

HIGH SPEED TWO PHASE 2a INFORMATION PAPER

C₃: LAND ACQUISITION POLICY

This paper outlines how landowners will be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme.

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

This paper was prepared in relation to the promotion of the High Speed Rail (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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C3: LAND ACQUISITION POLICY

1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In July 2017, the Government introduced a hybrid Bill¹ to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a tunnel portal south of Crewe.
- 1.4. The work to produce the Bill includes an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs)², which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

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

² For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

2. Overview

- 2.1. This paper outlines how landowners will be compensated for the acquisition of their land required for the construction and operation of the Proposed Scheme.

3. General approach

- 3.1. This policy sets out the basis upon which the Secretary of State will acquire land and property for construction and operation of the Proposed Scheme.
- 3.2. The Bill seeks powers for the compulsory acquisition of land within limits. These are intended to ensure sufficient flexibility in the detailed design of the Proposed Scheme.
- 3.3. The Bill generally includes full land acquisition powers. However, in any individual case, the exercise of these powers will operate on the basis that the Secretary of State will acquire no greater amount of land than appears to him to be reasonably required following the detailed design of the Proposed Scheme.
- 3.4. If it is practicable to acquire a smaller area of land without compromising the Secretary of State's ability to secure the construction and implementation of the Proposed Scheme in a timely and economic manner, and it becomes clear that not all the land within limits is required, the Secretary of State will not generally seek to acquire this land and will be prepared to give necessary assurances to the landowners in question.
- 3.5. Landowners affected by the exercise of these compulsory powers of acquisition will be compensated according to the Compensation Code. The 'Compensation Code' is a collective term for the principles deriving from Acts of Parliament and case law, relating to compensation for compulsory acquisition. Its general purpose is to provide fair compensation for a person whose land has been compulsorily taken. Further details about the Compensation Code are contained in Information Paper C8: Compensation Code for Compulsory Purchase.
- 3.6. Where applicable, the compensation will be the un-blighted market value of the land acquired (assuming it is sold by a willing seller) plus statutory loss payments, disturbance (including stamp duty in relation to replacement property), diminution in value of any retained land, and other losses arising as a direct and reasonable consequence of the acquisition.
- 3.7. In addition to authorising the acquisition of land within the limits in connection with the railway, the Bill also authorises the making of compulsory purchase orders, in accordance with the normal process that applies to the making of such orders, to acquire land for relocation purposes. Further details about compulsory purchase powers for business relocations are contained in Information Paper C7: Business Relocation.

4. Worksites and other temporary land requirements

- 4.1. The Bill contains permanent acquisition powers to acquire the freehold interests in worksites due to the length of time they will be occupied.
- 4.2. Worksites are often formed from a number of different land parcels in different ownership and fall into two categories:
 - where the nature of the site or part of the site will not materially change and no new railway works will be constructed on the site. Often these sites can be returned to their original use. In these cases, if the landowner wishes, and it is economic for the Secretary of State to do so, he will normally be willing to agree to take the land temporarily rather than acquiring the freehold interest. When considering whether it is economic to do so, the Secretary of State may require the compensation for the temporary occupation of land to be agreed prior to exercising powers under the Bill as enacted; and
 - where the nature of the site will materially change (e.g. through demolition of existing buildings or construction of railway works on the site) or where land or property is planned to be developed, the freehold interest will be acquired.
- 4.3. In respect of land that is and will remain in long term agricultural or forestry use only, the Secretary of State will normally consider it economic to exercise temporary possession powers where practicable. There are some exceptions to this policy – for more details, see the Farmers and Growers Guide - <https://www.gov.uk/government/publications/hs2-guide-for-farmers-and-growers>
- 4.4. In considering the question of material change, the Secretary of State will apply the approach set out in the Crichel Down Rules³.
- 4.5. Once it is no longer required for construction, worksite or other use, land that has been acquired for that purpose may be offered back to the original owner in line with the Land Disposal Policy. Further details about this are contained in Information Paper C6: Disposal of Surplus Land.

5. More information

- 5.1. More detail on the Bill and related documents can be found at: <http://www.gov.uk/HS2>
- 5.2. For more information on the property schemes see: www.gov.uk/claim-compensation-if-affected-by-hs2

³ The Crichel Down Rules can be viewed at: <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>