



Department  
for Transport

# High Speed Two Phase 2b: Crewe to Manchester, West Midlands to Leeds and beyond - Property Consultation Response

**Moving Britain Ahead**

**July 2017**





# **High Speed Two Phase 2b: Crewe to Manchester, West Midlands to Leeds and beyond - Property Consultation Response**

Presented to Parliament  
by the Secretary of State for Transport  
by Command of Her Majesty

July 2017



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# 1. Foreword - Parliamentary Under Secretary of State Paul Maynard MP



In November 2016, the Government published its preferred route for Phase 2b: Crewe to Manchester, West Midlands to Leeds, of High Speed 2. Alongside this announcement, a consultation was launched which set out the property schemes to be made available to communities and businesses along the route.

At the same time, the Government decided to introduce two property schemes, Express Purchase and Need to Sell, on an interim basis to support those likely to be most impacted along the proposed Phase 2b route.

After thorough analysis of over 2,000 responses from individuals, businesses, homeowners, local authorities and organisations, the Government is now publishing its response to this consultation.

Communities and businesses along the line of route for HS2 are a key consideration for everything that we do. In tandem with this consultation, 36 information events were held up and down the length of the Phase 2b route where close to 20,000 local people met with Department for Transport and HS2 Ltd officials to discuss all aspects of the project. A large number of these discussions focussed on the property measures available.

I know that the property schemes are an extremely important matter for those living in close proximity to the railway. How these schemes operate is an important test of how well we are meeting the Government's aim to treat people fairly, with dignity and in a timely manner.

I believe that the schemes confirmed in this document provide this and more. They provide a generous and wide range of measures which offer real means of helping those affected while protecting the public purse. This means our property schemes are now in place across the whole of the HS2 route and will be until a year after the railway is operational.

As a result of the suggestions we received, we have made some changes to improve access to the schemes in some areas. We have changed the rural / urban boundaries at four locations and extended property zones around the entrances and exits of deep bored tunnels.

The first assistance scheme for HS2 was launched in 2010. Since then, we have sought to refine our schemes through close consultation with communities along the route. The Government is committed to keeping these schemes under review to ensure that those affected receive a package of measures that is as exceptional as the project itself.

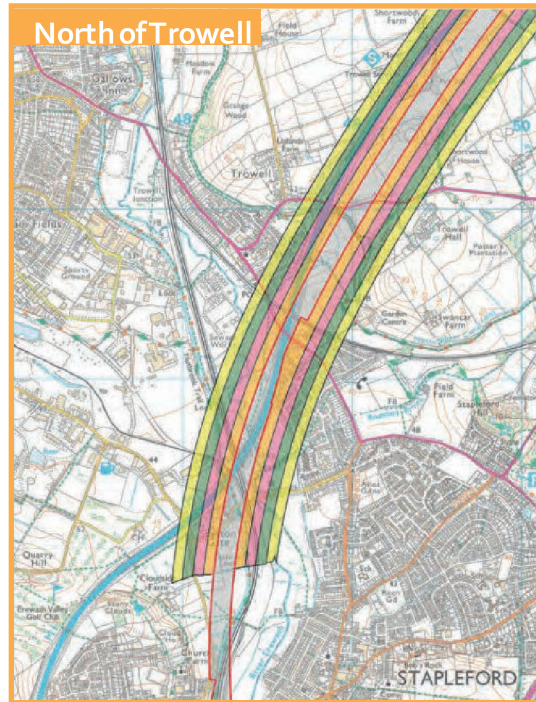
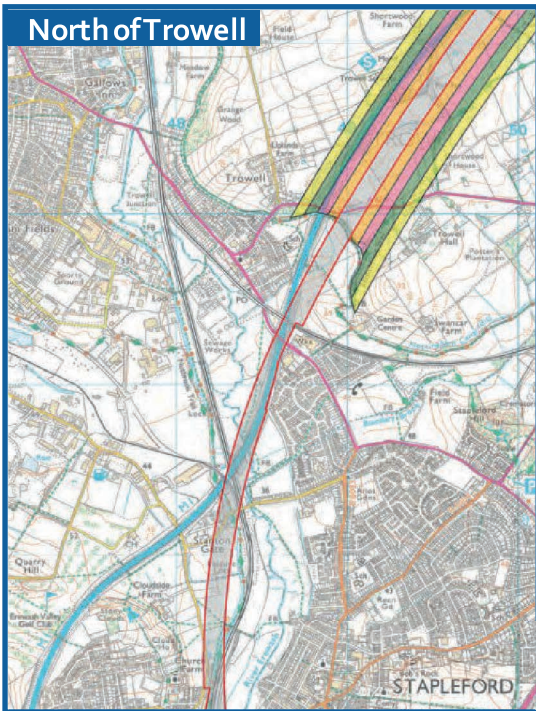
## 2. Government decision

- 2.1 The Government has carefully considered the responses to this consultation and all other relevant information, including in particular the recommendations made by the House of Commons and House of Lords Select Committees and their Special Reports on the Phase One hybrid Bill, as well as relevant points made by individuals and organisations, including HS2 Action Alliance (HS2AA), during the petitioning process for the Bill.
- 2.2 In light of its consideration of all relevant evidence, the Government has concluded that there are no significant differences between the route's three phases to justify a new approach to property schemes for Phase 2b. We believe the package we are announcing today strikes the right balance between assisting those along the line of route and the Government's responsibility to the taxpayer.
- 2.3 To this end, the Government has decided to implement the same package of property compensation and assistance schemes for Phase 2b as those which are in place for Phases One and 2a.
- 2.4 In addition, the Government has taken the following decisions:
  - For all phases, to extend the Rural Support Zone (RSZ) and Homeowner Payments (HOP) schemes to rural properties adjacent to deep bored tunnels, where they are within 300m of the track as it enters and leaves the portal
  - On the Phase 2b route, to make amendments to four rural / urban boundaries at Crewe, Long Eaton, Trowell and Leeds (see images on pages six and seven)
- 2.5 The Government will also:
  - Review how we might allow flexibility in defined circumstances in the application of the No Prior Knowledge (NPK) criterion applications to the Need to Sell (NTS) scheme.
  - Consider the benefits and implications of allowing those that elect to take the Cash Offer to be eligible for Voluntary Purchase at a later date
  - Re-examine the benefits and risks of a property bond scheme for this project
  - Examine the case for assistance schemes near rolling stock depots

# Urban and rural boundary maps

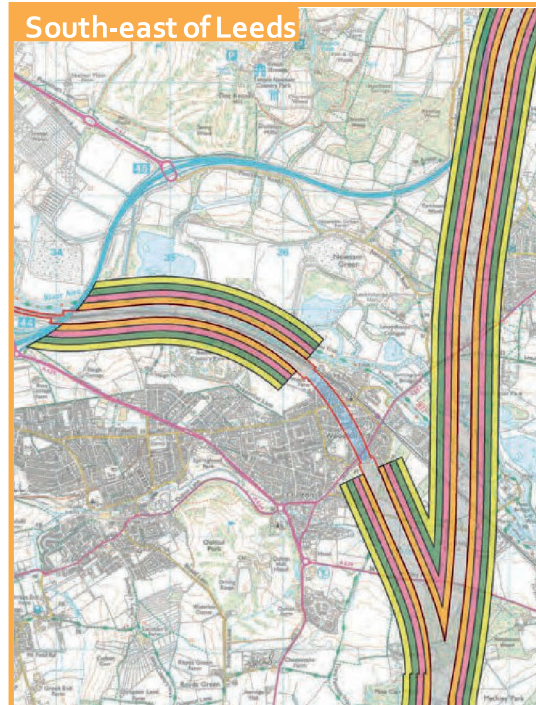
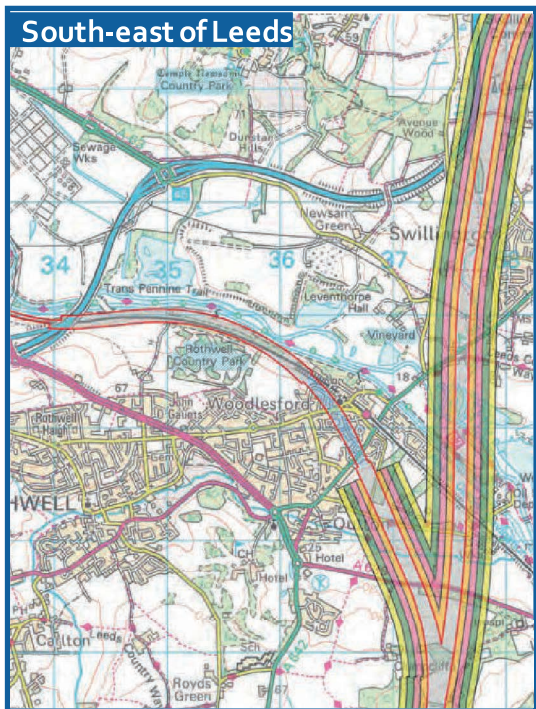
BEFORE rural and urban boundary changes

AFTER rural and urban boundary changes



BEFORE rural and urban boundary changes

AFTER rural and urban boundary changes



**NOTE:** There are no changes to the rural and urban boundary in South Manchester



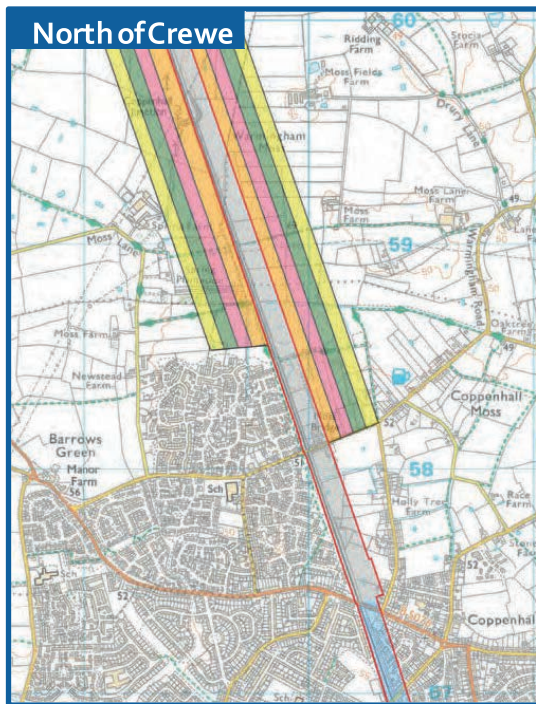
Rural area where RSZ and HOPZ schemes will apply.

Urban area where RSZ and HOPZ schemes will not apply.

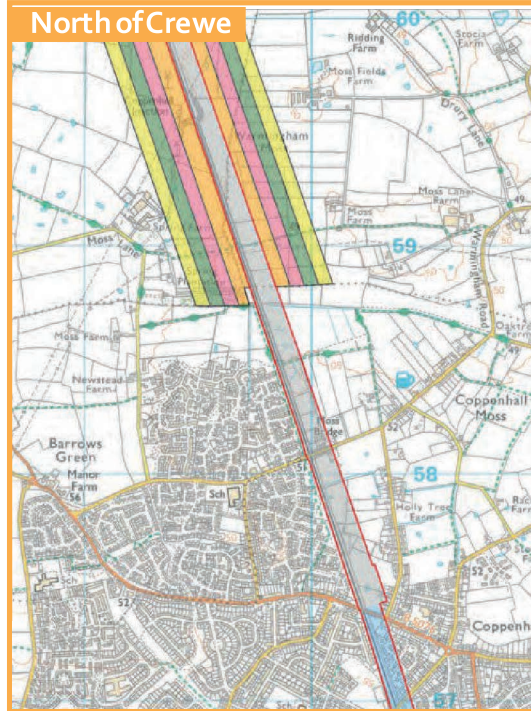


## Summary map showing boundaries between rural and urban areas of the Phase 2b route.

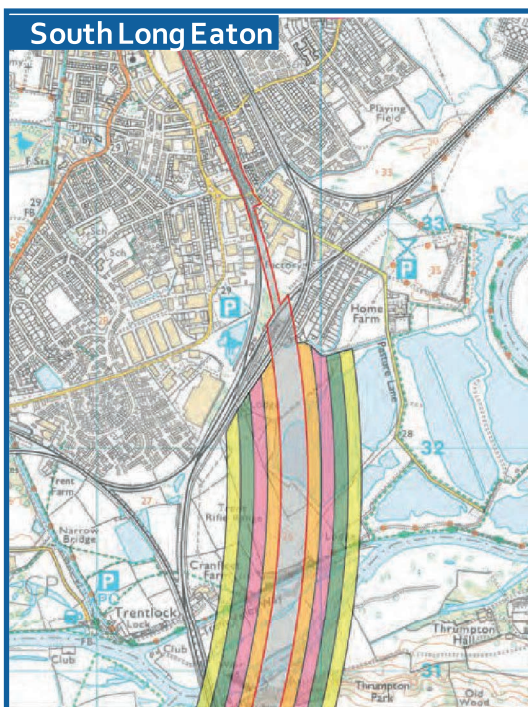
BEFORE rural and urban boundary changes



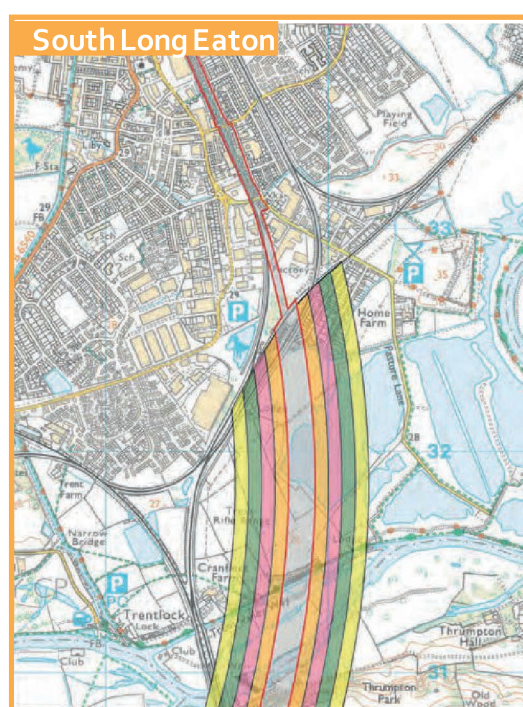
AFTER rural and urban boundary changes



BEFORE rural and urban boundary changes



AFTER rural and urban boundary changes



For larger scale maps, visit:

<https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-property-consultation-2016>

## 3. What did we consult on?

### The purpose of the consultation

- 3.1 The consultation ran from 15 November 2016 to 9 March 2017 and was divided into two parts. Part A sought views and ideas on any factors particular to this section of the route which should be taken into account when designing the proposed property compensation and assistance schemes for Phase 2b. It also sought views on the boundary of the RSZ at five locations along the preferred Phase 2b section of HS2. Part B asked for comments on the operation of the NPK criterion in relation to the NTS scheme and considered changes to the criterion.
- 3.2 A summary of the schemes available for Phase 2b can be found at the end of this document. For a full breakdown of the proposals, please see the consultation document<sup>1</sup>.
- 3.3 In total there were 2,046 responses to the consultation and this document sets out the Government's response to key themes respondents raised.
- 3.4 This consultation ran concurrently with a separate consultation on seven proposed route refinements for Phase 2b of HS2. The results of this consultation can be found on the relevant consultation page of the HS2 website<sup>2</sup>.
- 3.5 During the consultation period, the Department for Transport (DfT) and HS2 Ltd held a number of information events in locations along the proposed line of route for Phase 2b of HS2. In total, 36 events were held with close to 20,000 people in attendance. The information events commenced on 5 January in Crewe and concluded on 9 March in Crofton. As plans for the design of Phase 2b of HS2 develop, further information events will be arranged and advertised to those affected along the line of route.

### Contact us

- 3.6 If you have any queries on the outcome of this consultation or any general queries regarding HS2, please contact the dedicated HS2 enquiries line on 08081 434 434 or via email at [hs2enquiries@hs2.org.uk](mailto:hs2enquiries@hs2.org.uk). You may also wish to engage the Member of Parliament (MP) responsible for your constituency. HS2 Ltd have established a parliamentary hotline whereby all MPs can raise a query on your behalf with HS2 Ltd directly, including in relation to NTS applications.

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<sup>1</sup> <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-property-consultation-2016>

<sup>2</sup> <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-route-refinement-consultation-2016>

## 4. Response analysis

- 4.1 There were 2,046 responses to this consultation, with 1,924 received from members of the public and 122 from other organisations including action groups, businesses, elected representatives, local government, estate agents, housing associations or property-related organisations, statutory agencies and transport, infrastructure or utility organisations. DfT and HS2 Ltd commissioned an independent company, Dialogue by Design (DbyD), to collate, analyse and produce a report on these responses. The detailed summary report can be found online<sup>3</sup>. A full breakdown of stakeholders who responded to the consultation and the number of responses to each of the questions can be found in DbyD's report. Our analysis is based on the findings of DbyD's report, further analysis of responses received through the consultation and the recommendations made by the House of Commons<sup>4</sup> and House of Lords<sup>5</sup> Select Committees relating to the High Speed Rail (London - West Midlands) Bill in their Reports on the Phase One hybrid Bill, as well as relevant points made during the petitioning process including those made by HS2AA.

### What you said and the Government's response - Part A, Question 1: package of compensation and assistance schemes for phase 2b of HS2

- 4.2 We invited responses to the following question:

*The Government believes the proposed schemes outlined in this document (Property Consultation 2016) provide a comprehensive package of assistance and compensation to communities along or near the preferred Phase 2b section of HS2. Are there any factors which you think should be considered to make the proposed schemes more suitable for the preferred Phase 2b section of HS2? Can you suggest any ideas you may have to improve the package of compensation and assistance schemes for the preferred Phase 2b section of HS2? Please provide as much detail as possible.*

- 4.3 The Government's response to this question can be found below. It is arranged in the context of each of the compensation and assistance schemes offered to those on the line of route of HS2.

<sup>3</sup> <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-property-consultation-2016>

<sup>4</sup> <https://www.publications.parliament.uk/pa/cm201415/cmselect/cmhs2/338/338.pdf>

<sup>5</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

## Express Purchase

- 4.4 Some respondents commented on Express Purchase, with a mixture of support and opposition to the scheme. Some respondents including Marr Parish Council and Bramley HS2 Action Group suggested that the terms available to eligible Express Purchase applicants should be made available to all those who suffer generalised blight as a result of HS2. Express Purchase is a scheme designed to speed up the processing of statutory blight claims. It does not seek to address the distinct issue of generalised blight. Two other schemes, NTS and Voluntary Purchase, address the impact of generalised blight. These schemes are covered in more detail in sections 4.14 and 4.42.
- 4.5 Others perceived that the application process for Express Purchase was too slow, causing stress for applicants. Express Purchase is already available on Phase One and 2a and removes the need for applicants to demonstrate that they have used 'reasonable endeavours' to sell their property before applying, as is usually required under the statutory blight regime. This has led to a marked increase in the speed at which people can prepare an application for the scheme. HS2 Ltd have a statutory obligation to respond to blight notices within two months; failure to do so means a notice is automatically accepted. The Government accepts that the entire statutory blight process can be too long. HS2 Ltd are working to improve the acquisition procedure from the claimant's perspective, so providing clarity in terms of timescales and processes. HS2 Ltd now achieves initial determinations well within the statutory two months and will work to drive down the time it takes to complete the negotiation and conveyancing process.
- 4.6 Some called for the safeguarded area to be widened to accommodate construction plans once developed. The areas of land safeguarded for Phase 2b are drawn on the basis of land that is required for the construction and operation of the railway. Safeguarding directions have been in place for the majority of the Phase 2b route since 15 November 2016 but have now been revised to ensure they reflect the changes that were announced on 17 July 2017. Safeguarding is kept under review and updated as the project evolves, including when construction plans are developed. Anyone affected by changes in the safeguarded area of the route will be contacted by HS2 Ltd.
- 4.7 There were a number of responses calling for Express Purchase terms to be the same as other infrastructure developments, specifically the expansion of Heathrow Airport. While it is understandable that respondents would compare the offers of assistance between infrastructure projects, Heathrow Airport expansion plans and HS2 are very different in nature. Therefore, the packages on offer have to be designed taking into account the characteristics and impact of each project.
- 4.8 A key difference between the two schemes is that Heathrow's proposed scheme(s) operate only within a specified area. The package of measures which the Government has decided to adopt for HS2 includes the NTS scheme, which has no geographic limitations. A further, critical, difference between the two projects is that compensation for local communities affected by the Heathrow scheme will be paid for by the private sector, and not by taxpayers. By contrast the Government must seek to achieve a balance between assisting those affected by HS2 and achieving value for money for the taxpayer. We believe that our overall package is generous and responds to the requirements of those along the line of route of HS2.

- 4.9 The Government believes that the current operation of the Express Purchase scheme - which is itself an enhancement of statutory blight - provides the right compensation and assistance for those in the safeguarded area.

### Extended Homeowner Protection Zone

- 4.10 The Extended Homeowner Protection Zone (EHPZ) was first announced in the Property Compensation Consultation 2013 decision document<sup>6</sup>, although the period for applications was subsequently lengthened from six months following the lifting of safeguarding directions to five years. The EHPZ enables homeowners whose property was previously included within safeguarding to ask the Secretary of State to purchase their property on the terms which would have applied under the Express Purchase scheme.
- 4.11 A number of respondents commented on the EHPZ, with most, including the Council of Mortgage Lenders, offering support for the scheme. Leeds City Council requested further information on its operation.
- 4.12 After considering responses to this consultation, the Government has decided that the EHPZ scheme will be implemented where safeguarding is altered as a result of changes to the Phase 2b route<sup>7</sup> and is now available on all parts of the HS2 route. The EHPZ will apply where changes are made, unless the route (including supporting infrastructure such as depots) is subject to significant change, or is altered from the route being on the surface into a deep bored tunnel. This has been the general approach taken on Phase One of the route, for example where alignment in the Chilterns changed significantly from a surface route to a bored tunnel, and was confirmed in the Phase 2a Property Consultation decision document, published in May 2016<sup>8</sup>.
- 4.13 Where the preferred Phase 2b route diverges by more than 300m from the route published on 15 November 2016 (measured from the rail's centreline), we have taken the decision that this constitutes a 'significant' change to the alignment, and we do not propose that the EHPZ is applied beyond this point. More information on the operation of the EHPZ scheme can be found in the May 2016 Property Consultation decision document<sup>9</sup> and has been included in the updated Guide to Statutory Blight and Express Purchase<sup>10</sup>.

### Need to Sell

- 4.14 There were a large number of comments on the NTS scheme. While there were some which supported the scheme in its current form, many outlined issues with the operation of the scheme and its criteria. The House of Commons<sup>11</sup> and House of Lords<sup>12</sup> Select Committees and HS2AA in particular recommended a number of

<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/301522/cm\\_8833.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301522/cm_8833.pdf)

<sup>7</sup> <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-route-refinement-consultation-2016>

<sup>8</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/525850/west-midlands-crewe-property-consultation-2015-web-version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/525850/west-midlands-crewe-property-consultation-2015-web-version.pdf)

<sup>9</sup> <https://www.gov.uk/government/publications/hs2-phase-two-west-midlands-to-crewe-property-consultation-2015-government-decision>

<sup>10</sup> <https://www.gov.uk/claim-compensation-if-affected-by-hs2/overview>

<sup>11</sup> <https://www.publications.parliament.uk/pa/cm201415/cmselect/cmhs2/338/338.pdf>

<sup>12</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

proposals for improving the scheme. The response below addresses responses received on three of the five NTS criteria and other comments on the scheme.

- 4.15 Some respondents, including Lostock Gralam Parish Council, felt that the criteria required to successfully apply for the scheme were too difficult to meet. However, the Government is clear that the NTS criteria are appropriate and fair and does not propose any change to the criteria. It will however take steps to improve the accessibility of the scheme, as detailed below.

### **Location criterion**

- 4.16 Some respondents, including Church Fenton Parish Council and HS2AA, called for the location criteria of the scheme to be removed, on the basis that the location of a property is irrelevant if generalised blight can be proven as a direct result of HS2. Generalised blight is considered under the effort to sell and the impact of blight criterion. The location criterion is included to help confirm that a property is 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. This, in combination with the effort to sell and the impact of blight criterion, ensures that the Government is purchasing properties that are likely to be affected by the construction or operation of HS2 rather than some other factor. It also prevents the exacerbation of generalised blight in areas that genuinely will not be directly affected by the construction of HS2 or its operation. The Government has therefore decided that this criterion should be maintained and does not intend to remove it from the scheme.
- 4.17 Others called for properties above deep bored tunnels to be included. To be clear, applications can be made from those who live above deep bored tunnels. However, the independent panel will only take into account the impact of surface construction or non-deep bored tunnels near the property when deciding if an applicant meets this criterion.

### **Effort to sell criterion**

- 4.18 Some respondents took issue with the need to market a property for a minimum of three months to meet the criterion and obtain three separate marketing proposals. While the panel would normally consider the number of marketing proposals and the length of time a property has been on the market, it will also take into account other factors in order to make a recommendation based on the overall efforts to sell that have been made. It is also possible for the panel to request that discretion is shown if it considers applicants have not met the requirements of this criterion, but it considers there is a compelling case for acceptance overall.
- 4.19 A number of respondents, including Craig Tracey MP, opposed the requirement that owners must demonstrate that no offers be received within 15 per cent of a property's unblighted market value. The adoption of a 15 per cent guidance figure is a long-standing benchmark used by other compensation schemes, such as the Channel Tunnel Rail Link, the Elizabeth Line and Highways England road schemes. The Government still believes that this level is reasonable and fair. The guidance makes clear that a person who has received an offer within 15 per cent of market value may meet this criterion, if they can provide evidence that that offer constitutes a blighted offer.

4.20 Some respondents called for clearer guidance for property owners on eligibility for this criterion. This issue will be addressed within the soon to be published expanded set of Frequently Asked Questions within the guidance document, giving further advice to applicants on the operation of this criterion.

### **Compelling reason to sell criterion**

4.21 A number of respondents including Church Fenton Action Group felt that the scheme should be changed from a 'Need to Sell' to a 'Want/Wish to Sell' scheme, whereby applicants should not have to provide a compelling reason to sell their property.

4.22 The Government maintains its position that it is not advisable for it to intervene in the property market by buying properties unless qualifying owner-occupiers have a compelling reason to sell. The inclusion of the compelling reason to sell criterion of the scheme ensures those most in need of assistance are able to access the scheme, whilst having regard to the Government's responsibility to the taxpayer. We therefore do not agree that the scheme should be changed in order to be a "Want/Wish to Sell scheme". This position was supported at paragraph 246 by the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>13</sup>, which stated that recasting the scheme as a "Wish to Sell" scheme would be "disproportionate".

4.23 Other respondents to the consultation felt that the criterion needed to be better articulated, echoing some of the recommendations made in paragraph 246 of the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>14</sup> which set out that the compelling reason to sell criterion should be clarified and that the clarification should be given wide publicity.

4.24 The Government agrees that there is a need to address these issues. The Government will therefore shortly publish detailed information relating to the compelling reason to sell criterion as part of the NTS guidance. This will include examples of successful and unsuccessful compelling reasons to sell. It will include aspects of the guidance that was previously published and later withdrawn, which respondents told us they found helpful. The aim of this aspect to the guidance will be to provide greater clarity on where credible and compelling evidence has resulted in successful applications and where incomplete or unconvincing applications have been unsuccessful. It would not be sufficient for the Government to publish generic examples of reasons that have been successful e.g. relocation for employment, because that same reason could equally be an example of an unsuccessful application in a different case (and often is). The guidance will therefore include detailed commentary on the type and level of evidence normally present in successful and unsuccessful applications grouped in broad categories of reasons to sell. This document should not be regarded as an exhaustive list of compelling reasons to sell or the evidence needed to satisfy such a reason as being compelling in a particular applicant's circumstances. All applications will be treated on the basis of their own merits and the panel will retain its discretion in how it determines individual cases.

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<sup>13</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

<sup>14</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

## Accessibility of the scheme

- 4.25 At paragraph 247 the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>15</sup> recommended that 'the publication of decisions (with appropriate redactions), together with a fuller (though not exhaustive) list of matters that may amount to a "compelling reason" for sale, would increase transparency and increase confidence in the scheme'. The need for greater transparency in the scheme is accepted by the Government. We have looked carefully into how this can be achieved and in response, have proposed the new guidance outlined in paragraph 4.24 above. However, the Government has concluded that publishing individual decisions would lead to an unacceptable risk of the identification of individual applicants' details. Some cases are quite unique and could easily be identified even following redaction. We commit to keeping this area under review.
- 4.26 At paragraph 246 of the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>16</sup> also recommended that it should be made clear that financial issues may be a sufficient, but not a necessary, condition for a successful application, and that a combination of factors together could constitute a compelling reason to sell. The Government agrees and the scheme already operates in this way on both of these issues. A number of applicants have shown a compelling reason to sell based solely on non-financial issues, e.g. school move or elderly persons unable to maintain their property. In addition many applicants have demonstrated that they had a compelling reason to sell their property based on a combination of factors.
- 4.27 In addition, statistics have been published<sup>17</sup> about how often each compelling reason, broken down by category, is either successful or unsuccessful. The Government is also undertaking further work to improve accessibility, including:
- Collecting information from applicants to reach a better understanding of the difficulties encountered when making an application allowing resources and engagement to be tailored to address any issues uncovered
  - Seeking feedback from those that have applied to the scheme to help improve the guidance as well as how applications are handled
  - Production of informative material for those who might have difficulties completing and submitting an application, including both written and video resources
  - The provision of additional guidance to individual applicants who are facing difficulties making an application
- 4.28 The Government will continue to review the performance of the scheme and take further action if necessary to improve accessibility.
- 4.29 The HS2 Ltd Helpdesk is regularly briefed about all discretionary property schemes, including Need to Sell. Information about the schemes is also made available at HS2 Ltd information events.
- 4.30 The Government notes that the current acceptance rates for NTS applications on Phase 2b are lower than those for Phase One and Phase 2a. Our belief is that this is due, at present, to a lack of understanding of the scheme and the level of evidence

<sup>15</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

<sup>16</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

<sup>17</sup> <https://www.gov.uk/government/publications/hs2-phase-one-exceptional-hardship-scheme-applications-statistics>



required to successfully demonstrate that applicants have met the required criteria. We believe that all of the measures outlined in this document will help to improve the understanding of the scheme and lead to applications with higher levels of evidence.

## **The application process**

- 4.31 The operation of the scheme was questioned by a number of respondents. Some thought that the requirement to provide evidence to support a compelling reason to sell was an invasion of privacy. It is essential for the Government to have comprehensive information and documentary evidence presented by applicants to support applications to justify the Government purchasing a property. All information provided by applicants is entirely confidential and subject to data protection principles. The Government takes the confidentiality of applications seriously and complies with relevant data protection laws.
- 4.32 Other respondents including Joint Parish Councils in West Doncaster stated that the application process would benefit from face-to-face applications rather than being entirely paper based. The Government is not persuaded that face-to-face applications would materially assist the process, which is based on careful consideration of substantial evidence. Where there are queries on the evidence provided by applicants, mechanisms exist for the scheme administrators to request this before the independent panel makes a decision. The perceived benefits of face-to-face interviews would be outweighed by the logistical and cost implications of introducing this process. This could introduce further concerns such as whether individuals would wish to be professionally represented, or 'call' witnesses in support. Overall, we remain of the view that the process currently employed is fair and proportionate.
- 4.33 Leeds City Council and HS2AA felt that there should be an independent appeal mechanism for those whose applications were turned down. At paragraph 247 the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>18</sup> expressed the view, shared by the Government, that "the existence of the independent panel which makes a recommendation does provide a genuinely independent element." This, together with availability of judicial review, renders an appeals mechanism unnecessary and disproportionate.
- 4.34 While some respondents criticised the speed of the process, others made positive comments on the steps taken to improve the process following previous consultations. The Government and HS2 Ltd endeavour to return an application within three months of submission, not inclusive of the time taken by applicants to respond to requests for further information, and are currently meeting this target for the overwhelming majority of cases.
- 4.35 Where an application has not been successful, an applicant, if they reapply within six months, will not have to resubmit evidence for criteria they have previously successfully met. This allows applicants to focus on addressing the criteria that were not met. Furthermore the information provided by the NTS Secretariat on why an application has not been successful is intended to ensure applicants are able to address those matters on their reapplication, for example, by providing further or additional evidence on a particular issue.

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<sup>18</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

- 4.36 Some respondents, including HS2AA, felt that special treatment should be afforded to people who suffer from health issues including those who are terminally ill, disabled or the elderly, and that they should be fast-tracked and prioritised through the scheme. This was previously raised during consideration of the Phase One Bill. As was stated in paragraphs 146-150 of the Government's response to the House of Commons High Speed Rail (London- West Midlands) Bill Select Committee's First Special Report of Session 2014-15<sup>19</sup>, the Government believes that the setting of more stringent deadlines for these types of cases could simply result in a poorer quality decision from the independent panel. Clearly the Government will do its best to ensure that each case is processed promptly and will bear in mind any exceptional need to process a particular case more quickly than usual. The Government remains committed to ensuring that every application is processed and determined as quickly as is reasonably possible.
- 4.37 HS2AA raised an issue about the panel being provided with precedents and suggested that they should also be provided to applicants. The NTS Secretariat does provide support to both independent panel members and decision makers where necessary to ensure that decisions are in line with the published guidelines and that the guidelines are applied consistently. This extends to all criteria, but in relation to the location criterion, one of the ways in which this works is that the secretariat provide a map which identifies any other properties in the area that have previously met this criterion. Whether there are any properties in the area that have been accepted is not a deciding factor, it is just relevant information for the panel to consider. For confidentiality reasons we do not believe it would be appropriate to publicly identify the locations of properties that have been accepted or rejected on location under the scheme. We can however confirm that the guidance given to Panel members is the same as the guidance available to applicants, with the exception of the provision of a map to Panel members, as explained above.

### **Other issues**

- 4.38 A small number of respondents argued that the treatment of landlords under the scheme is unfair. As set out in section 4.123, in general the Government does not believe that non-statutory property schemes should be made available to commercial properties. For the scheme we do though allow "reluctant landlords" to apply. These are applicants who, due to their compelling reason to sell, have had to let their property and do not own another home.
- 4.39 Some respondents questioned whether the scheme was able to adequately deal with exceptional or compassionate cases. For all applications, there is room for the decision maker to exercise discretion whereby an application that has not met all five criteria can still be recommended for acceptance. Such discretion will be based on individual circumstances presented in each application. In instances where an applicant believes that they are due special dispensation outside the set criteria of the scheme, they may wish to contact HS2 Ltd to discuss their special circumstances or atypical property.
- 4.40 HS2AA argued the case for a sold and lost scheme for people who believe they sold at a blighted price because of HS2. It was suggested that there may be owners who have suffered a loss after selling at a blighted value.

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<sup>19</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/432562/response-select-committee-interim.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/432562/response-select-committee-interim.pdf)

4.41 The Government's position remains that cases will be judged on the basis of the rules that were in place at the time of their application. This is in accordance with general legal principles. The Government acknowledges though that some exceptional cases might exist and these cases will be considered on their merits, by the atypical process.

### **Rural Support Zone - Voluntary Purchase**

4.42 There were some comments on the Voluntary Purchase scheme. One respondent stated that the terms offered should be at least the same as those offered for the Channel Tunnel Rail Link (full unblighted value of property plus home loss 10 per cent payment and reasonable moving costs paid), while others believed that the scheme should include a 10 per cent home loss payment and/or payment of reasonable moving costs as offered under the Express Purchase scheme. The Government believes that the current level of assistance offered under the Voluntary Purchase scheme, when considered as part of the wider package, strikes the right balance between compensating those affected and its responsibility to the taxpayer. The Voluntary Purchase scheme is generally only for properties that are not required for the construction or operation of HS2, whereas the Express Purchase scheme is for properties that would be subject to compulsory acquisition for the railway's construction. At this time, the Government does not believe that any additional payments equivalent to those available under statutory blight or any other changes should be made to the Voluntary Purchase scheme.

### **Rural Support Zone - Cash Offer**

4.43 Some respondents commented on the Cash Offer scheme. Some believed that the provision of 10 per cent of the unblighted value of a property is inadequate considering the level of blight caused by HS2, while some objected to the £100k cap for the scheme, citing that it penalises those with more expensive properties. The Central Association of Agricultural Valuers suggested that it should be measured as a flat sum, not set against the value of a property.

4.44 After considering these points the Government still believes that 10 per cent of the unblighted value of the property, with a minimum payment of £30k and a maximum payment cap of £100k, is appropriate. They remain fair amounts to support those in the RSZ who wish to remain in their communities as balanced against the Government's responsibility to the taxpayer. We believe though that it is appropriate for the Cash Offer to have a link to the value of the property, in line with statutory compensation, and to encourage take up by making it an attractive and realistic alternative to Voluntary Purchase.

4.45 Some respondents also believed that the Government should remove the rule that means that those who elect to take the Cash Offer are then not eligible for Voluntary Purchase. The Government believes that certain elements of this proposal are deserving of further consideration and will explore the benefits and implications of such a change (in light of the criteria against which the schemes were designed), as part of a review of non-statutory property schemes that will begin later this year.

4.46 Comments on the width and boundary of the Rural Support Zone can be found in section 4.72 as part of a wider analysis and response on the width and boundary of the rural property zones.

### **Homeowner Payment Scheme**

4.47 Some respondents commented on the proposed HOP scheme, which provides a cash payment to owner-occupiers of properties living between 120-300m from the line of route in rural areas, and where the line is not in a deep tunnel.

4.48 A small number expressed general support while others criticised the boundaries and payments proposed.

### **Level of payments**

4.49 A number of respondents, including MAPA HS2 Action, felt that the cash payments were insufficient to compensate for the levels of disturbance and blight from the construction and operation of the railway, and the cost of measures property owners may take to mitigate additional noise from the operation of HS2, for example fitting double glazing.

4.50 The scheme was not designed to address generalised blight or disturbance. Rather, it was developed as a way to share the anticipated economic benefits from HS2 at an early stage in areas that are relatively close to the line of route but not likely to benefit directly from the use of an HS2 station in the future. HOP bands decrease in value the further a property is from the HS2 line. Payments proposed for Phase 2b of the railway are identical to those already in operation for Phase One and will also apply to Phase 2a when the scheme is launched. We believe they are set at a fair level and strike the right balance between sharing the benefits of the railway, and our obligations to the tax payer. We therefore do not propose to amend levels proposed for Phase 2b in response to feedback to the consultation.

### **Eligibility**

4.51 Some respondents, including the National Trust, commented that HOP eligibility should be extended to non-owner-occupiers in HOP zones, particularly rental tenants. Like other non-statutory HS2 property schemes, proposed eligibility under the scheme is generally restricted to owner-occupiers of a property. Eligibility to all non-statutory HS2 property schemes is consistent with the statutory qualifying criteria in part 6 chapter 2 of the Town and Country Planning Act 1990<sup>20</sup>. Rental tenants have greater freedom to choose to move compared to freehold or leasehold owners, and we continue to believe that it is appropriate to align the scheme as closely as possible to the statutory entitlements which generally apply only to owner-occupiers. We therefore do not intend to change the eligibility requirements for the scheme to include rental tenants or other non-owner occupiers.

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<sup>20</sup><http://www.legislation.gov.uk/ukpga/1990/8/section/6>

4.52 It should be noted that owner-occupiers in shared ownership housing can apply under the scheme if they meet eligibility requirements.

### **Width of boundary**

4.53 Some respondents commented on the proposed banding for the HOP zone, including Barnburgh and Harlington Parish Council, who put forward the argument that whole villages should be in scope of HOP payments where they will be particularly impacted. Responses on this topic tended to focus on generalised blight, which as set out above, is not intended to be addressed by the scheme. Comments on the width and boundary of the scheme can be found in section 4.72, as part of a wider analysis and response on the width and boundary of the rural property zones.

### **Fixed levels for payments**

4.54 Some respondents observed that at fixed levels, proposed payments under the scheme would devalue in real terms over time with inflation and that those living on Phase 2b of the route would receive less in real terms compared to property owners along Phase One of the scheme who are able to apply now.

4.55 Inflation is currently at low levels. Although we have no current plans to raise HOP payments with inflation, we agree that it would be sensible to review whether HOP cash payments should be adjusted to reflect inflation in the future.

### **Eligibility under other schemes**

4.56 Some respondents commented that there should be flexibility within the scheme should a property owner's circumstances change and they needed to access the Need to Sell scheme during the construction phase.

4.57 We have published detailed guidance on the scheme for Phase One<sup>21</sup> which provides more information on our established policy in these circumstances.

4.58 The guidance confirms that if after receiving a HOP, a person is accepted under the NTS scheme, then HOP plus statutory interest would be recouped from the final NTS purchase price. A copy of the guidance is available online<sup>22</sup>.

### **No Prior Knowledge**

4.59 The HOP NPK dates set out in the consultation document have been adjusted to reflect the dates where a HOP scheme was first proposed for the relevant part of the route, in keeping with the way NPK dates for the scheme have been applied for other HS2 route phases. The NPK dates for the Phase 2b scheme are:

- 15 November 2016: for parts of the Phase 2b route that were published on this date

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<sup>21</sup> <https://www.gov.uk/claim-compensation-if-affected-by-hs2/homeowner-payment-scheme>

<sup>22</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/609902/HOP\\_guidance\\_and\\_app\\_form.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/609902/HOP_guidance_and_app_form.pdf)

- 17 July 2017: for parts of the Phase 2b route that were not published on 15 November 2016 but are part of the route announced on 17 July 2017

## Rent Back

4.60 There were few responses that commented on the Rent Back policy. Of those, the majority were supportive in principle, with some caveats. A number of respondents, including Church Fenton Parish Council, called for the standard six month tenancy for new tenants to be increased to provide more flexibility for tenants, while others call for the introduction of incremental rents as market rental levels may be too high for some tenants. The Government believes that setting initial six month tenancies provides adequate flexibility for tenants when purchasing a new property and tenancies can also be extended as desired. The Government also believes that there is not a compelling reason to justify the setting of rents at lower than market levels, given its wider responsibility to the taxpayer. The Government sees no need to amend its current Rent Back policy, though would seek to address any issues regarding this policy should they arise.

## Atypical properties and special circumstances

- 4.61 There was general support for the Government's longstanding position that there will be some cases that are so exceptional that special arrangements should be made to deal with them appropriately. The Government's position on this has not changed and cases involving atypical properties/circumstances will continue to be handled sensitively and outside of the non-statutory schemes.
- 4.62 Paragraph 271 of the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>23</sup> highlighted that there was a need to deal exceptionally with cases that needed exceptional treatment, giving the example of a solitary home left occupied in a hamlet. The Government confirms that this case was regarded as exceptional and was treated as such.

## Deep tunnels and portals

- 4.63 Currently, HS2's zoned non-statutory property schemes apply only to properties in rural areas which are parallel to the line of route and within 300m of the centre line where the railway runs on the surface. Properties which are within the same distance but are not parallel to the surface route, for example where the route moves underground into, or out of, a deep tunnel are not currently in scope.
- 4.64 Some respondents suggested that extending the schemes at the entrance and exit of tunnels would properly capture properties impacted by HS2 but which are currently outside zoned schemes. We agree that - in areas where they apply - the RSZ and HOP schemes should extend to rural properties which are within a 300m radius of the railway line from the point the track moves into or out of a deep bored tunnel. We have therefore decided to extend the zoned schemes (RSZ and HOP) in this way. While the proposed extension is narrower than some respondents wanted, we

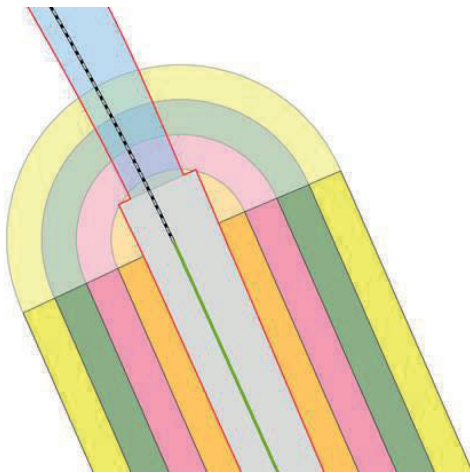
<sup>23</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

consider this is a fair way to include those who may be affected by the operation of HS2 based on current plans.

4.65 The change will apply to all phases of the HS2 route and will come into effect later this year. Those property owners affected will be contacted directly by HS2 Ltd. Figure 1 below shows how the zoned schemes would be extended under this policy change once it comes into effect.

4.66 We also reviewed other suggestions made by respondents, including the SOWHAT action group, which sought to extend the application of these schemes to align them with safeguarding limits. This proposal was however misconceived as the purpose of safeguarding is to protect the route against conflicting development and not to determine eligibility for property schemes. We believe that our proposal is on the whole more generous. The extent of surface safeguarding protects the line from conflicting development where some flexibility is needed on the portal's location and design.

**Figure 1**  
**Impact of the extension of RSZ and HOP schemes to rural properties within 300m of the track as it enters a tunnel portal<sup>24</sup>**



4.67 The Government recognises that there is a significant level of apprehension amongst residents and businesses along Phase 2b, particularly in the Manchester and Crewe areas. This was reflected in a large number of people attending the four information events in January / February 2017 in these locations raising questions on tunnelling. These questions covered key areas, including noise and vibrations during the construction and operation phases of the project, the impact on property prices, the lack of compensation and concerns about vent shafts.

4.68 For Phase One of HS2, the Government has a settlement policy and design controls on groundborne noise and vibration to minimise effects to properties in proximity to tunnels. These measures have now been extended to Phase 2a and we would expect to do the same for Phase 2b in due course.

4.69 Tunnelling is a well-established industry in the UK and modern technologies and engineering design and construction practices enable ground movements to be accurately predicted, carefully controlled and kept to a minimum. Tunnels in other

<sup>24</sup> For the purposes of this visualisation, the down line (that is the track used by train travelling in a direction away from London) is used to show the track alignment. Property scheme zones shown have been mapped on the distance from the centre line of the tracks.

major cities include the Merseyrail Tunnels in Liverpool, the Tyne and Wear Metro and the Glasgow Subway, all of which have sections of tunnel within similar sedimentary rocks and which have operated for decades without impact on the buildings above. The tunnels in Liverpool are particularly pertinent because the Triassic rocks underlying Liverpool are part of the same geological formation underlying south-west Manchester.

- 4.70 In the autumn, HS2 Ltd proposes to introduce a bespoke package of targeted communications to areas where tunnelling will be undertaken. This will include fact sheets, further information events, one-to-one advice surgeries in partnership with local authorities and members of parliament and briefings for professionals such as estate agents.

### Comments that related to more than one scheme

- 4.71 There were some respondents who expressed support for the package of compensation schemes, noting that it is comprehensive, fair and offers sufficient flexibility to those affected. There were comparatively more respondents, including Antoinette Sandbach MP and Maggie Throup MP, who felt that the entire package of compensation and assistance schemes was inadequate and did not address the actual impact felt by those affected by the announcement of Phase 2b of HS2. Some called for the value of each scheme's monetary compensation to be increased.
- 4.72 As well as commenting on specific schemes, many respondents also felt that in general the boundaries for the compensation zones in rural areas were too narrow to take account of the levels of blight felt along the route of Phase 2b of HS2 and that they should not be drawn from the centreline of the track. A large portion of respondents also expressed that the width of the RSZ should be expanded to include the whole of Crofton and New Crofton, as it was argued the proposed HS2 depot and railway line would encircle residents, causing significant blight, noise and visual impacts. However, this issue may be addressed by the fact that Government has proposed that the rolling stock depot (RSD) previously proposed to be situated at Crofton, should be relocated (see section 2.8 of the HS2 2b Route Consultation Response Documents and Command Paper<sup>25</sup>).
- 4.73 The Government has carefully considered responses to this consultation and still believes that the current width and benefits of the rural property zones strikes the right balance between compensating and assisting those affected and its responsibility to the taxpayer.
- 4.74 A number of responses focussed on the lack of differentiation in rural property zones to take account of viaducts and the varied topography of the surrounding landscape and line of route of HS2. Some, including Trowell Parish Council, called for additional compensation for those situated near viaducts, while others felt the boundaries for the compensation schemes were arbitrary and compensation should be calculated according to the topography and existing infrastructure of the landscape along the route.
- 4.75 Wherever a fixed boundary is applied as a means for determining eligibility for a scheme, it will be the case that some individuals will qualify where others do not. While it is always appealing to attempt to create a more sophisticated boundary, to attempt to do so could introduce greater complexity and uncertainty and would still

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<sup>25</sup> <https://www.gov.uk/government/consultations/hs2-crewe-to-manchester-west-midlands-to-leeds-route-refinement-consultation-2016>



result in a situation where one property is accepted and the neighbour not. The Government's view that linking the rural property zones to a fixed distance from the centreline of the railway, while operating a further unbounded scheme, NTS, outside that area is the best means of ensuring that those most specifically and directly affected by the HS2 proposal are assisted. The Government has considered responses to the Phase 2b property consultation on this topic and has decided that it does not consider it necessary or appropriate to amend the boundaries of rural property zones in the manner suggested.

### **Forthcoming review of property schemes**

- 4.76 The Government is committed to keeping all aspects of the property compensation and assistance package under review throughout the lifespan of the project. To this end, a review of non-statutory schemes is planned for later this year. Further details will be published in due course.

## What you said and the Government's response - Part A, Question 2: Rural / Urban boundaries

### General comments

- 4.77 Consultation respondents outlined their understanding that because they were living in a proposed urban area they would not be eligible for any assistance. Other respondents were dissatisfied with the urban compensation options available. For those living in urban areas, in addition to any statutory entitlement, Express Purchase is available for safeguarded properties. Additionally, the NTS scheme is available across the entire HS2 route.
- 4.78 Many respondents argued that RSZ and HOP should be made available in urban areas. Consultation respondents argued that the impacts of construction activity relating to HS2 would blight local property markets in urban areas. A respondent requested that construction impacts, such as noise, dust and light pollution, as well as construction traffic disturbance were sufficient reasons for an urban area to be eligible for further compensation. Maggie Throup MP suggested an urban blight compensation scheme should be introduced for those properties that are not required for construction, but she believes will suffer from blight caused by the project long-term. It was requested that this compensation should be graded similarly to the schemes already available in rural areas. Further respondents argued that the impacts of the construction period outweigh the potential benefits of living near HS2 station areas.
- 4.79 For a number of reasons, rural areas suffer more from generalised blight when compared to urban areas. Rural areas are comparatively tranquil and contain less infrastructure. Furthermore, fears and uncertainties are exacerbated in rural areas owing to a perceived threat to the nature of the community. HS2 stations will also generally be further away from rural areas, limiting the direct community benefits of the railway and leading to the impression that the costs outweigh the benefits. HS2 will generally travel at higher speeds in rural areas, and the Government is of the belief that in urban areas rows of housing are more likely to screen out noise impacts associated with HS2. If this suggestion was adopted, homes a number of streets away from the proposed line, where the impact of HS2 is likely to be insignificant would fall within the RSZ and HOP zones. For all of these reasons we believe it would not be appropriate to introduce the RSZ and HOP schemes in urban areas. Please refer to section 4.112 of this document for details on construction compensation.
- 4.80 At paragraphs 272-280 the House of Lords Select Committee High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>26</sup> observed that the European Convention of Human Rights requires compensation to be fair not only as between public and private interests, but also as between different categories of private interest. The Select Committee stated that the human rights of thousands of residents of parts of Camden require that they should be properly compensated, and that a fair balance is struck between the rights of owner-occupiers and residential tenants, and between rural and urban residents. The Select Committee suggested that those rights might not be adequately protected by the statutory compensation

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<sup>26</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

code alone. The Government shares that view and for this reason it introduced the non-statutory HS2 property schemes introduced with effect from early 2015, which include the project wide NTS scheme. Although the Government does not consider that a further, non-statutory, urban compensation scheme is required in order to vindicate those rights of property owners and occupiers affected by construction of the railway, it has decided to introduce such a scheme in response to their recommendation. This is set out in section 4.112.

- 4.81 For all five proposed rural and urban boundary questions, comments were received which suggested these boundaries were drawn by the Government to reduce or avoid compensation payments. When developing our non-statutory property schemes, we seek to provide fair compensation to those most directly affected by the impacts of HS2 and balance against this the interests of the taxpayer. For reasons already outlined, we expect the negative effects on the property market will be particularly felt in rural areas and we are therefore offering further support for rural areas - over and above what is offered in urban areas. This is a proportionate response to the potential impacts upon those living along the line of the route.
- 4.82 Further respondents, including Leeds City Council, requested clarification of the definitions for rural and urban areas. It was suggested that this would help residents understand why they have been categorised as living in either a rural or urban section of the Phase 2b HS2 route.
- 4.83 When determining whether an area is rural or urban in character, we consider a range of factors, including the varying geology and topology along the route. We also consider natural boundaries (i.e. rivers, sites of wildlife habitation and existing road/rail infrastructure), along with detailed feedback received as a result of the Phase 2b property consultation.
- 4.84 Due to the complexity of these factors, which would vary significantly in each location along the route, it would be unfair to base our decision on population size or density alone. Similarly, it would be inappropriate to apply set eligibility criteria because flexibility is needed to properly determine whether an area should be characterised as rural or urban.

## Rural / Urban Boundaries

- 4.85 The 2016 Phase 2b Property Consultation Document<sup>27</sup> outlined sections of the preferred Phase 2b route that the Government considered to be rural and urban, as defined by the boundary of the RSZ. This chapter discusses views received for each of the five proposed RSZ boundaries, outlining key factors we considered before deciding an area's rural or urban classification.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571255/D2\\_Property\\_consultation\\_document\\_FINAL.pdf#page=14](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571255/D2_Property_consultation_document_FINAL.pdf#page=14)

## Western Leg

*What are your views on the proposed boundary of the Rural Support Zone (RSZ) at the southern end of the Western Leg (to the north of Crewe)?*

- 4.86 The proposed RSZ boundary at Crewe stopped at Parkers Road on the east side of the preferred route, whereas on the west side, the RSZ boundary stopped before Perry Fields, Thornfields and Magecroft<sup>28</sup>. Respondents, including Crewe Town Council, found it unreasonable that properties on one side of the line may be eligible for the available rural schemes, whilst the other side were not. Others argued that potential noise, visual impacts, property blight and construction disruption would be equal on both sides of the line. Further responses argued that all of this part of Crewe should be defined as being rural, as it was surrounded by open countryside.
- 4.87 After close consideration of responses to this question, and a further spatial analysis of this area of Crewe, the Government has decided that the original proposed RSZ boundary to the north of Crewe<sup>29</sup> should be modified. In general the land within Crewe and Leighton Parish boundaries are significantly urban in character, characterised by the large cluster of housing and close proximity of streets. By comparison, land within the Warmingham and Minshull Parish boundaries are significantly more rural. This is demonstrated by a lower housing density and large amount of open spaces, making these locations predominantly tranquil and green by nature. The Government considers rural areas, with significantly fewer rows of housing to screen noise impacts of HS2, will suffer significantly more generalised property blight in comparison to urban areas.
- 4.88 Therefore, the Government has decided to move the RSZ boundary north to where the Warmingham and Minshull Vernon Parish boundaries meet the Leighton and Crewe Parish boundaries. A visual representation of this proposed change can be found on pages six and seven. The Government believes that this is a clearer boundary between the urban and rural areas of this part of the route.

*What are your views on the proposed boundary of the RSZ in southern Manchester on the Western Leg?*

- 4.89 A number of respondents commented that the proposed boundary seemed reasonable. A small number of responses suggested that the RSZ boundary in southern Manchester should be extended, however many of these comments did not provide a specific distance. Others highlighted the potential uncertainty, disruption and blight homeowners may face in southern Manchester. Having considered all the responses to this question, the Government intends to adopt the RSZ boundary in southern Manchester as proposed in the 2016 Property Consultation document<sup>30</sup>.

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571255/D2\\_Property\\_consultation\\_document\\_FINAL.pdf#page=11](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571255/D2_Property_consultation_document_FINAL.pdf#page=11)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571255/D2\\_Property\\_consultation\\_document\\_FINAL.pdf#page=11](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571255/D2_Property_consultation_document_FINAL.pdf#page=11)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571255/D2\\_Property\\_consultation\\_document\\_FINAL.pdf#page=11](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571255/D2_Property_consultation_document_FINAL.pdf#page=11)

The confirmed Phase 2b route north of the rural / urban boundary in southern Manchester is deemed to be urban, characterised by the dense cluster of housing.

## **Eastern Leg**

*What are your views on the proposed boundary of the RSZ in south Long Eaton, on the Eastern Leg?*

- 4.90 Although general support for the proposed boundaries was received, a number of respondents expressed opposition, with some suggesting that the area of Long Eaton in general should be included within the RSZ boundary, considering the close proximity to green space and unique character of the town. Concerns were also raised with regard to the lack of compensation available to businesses and residents of the town, due to its urban categorisation.
- 4.91 A significant number of responses argued the RSZ boundary should be extended to include residents living in Trent Meadows, south of the existing railway line from Trent South Junction to Nottingham East Junction. It was argued that this area was rural, characterised by the green open spaces/views, agricultural land, nature reserve (which is a Site of Specific Scientific Interest), lakes and floodplains/wetlands. It was also suggested that Trent Meadows was separated from the town of Long Eaton by an existing railway line and suffers poor existing transport services to the town centre, therefore a small number of homes in this area were cut off from those living north of the existing railway and therefore there was a strong case for rural designation. Derbyshire County Council requested properties in Newbery and Owen Avenue (off Trent Lane) to be included within the rural support zone, as this site has open fields on both sides and is somewhat detached from the rest of the town of Long Eaton.
- 4.92 After careful consideration of all responses received, the Government has decided to extend the boundary of the RSZ to include the area of Trent Meadows, south of the existing railway line from Trent South Junction to Nottingham East Junction. This railway line acts as a natural boundary, which cuts off properties and streets such as Station House, Trent Cottages, Newbery Avenue, Trent Lane, Junction Road and Owen Avenue from the more densely populated Long Eaton town centre. Properties south of this railway line are located in more tranquil, open green spaces by comparison. An illustration showing the proposed rural to urban boundary change can be found on pages six and seven.

*What are your views on the proposed boundary of the RSZ north of Trowell, on the Eastern Leg (west of Nottingham)?*

- 4.93 A number of responses were received which opposed the proposed RSZ boundary north of Trowell. Some responses argued that Trowell had existed as a rural village since Saxon times. Others, including Trowel Parish Council, stated Trowell was selected as a 'Festival Village' for the 1951 Festival of Britain, latterly winning the Calor Village of the year for Nottinghamshire in 2009. Many argued that Trowell was rural in character, exemplified by the open countryside, small population size, agricultural industries, local nature reserves, and substantial distance from the

proposed HS2 hub station at Toton. Respondents suggested the area of Trowell had a strong community spirit and had even developed its own parish plan. A few respondents highlighted the potential cumulative impacts on Trowell from the proposed scheme and the recent works on the M1, and believed that it would be unfair for Trowell residents to suffer for a second time. Further comments received suggested the area should be deemed as rural because of the limited bus services to more urbanised areas.

- 4.94 Maggie Throup MP argued that the RSZ should be extended as it passes through Erewash valley, including properties situated at Stanton Gate. This re-designation would acknowledge the fact that this area is largely agricultural and incorporates a well-used footpath along the historic Erewash Canal.
- 4.95 After close consideration of comments received, the Government has decided to extend the rural boundary to where the Stanton by Dale Parish Council boundary meets the Sandiacre boundary. This boundary change ensures the village of Trowell and the area of Stanton Gate are now categorised as rural. The Government is in agreement that these areas are predominantly rural by nature due to the low housing density, open green countryside, existing nature reserves and nearby agricultural industries. It is therefore appropriate for the rural compensation schemes to be available for those living in close proximity to the proposed HS2 high speed line. This boundary change is illustrated on pages six and seven.

*What are your views on the proposed boundary of the RSZ south east of Leeds, on the Eastern Leg?*

- 4.96 Some of those who commented on this boundary suggested that the RSZ and subsequent boundaries should radiate out from the tunnel portal in Woodlesford. Respondents suggested that properties around tunnel entrances and exits would experience high levels of blight, caused by the proposed HS2 route. A respondent argued that compensation should be provided to anyone living within 300 metres of the tunnel entrance in Woodlesford, not just those perpendicular from the track.
- 4.97 Respondents suggested that Woodlesford was in fact a rural village with a strong sense of community and argued they did not feel the village received the same benefits as those living in other areas that had been categorised as urban along the HS2 route. It was argued that the financial and social implications of HS2 in Woodlesford would outweigh any benefits received.
- 4.98 After close consideration of responses received and a further spatial analysis of the proposed HS2 route south of Leeds, the Government has decided to move the RSZ boundary north-west up to the point where junction 44 of the M1 crosses the confirmed Phase 2b HS2 railway line. This decision was based upon the vast amount of open, green landscapes and low housing density in the newly categorised rural area.
- 4.99 This change in rural classification ensures the village of Woodlesford now falls within the RSZ boundary. Therefore in line with the Government's commitment on rural properties adjacent to the track by HS2 tunnel portals (section 4.64), the rural property zones will be available later in the year to eligible owner-occupiers in Woodlesford living within 300m from the track as it enters and leave the tunnel portal, at its northern and southern ends. This boundary change is illustrated on pages six and seven.

## What you said and the Government's response - Part B, Question 2: No Prior Knowledge criterion of Need to Sell scheme

4.100 We invited responses to the following question:

*Do you have any comments on the current operation of the 'No Prior Knowledge' criterion in relation to the Need to Sell scheme? Do you believe changes should be made to this criterion and if so, what changes should be made and why?*

- 4.101 A number of respondents provided specific comments on the NPK criterion of the NTS scheme. Of these, there were positive endorsements of the criterion's aim to prevent exploitation and opportunism in housing markets along the route of HS2. In contrast, many respondents opposed the criterion. Some, including Packington HS2 Response Team, felt that it was unfair on homeowners and can act as a disincentive for buyers, meaning homeowners are trapped in unsellable properties. This could lead to negative impacts on communities and exacerbate blight.
- 4.102 A number of respondents proposed changes to the operation of the criterion. Some said that if a property is bought with prior knowledge of HS2, an owner-occupier should be eligible if they are selling the property at the same value or less than originally bought. Others, including High Melton Parish Council, stated that the criterion should be flexible to cater for compelling reasons to sell that were not evident at the time of property purchase.
- 4.103 The Government believes that the NPK criterion is an important safeguard against misguided or opportunistic applications under non-statutory property assistance schemes.
- 4.104 Nevertheless, after considering the recommendations made by respondents the Government agrees that there is a case that some flexibility could be granted to those with prior knowledge of HS2, but where the compelling reason to sell could not have reasonably been foreseen at the time of their purchase. We also believe that in these situations, applicants should have to show that further blight has occurred since purchasing their property.
- 4.105 These changes could help to future-proof the scheme to ensure it can operate effectively until the scheme closes, which for phase 2b is anticipated to be 2034. They could give confidence to those thinking about considering a purchase close to the HS2 line that they can still access the NTS scheme if something happens in their life that compels them to move away.
- 4.106 In light of this, the Government will investigate the impact of providing this level of flexibility before deciding whether to introduce changes to the criterion. A decision on whether to implement any changes will be dependent on the results of this work.

## Additional feedback received in response to this consultation

### Construction

- 4.107 Construction impacts and disruption caused by HS2 were cited as a concern by a number of respondents, including a number of Parish Councils. In particular, responses addressed noise, light, traffic, dust and air pollution impacts on communities as a result of the railway's construction. Many called for schemes designed to compensate residents for this disruption. Others also called for compensation for any loss of business felt as a result of construction.
- 4.108 Some respondents, including Lostock Gralam Parish Council, took issue with the lack of compensation schemes to address the visual impacts caused by the construction and operation of HS2. Interference with a view is not a 'physical factor' which creates a right to compensation because it cannot give rise to an action in nuisance i.e. there is no general legal right to a view.
- 4.109 Under Part 1 of the Land Compensation Act 1973<sup>31</sup> ('1973 Act') compensation can be claimed in certain circumstances by people who own and occupy land that has been reduced in value by 'physical factors' caused by the use, but not the construction, of certain public works (in this case HS2). The 'physical factors' are noise, vibration, smell, fumes, smoke, artificial lighting and the discharge on to the land of any solid or liquid substance. As explained in detail in paragraphs 248-258 of the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>32</sup> compensation is not available under the statutory compensation code for noise and disturbance resulting from the construction of public works. Instead, the law places a duty upon those undertaking public works to carry out their construction in accordance with the powers conferred for that purpose and with reasonable care and skill.
- 4.110 The construction and operation of any major infrastructure project has the potential to cause substantial changes to the surrounding environment and these may have consequences for the people who live and work there. Therefore, during the planning and design process for HS2 Phase 2b, such changes have been and will continue to be considered as part of the design and environmental assessment process. Further measures will be incorporated into the proposed scheme, where appropriate, to avoid or reduce them.
- 4.111 At paragraphs 210-221 the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>33</sup> recommended that those households in urban areas of Camden that were subject to severe and prolonged noise and disturbance resulting from the construction of HS2 should be treated in the same way, as if they were within 120m of the line of route in an area where the RSZ applies. This position was supported by HS2AA in their consultation response.

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<sup>31</sup> [http://www.legislation.gov.uk/ukpga/1973/26/pdfs/ukpga\\_19730026\\_en.pdf](http://www.legislation.gov.uk/ukpga/1973/26/pdfs/ukpga_19730026_en.pdf)

<sup>32</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>

<sup>33</sup> <https://www.publications.parliament.uk/pa/ld201617/ldselect/ldhs2/83/83.pdf>



4.112 As agreed in paragraphs 74-77 in the Promoters' Response to the House of Lords Select Committee on the High Speed Rail (London - West Midlands) Bill Special Report of Session 2016-17<sup>34</sup>:

*"The Government will develop and bring into effect in a timely way a scheme of compensation for that purpose. The purpose of the scheme will be to provide a fair and proportionate remedy for the effects of severe and prolonged noise and disturbance resulting from the construction of HS2. Such a scheme will take into account the mitigation provided by noise insulation measures and will reflect the difference between construction disturbance in urban areas and permanent operational impacts in rural areas. The scheme will be founded upon a clear and objective eligibility criterion or criteria tailored to its intended purpose. The Government will ensure that the scheme is fair, reasonable and proportionate, in the spirit of the strong recommendation of the Select Committee. The Government confirms now that one component of the scheme will be that, in the case of any owner-occupied residential property in respect of which the occupier or occupiers are or become eligible for temporary rehousing for a period or periods in excess of three months, the owner-occupier(s) will have the option of requiring the Secretary of State to purchase the property for its full un-blighted value on the same terms as apply to residential properties purchased under the Voluntary Purchase and Need to Sell Schemes. We will also develop appropriate arrangements for residential tenants in properties that are subject to severe and prolonged noise and disturbance resulting from the construction of HS2".*

4.113 This scheme will be launched before the start of the main works, i.e. in spring 2018 for Phase One. While we expect that the majority of those who will be eligible for this scheme will be in urban areas, we agree with the Committee that those in rural areas who also suffer prolonged noise and disturbance because of issues such as spoil heaps will also be eligible. This scheme will therefore apply across the entire route, firstly for Phase One and we expect also, in due course, for Phase 2a and Phase 2b.

4.114 While we would usually expect applicants experiencing noise disturbance to apply under the scheme developed for that purpose, there may be cases that are suitable for consideration under the NTS scheme or under atypical properties or special circumstances arrangements

4.115 In addition, HS2 Ltd is committed to working closely with local authorities and communities to draw up a comprehensive and detailed package of measures to address local impacts of construction, including hours of construction activity. The Code of Construction Practice (CoCP) for Phase 2b will set out the detailed controls and measures with which contractors will be required to comply during the construction period. The purpose of the CoCP and other controls, such as those under the Control of Pollution Act 1974<sup>35</sup>, is to enable the impacts of construction of the railway to be mitigated and minimised as far as reasonably practicable.

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<sup>34</sup> <http://www.parliament.uk/documents/lords-committees/High-Speed-Rail/Promoter's-Response-to-Lords-Select-Committee-Special-Report-Cm9396.pdf>

<sup>35</sup> <http://www.legislation.gov.uk/ukpga/1974/40>

## Property bond

- 4.116 A number of respondents, including HS2AA and the SOWHAT action group, favoured the introduction of a property bond scheme across the entire route to assist mobility of the housing market in areas affected by HS2. At paragraphs 289-291 the House of Commons Select Committee on the High Speed Rail (London- West Midlands) Bill Second Special Report of the 2015-16 Session<sup>36</sup> specifically considered the case for the introduction of a property bond, but did not feel that a case had been established for it over other options. The Government also carried out a detailed examination of the case for a property bond in 2014<sup>37</sup> with the same result. After considering the evidence provided within this consultation, the Government sees no reason to alter the position currently.
- 4.117 However, the Government will commit to re-examining the case for a property bond in future. The Government will consider the different types of property bond that could be introduced, and will also consider if a property bond should only operate in certain designated areas, or at certain times in the timeline of a route's development and construction as well as other issues. This is not a statement of Government support for a property bond, but a commitment to keep under review the benefits and risks of a property bond scheme for this project. More details will be made available in due course.

## Statutory Compensation / the Compensation Code

- 4.118 Some respondents raised an issue of the differing treatment between farming tenancies under the statutory blight regime. Those with Farm Business Tenancy Act tenancies are eligible to serve a blight notice, while those with an Agricultural Holdings Act tenancy are not. Blight notices can be served by eligible owner-occupiers as defined under Section 168 of the Town and Country Planning Act 1990<sup>38</sup>. As tenants under the Agricultural Holdings Act tend to only have tenancies that run from year to year and can be served with notice to quit at any point, they generally don't have the security of tenure that would enable them to qualify as an owner-occupier under the 1990 Act which requires any tenancy to have at least three years unexpired on the date the blight notice is served.
- 4.119 A small number of respondents felt that Part One compensation is not available soon enough for those affected by HS2.
- 4.120 Both the Land Compensation Act 1973 and the Town and Country Planning Act 1990 are the responsibility of the Department of Communities and Local Government (DCLG) and represent Government-wide policy. There are currently no plans to amend either Act, but DCLG do keep the compulsory purchase and compensation system under review. However the non-statutory schemes introduced for HS2 have been specifically developed to provide some compensation and assistance well in advance of the availability of Part One compensation.

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<sup>36</sup> <https://www.publications.parliament.uk/pa/cmhs2/129/129.pdf>

<sup>37</sup> <https://www.gov.uk/government/publications/hs2-property-bonds-impact-on-housing-markets>

<sup>38</sup> <http://www.legislation.gov.uk/ukpga/1990/8/section/168>

## **Viaducts, topography and existing infrastructure**

4.121 A number of respondents called for the provision of compensation for residents living near a RSD. The Government would like to examine the case for assistance schemes in these areas and will look into options as part of the previously mentioned review of non-statutory property schemes.

## **Like-for-like compensation and equivalent housing**

4.122 Many respondents, including Stanton by Dale Parish Council, called for statutory compensation to be provided on a 'like-for-like' basis, as property owners in areas where housing stock is historically of a lower value than surrounding areas may not be able to purchase an equivalent property. The basis of compensation for the project is to leave those affected in the same monetary position as they were in before the announcement of HS2.

## **Landlords / Investment / Commercial Property**

4.123 A substantial number of responses, including from Cheshire West and Chester Council, called for business and investment property to be included in the package of compensation and assistance schemes, citing that the current rules are discriminatory. Some argued that HS2 will cause rental properties to become empty, destroying community cohesion and causing financial hardship for landlords.

4.124 The Government remains of the view that business and investment properties should not generally be included in the non-statutory compensation and assistance schemes. Generalised blight has a lesser effect on investment or commercial property than it does on owner-occupied property. The Government still believes that this is the case and will not include these properties in the scope of the non-statutory compensation measures. This is consistent with the position under the Compensation Code.

4.125 Small businesses are though able to apply to the Government's suite of non-statutory schemes. Following the revaluation on 1st April 2017, the Government has updated the rateable values below which owner-occupiers of commercial properties will be able to apply, including the new Greater London rate.

## **Compensation for community impacts**

4.126 A number of respondents, including MAPA HS2 Action, addressed HS2's impact on community cohesion and the division of rural communities along the line of route.

- 4.127 The property assistance package was designed very much with the aim of promoting community cohesion in mind. The Government recognises that there can be instances where it would be beneficial for it to intervene to prevent loss of community cohesion and reduce the impact on communities. For Phase One of HS2, several community funds were set up to help mitigate the impacts of construction on local communities. We are currently exploring options for similar measures for Phase Two and will continue to engage with local communities along the route to discuss how best to help and support them through the design and construction process.
- 4.128 As with other phases of HS2, the Government will work with local authorities, social housing providers and relevant regulatory bodies to address any impact that Phase 2b of HS2 has on social housing, and the supply of local housing more generally.

## Valuations

- 4.129 One respondent raised as an issue the lack of a formal dispute mechanism for valuations under the scheme and called for new valuations to be carried out if an HS2-appointed valuer makes material errors. Where a query is raised, including where the applicant believes a material error has been made, we will always ask valuers to address and respond accordingly. All valuers appointed by HS2 Ltd, as well as those chosen by applicants, are Royal Institute of Chartered Surveyors (RICS) accredited and are subject to regulation or redress if proven to have acted incorrectly. The valuation judgement is always based on comparable evidence. The Government believes that the way in which we deal with applicants' disputes is fair and comprehensive and we do not feel that it would be proportionate to introduce a separate disputes mechanism for non-statutory HS2 property schemes.
- 4.130 HS2AA requested that it be made clear that applicants are able to access copies of the valuations undertaken on their property. The Government agrees and this clarification is now included within the Frequently Asked Questions.
- 4.131 Some respondents called for property valuations carried out under the schemes to be performed by an independent estate agent or surveyor, not an agent appointed by the Government. Amendments to the valuations process have been implemented following previous consultation to allow the applicant to choose the company undertaking one of the two initial valuations. The Government has received positive feedback from stakeholders and applicants on these changes. All HS2-appointed valuers are RICS certified and as such must adhere to strict regulations and standards as part of the RICS Code of Practice or face redress. The Government is satisfied that the current process is effective and sees no reason to make any further amendments.

## Exceptional Hardship scheme

- 4.132 One respondent asked that the rules for the Exceptional Hardship scheme (EHS) should be updated in line with the changes made to NTS. EHS was withdrawn in November 2016 as NTS was then introduced for the Phase 2b route.

## 5. Glossary

### **Generalised Blight**

Planning proposals, such as HS2, may have an adverse effect on the property market so that an owner-occupier is unable to realise the market value that would have been obtainable had HS2 not been proposed. Generalised blight occurs where, although land and property is not included within the safeguarded area for HS2, nevertheless prospective purchasers either will not proceed with the purchase of that land or property, or will only offer a lower price.

### **Blight notice**

A legal procedure for qualifying owner-occupiers affected by Statutory Blight to apply to the Government to purchase a property on compulsory purchase terms before it is needed for construction.

### **Statutory Blight**

A legal term which refers to land in certain specific situations (principally, in the case of HS2, land and property that is included within the area safeguarded under a safeguarding direction), as set out in Schedule 13 of the Town and Country Planning Act 1990. It is to be distinguished from 'generalised blight'.

### **Cash offer**

A Government proposal for owner-occupiers who qualify for the voluntary purchase scheme but do not choose to sell. Under the proposal, such an owner-occupier could receive a lump-sum payment equal to 10 per cent of the full unblighted market value of their property (subject to a proposed minimum of £30,000 and a maximum of £100,000).

### **Code of Construction Practice (CoCP)**

The Code of Construction Practice (CoCP) sets out a series of measures and standards of work, which shall be applied by HS2 Ltd and its contractors throughout the construction period of HS2. These shall provide effective planning, management and control during construction to control potential impacts upon people, businesses and the natural and historic environment; provide the mechanisms to engage with the local community and their representatives throughout the construction period; and ensure that measures are applied to the construction to enable it to be undertaken economically and meet the requirements of the hybrid Bill and its associated commitments.

## **Compensation Code**

A collective term for the principles deriving from Acts of Parliament and case law, relating to compensation for compulsory acquisition. The measures available have developed over the years through a mixture of statute, case law and established practice. Where land is compulsorily acquired, compensation is based on the principle of equivalence, meaning that a person should be no worse off, and no better off, in financial terms after the acquisition than they were before.

## **Department for Transport (DfT)**

DfT works with our agencies and partners to support the transport network that helps the UK's businesses and gets people and goods travelling around the country. The DfT plans and invests in transport infrastructure to keep the UK on the move. DfT is a ministerial department, supported by 19 agencies and public bodies, including HS2 Ltd.

## **Cut and cover tunnel**

Excavating a cutting, constructing a box-type structure and reinstating the ground over the top to its original level and surface features. This tunnelling method can be used where self-supporting sub-surface material (e.g. rock/hard clay) is present. It involves the use of drill and blast techniques or excavation/sprayed concrete lining to advance the excavation.

## **Deep tunnel**

These are constructed using a tunnel boring machine (TBM) or are mined. A modern TBM typically consists of the rotating cutting wheel, called a cutter head, followed by a main bearing, a thrust system and trailing support mechanisms. TBMs have the advantages of limiting the disturbance to the surrounding ground and producing a smooth tunnel wall. This significantly reduces the cost of lining longer tunnels and makes them suitable to use in heavily urbanised areas.

## **Phase 2b Exceptional Hardship scheme**

Introduced in 2013 to assist homeowners who have an urgent need to sell but, because of HS2, cannot do so or can do so only at a substantially reduced price.

## **Express Purchase scheme**

An offer under which the Government streamlines some of the rules that normally apply to Statutory Blight claims in the safeguarded area, making it more straightforward for eligible owner-occupiers to sell their property to the Government under a blight notice.

## **Heathrow Airport Holdings Ltd**

The United Kingdom-based operator of Heathrow Airport. It is responsible for the compensation and assistance schemes offered as part of the expansion of Heathrow Airport.

## **High Speed Two (HS2) Phase One**

The confirmed first phase on the high speed railway from London to the West Midlands.

## **High Speed Two (HS2) Phase Two**

The proposed second phase of the high speed railway from the West Midlands to Manchester and to Leeds.

### **High Speed Two (HS2) Phase 2a**

The proposed first part of the Phase Two high speed railway; the line of the route between the West Midlands and Crewe. A separate hybrid Bill is to be introduced into Parliament in 2017 with the aim of obtaining statutory authority through Royal Assent in 2019. This will enable us to open the Phase 2a section in 2027, rather than 2033 as originally planned, bringing benefits to the north sooner.

### **High Speed Two (HS2) preferred Phase 2b route**

The preferred Phase 2b route from Crewe to Manchester in the west and Birmingham to Leeds in the east, with connections onto the existing network. The 17 July 2017 announcement confirms the Phase 2b route, subject to the current public consultation on route refinements. It is anticipated that the remainder of the Phase 2b route will be confirmed, alongside the launch of our package of property compensation and assistance schemes for Phase 2b. A hybrid Bill for this section of the route is expected to be presented to Parliament by the end of 2019. The Phase 2b railway is planned to begin operation in 2033.

### **High Speed Two Limited (HS2 Ltd)**

The company responsible for developing and promoting the UK's new high speed rail network. It is funded by grant-in-aid from the Government. HS2 Ltd is an executive non-departmental public body, sponsored by the Department for Transport.

### **Homeowner Payment Scheme**

Available after Royal Assent for the Phase 2b Bill, a Government scheme for a payment for eligible owner-occupiers between 120 and 300 metres from the railway in rural areas, with the exception of those adjacent to deep tunnel areas. The scheme will pay a lump sum cash payment of between £7,500 and £22,500, depending on a property's proximity to the route.

### **Home-loss payment**

If an individual is required to vacate their home for the construction of HS2, they may be entitled to receive 'home-loss payment'. If an individual owns their home (either freehold or with a lease with more than three years still to run), they will be entitled to a sum equal to 10 per cent of its value, subject to a current minimum payment of £5,800 and a current maximum of £58,000. This applies to all eligible properties subject to compulsory purchase. If the interest is other than an owner's interest, then the payment is a specified statutory amount (currently £5,800).

### **Hybrid Bill**

Public bills change the law as it applies to the general public and are the most common type of bill introduced in Parliament. Private bills change the law only as it applies to

specific individuals or organisations, rather than the general public. Groups or individuals potentially affected by these changes can petition Parliament against the proposed bill and present their objections to committees of MPs and Lords. A Bill with characteristics of both a public Bill and a private Bill is called a hybrid Bill and is generally used for large infrastructure projects.

## **Independent Panel**

Applications to the Need to Sell scheme (NTS) are considered by a panel of three independent individuals. A pool of panel members has been recruited so that there are a number of individuals who could be called on to sit on a panel. This means that the individuals attending each panel meeting will vary according to availability and on a rota basis.

## **Need to Sell scheme**

A discretionary scheme available to owner-occupiers, who can demonstrate they have a compelling reason to sell their property within the next three years, but have been unable to do so - other than at a substantially reduced price - as a direct result of the announcement of the route of HS2. Each application is considered according to five criteria: property type and residency, location, effort to sell and the impact of blight, no prior knowledge; and compelling reason to sell. There is no outer boundary to this scheme.

## **Owner-occupier**

Anyone who owns a property (either outright or with a mortgage) as a freehold or on a fixed-term lease (with at least three years unexpired) and has it as their principal residence or place of business, subject to certain qualifiers. This definition is stated in section 149 of the Town and Country Planning Act 1990.

## **Part 1 compensation**

Compensation which may be claimed by the owner-occupiers of dwellings, small business premises and agricultural units under Part 1 of the 1973 Land Compensation Act for any reduction in the value of their property as a result of the physical effects of the operation of the railway. This can be claimed only after the scheme has been open for one year. Further information is provided in the DCLG booklet *Compulsory Purchase: Compensation to Residential Owners and Occupiers* (April 2010)<sup>39</sup>.

## **Reluctant Landlord**

An individual with a qualifying interest (under section 149 of the Town and Country Planning Act 1990) in a residential property that has resorted to renting their property to facilitate an essential relocation (e.g. due to their employment circumstances) or undue financial hardship if they were to have remained in the property. It would be anticipated that 'reluctant landlords' would own only one property - that which they had been forced to rent - and would be expected that such individuals had not become owner-occupiers of a separate property following the letting of the rented property.

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<sup>39</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7719/147648.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7719/147648.pdf)



## **Rent Back scheme**

A scheme for people who sell their homes to the Government under any of the HS2 compensation schemes who would find it helpful to remain in residence as tenants subject to a commercial letting suitability assessment. It will enable those wishing to remain in their community in the short term the option to do so and help those seeking to buy a property elsewhere to be well placed to do so quickly.

## **Safeguarding**

A planning tool which aims to ensure that new developments which may conflict with planned infrastructure schemes do not affect the ability to build or operate the scheme or lead to excessive additional costs.

## **Safeguarded area**

An area of land subject to a Safeguarding Direction, meaning that Local Planning Authorities (LPAs) are required to consult with the Government before determining planning applications affecting any land within it, except where that type of application is exempted. This can affect either surface or sub-surface development.

## **Safeguarding Directions**

These are the mechanisms by which the Secretary of State can protect the proposed alignment of a road or railway from conflicting development. The Secretary of State issues a safeguarding direction under Articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) order 2015. Safeguarding directions are issued to Local Planning Authorities (LPAs) by the Secretary of State. Those LPAs are then required to consult with a body named in the directions (for example HS2 Ltd) before determining planning applications for land within the limits shown on the safeguarding plans attached to the directions, except where that type of applications is exempted. These directions also trigger Statutory Blight and allow owners within the safeguarded area to serve a blight notice.

## **Stamp Duty**

Stamp Duty Land Tax (SDLT), more commonly known as 'stamp duty', is generally payable on the purchase or transfer of property or land in the UK where the amount paid is above a certain threshold. Broadly speaking, SDLT is charged as a percentage of the amount paid for property or land when it is bought or transferred.

## **The Property Consultation**

The Property Consultation 2016 undertaken by the Government and HS2 Ltd on the Government's property compensation and assistance schemes proposals for the preferred Phase 2b HS2 route (Crewe to Manchester and West Midlands to Leeds).

## **The property consultation document**

A document published by the Government, which seeks the views of the public, in

particular those along or near the preferred Phase 2b section of the proposal to implement long-term property compensation and assistance schemes based upon those implemented for Phase One and 2a.

### **Unblighted market value**

This is the value that a property would have on the open market if the cause of blight were removed - in this case if there were no plans for HS2.

### **Voluntary Purchase Scheme**







A scheme whereby eligible owner-occupiers of property within the RSZ will be able to ask the Government to purchase their property at 100 per cent of its unblighted open market value. This discretionary property scheme would allow eligible owner-occupiers of properties within the RSZ to ask the Government to purchase their property. The Government would pay 100 per cent of the unblighted open market value of the property, as assessed by two independent valuers.

# LINE OF ROUTE



Available once line in public use for a year

Available routewide

 <p>Safeguarded area and extended homeowner protection zone<sup>1</sup></p>		<ul style="list-style-type: none"> <li>Express purchase<sup>2</sup></li> <li>Extended Homeowner Protection Zone</li> <li>Rent back</li> </ul>	<p>Part 1 compensation (where there is no land take)<sup>3</sup></p>
 <p>Rural support zone (RSZ)</p>		<ul style="list-style-type: none"> <li>Cash offer OR voluntary purchase<sup>4</sup></li> <li>Need to sell scheme</li> <li>Rent back</li> </ul>	<p>Part 1 compensation (where there is no land take)</p>
 <p>Homeowner payment zone</p>		<ul style="list-style-type: none"> <li>Homeowner payments<sup>5</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>	<p>Part 1 compensation (where there is no land take)</p>
 <p>Beyond</p>		<ul style="list-style-type: none"> <li>Need to sell scheme</li> <li>Rent back</li> </ul>	<p>Part 1 compensation (where there is no land take)</p>

<sup>1</sup> Usually 60m in rural areas. <sup>2</sup> Surface safeguarding only. <sup>3</sup> Compensation for any reduction in the value of property as a result of the physical effects of the operation of the railway <sup>4</sup> Applies to rural areas only and does not extend to areas beyond deep tunnels. <sup>5</sup> Only available after Royal Assent of the Bill. Applies to rural areas only and does not extend to areas beyond deep tunnels.









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