

HIGH SPEED TWO (HS2)

Guide to settlement

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1. A brief introduction to HS2

High Speed Two (HS2) is the Government's proposal for a new, high speed railway:

- Phase One will connect London with Birmingham and the West Midlands; and
- Phase Two will extend the route to Manchester, Leeds and beyond.

In November 2013, HS2 Ltd deposited a hybrid Bill with Parliament to seek powers for the construction and operation of Phase One.

The Bill is being promoted through Parliament by the Secretary of State for Transport, who is referred to in this document as 'the Promoter'.

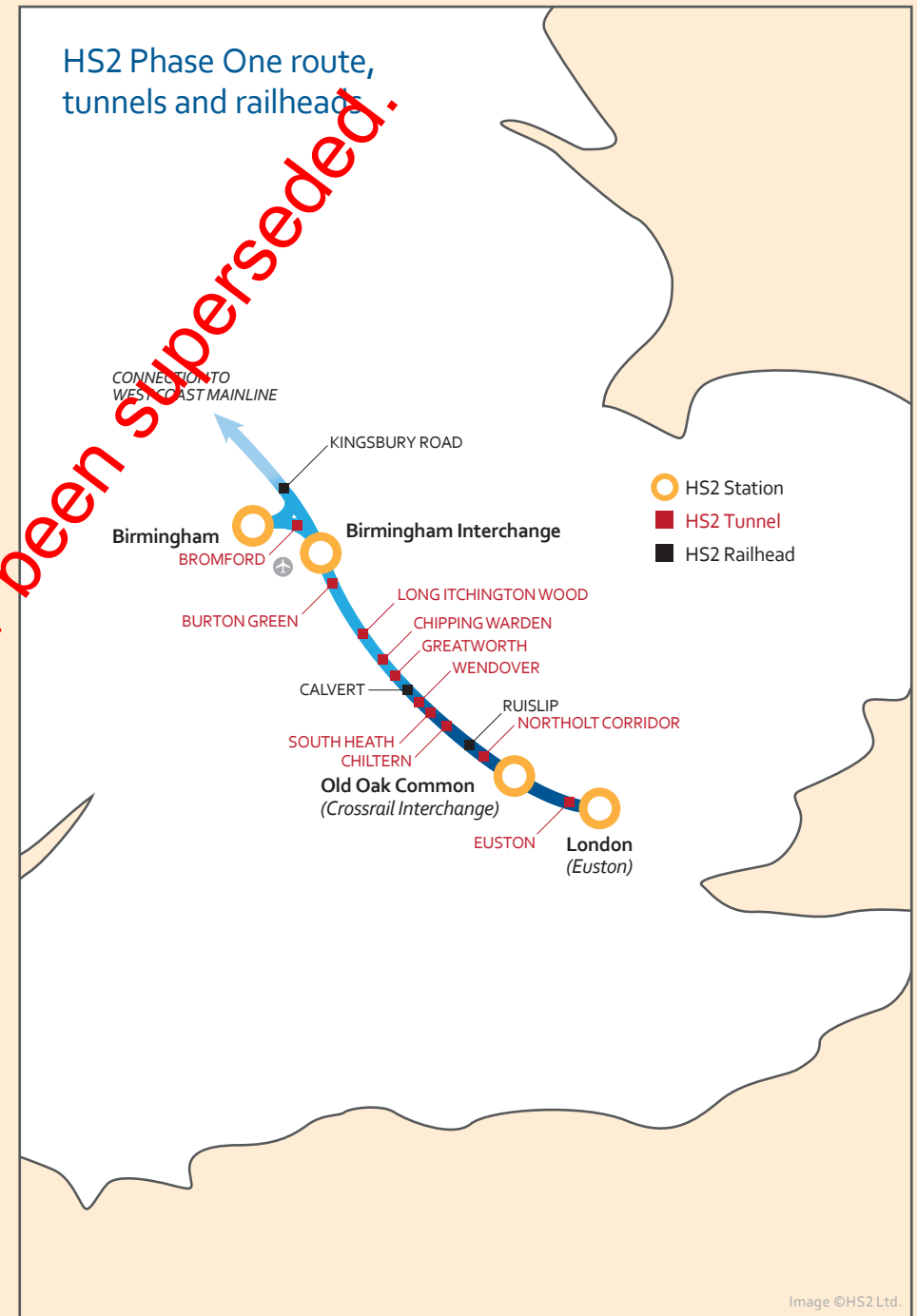
When the Bill becomes law, the Secretary of State will appoint a body to be responsible for building HS2. This body is known as a 'Nominated Undertaker'.

Because a Nominated Undertaker can't be named until later, we've used 'the Project' in this guide as a general term for both HS2 Ltd (which is currently responsible for the railway) and the eventual Nominated Undertaker, who will need to respect the same commitments.

This guide explains:

- what we mean by 'ground settlement';
- how settlement might affect your property;
- what we will do to protect your property or pay for repairs to it; and
- how we will keep you informed.

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2. What is settlement?

Settlement is the technical term given to the way the ground moves around an excavation after it has been dug out. Constructing tunnels, shafts and basements ('tunnelling works') always causes small movements in the ground.

Recently there have been a number of large projects in the UK which have involved tunnelling. These include the Jubilee Line extension, the Channel Tunnel Rail Link and Crossrail. As a result, a great deal is now known about how the ground can move when tunnels are built.

Projects like HS2 also know how to limit the effect of this movement on buildings. In most cases you would not be able to see the effects of settlement, but in some cases there may be small cracks in plaster, and in a few cases doors or windows may stick.

Very rarely, the settlement can affect the structure of the building. The Project will try to create as little settlement as it can. This can be done, firstly, by controlling the way that tunnelling is carried out and then, if necessary, by treating the ground so that the ground movements are reduced.

3. What is being done about settlement?

There is an information paper (C3 – Ground Settlement) that explains how we will deal with settlement. You can find this at www.gov.uk/hs2.

This guide does not replace what we say in the paper (our settlement policy) and it is not written in as much detail. If you want to have a full understanding of the subject, you will need to read the information paper itself.

Basically, the Project will:

- find out how much settlement there may be and what effect this will have on buildings (see Sections 4 and 9);
- where necessary, carry out work to reduce the effect of this settlement (see Section 6);
- where appropriate, record the existing condition of buildings prior to tunnelling works by means of a defects survey (see Sections 7 and 10);
- monitor ground movement and, where necessary, building movement (see Section 5); and
- pay the reasonable costs of work to repair damage caused by HS2 tunnelling works (see Section 8).

4. Where does the Phase One settlement policy apply?

The HS2 Phase One Settlement Policy (the information paper C3 – Ground Settlement) applies to all buildings that may be affected by HS2 tunnelling works. But the policy does not apply to new buildings which:

- were granted planning permission on or after 24 October 2013; or
- are not substantially complete 10 months before we plan to start work that will affect the buildings.

If the settlement policy does apply to a property that you own, you will be able to ask the Project for a Settlement Deed once detailed design of the Phase One works has been completed.

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5. What is a Settlement Deed and who gets one?

A Settlement Deed is a formal legal agreement which gives effect, on a personal basis, to the settlement policy. However, you do not have to enter into a deed to benefit from the settlement policy.

You will be able to ask the Project for a Settlement Deed if:

- your building is 30 metres or less from the outer edge of our tunnels or retained cuttings, shafts or boxes;
- you let us know that you want a deed at least 10 months before the works which may cause settlement to your building begin in your area; and
- you sign and return a copy of the deed within 21 days of receipt.

Eligibility for a Settlement Deed will not be determined until detailed design of the Phase One works has been completed. However, owner-occupiers whose properties are currently within 30m of the limits of deviation¹ of tunnels (or other relevant structure) as shown on the hybrid Bill plans will be able to pre-register for a Settlement Deed from later in 2015.

¹'Limits of deviation' means the limits within which the project may be constructed, including working spaces and similar factors.

6. How will the Project keep me informed about tunnelling?

There will be a designated website which will contain up-to-date information and the timetable of Phase One construction works.

In particular, the website will contain information about when tunnelling will be taking place in each area.

Leaflets containing the same information will also be distributed to properties along the route of the proposed tunnels.

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7. How will you know if settlement affects me?

We will calculate how much settlement caused by the Phase One works is likely to affect buildings. We will then work out if the ground will need work to make it less likely to move, and whether buildings likely to be affected will need particular protection. If buildings do need protection, the Project will decide how best to provide this, which will be recorded in a settlement assessment report.

Some assessment work has already been carried out, which has enabled us to identify those buildings unlikely to be affected by settlement caused by the Phase One tunnelling works (i.e. those buildings outside the 10-millimetre (mm) settlement contours).

This assessment work will be revisited following the completion of detailed design.

The settlement assessment follows the methods used for Crossrail, the Jubilee Line extension and the Channel Tunnel Rail Link.

More detail is available in Section 4 of the information paper C3 – Ground Settlement, which can be found at www.gov.uk/hs2

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Image: © HS2 Ltd/Emily Pain.



8. What will I be told if I am affected?

Once work has started, information will be available on the designated website – and via the Nominated Undertaker's Helpdesk – about when and where tunnelling works will occur.

If you think your building is likely to be affected, you can write to the Project asking for a copy of the settlement assessment report in your area.

If you have entered into a Settlement Deed:

- We will send the report to the owner of the building;
- If your building is identified as being one which might be affected by ground movement resulting from the work, to a degree of risk/damage that is more than slight², and if you think that your building needs to be protected, then you can ask a suitably identified engineer to review the report (which we will pay for);
- You must let the Project know whether or not you agree with the report no more than 25 working days after the report is posted to you. If agreement cannot be reached on the report, either as it is or with proposed changes, then someone who is independent of the project will try to resolve the disagreement.

² As defined in Table 1 of the Appendix to the draft Settlement Deed: see Appendix B of the information paper.

9. How will you monitor movement under my property?

Ground moves naturally, at anything up to 10mm a year. We will collect information about ground movement before and during the works. This will continue until settlement caused by the Phase One works is next to nothing (no more than 2mm a year).

- The Project will start to collect information about existing ground movement before tunnelling (or significant excavation work) begins in an area. In some cases, it will be as much as a year beforehand. This is so that seasonal trends can be established.
- The Project may also need to record information about movement under your building. If it is necessary, this information will be set out in the settlement assessment report, and the Project will begin monitoring about a month before tunnelling begins in your area.

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10. How will you know what damage has been caused?

The Project will carry out a defects survey for every building where settlement is assessed to be 10mm or more. This would take place not more than three months before tunnelling works begin.

Defects surveys are a visual inspection of the inside and outside of a building to record existing defects. Chartered building surveyors will carry out these surveys, paid for by the Project.

The reports produced are called schedules of defects. These reports contain photographs of structural defects, cracks and the state of finishes. The Project will give you an electronic copy of the report if you ask for one.

After tunnelling, the Project will carry out a second defects survey, if you ask for one. You can ask for this second defects survey up to two years after Phase One becomes operational. If ground movement monitoring is continuing at your property two years after Phase One becomes operational, you can ask for the survey up to three months after the monitoring ceases.

The Project will not ordinarily, carry out a defects survey for a building where settlement is assessed to be less than 10mm. This is because previous experience shows that damage is very unlikely to occur to buildings outside this contour, and is consistent with the approach on other projects, such as Crossrail.

If your building lies outside this contour, but you are concerned about the possibility of damage, you can arrange to have your own defects survey carried out. This will not, however, be paid for by the Project.

You do not need the Project to have carried out a defects survey in order to claim for repairs, in the unlikely event that damage is caused to your building by settlement from the tunnelling works. If you believe that damage has been caused as a result of the Project's tunnelling works, you should bring this to the attention of the Project, which will investigate whether or not this is the case.

The Project will monitor for ground movement during tunnelling works to confirm that it is within predictions. If unexpected movements occur, they will be fully investigated and, if necessary, modifications made to the tunnelling method and/or protective works undertaken (see Section 5.1 of the information paper C3 – Ground Settlement).

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11. What will you do to limit or pay for any damage?

Where buildings may be seriously affected by settlement, the Project will take reasonable steps to consult the owners and occupiers about what it plans to do to limit any damage. If the tunnelling works cause settlement that damages your property, you can claim for the cost of repair, provided you give the Project not less than 28 days' notice before you intend to carry out those works, and take reasonable steps to obtain three competitive quotes (if required by the Project). The Project may, instead, elect to carry out the repairs itself.

You can claim up to two years after Phase One becomes operational. If ground movement monitoring is continuing at your property for two years after Phase One becomes operational, you can make the claim up to three months after that monitoring ceases.

The obligation to repair damage (or to pay for repairs) caused by settlement from tunnelling works applies regardless of whether you have entered into a Settlement Deed or had a Schedule of Defects prepared by the Project in advance of the tunnelling works.

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