with contact details for the bank/mortgagee.
- Proof of being a mortgagee and proof of ability to sell the property with vacant possession.

## **Personal representatives of a deceased person:**

- Death certificate, power of attorney, grant of probate, last will and testament and letters of administration.

## **'Reluctant landlords':**

- Where relevant, a copy of all tenancy agreements for the applicant's new accommodation since the applicant moved out of the subject property, including proof that the earliest agreement commenced after 11 March 2010, or evidence of other living arrangements.
- Copy of any tenancy agreements undertaken for the subject property since the applicant moved out of the subject property.
- If the subject property is currently vacant, evidence of marketing of the subject property for letting.
- If the subject property is currently vacant, a Council Tax bill to prove this.
- Proof of current residency at the applicant's current rented residence(s).
- Proof of residence by the applicant at the subject property for a minimum period of six months within the 18 months prior to the applicant moving out.

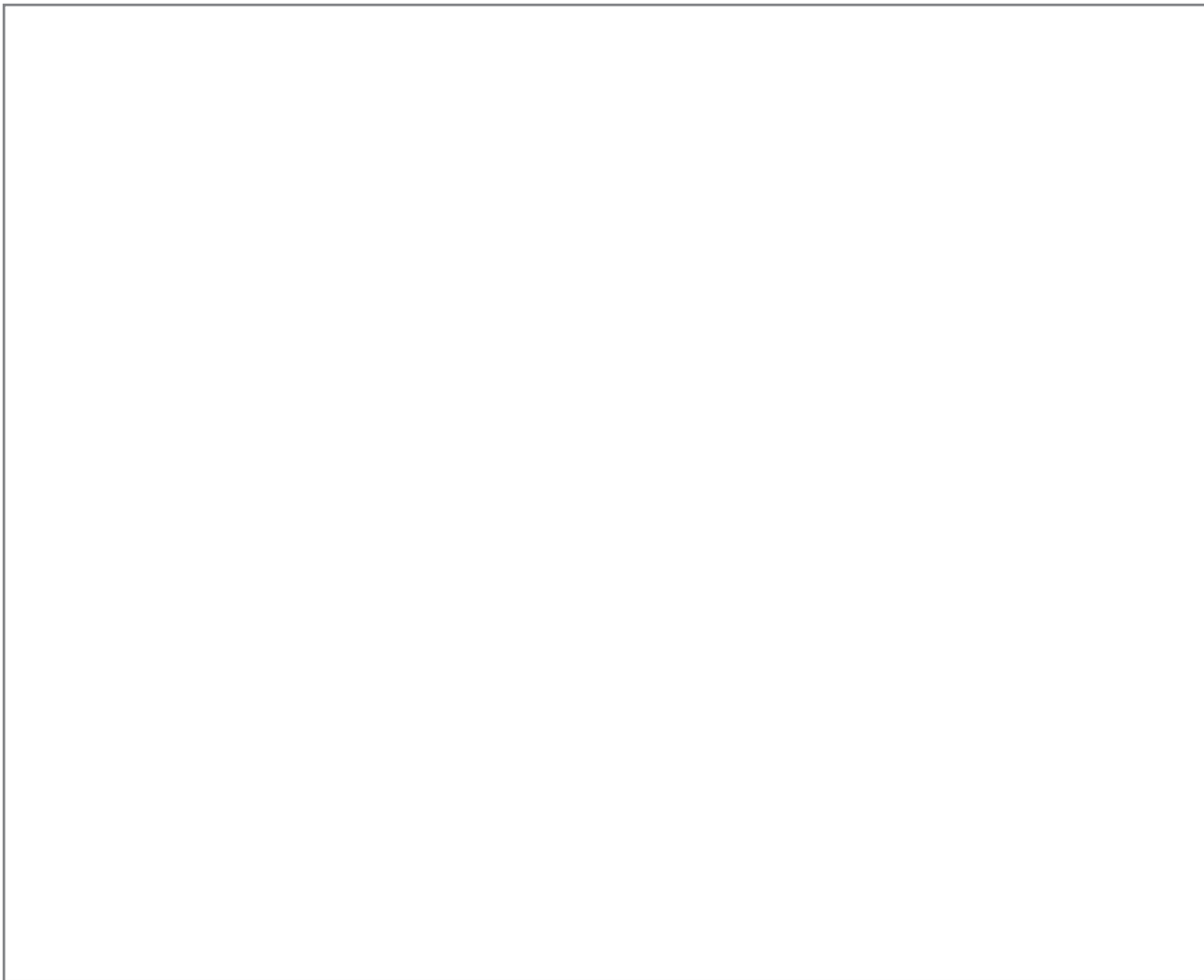
Forms of evidence which are **not** accepted because they do not provide a reliable verification of residency include:

- provisional or full driving licences;
- national insurance cards;
- mobile phone bills;
- proof of being on the Electoral Roll at the address in question; and
- letter from a GP, dentist or similar.

## **Criterion 2: Location of property**

Briefly, describe the location and nature of the property and its surroundings, with reference to the location of the Phase One route.

For those who believe they are affected by both phases of the route, the applicant should demonstrate that Phase One predominantly affects the property. However, the Panel and decision maker will also take into consideration whether the property is affected by any additional generalised blight resulting from Phase Two route, in relation to this criterion. Therefore, applicants who believe their property is also affected by Phase Two of the route should include a description of this, with reference to the location of this route also.



Please include evidence to support this description with this application. For example, this may include:

- the filed plan held at the Land Registry (originals or certified copies);
- a plan of the agricultural unit subject to the application;
- a map pinpointing the precise location and outline of boundary of the property, where identification by address might be difficult; or
- supporting evidence in relation to your statement above, such as photographs of the existing surroundings, maps, plans or drawings.

### Criterion 3: Efforts to sell

Please provide details of the marketing proposals that you received for your property before selecting the estate agent(s) to sell your property.

Estate agency name and office address/website	Date of proposal	Proposed price

When was the property first placed on the market? .....

What was the initial asking price for the property? .....

What is the current asking price for the property and when was it last changed?

.....

How has the property been marketed? .....

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.....

.....

Number of viewings the property has received? .....

Please provide details of any offers you have received for the property.

Date of offer	Via (estate agent, or if privately please state)	Offer amount	Outcome and details

Contact name, company name, address, email address and telephone number of agent(s) currently marketing the property:

.....  
.....  
.....  
.....  
.....

Please include evidence to support your answers. Evidence provided should be originals or certified copies, and should include (where you hold this information):

- valuation and marketing proposal letters from prospective agents from whom you took advice prior to placing the property with your appointed agency;
- instruction letter from an estate agent (or estate agents, in the case of joint or multiple agency appointments);
- proof of date on which marketing commenced – e.g. mailshot, newspaper advert, internet entry;
- sales particulars produced by current and previous marketing agents for your property;
- evidence of marketing activity, such as advertisements in local/national media, internet marketing using national or local websites, evidence of 'For Sale' board;
- feedback from viewings of the property and/or from those who chose not to view, directly from viewers and/or from current and previous marketing agents;
- other letters and any other relevant documentation held by your agent(s); and
- marketing of the property, including evidence and outcome of offers received.

If you have approached a number of recognised estate agents and all have refused to market your property due to Phase One of HS2, please provide all evidence of this. For example, this might include originals or certified copies of letters or print-outs of emails in which agents state why they refuse to market the property, records of appointments with estate agents visiting your property and promotional materials addressed to you prior to the agent refusing to market the property.

#### **Criterion 4: No prior knowledge**

On what date did you purchase or acquire the property? .....

Please include evidence to support this. If the property is registered with the Land Registry, the copy of the title already provided for Criterion 1 is enough – there is no need to provide two copies.

If you purchased your property after 11 March 2010, you will need to show additional evidence that you could not have known that the Phase One route might be in the vicinity of your property when you purchased it. (For example, copies of local authority search reports undertaken as part of the conveyance process, showing that they make no mention of a proposed high speed rail line).



## Criterion 5: Compelling reason to sell

Describe why you have a compelling reason to sell your property:

Please include relevant supporting evidence (either originals or certified copies). Depending on the compelling reason put forward, examples of documentary evidence can include, but are not restricted to:

- birth certificates, benefits statements, correspondence with schools/childcare providers;
- passports;
- official divorce documents;
- court orders, including court orders to sell the property;
- utility bills;
- bills for council tax, telephone, fuel and other essential services;
- bank/building society statements;
- credit card statements/bills;

- payslips;
- HM Revenue and Customs-issued statements, such as P60 or P45;
- HM Revenue and Customs tax documents e.g. tax assessment, statement of account, notice of coding;
- mortgage statements and other correspondence from mortgage providers;
- letters from health authorities and trusts, hospitals, medical consultants, GPs or dentists;
- audited/auditable company accounts;
- letters from employers regarding redundancy, employment contracts, etc;
- receipts, invoices or other documentation evidencing financial expenditure;
- statements of account regarding savings, ISAs, shares, bonds, share options and other financial products representing assets;
- death certificates, wills, grant of probate, letters of administration;
- correspondence from government departments (e.g. evidencing receipt of benefits or other entitlements); or
- letters and other documentation from qualified solicitors, accountants, barristers, chartered surveyors and other professionals.

Where bank, building society or credit card account statements are downloaded from an online banking facility and as a result do not contain the applicant's name, account number, details of the bank or the logo, please provide evidence that this documentation was sourced from the bank, credit card company or building society and represents the account in question.

Documentation, including that suggested in the examples above would need to be used to evidence each and every statement about why you consider that you have a compelling reason to sell your property to avoid a situation of unreasonable burden. Three simple examples of what we mean by 'evidencing of individual statements' might be:

- A P45, offer letter from a new employer, and a copy of an employment contract confirming a job offer or a change in employment involving a significant change in location;
- child benefit statements proving that there are children in the household and that they are dependants of the applicant(s); and
- signed and dated letters from lenders, a number of recent months' bank or building society (savings accounts) and mortgage statements, payslips, HM Revenue and Customs statements and a summary of income and outgoings as evidenced, which together provide full evidence of the financial difficulties described and how urgently they need to be resolved.

**Please tick the boxes for each section that you have completed and provided evidence for:**

- Criterion 1: Property type
- Criterion 2: Location of property
- Criterion 3: Effort to sell
- Criterion 4: No prior knowledge
- Criterion 5: Compelling reason to sell

Please list in order the supporting evidence that you are sending along with this application form. Please use additional sheets if necessary.

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Please provide any other information that you think is relevant to your application on additional sheets enclosed with your application. Please number the additional sheets and state the criterion to which they relate.

Please state here the number of additional sheets (excluding supporting evidence): .....

**How your personal information will be used**

The personal information you have provided here will be used by the Department for Transport and HS2 Ltd solely for the purpose of processing your application under the Phase One NTS.

We will not disclose your information to other organisations except to prevent fraud or if required to do so by law.

The original of this application form and all supporting documents will be returned to you subject to a copy being retained for our records.

For further details on how your information is used, how we maintain the security of your information, and your rights to access the information we hold, go to the following web address: [www.gov.uk/hs2](http://www.gov.uk/hs2)

## Your declaration

### For all applications

Please ensure that each applicant signs and dates below and provides an original or certified copy of a document providing proof of signature. Examples of documentation which provide proof of signature include:

- legal document displaying your signature;
- valid, current passport;
- UK photo-card or EEA driving licence;
- marriage/civil partnership certificate;
- deed poll;
- property contract of sale document;
- deed of transfer for a property;
- leasehold agreement;
- power of attorney; or
- parking card ('blue badge') for disabled people.

I/We declare that the information I/we have given on this form is correct and complete. I/We understand that HS2 Ltd and DfT will use all of the information provided on this form and all supporting evidence to determine my/our claim under the Phase One NTS.

I/We understand that security and anti-fraud checks will be undertaken on information and supporting evidence provided. This may include checks performed using market intelligence services, contacting estate agent(s) currently marketing the property and contacting any employers or prospective employers identified.

I/We give prior consent for any relevant checks to be undertaken and such estate agents and prospective employers to be contacted.

If I/we knowingly give information that is incorrect, or if relevant information is knowingly omitted, the application and the Government's decision on it will be void and I/we may have court action taken against me/us.

**Signature(s) of the applicant(s):**

**Date:**

Applicant 1: .....

Applicant 2: .....

Applicant 3: .....

Applicant 4 and any subsequent applicants: .....

.....

**For applicants submitting a re-application within six months of the date on the decision letter from HS2 Ltd relating to your previous application**

Please confirm the date on the previous decision letter. This must be within six months of the date on which you submit this application:

.....

(There is no need to submit a copy of the original decision letter – we will refer to our records to verify this information.)

Please confirm the criterion/criteria that are the subject of your re-application. This should be the exact criterion/criteria on which your previous application was unsuccessful. There is no need to submit evidence relating to criteria on which you were successful in your previous application, as long as there has been no change to your circumstances in relation to any of those criteria. (If there has been a change to your circumstances in relation to those previously successful criteria, you must submit a fresh, full application under all criteria.)

- Criterion 1: Property type
- Criterion 2: Location of property
- Criterion 3: Effort to sell
- Criterion 4: No prior knowledge
- Criterion 5: Compelling reason to sell

In addition to signing the declaration on the previous page for all applicants; I/we declare that there has been no change to my/our circumstances in relation to the criterion/criteria under which my/our previous application was successful.

**Signature(s) of the applicant(s):**

**Date:**

Applicant 1: .....  
Applicant 2: .....  
Applicant 3: .....  
Applicant 4 and any subsequent applicants: .....  
.....

## Submitting your application

Send completed application forms, along with all supporting evidence, in hard copy/paper format to the address below. Although we do not insist on applications being sent using recorded or special delivery, this is strongly recommended to ensure safe receipt.

Phase One NTS Secretariat,  
HS2 Ltd,  
Sanctuary Buildings,  
Great Smith Street,  
Westminster,  
London SW1P 3BT



**High Speed Two (HS2) Limited**

One Canada Square,  
Canary Wharf,  
London E14 5AB

**T** 020 7944 4908

**E** [hsenquiries@hs2.org.uk](mailto:hsenquiries@hs2.org.uk)