

Statutory Blight and Express Purchase applications

Guidance and frequently asked questions





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 provides information about the statutory blight and express purchase schemes for land in what is known as the safeguarded area.

2 Glossary

Advisor: Someone appointed to advise and negotiate on your or our behalf. We would usually expect you to appoint a suitably experienced RICS (Royal Institution of Chartered Surveyors) or CAAV (Central Association of Agricultural Valuers) surveyor, who may also be referred to as your 'agent'.

Agricultural unit: Land which is occupied as a unit for agricultural purposes, including any home or other building occupied by the same person for the purpose of farming the land. Agricultural purposes are horticulture, fruit growing, seed growing, dairy farming, breeding and keeping livestock, using land as grazing land, meadow land, willow beds, market gardens or nursery grounds, and using land for woodland in a way that supports farming of land for other agricultural purposes.

Blight Notice: The statutory notice that you can serve on the Secretary of State, through us, asking the Government to buy your property.

Compensation Code: A term used to describe the principles used for assessing compensation. It is a mixture of acts of parliament, court cases (case law) and government guidance relating to compensation for compulsory purchase. It is also referred to as the compulsory purchase code.

Crichel Down Rules: The Crichel Down Rules have been developed for over half a century and have been endorsed by previous governments. They cover circumstances when land bought by or under threat of compulsory purchase or statutory blight, but which is no longer needed for public purposes, may be offered back to the former owners, anyone who has taken over from them, or sitting tenants. The rules also apply to land bought under the statutory blight conditions (but not to land bought by agreement before the rules applied). The rules are set out in government guidance which is available at www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance.

Disturbance compensation: This is compensation for reasonable further costs and losses you have as a result of having to move (for example, removal expenses). This compensation is paid to the occupiers of properties.

Express purchase: A discretionary scheme introduced by the Secretary of State which relaxes two conditions that apply to statutory blight (see 4.7.2 for full details).

Extended homeowner protection zone (EHPZ): This zone applies to properties that were fully or partly within the surface-safeguarded area, but aren't any longer, following changes to the route of the railway. Owner-occupiers within this zone can serve a blight notice for five years from the time safeguarding directions are removed. The EHPZ does not apply where the line of the route moves significantly, that is into a deep bored tunnel or more than 300 metres away from the original route which safeguarding applied to.

Field parcel: A reference given to an individual field by the Rural Payments Agency.

Injurious affection: This is where the value of the land you keep reduces as a result of the proposed construction or use of the railway.

Need to sell scheme: The need to sell (NTS) scheme is a discretionary scheme (that is, we do not have to offer it by law) that we run on behalf of the Government. Property owners who cannot claim through statutory blight or apply under the express purchase or voluntary purchase scheme may be able to ask the Government to buy their property if they have a ‘compelling’ (convincing) reason to sell. You can find more guidance at www.hs2.org.uk/documents/collections/need-to-sell.

Notice to treat: This is a notice served on an owner, leaseholder or mortgage provider by an authority with compulsory purchase powers. The notice states that the authority is willing to agree a price to buy the property.

Owner-occupier: An owner-occupier is anyone who owns a property (either outright or with a mortgage) as a freehold or on a lease with a certain term (which has at least three years left to run) and uses it as their main home or place of business. There is a full definition of owner-occupier in Chapter 2, Part 6 of the Town and Country Act 1990.

Safeguarding: Safeguarding is an established part of the planning system. It is designed to protect land which we may need to build and operate the railway from conflicting development that might otherwise take place. As well as helping to protect land, issuing safeguarding directions also triggers statutory blight. This means that property owners within the safeguarded area may be able to serve a blight notice asking the Secretary of State to buy their property before compulsory purchase.

Safeguarding directions: The directions issued by the Secretary of State that establish the land that is safeguarded. From the date safeguarding directions are issued, local planning authorities must consult the authority which issued the directions on planning applications they receive that are within the safeguarded area.

Severance: This is where the value of land you keep reduces if we only need to buy part of your property.

Statutory blight: The term used to describe a situation where a property is blighted in a legal sense, such as where it is in a development plan or within land safeguarded for a specific purpose, for example the railway, or included within a compulsory purchase order.

Statutory interest rate: The rate that interest is calculated at if you claim a cash payment under a HS2 property scheme and then later sell your property to the Government. For the HS2 property schemes, statutory interest is defined under the Acquisition of Land (Rate of Interest after Entry) Regulations 1995. It is set at 0.5% below the Bank of England base rate.

Surface safeguarding: Local planning authorities must consult on all planning applications they receive that fall within areas where surface safeguarding applies. For HS2, the land that is identified for surface safeguarding generally involves surface work and structures associated with the railway where the route is above the ground.

Subsurface safeguarding: In locations where subsurface safeguarding applies, local authorities do not usually have to consult on applications for planning permission, unless the proposed development would extend below ground level. For HS2, subsurface safeguarding is usually put in place when the proposed line of the route is in a bored tunnel.

3 Safeguarding and statutory blight

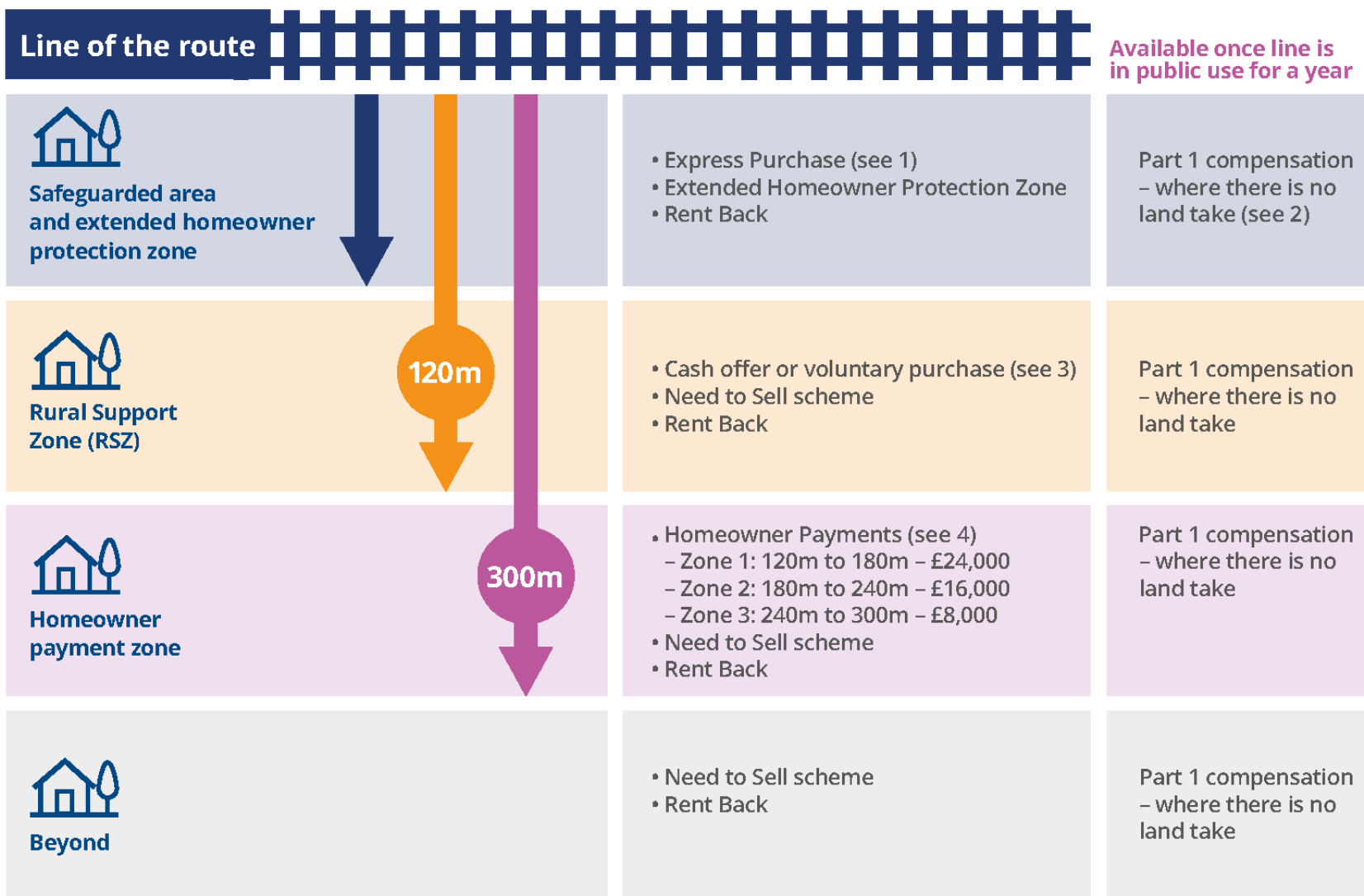
- 3.1.1 Safeguarding helps us and the Government protect land which we might need to build and operate the railway from conflicting development.
- 3.1.2 The Secretary of State for Transport has issued safeguarding directions for all phases of the HS2 route www.gov.uk/government/collections/safeguarding-information-and-maps-for-hs2. This means that local planning authorities must ask for our view when they receive a planning application to develop land within the safeguarded zone. We then assess whether the planning proposals conflict with our plans for the railway. The aim of safeguarding is to make sure that there is no conflict between the railway and other development. As well as helping to protect the land, issuing safeguarding directions also triggers 'statutory blight'. This means that if you own a property in the safeguarded area, you may be able to serve a **blight notice** (make an application), asking the Government to buy your property before we need it to build the railway.
- 3.1.3 For HS2 to go ahead, Parliament will need to approve it by passing a hybrid bill or other legislation. A hybrid bill combines the characteristics of public and private bills. It is used for projects of national importance such as HS2. The hybrid bill will be debated in both Houses of Parliament, and a select committee will hear representations from people affected by the scheme.
- 3.1.4 Hybrid bills have been used for major railway projects such as High Speed One and Crossrail, both of which were safeguarded before the bill was put before Parliament.
- 3.1.5 The Phase One hybrid bill became an Act after receiving Royal Assent on 23 February 2017. The Phase 2a hybrid bill became an Act after receiving Royal Assent in December 2020.
- 3.1.6 As with updates to safeguarding during the progress of Phase One to the hybrid bill, we are continuing to do further work on the Phase 2a and 2b route. We will review the safeguarding directions at key milestones to check whether the correct land is safeguarded and whether we need to make any changes to the directions.

4 Eligibility

4.1 The importance of appointing a professional advisor

- 4.1.1 The existing law around compensation and blight is complicated and based on written law and more than 100 years of case law (court cases). We strongly advise you to get professional advice from a suitably experienced and qualified chartered surveyor if you are considering serving a blight notice. The Royal Institution of Chartered Surveyors (RICS) can refer you to a firm in your area that is willing to give you 30 minutes' free advice. The RICS helpline number is 024 7686 8555.
- 4.1.2 The Central Association of Agricultural Valuers (CAAV) also offer an initial free consultation and can refer you to a firm in your area. Their contact number is 01452 831 815.
- 4.1.3 If the Secretary of State accepts your blight notice, you may be able to claim back the fees you have paid a professional.
- 4.1.4 You will not usually be able to claim back professional fees if the Secretary of State rejects your blight notice or it is allowed to expire.
- 4.1.5 Below is a brief summary of how the blight notice system works. We have also explained who is eligible to serve a blight notice and what compensation they are likely to receive. This information is only intended to be an introduction to the scheme. For more details, please see the guidance produced by the Department for Communities and Local Government at www.gov.uk/government/collections/compulsory-purchase-system-guidance.

HS2 property schemes



1) Surface safeguarding only. 2) Compensation for any reduction in the value of property as a result of the physical effects of the operation of the railway. 3) Applies to rural areas only and does not extend to areas beyond deep tunnels. 4) Available now for Phase One and Phase 2a; only available for Phase 2b after Royal Assent of the Bill. Applies to rural areas only and does not extend to areas beyond deep tunnels.

4.2 Am I eligible to serve a blight notice?

4.2.1 To qualify to serve a blight notice, you should be able to answer 'yes' to all of the following three questions.

- Q1 Do you have a 'qualifying interest' in the property that you want the Government to buy?
- Q2 Is your property fully or partly within the safeguarded area for the route, as shown by the maps (see 4.5.1)?
- Q3 Have you made all reasonable efforts to sell your property? (If your property qualifies for express purchase, you do not need to show the Government you have made reasonable efforts to sell it.)

4.2.2 We have explained these questions in detail below. If you serve a blight notice without satisfactory evidence of 1 to 3 above, your application may be rejected by the Secretary of State and they would then serve a counter-notice (see section 6).

4.3 Do you have a qualifying interest in the property that you want the Government to buy?

4.3.1 You have a qualifying interest if you are a freeholder or a leaseholder (with at least three years left on your lease on the date you serve the blight notice) of:

- a private residential property which is fully or partly within the safeguarded area;
- business premises which have an annual rateable value of not more than £44,200 in Greater London or £36,000 for the rest of England and which are fully or partly within the safeguarded area; or
- an agricultural unit which is fully or partly within the safeguarded area.

You will also have a qualifying interest if you are:

- a personal representative of someone who has died who had one of the above qualifying interests in a property at the time they died; or
- a mortgage provider (for example a bank or building society) who, at the time the property is sold:
 - has the right to sell a property which is fully or partly within the safeguarded area; and
 - can provide immediate vacant possession.

4.4 Occupying the property

4.4.1 As well as having a qualifying interest, you also have to meet the following conditions to do with occupying the property.

For a residential property:

- you must either be living in the property on the date you serve the blight notice and must have owned it and lived in it as your main home for at least six months before that date; or
- if the property is empty, you must have lived there for at least six months before it became empty, as long as it has not been empty for more than 12 months and has not been occupied by anyone since then.

For business premises:

- you must have occupied the premises for at least six months before serving the blight notice and have run a business from there throughout this time; or
- if the property is empty, you must have run a business from there for at least six months before it became empty, as long as it has not been empty for more than 12 months.

For an agricultural unit:

- you must have occupied it for at least six months before the date you serve the blight notice; or
- if the agricultural unit is not occupied, you must have a qualifying interest in it and must have occupied it for at least six months before it became empty, as long as it has not been empty for more than 12 months.

We need the following evidence to show that you occupy the land.

- Printouts of the individual field parcels from your Rural Payments Agency (RPA) online account. These will show maps with RPA land parcel numbers, the total area, and the area that qualifies for the Basic Payment Scheme (BPS).
- A copy of the relevant year's BPS application form. This will show details of the parcels relating to your BPS claim, which can be cross-referenced against the printouts from the RPA online account.
- A claim statement showing that you have been paid. This will confirm that you made an eligible claim under the BPS and that from the RPA's point of view you were entitled to run a farming business from the land.

If you are the representative of someone who has died:

- that person must have been living in, or running a business from, the property for at least six months before the date they died (and that six-month period must have ended no more than 12 months before the date of their death).

4.5 Location of the property

Is your property fully or partly within the safeguarded area?

- 4.5.1 You can only serve a blight notice if your property is fully or partly within the safeguarded area and you have a qualifying interest. You can check whether your property is in the safeguarded area by clicking on the 'Maps and Plans' link at www.gov.uk/government/collections/safeguarding-information-and-maps-for-hs2. The blight notice must be served for the whole of your property, regardless of whether it is fully or partly in the safeguarded area. The Secretary of State would then assess whether we need your property for the railway and may issue a counter-notice (a letter) to buy only part of the property if that is all that we need. This will not apply if your property qualifies for express purchase (see 4.7).

4.6 Reasonable efforts to sell

Have you made reasonable efforts to sell your property?

- 4.6.1 By law, a blight notice must include details of reasonable efforts you have made to sell the property. However, if your property qualifies for express purchase, you no longer have to show this. When you fill in this section of the blight notice application, make sure you write 'does not apply' if you are applying under express purchase.
- 4.6.2 If you are applying under statutory blight (because you do not qualify for express purchase), you will need to confirm that you have made reasonable efforts to sell your property, and describe what those efforts were.
- 4.6.3 For example, you might describe asking an estate agent to market the property. You might have done this in person, or by phone, email or post. You should provide details of the estate agent's response. If you didn't get a response, still give us details of your original approach to them as this will help us to understand the effort you made.
- 4.6.4 If an estate agent explains, for example, that they would market your property only for a special upfront fee to reflect the fact that the property is in the safeguarded area and is unlikely to sell, please tell us about that too.

4.6.5 As long as you take steps such as those mentioned above and describe them accurately in the blight notice, the Secretary of State would normally accept your efforts to sell.

4.7 Express purchase

4.7.1 The Secretary of State has decided to introduce 'express purchase' for the whole of the route of HS2, which simplifies the blight notice scheme (see 4.7.2) in two ways. When an owner-occupier who qualifies for statutory blight and owns a property within the safeguarded area serves a blight notice on the Secretary of State, the Government may choose to accept the notice:

- regardless of whether we would need the property to build or operate the railway, as long as the property is fully within the safeguarded area; and
- without asking you to show that you have made reasonable efforts to sell the property.

4.7.2 The Government may choose not to accept the notice if, for example, we would only need the airspace above the property to temporarily swing the arm of a crane or for other overhead construction access.

4.7.3 Express purchase will be available to eligible owner-occupiers whose property falls entirely within the safeguarded area. For eligible property owners whose properties are only partly within the safeguarded area, we will consider each blight notice on a case-by-case basis.

4.7.4 If we need any part of your property for the railway, we will assess whether any part of it (generally the home) is within the safeguarded area. If it is, express purchase will apply. If no part of the home is within the safeguarded area, but more than 25% of the property (that is, the whole of the property, including the house, garden and land) is within the safeguarded area, express purchase will still apply.

4.7.5 If 25% or less of the property is within the safeguarded area, we will assess your application using the principles of statutory blight. Under these principles, we will assess whether we need any part of your property to build or operate the railway. We will look at whether we can take the part we need without 'seriously affecting the amenity or convenience' of the property. Tests for whether it is appropriate to take part of a property are different for commercial and agricultural properties. You can find more information at www.gov.uk/guidance/land-compensation-manual-section-15-rights-of-owners-to-enforce-purchase-of-lands/practice-note-15-1-material-detriment.

4.7.6 If you do not agree with the decision to serve a counter-notice, you can refer the matter to the Upper Tribunal (Lands Chamber), who will make a decision on the issue. You must do this within one month of receiving the counter notice.

4.7.7 Express purchase will only apply in areas of surface safeguarding (see the glossary). This means it will not apply to properties that are above for example bored tunnels the Government has announced specific measures for properties above tunnels.

4.8 What would I be entitled to if the Government agrees to buy my property?

4.8.1 The categories of compensation (or 'heads of claim') paid to property owners are the same, whether statutory blight, express purchase or compulsory purchase, and are set out below.

- The value of the land taken – this is the unblighted market value. In other words, the value of the property as if there were no plans for HS2.
- Severance and injurious affection – this is compensation for the reduction in the value of any land you keep if we only need to buy part of your property.
- Disturbance – this type of compensation is usually only available to people occupying properties. It covers reasonable additional costs and losses you have as a result of having to move (for example, removal expenses), as well as statutory loss payments.

- Fees – compensation for reasonable surveyors’ and solicitors’ fees that you have to pay as a result of us buying your property.

5 Review

- 5.1.1 When we receive your blight notice, we will check it to see whether or not you have provided enough evidence to answer questions 1 to 3 in section 4.2 above. You can find more details of the evidence we need in section 6.3 below.
- 5.1.2 If we do not have enough evidence, we will tell you what evidence we still need. You will have 10 working days to supply the missing information. If you do not provide a satisfactory response within 10 working days, the Secretary of State will reject your application by serving a counter-notice.
- 5.1.3 If you do not qualify for express purchase, we will not necessarily accept your blight notice (even if you meet the conditions set out in 4.2). We will need to consider whether any of the legal grounds to reject a blight notice apply to your property. These grounds include that we do not plan to buy any part of your property, or that we plan to buy only part of your property and would not buy the rest of it unless the Upper Tribunal decides that we should.

6 Serving a blight notice

6.1 Process

- 6.1.1 Once you have confirmed that your property is fully or partly within the safeguarded area using the maps link in question 2 above (section 4.5), and if you have a qualifying interest, you can fill in a blight notice application and send it with your supporting evidence. Please include as much evidence as you can, as this will help us to consider your application more quickly.
- 6.1.2 A statutory blight notice is a legal document. You can download a copy of a standard blight notice form from www.hs2.org.uk/documents/collections/express-purchase.
- 6.1.3 Please send your blight notice by Royal Mail Special Delivery to:

The Secretary of State for Transport
c/o High Speed Two (HS2) Limited
Land and Property Team
Two Snowhill
Snow Hill Queensway
Birmingham
B4 6GA

Or you can email it, with the evidence attached, to blightnotice@hs2.org.uk.

6.2 Response

- 6.2.1 We will respond to your blight notice within two calendar months of the date we receive it. We will either confirm we have accepted the notice or send you a counter-notice confirming that your notice has been rejected.

6.2.2 Here is a summary of the process.



6.3 Providing evidence for your blight notice

6.3.1 The different sections of the blight notice form are called ‘schedules’. In schedule 1 of the blight notice, you should explain your qualifying interest (see 4.3.1) and provide a list of any other people with an interest in the property that you know about (for example, mortgage providers or tenants), and their names and addresses.

6.3.2 The evidence you provide should be original documents or certified copies (see ‘Certified copies’ on page 13), and should include:

- **proof of ownership (if the property contains more than one title, provide all titles), which might be the epitome of title document, the conveyance to the current owner, a copy of the Land Registry entry, or a copy of the lease; and**
- **proof that the property has been occupied for the required length of time (see 4.4).**

All applicants

- We need two documents, which must be from different organisations. You can provide one document from list A and one document from list B, or two documents from list A. (See both lists below.) All documents must include your name and the address of the property. If you are not submitting your application through a suitably experienced and qualified chartered surveyor, these documents must be originals or certified copies of paper statements (that is, not printed from the internet or from an electronic copy). This may mean you need to ask organisations for paper copies.

- If you are the owner-occupier of the property when you apply, you need to provide one piece of evidence from list A and one from either list A or list B. One piece of evidence from list A must be dated as close as possible to the date of the blight notice and within the three months immediately before the date you serve the blight notice. The second piece of evidence should then be dated at least six months before the date of the first piece of evidence and within the last 18 months. (If you have moved into the property within this six-month period, we would need further evidence to show you have lived there for six months.)
- If a property is empty, you may still be eligible to apply. You will need to provide evidence that the property has been empty for no longer than 12 months from the date you serve the blight notice and that you occupied it for at least six months before it became empty. We would expect to see evidence of the date you left the property, together with two pieces of evidence showing the property was occupied for six months before it became empty.

List A (You can blank out any financial figures and account numbers as we need these documents for evidence of occupation only.)

- A recent bank or building society statement that shows the date it was issued (or one showing transactions from within the last three months)
- A mortgage statement
- A recent credit card statement that shows the date it was issued (or one showing transactions from within the last three months)
- Loan statements or a student loan statement
- Documents and correspondence about the State Pension, tax credits, Universal Credit or other benefits
- Private pension statements (if you currently receive a pension)

List B

- Utility bill (for example, gas, electricity, water or landline phone)
- Local authority tax bill (for example, a council tax or business rates bill)
- Home contents insurance certificate for the address for the relevant period. If you want to submit this, you will also need to provide the buildings insurance certificate for the property for the same period (if they are separate), to show you have both buildings and contents insurance.

Further evidence

Owner-occupiers of business premises

We will need:

- a business rates bill.

Mortgage providers

We will need:

- details of any mortgage roll or reference number and full contact details for the mortgage provider; and
- confirmation of vacant possession.

Personal representatives of someone who has died

As well as evidence from list A and list B, we will need:

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

We may ask for further proof to confirm statements and we will check the electoral roll or other sources to confirm statements you have made.

Examples of evidence that we cannot accept

- Provisional or full driving licence
- National Insurance card
- Mobile phone bill
- Letter from a GP, dentist or similar
- TV licence and other related documents

(We cannot accept the items in this list as they do not provide reliable proof of an address.)

Certified copies

Copies of documents should be certified by a UK solicitor, accountant, a doctor listed on the General Medical Council website, or a bank manager only. They should write 'I certify this document is a true copy of the original', sign it, and write their name, profession, the date, and the name and address of their employer on each page of the copied document (and not over the top of other text). Keep a note of this person's name and address so that we can contact them if necessary.

We also accept copies of documents which have been certified using the official Post Office Identity Document Checking Service. If you use this service we will need the original filled-in checking service form and the original till receipt from the post office. We should receive your application no later than two months from the date on the till receipt. If you do not meet any of these requirements, we will not accept certification by the post office.

If you cannot provide originals or certified copies, when you make your application you should explain why the originals are unavailable.

- 6.3.3 Schedule 2 of your blight notice should show the boundaries of the property marked clearly on a plan.
- The location of the property: You should provide original documents or certified copies. These may include, for example:
 - the filed plan held at the Land Registry;
 - a plan of the agricultural unit the blight notice applies to; or
 - a map showing the exact location of the property, if identifying it by its address may be difficult.
- 6.3.4 If we are going to consider your application under statutory blight (because you do not qualify for express purchase), see 4.6. Schedule 3 of your blight notice should show evidence that you have made reasonable efforts to sell your property.
- 6.3.5 When you fill in schedule 3 of the blight notice, you should write that you have made reasonable efforts to sell your property and describe what those efforts were.

- 6.3.6 For example, you might describe asking an estate agent to market the property. You might have done this in person, or by phone, email or post. You should provide details of the estate agent's response. If you didn't get a response, still give us details of your original approach to them as this will help us understand the effort you made.
- 6.3.7 If an estate agent explains, for example, that they would market your property only for a special upfront fee to reflect the fact that the property is in the safeguarded area and is unlikely to sell, please tell us about that too.
- 6.3.8 As long as you take steps such as those mentioned above and describe them accurately in the blight notice, the Secretary of State will normally accept your efforts to sell.

Renting back

- 6.3.9 Once your blight notice has been accepted, you can ask us to note your interest in renting your property back from the Government. We would assess the property and decide whether it could be made suitable for letting, in line with legal requirements and sound commercial principles.
- 6.3.10 If the property is suitable for letting, we would calculate the realistic market rent it would be likely to fetch. We would then offer you a tenancy agreement (depending on satisfactory references). It is up to you to judge whether you are prepared to agree to the tenancy agreement, which would include paying the full market rent.
- 6.3.11 The Government is currently restricted in its use of tenancy agreements and must issue Crown rather than assured shorthold tenancies.

7 How we use your personal information

- 7.1.1 We may share information with organisations and individuals that have a legitimate interest in buying and selling your land and property under statutory blight. We have a duty to protect public funds, and we may also share information with other government departments and agencies for that reason or to prevent and detect crime or fraud. These organisations may include accountants, external evaluators and other organisations or groups involved in delivering HS2.
- 7.1.2 We may reject your application if you give false or inaccurate information in it. We will carry out security and anti-fraud checks on the information and supporting evidence you provide.
- For more details on how we use your information, how we keep your information secure, and your rights to access the information we hold about you, please visit www.hs2.org.uk/privacy-notice.
 - If you have any questions about your right to access your personal information, you can contact us by:
 - email: HS2enquiries@hs2.org.uk;
 - phone: 08081 434 434; or
 - minicom: 08081 456 472.

8 Frequently asked questions

My business is within the safeguarded area. Can I serve a blight notice?

You may be eligible to serve a blight notice if the annual rateable value of your business is not more than £44,200 in Greater London or £36,000 in the rest of England. If the rateable value is higher than these amounts, we do not have to accept your blight notice. You must also be an owner-occupier of your business premises. This means you must be a freeholder or leaseholder with a lease that still has at least three years left on it. You must also have occupied the land for at least six months before it became empty, as long as it has not been empty for more than 12 months (with the property unoccupied since it became empty).

What is the difference between surface and subsurface safeguarding?

Surface safeguarding is the area shaded grey on the maps
www.gov.uk/government/collections/hs2-safeguarding.

It means that we expect to have an interest in the land on the surface as well as the land beneath the surface.

Subsurface safeguarding is the area within the red boundary line on the maps which is shaded blue. This means that we expect to have an interest in the land below ground only. This is usually used for sections where we expect there to be a tunnel running deeper than 9 metres below the surface, and we will only be interested in developments that could affect the land where the tunnel may pass (for example, a building with very deep foundations).

If your property is within subsurface safeguarding, we would not normally expect to need the part of your property that is above ground. The Secretary of State would not normally accept a blight notice in these cases.

My farm is within the safeguarded area. Can I serve a blight notice?

If you are an owner-occupier of an agricultural unit, and all or part of that unit has been occupied for at least six months, you may be eligible to serve a blight notice. However, if only a part of your farm is affected, we may be entitled to serve a counter-notice explaining we will only buy part of the property. We assess each case individually. The Central Association of Agricultural Valuers (CAAV) offer an initial free consultation and can refer you to a firm in your area. Their phone number is 01452 831815.

If I serve a blight notice and you reject it, what happens then?

If we reject your blight notice, we will serve a formal counter-notice saying so. If you do not agree with this, you have one month to refer the matter to the Upper Tribunal for them to decide on it. Depending on the reasons that your blight notice was rejected, you may be able to apply for the need to sell scheme (NTS). The address is:

Upper Tribunal (Lands Chamber)

5th Floor, Rolls Building

7 Rolls Building

Fetter Lane

London, EC4A 1NL

You must also send a copy of your tribunal papers to all of the following.

- (1) Government Legal Department
Margaret Barry and Tony Nwanodi
Litigation Team A5
One Kemble Street
London WC2B 4TS

- (2) The Secretary of State for Transport
Rail Projects Division
DfT Legal Advisers
Great Minster House
33 Horseferry Road
London SW1P 4DR

- (3) HS2 Limited
General Counsel
Two Snowhill
Snow Hill Queensway
Birmingham B4 6GA

If my blight notice is rejected and a counter-notice is served, can I reapply?

Our statutory and discretionary schemes are aimed at helping those people who are most directly and negatively affected by the proposals for HS2. We make our decisions based on the information in your application. If you resubmit an application using the same information and hope for a different outcome, it is not likely to be successful. If you have no additional meaningful evidence to give us, or if there has not been a significant change in your circumstances, we would advise against simply repeating an application.

If I serve a blight notice and you accept it, what would I receive?

If we accept your blight notice, it means that we will agree to buy your property under the compulsory purchase Compensation Code (that is, as if the property were being compulsorily purchased). This means that you would get the unblighted value of your interest in the property (freehold or leasehold), and reasonable removal costs and expenses (a disturbance payment). You may also be entitled to a loss payment. See section 4.8 of this guidance for more details. There is general information on the compensation you may be entitled to in the following guidance www.hs2.org.uk/documents/collections/express-purchase.

If I serve a blight notice and you accept it, what happens next?

If we accept your blight notice application, we will send you a letter of acceptance and a claim form. The claim form contains a section for you to tell us the name of the surveyor who will negotiate the compensation on your behalf. By accepting your blight notice, the Secretary of State is considered to have authorised the compulsory purchase of your property and to have served a 'notice to treat' regarding it. A notice to treat establishes a 'quasi-contract' (or provisional agreement) for the sale of your property, which becomes unconditional once compensation is agreed or decided by the Upper Tribunal.

If you serve a blight notice and it is accepted, the notice to treat becomes operative two months after we received it. The notice to treat is valid for three years. This means you have three years and two months from the date we received your blight notice to agree compensation with us (through your surveyor) or, if there is no agreement, to refer the matter to the Upper Tribunal. If compensation is not agreed or referred to the Upper Tribunal within the three-year and two-month period (unless you and we agree to extend this period or if the Secretary of State serves a notice of entry and takes possession of the property), the notice to treat would no longer apply and your blight notice would no longer be valid www.gov.uk/government/publications/hs2-phase-one-safeguarding-for-property-owners.

I own several buildings that fall within the same Land Registry title, part or all of which falls within safeguarding. What happens here?

In this case, we will check whether each building is associated with a separate council tax or business rates listing (by using the council tax valuation list at <http://cti.voa.gov.uk/cti/inits.asp> or, for business rates, by checking with the local authority). We will treat each council tax listing as a separate property and, as such, a separate blight notice (where you will need to meet each of the eligibility criteria).

I own property made up of several Land Registry titles, and part or all of my property falls within safeguarding. What happens here?

For our purposes, what forms a single property will depend on the council tax or business rates listing (using the council tax valuation list at <http://cti.voa.gov.uk/cti/inits.asp> or, for business rates, checking with the local authority) rather than the Land Registry titles. We will treat each council tax listing as a separate property and, as such, a separate blight notice. It is possible for more than one Land Registry title to be covered by a single council tax listing. In this case, we will treat all Land Registry titles covered by a single council tax listing as a single application (where you will need to meet each of the eligibility criteria).

How will you calculate the percentage of the property that is in safeguarding?

If only part of the property, and no part of your home, is in the safeguarded area, we will calculate the percentage of the total property in that area. We will do this using the Land Registry title (or titles) for the property or, if the property is not registered with the Land Registry, other legal documents which show the boundary of the property. If there is any dispute about the boundary, it will be up to you (the property owner) to prove the extent of your property and provide us with a revised Land Registry title.

I applied to the exceptional hardship scheme (EHS) or need to sell scheme (NTS) but was turned down. Can I now submit a blight notice?

Yes. If you applied to the EHS or NTS scheme it does not mean you cannot apply to another scheme in the future. We will consider your application as a fresh application.

I have been accepted onto the need to sell (NTS) or rural support zone (RSZ) scheme but not yet completed the sale of my property and it has been moved into safeguarding. What should I do?

As we develop an area of the HS2 route, properties that may sometimes have been accepted under the NTS or RSZ schemes will be placed within a safeguarded area. If all or part of your property has been moved into the safeguarded area and if you have yet to sell the property to the Government, you would be able to serve a blight notice on the Secretary of State. If they accept your blight notice you would be entitled to additional compensation, in line with statutory compensation.

If you have had an offer based on two valuations of your property made in the last 12 months, the offer we have made you under the RSZ or NTS scheme will be the offer to buy the property under the blight notice. We will not make any other offer as a result of the blight application.

If we accept your blight notice, we will only review this offer after 12 months from the date we made the offer under the NTS or RSZ scheme. This may result in a higher or lower offer for your property depending on the market circumstance at that time.

Where we have made a cash offer following a streamlined 'desktop' valuation (where a valuer doesn't visit your property but uses available information to value it), we will make a new offer under statutory blight, as a property must have an inspected valuation carried out before a purchase can go ahead.

If at any point we have paid you a cash offer on the property and you later become eligible to serve a blight notice, we will take the value of the cash offer (plus statutory interest) from the final settlement amount of the compensation package.

My house was in the safeguarded area. Following changes to the route, it is no longer in this area. Can I still serve a blight notice?

Yes, if you are in the extended homeowner protection zone (EHPZ). The EHPZ will apply for five years from the date that safeguarding directions applying to your property were removed. The EHPZ is shown on the safeguarding maps. To be eligible, either your house or 25% of the total area of your property must have been within surface safeguarding. We will use the express purchase criteria when considering your blight notice. You will be able to serve a blight notice as if your property was still within safeguarding for this period of time. The EHPZ will only apply to residents who had the right to serve a blight notice at the time we removed the property from safeguarding. The EHPZ will not apply where the line of route moves significantly, for example into a deep tunnel or more than 300 metres away from the original alignment which was subject to safeguarding.

If we do not accept your blight notice under the EHPZ, you do not have the right to refer your application to a Land Tribunal as this is not a statutory scheme (that is, it is not required by law).

My business depends on its location (for example, a quarry or a specialised orchard). I can't move it elsewhere. I will lose everything as a result of HS2. What will happen to me?

If your business is within the safeguarded area and qualifies for statutory blight, we will need to consider your individual circumstances. We may pay you compensation if you have to relocate or, in certain circumstances, close your business. You would first have to meet the qualifying criteria. You can find general information on this in the Department for Communities and Local Government compulsory purchase booklet 2 www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-2-compensation-to-business-owners-and-occupiers.

If you have any further questions after reading this booklet, please call our Helpdesk on 08081 434 434 or minicom 08081 456 472, or email us at HS2Enquiries@hs2.org.uk.

If you buy farmland which you then don't need, will you offer this back for sale?

Normally, if we buy more land than it later turns out we need for the project, or if we no longer need land, we will offer it back to the original owner first before we offer it for sale on the open market. This is called the Crichton Down Rules and you can find more information at www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichton-down-rules-guidance.

Under the Crichton Down Rules we must consider each case on its own merits.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672197/C6_-_Disposal_of_Surplus_Land_and_Over-Site_Development_v1.5.pdf

What does the 'disturbance' payment cover?

Disturbance is part of the Compensation Code and payments are generally only available to occupiers of property that has been compulsorily purchased or bought following a successful blight notice. Disturbance payments usually cover the reasonable and necessary costs or losses of being 'disturbed' from occupying a property. The payment might include things such as removal costs, surveyors' or solicitors' fees, stamp duty on a new property up to the equivalent value, new business stationery and temporary loss of profits. You have a duty to keep losses to a minimum and we would normally need competitive quotes for things such as removal services. We recommend you get professional advice to help you with your claim.

Can I serve a blight notice if I own my property jointly with someone else?

If you own the property jointly with others, all of you will need to be named as parties to the blight notice and sign the blight notice (or give your agent authority to sign on your behalf).

What is Part 1 compensation and could it apply to me?

This is compensation you may be able to claim under Part 1 of the Land Compensation Act 1973 if the value of your property goes down because of the physical effects of the railway (noise, vibration, smell, fumes, smoke, artificial lighting, and any solid or liquid substance being released onto land). It applies if you own a qualifying interest in the property on the date the HS2 railway is opened. You can only claim Part 1 compensation once the railway has been open for 12 months.

I am going to need some proper professional advice about my property issues and whether I am entitled to compensation. Will you pay these costs?

If you have a claim for compensation under compulsory purchase law (that is, if you are within a confirmed safeguarded area and so meet the conditions for statutory blight, and have a qualifying property interest, or if a compulsory purchase order applies to your property), you may be able to claim reasonable professional fees. However, you will not usually be able to claim these fees if the Secretary of State rejects your blight notice. The Royal Institution of Chartered Surveyors (RICS) can refer you to a firm in your area that is willing to give you 30 minutes' free advice on your case. The RICS helpline number is 024 7686 8555. The Central Association of Agricultural Valuers (CAAV) also offer an initial free consultation and can refer you to a firm in your area. Their phone number is 01452 831 815.

My home or business is in the safeguarded area. Does this mean the Government will buy it from me?

If your property is in the confirmed surface-safeguarded area and you have a qualifying interest, you can ask the Government to buy it under the blight notice process. However, whether your blight notice application is accepted will depend on your circumstances and whether we expect to need the land for the railway. See section 4.2.

I live in a mobile home (or park home or caravan) that you are due to buy in the future. Can I serve a blight notice? Does living in a mobile home affect my ability to claim compensation?

Whether you are eligible for the statutory blight scheme is based on the conditions that apply under the Town and Country Planning Act 1990. Residential owner-occupiers, owner-occupiers of small businesses and owner-occupiers of agricultural units would qualify. Generally, someone living in a mobile home, park home or caravan would not be able to apply for the scheme because they would not have a qualifying interest in the land their home is on.

You may qualify for a disturbance payment if your caravan, park home or mobile home has to be relocated following a compulsory purchase notice being served. It will depend on your individual circumstances. You may be entitled to a home-loss payment if you have lived in a mobile home, park home or caravan on the same permanent site for at least one year and no suitable alternative site is available on reasonable terms.

Will the safeguarding boundaries change in the future?

We will review the safeguarding directions at key milestones to check whether the correct land is safeguarded and whether we need to make any changes to the directions.

My house is in subsurface safeguarding or above a tunnel. Will you buy it?

If your property is in subsurface safeguarding only, we would not normally expect to buy it.

HS2

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