



HIGH SPEED TWO PHASE ONE INFORMATION PAPER

C9: RECOVERY OF COSTS BY PROPERTY OWNERS

This paper provides guidance on the circumstances in which owners of land and property affected by HS2 can expect to recover costs and fees which they incur in relation to HS2 and the extent of such recovery.

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

This paper was prepared in relation to the promotion of the Bill for Phase One of the scheme which is now enacted. Although the contents were maintained and updated as considered appropriate during the passage of the Bill (including shortly prior to the enactment of the Bill in February 2017) the contents are now historic and are no longer maintained.

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
Two Snowhill, Snow Hill Queensway
Birmingham, B4 6GA**

by email: HS2enquiries@hs2.org.uk

or by phone: 08081 434 434 (lines are open 24 hours)

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1. Introduction

- 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.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In November 2013, HS2 Ltd deposited a hybrid Bill¹ 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 the culmination of nearly six years of work, including an Environmental Impact Assessment (EIA), the results of which were reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.4. The Bill is being promoted through Parliament by the Secretary of State for Transport (the 'Promoter'). The Secretary of State will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill.
- 1.5. This body is known as the 'nominated undertaker'. There may well be more than one nominated undertaker – for example, HS2 Ltd could become the nominated undertaker for the main railway works, while Network Rail could become the nominated undertaker for works to an existing station such as Euston. But whoever they are, all nominated undertakers will be bound by the obligations contained in the Bill and the policies established in the EMRs.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the project have been reached.

¹The High Speed Rail (London – West Midlands) Bill, hereafter 'the Bill'.

2. General Approach

- 2.1. This paper provides guidance on the circumstances in which owners of land and property affected by HS2 can expect to recover costs and fees that they incur in relation to HS2 and the extent of such recovery.
- 2.2. This information should be read alongside the C4: Land Acquisition Policy, and C8: Compensation Code for Compulsory Purchase. These can be viewed at www.hs2.org.uk.
- 2.3. Reasonable professional fees incurred where property is acquired under the powers of the Bill, or where a blight notice has been served and accepted, or by agreement in advance can be reimbursed, in accordance with the compensation code for compulsory purchase.
- 2.4. HS2 Ltd will also reimburse reasonable and necessary fees involved in obtaining access to property for essential survey work and offers a standard site access licence and licence/survey fee range which has been agreed and endorsed by the Country Landowners Association, National Farmers Union and the Central Association of Agricultural Valuers. Details of the access licence can be provided upon request. Contact information is shown in Section 5 below.
- 2.5. Owners are strongly advised to ensure the basis of their instructions incurring those fees and costs (including the fee level and basis of costs themselves) is set out in writing and agreed by the Secretary of State/nominated undertaker in advance. HS2 Ltd recommends that claimants or their appointed agents/representatives agree the scope and amount of such fees prior to entering into any commitment.

3. Costs and fees outside the scope of reimbursement

- 3.1. Costs and fees which an owner incurs for the purpose of obtaining information about HS2 and its impact will not be reimbursed.
- 3.2. In accordance with previous established practice on hybrid Bills, costs and fees which owners incur both in drawing up and depositing their petitions and in presenting their case to the select committees of the Houses of Parliament will not be reimbursed.
- 3.3. HS2 Ltd may also acquire properties under current and future discretionary property purchase schemes. Under these schemes professional fees incurred by the seller (usually surveyors and legal fees) will not be reimbursed. The only exception is the Express Purchase scheme, where professional fees are payable if a property owner's blight notice is accepted.

4. No land taken

- 4.1. Reasonable professional fees and costs are payable to owners who do not have any land or property acquired from them for HS2, but who make a successful claim in relation to the adverse effect of HS2 on the value of their land or

property under either Part 1 of the Land Compensation Act 1973 or section 10 of the Compulsory Purchase Act 1965. See section 5 of the Information Paper C8: Compensation Code for Compulsory Purchases.

5. Independent advice

5.1. It is important that claimants obtain the right professional advice from practitioners experienced in compulsory purchase and compensation. The Royal Institution of Chartered Surveyors operates a customer helpline that can put people in touch with suitably experienced firms in their area and offer up to 30 minutes free consultancy.

5.2. Their contact details are:

Royal Institution of Chartered Surveyors
12 Great George Street (Parliament Square)
London SW1P 3AD
Tel: 0870 333 1600
contactrics@rics.org

5.3. The Central Association of Agricultural Valuers may also be able to assist owners in rural areas. Their contact details are:

The Central Association of Agricultural Valuers
Market Chambers
35 Market Place
Coleford
Gloucestershire
GL16 8AA
Tel: 01594 832979
enquire@caav.org.uk

5.4. The Central Association of Agricultural Valuers also offers a "Find a CAAV Member" tool to see a list of members in their area.

6. More information

6.1. More detail on the Bill and related documents can be found at: www.gov.uk/HS2