

HS2

Discretionary property
schemes

Guide to HS2 property schemes

Phase 2b



www.hs2.org.uk

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Introduction

High Speed Two (HS2) is the new high-speed railway for Britain. We (HS2 Ltd) are the company set up by the Government to build HS2.

This guide summarises the property schemes available if your land or property is affected by the construction or operation of the new railway.

The railway will be built in phases. Phase One of HS2 is the railway between the West Midlands and London. Phase 2a is between the West Midlands and Crewe, and Phase 2b is between Crewe and Manchester and the West Midlands and Leeds.

This booklet is specifically for Phase 2b.

If you are affected by Phase One or Phase 2a, please see the appropriate guide.

Property owners who have ‘a qualifying interest’ and are directly affected by major infrastructure projects can claim statutory compensation. (See page 10 for more information on qualifying interest.)

As well as statutory compensation (the compensation set out in law), the Government is offering further discretionary property schemes to help you to make decisions that best suit your circumstances. These are set out in this guide.

The Government has also recognised that people in certain special circumstances may need further help (see page 26).

When applying for any HS2 property scheme, you are entitled to clear communication. Our Residents’ Charter sets the standards under which we will communicate with you. The Residents’ Commissioner will make sure we meet these standards. You can read more about the Residents’ Charter and the Residents’ Commissioner on page 27 of this guide.

We hope you find this guide helpful. However, please do not make a decision on a scheme without reading the guidance and application forms, which you can find at

<https://www.hs2.org.uk/in-your-area/assistance-for-property-owners/apply-for-property-assistance-schemes>

Our Helpdesk is here to help at any time. You can contact us on 08081 434 434 (or minicom 08081 456 472 for callers with hearing or speech difficulties). Or, you can email us at hs2enquiries@hs2.org.uk

You can also contact us to ask for help and information in a different format or language.

Useful terms

We have tried to make this guide as straightforward as possible, but there are a number of technical terms that we need to use, which are explained below.

You can find fuller explanations in the guidance documents.

Compensation code: A collective term for the principles, taken from Acts of Parliament and case law, relating to compensation for compulsory purchase.

Deed or contract of receipt: A legal document under which we will pay cash offers and Homeowner Payments, with conditions on repayment under specific circumstances. For more information, please see the guidance documents at <https://www.hs2.org.uk/in-your-area/assistance-for-property-owners/apply-for-property-assistance-schemes/>

Extended Homeowner Protection Zone: An area that is no longer safeguarded (see 'Safeguarding' below) by the Secretary of State but within which people can still apply for Express Purchase for five years from the date safeguarding was removed.

Line of route: The proposed route of the railway. Distances from the route are measured from the centre line. On a typical track layout, the centre line is between the two sets of tracks.

Owner-occupier: Anyone who owns a property that is their main home or place of business.

Part 1 compensation: Compensation you may be able to claim under the Land Compensation Act 1973 if the value of your property goes down because of the physical effects of the railway being used. You can claim after the railway has been in public use for one year.

Reluctant landlord: A person who has been forced to let the home they own, where letting the property is only a temporary solution,

and they do not own another home.

Royal Assent: When the HS2 bill for the relevant phase becomes an Act of Parliament.

Safeguarding: Safeguarding is an established part of the planning system. It is designed to protect land which has been earmarked for major infrastructure projects from conflicting developments which might otherwise take place. From the date safeguarding directions are issued, local planning authorities must consult the authority which issued the directions on planning applications they receive that are within the safeguarded area. Safeguarding also triggers ‘statutory blight’. This means that property owners within the safeguarded area may be able to serve a blight notice asking the authority to buy their property before any compulsory purchase.

Statutory blight: A statutory scheme where an owner-occupier in safeguarding can ask the Government to buy their property.

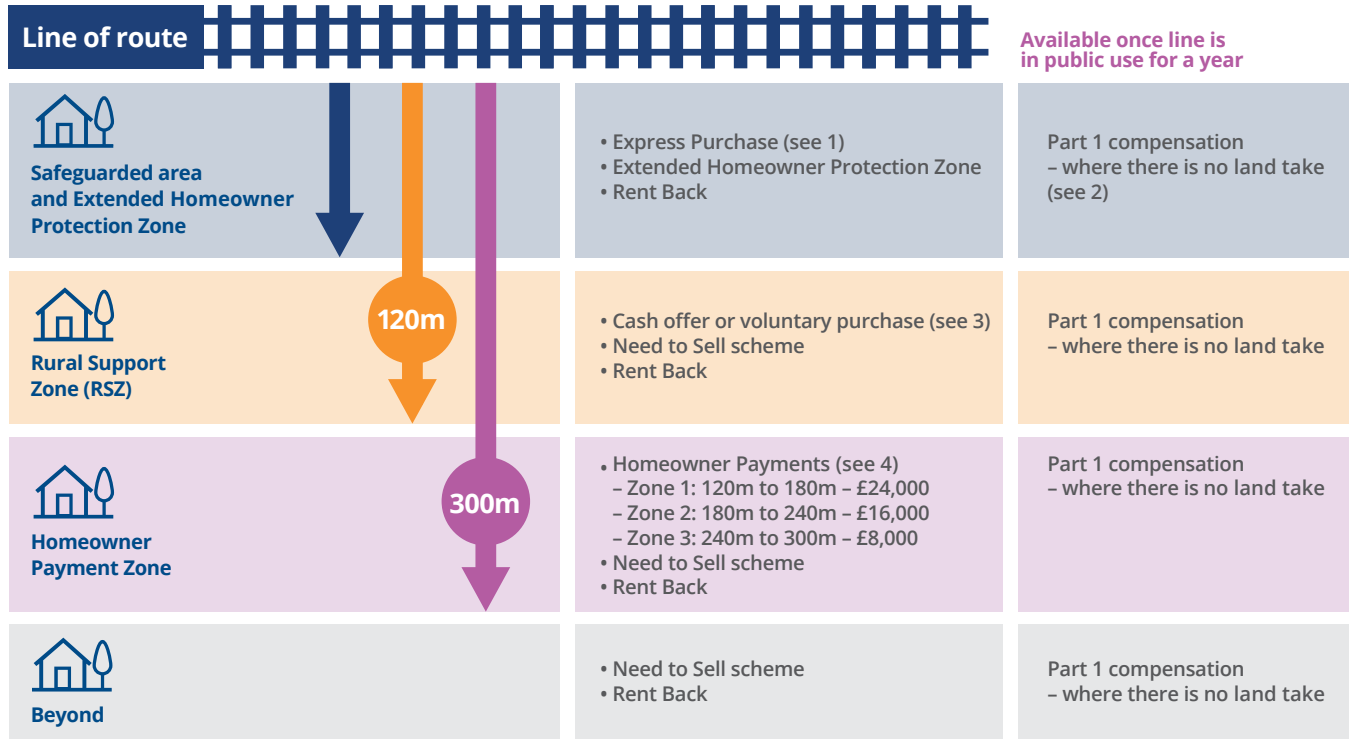
Blight notice: A formal application by the owner of a property in safeguarding, asking the Government to buy the property.

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

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

Unblighted open-market value: The market value of a property as if there were no plans to develop HS2.

8 HS2 property schemes



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

Express Purchase

Where does Express Purchase apply?

This scheme applies to properties in the surface safeguarding area. People living in this area who have a qualifying interest (see page 10) can serve a blight notice on the Government. If the Government accepts the blight notice it will buy the property at its unblighted open-market value, as if there were no plans for HS2.

Under the Express Purchase offer, the Government relaxes some of the rules that normally apply to statutory blight, making it easier for owner-occupiers to sell their property to the Government.

If your property is in the surface safeguarding area, you may qualify for compensation under statutory blight and be able to ask the Government to buy your home (see 'How do I apply?' on page 14).

Express Purchase is not available in subsurface safeguarding areas – for example, properties over deep-bored tunnels.

If you do not qualify for Express Purchase you can still apply to sell your property with a blight notice, but the Government will only buy your property if it is needed for the construction of HS2.

If you are not sure whether your property is within the safeguarded area, please call our Helpdesk on 08081 434 434.

Am I eligible?

To qualify for Express Purchase, you will need to show that:

- your property is (or was – see Extended Homeowner Protection Zone in ‘Useful terms’ on page 5) within the surface safeguarding area (that is, where the route is above ground);
- you have a qualifying interest, which means that:
 - a. you are an owner-occupier; and
 - b. you have either the freehold of the property or a lease which has more than three years left to run; and
- you have been occupying the property for at least six months before you apply for Express Purchase or, if the property is empty, you have occupied it for at least six of the last 18 months.

If only part of your property is in the safeguarded area, you may still be eligible for the Express Purchase scheme. To qualify, any part of your home or over 25% of the total area of your property (usually your home and garden but also other land included in the property) must be within the safeguarded area. To see if you are eligible, please read the full guidance available online, or call our Helpdesk.

What will I receive?

If you are eligible, you can ask the Government to buy your property at its unblighted open-market value – that is, the value on the open market as if there were no plans for HS2. You will also receive the following extra payments that are set out in the compensation code.

- The reasonable costs of moving – for example, stamp duty on a replacement property of similar value, reasonable surveyors’ and legal fees, and removal costs.
- A home loss payment, equal to 10% of the property’s open-market value (up to £65,000), as long as you meet the qualifying conditions.

How do I apply?

You will need to fill in a form called a blight notice and send it to us. You can find the form on our website (<https://www.hs2.org.uk/documents/collections/express-purchase/>), along with a Guide to Statutory Blight and Express Purchase that contains more information.

We will make a decision within two months of receiving your blight notice. If we accept the notice, it means that we will agree to buy your property in line with the compensation code.

You can accept our offer to buy your property at any time within three years of us accepting your blight notice. For more information on renting back your property, please see 'Rent Back' on page 21.

Do I need professional advice?

If you are considering submitting a blight notice, we recommend that you get professional advice from a suitably qualified chartered surveyor (see 'Where can I get help?' below). Advisors should also read our guidance.

If we agree to buy your property, you can include the reasonable cost of professional advice in your claim for extra costs.

You and your advisor can find blight notice forms and detailed guidance online at <https://www.hs2.org.uk/documents/collections/express-purchase>

Where can I get help?

Once you have applied for a scheme, one of our case officers will be your main point of contact.

If you have any further questions, please ring our Helpdesk on 08081 434 434.

Anyone who needs advice on statutory blight or Express Purchase can contact a property specialist. The Royal Institution of Chartered Surveyors (RICS) has a helpline (024 7686 8555) and will put you in touch with a RICS member near you who can give you up to 30 minutes of free consultation and advice.

The Central Association of Agricultural Valuers (CAAV) also offer an initial free consultation and can refer you to a firm in your area. Their contact number is 01452 831 815.

Useful information

To see the safeguarding maps, please go to www.gov.uk/hs2 and search for HS2 property schemes.

For guidance and an application form, please go to <https://www.hs2.org.uk/documents/collections/express-purchase>

Rural Support Zone

The Rural Support Zone (RSZ) is the area outside the safeguarded area and typically up to 120 metres from the centre line of the HS2 railway in rural areas.

In the RSZ there is the choice of two discretionary schemes – cash offer or voluntary purchase scheme. The application process is the same for both. You do not need to choose an option until your property has been valued.

The two options

The **cash offer** is designed to help people who do not want to sell their home and would prefer to stay within their community.

Under the **voluntary purchase scheme**, owner-occupiers can ask the Government to buy their property for its full unblighted open-market value.

Am I eligible?

For either scheme, you will need to show that:

- you are an owner-occupier;
- you have either the freehold of the property or a lease which has more than three years left to run;
- your property is fully or partly in the RSZ (if partly in the RSZ, either your home or 25% of the whole area of your land must be in the zone); and
- you were not aware of the proposed HS2 route in your area when you bought your property.

What will I receive?

Cash offer: This is a lump sum equal to 10% of the unblighted open-market value of your property. (The lump sum will be no less than £30,000 and no more than £100,000.)

Voluntary purchase scheme: Under the voluntary purchase scheme, the Government will buy your property for 100% of its unblighted open-market value, as assessed by at least two independent valuers. The Government will not cover extra costs, such as legal fees or removal costs.

How do I apply?

Step one – Take time to consider your options

The schemes will be open until one year after the HS2 line is open for public use. This gives you time to consider your circumstances and apply when the time is right for you.

Step two – Fill in an application form

Fill in the form and submit it with your supporting evidence. Please give us as much evidence as you can.

Step three – We process your application

We will acknowledge that we have received your application and check it to make sure that it is complete. A case officer will write to you and will be your main point of contact throughout the process. He or she will take your application to the next stage.

Step four – Notification of valuation

We will tell you whether we have accepted your application or refused it. If we accept it, the next stage is to arrange a valuation of your property to find its unblighted open-market value.

Step five – Valuations

There are two different valuation routes.

1. Under the first route, two independent valuations will be carried out. You can choose the first valuer, who must be registered with the Royal Institution of Chartered Surveyors (RICS) and keep to the RICS 'Red Book' principles. The other valuer will be from our (HS2 Ltd) panel of RICS valuers. We pay for both valuations. If the valuations are within 10% of each other, the value we will agree on will be the average of the two (calculated by taking the difference between the two values as a percentage of the higher value). If the valuations differ by more than 10%, we will get a third valuation and take the average of the two closest valuations. The third valuer will consider the evidence of the two previous valuations, but we will not tell them what the valuations were (to make sure the process is fair).
2. Or, if you think your property is likely to be valued at £250,000 or less and you already know that you want to take the cash offer, you can opt for a streamlined valuation. This is where we choose the valuer from our RICS panel and they carry out a 'desktop' valuation (where they don't visit the property but use available information to value it). If they value your property at £250,000 or less, we will offer you the minimum cash payment. If your property is valued at more than £250,000, we will use the full valuation process.

Step six – Offers

We will write to you with two offers:

- a formal cash offer; and
- how much we would buy your property for under the voluntary purchase scheme (unless a desktop valuation was done).

We would base both of these amounts on the unblighted value of your property. You will have one year from the date of our offer to choose which option to take.

Step seven – Choice of options

If you choose the **cash offer**, we will pay you 10% of the value of your property. (This will be no less than £30,000 and no more than £100,000.) You will need to instruct a solicitor as we will need you to sign a deed or contract of receipt so that we can make the payment. We will pay up to £500 (plus VAT) towards the costs of instructing a solicitor.

If you choose the **voluntary purchase scheme**, we will buy your home under the normal conveyancing process. You will need to instruct a solicitor, at your cost, as you would normally do when selling your property.

Step eight – Further valuations

If you don't want to choose either scheme yet, there is no pressure to accept either offer.

Although the offer will end after a year, you can reapply if you want to. However, we would ask you to contribute towards the cost of new valuations.

If I accept a cash payment, can I still apply for other schemes?

If you accept the cash offer, you won't be able to apply for the voluntary purchase scheme at a later date. However, you can still apply for the Need to Sell (NTS) scheme (see page 18).

If you successfully apply for the NTS scheme, we will take the value of the cash offer from the purchase price. We will reclaim the cash amount, which would be increased by the statutory interest rate, which is currently set at 0.5% below the Bank of England base rate.

We will also reclaim the value of the cash offer if you sell to us under statutory blight or Express Purchase or any other compulsory purchase scheme.

If you accept the cash offer, you can still claim for statutory loss of value due to physical factors under Part 1 of the Land Compensation Act 1973.

Do I need professional advice?

No. We have designed the application process so that you do not need anyone to act on your behalf. Once you apply for a scheme, one of our case officers will be your main point of contact.

If you want to ask someone to help you with your application, you are welcome to do so. You may want to ask a friend, relative or a professional. Your application must say what the relationship is between you and any representative who is receiving correspondence on your behalf.

We or the Department for Transport will not refund any professional fees you have from the application process.

Useful information

To see the Rural Support Zone on maps, please go to www.gov.uk/hs2 and search for HS2 property schemes.

For guidance and an application form, please go to <https://www.hs2.org.uk/documents/collections/rural-support-zone>

Need to Sell

This scheme is available to owner-occupiers who can show that they have a 'compelling reason' to sell their property, but have been unable to do so (other than at a greatly reduced price) as a direct result of the announcement of the route of HS2.

The Need to Sell scheme (NTS) is available in urban and rural areas. To apply, you must:

- have been occupying the property for at least six months or, if the property is empty, occupied it for at least six of the last 18 months; and
- provide evidence that meets the following five criteria.

1. Property type – you must:

- a. be an owner-occupier; and
- b. have either the freehold of the property or a lease with more than three years left to run.

Or, you may be acting as a reluctant landlord (see page 6).

Mortgage lenders or personal representatives may also be eligible – see the NTS guidance at <https://www.hs2.org.uk/documents/collections/need-to-sell/>

2. Location – The NTS scheme is for properties that are likely to be substantially affected by the construction or operation of the railway. However, there is no fixed distance from the route within which a property must be situated.

3. Effort to sell – The property must have been marketed without success for at least three months, with no offers within 15% of its realistic unblighted asking price.

- 4. No prior knowledge** – You must have bought your property before the initial preferred route for each phase of HS2 was announced. For Phase 2b, this is 28 January 2013 or 7 July 2016 (the proposal of the M18 route through South Yorkshire only).
- 5.** There may be cases where you bought your property, or a lease was completed after the initial announcement of the route, but where you were not aware of the proposals or that the property would be within a certain distance of the route. In these cases, you can provide evidence to show that you could not have known the possible impact of HS2.
- 6. Compelling reason to sell** – You must provide evidence of a compelling (convincing) reason to sell your property now, or that you would be put under an unreasonable burden in the next three years if you were unable to sell your property.

What will I receive?

If your application is successful, the Government will agree to buy your property for 100% of the unblighted open-market value.

The Government will not cover extra costs, such as legal fees or removal costs.

How do I apply?

Step one – Fill in an application form

Fill in the application form and send it to us with as much supporting evidence as possible.

Step two – We review your application

A case officer will write to you to acknowledge your application. If there is any information missing from your application, or they think you haven't provided enough evidence, they will ask you if you would like to provide it. In most cases, they will ask the estate agents marketing the property for the information.

Step three – Consideration by a panel of professionals

Three professionals who are independent of us and the Department for Transport will make a recommendation.

Step four – Decision

A senior civil servant or minister will consider the panel's recommendation and make a decision on your application. If your application is successful, your case officer will write to you to confirm that you have been accepted on to the NTS scheme.

If you are unsuccessful, your case officer will write to you to explain why. You can reapply if there is a significant change in your circumstances or if you can provide new evidence that is relevant to the reason that your application was unsuccessful.

Do I need professional advice?

No. We have designed the application process so that you do not need anyone else to act on your behalf. Once you have applied for a scheme, one of our case officers will be your main point of contact.

If you want to ask someone to help you with your application, you are welcome to do so.

You may want to ask a friend, relative or a professional. Your application must say what the relationship is between you and any representative who is receiving correspondence on your behalf.

We or the Department for Transport will not refund any professional fees arising from the application process.

For guidance and an application form, please go to <https://www.hs2.org.uk/documents/collections/need-to-sell>

Rent Back

Renting back is a way of continuing to live in your home, having sold it to the Government under an HS2 property scheme. All homes that the Government agrees to buy can be considered for Rent Back, as long as they meet the eligibility criteria.

Am I eligible?

To be eligible for the scheme, you have to meet the following three conditions.

- The costs of the property, once assessed, must make maintaining the property a reasonable use of taxpayers' money.
- The Government must follow its own regulations on rented properties, making sure they are safe and suitable for tenants. The standard for renting a property from the Government is higher than for renting from a normal landlord or property owner.
- You must meet the credit-check and references criteria and have the right to rent (Immigration Act 2015).

Rent Back is voluntary, so you decide whether it suits your circumstances and whether you are happy with the tenancy agreement being offered.

How do I apply?

When arranging to sell your property, ask your case officer to explain the options.

We would assess your property to decide:

- the cost of any repairs, improvements, or testing service installations; and
- its open-market rental value, once the necessary changes are made, compared with similar properties.

What happens then?

If you want to take up the Rent Back option, and as long as we are satisfied with references we have asked for, you will need to sign a tenancy agreement.

For guidance, please go to <https://www.hs2.org.uk/documents/hs2-rent-back-scheme>

Homeowner Payment

The Homeowner Payment scheme is for owner-occupiers of rural properties near the line of route. The aim of the scheme is to make sure that people who live near the line of the route receive an early share in the benefits of HS2.

The scheme is open for applications for people in Phase One and Phase 2a. If you think you are eligible for this payment, please contact our Helpdesk on 08081 434 434.

What will I receive?

Currently, eligible owner-occupiers will be able to claim from £8,000 to £24,000.

- For properties between 120 metres and 180 metres from the line of route – £24,000.
- For properties between 180 metres and 240 metres from the line of route – £16,000.
- For properties between 240 metres and 300 metres from the line of route – £8,000.

We will review these payment levels when the scheme is launched for each phase of HS2, and if necessary we will adjust them to reflect inflation.

We expect that most people who receive money under this scheme will not have to pay tax on it.

We will contribute up to £500 (plus VAT) to legal fees for a deed or contract of receipt (see 'Useful terms' on page 6).

Am I eligible?

You are eligible if:

- you are the owner-occupier;
- you have either the freehold of the property or a lease which has more than three years left to run;
- your property is fully or partly in the Homeowner Payment Zone (if partly in this zone, either your home or 25% of the whole area of your land must be in the zone); and
- you were an owner of the property by 15 November 2016 or 17 July 2016, depending on when the relevant section of Phase 2b was announced (the date when proposals for the Homeowner Payment scheme were first outlined).

If your land is covered by more than one Homeowner Payment band, you will be eligible for the band the main building of your property is in. If the main building of your property is outside the bands but your land is within them, you may also be eligible. If the main building of the property itself is in more than one band, you will be eligible for the higher payment.

For agricultural units to qualify for the Homeowner Payment scheme, they must include a property that acts as a main home.

If I accept payment, can I still apply for other schemes?

If you claim the Homeowner Payment, you will need to sign a contract of receipt. You can apply for the Need to Sell scheme or statutory blight (if you become eligible for this) in the future. If your application is successful, we will take the value of the Homeowner Payment you received from the purchase price. This would be increased by the statutory interest rate, which is set at 0.5% below the Bank of England base rate.

If you accept the Homeowner Payment, it will not affect your ability to claim statutory compensation for loss of value due to physical factors under Part 1 of the Land Compensation Act 1973.

Useful information

To see the Homeowner Payment Zone on maps, please go to www.gov.uk/hs2 and search for HS2 property schemes.

Special circumstances or atypical properties

The Government recognises that there may be some residents and businesses near the HS2 route who need assistance despite not meeting the strict eligibility requirements of the HS2 property schemes. This assistance could include the Government buying their property, making a payment, or providing some other form of support that would not normally be offered. The Government is willing to consider these types of cases, which involve special circumstances or 'atypical' properties, on their individual merits.

How can I request that my circumstances are considered under these arrangements?

You can write to us to explain why you believe your circumstances are special or why you believe your property is atypical. We will make recommendations to the Department for Transport.

Where can I get more information?

If you need more information, including about special circumstances or atypical properties, you can contact our Helpdesk on 08081 434 434 or email hs2enquiries@hs2.org.uk. There is also a Freephone minicom number for callers with hearing and speech difficulties. This number is 08081 456 472.

Residents' Charter and Residents' Commissioner

We want to make sure that we treat residents in a fair, clear, competent and reasonable manner. We have published our Residents' Charter, which sets out how we should communicate with people affected by HS2.

Our Residents' Commissioner makes sure we meet these standards.

Residents' Charter

We recognise that, as we develop, design and build the new railway, our activities will affect the communities we will be working in. We are committed to being a good neighbour by treating communities with respect and consideration, and by focusing on keeping the impact of our work to a minimum, while making best use of the benefits, both locally and nationally. Our Residents' Charter sets out our 10 commitments to you and explains the roles of the Residents' Commissioner and Construction Commissioner in making sure we are accountable for the commitments we make. We will keep checking on our progress and looking for ways to improve how we do our business.

Our commitments to you

We will:

- continue to build respectful, long-term relationships with communities and encourage our workforce to listen to local concerns and be considerate and accountable for their actions at all times;
- work with communities to develop local two-way involvement and communication programmes, making sure they are accessible and tailored to local needs;
- make sure we tell communities beforehand about any activities taking place in their area;
- run a Freephone community helpline 24 hours a day, 365 days a year;
- make health and safety a priority for communities and our workforce;
- respect the wellbeing of communities, keeping disruption to their lives to a minimum through local plans and activities, while making sure we meet the standards set out in the Code of Construction Practice;
- leave a positive and sustainable legacy for communities, which will benefit future generations;
- respond to questions and complaints quickly and efficiently, by acknowledging them within two working days and responding fully within 20 working days if we cannot answer your question straight away;
- promote awareness of all our property schemes so that anyone who may be eligible has all the information they need and knows what support is available; and
- include the Residents' Commissioner's and Construction Commissioner's contact details, and information about our helpline and complaints procedure, on all relevant materials.

The Residents' Commissioner

The independent Residents' Commissioner holds us accountable to the commitments made in the Residents' Charter.

The Residents' Commissioner oversees and monitors our commitments to you, produces a regular report, published at www.gov.uk/government/collections/hs2-ltd-residents-commissioner, and meets regularly with our Chairman about emerging trends and concerns.

The Residents' Commissioner does not investigate individual cases, act as an arbitrator for individual residents' concerns, or deal with complaints.

You can contact the Residents' Commissioner by emailing them at residentscommissioner@hs2.org.uk

Construction Commissioner

The independent Construction Commissioner monitors how we manage and respond to complaints about construction of the HS2 route.

They will act as a mediator in any unresolved disputes about construction between us and individuals or organisations, and advise members of the public on how to make a complaint about construction.

They meet regularly with our Chief Executive Officer to raise any concerns or emerging trends across the project.

You can contact the Construction Commissioner by emailing complaints@hs2-cc.org.uk or you can visit the website at www.gov.uk/government/collections/hs2-independent-construction-commissioner

Keeping you informed

We are committed to keeping you informed about work on HS2. This includes making sure you know what to expect and when to expect it, as well as how we can help.

Our independent commissioners

We have an independent Residents' Commissioner whose job is to make sure we keep to the promises we make in our Residents' Charter.

Our independent Construction Commissioner's role is to mediate and monitor the way in which we manage and respond to construction complaints.

For more information visit www.hs2.org.uk/in-your-area

Holding us to account

If you are unhappy for any reason, you can make a complaint by contacting our HS2 Helpdesk team. For more information visit www.hs2.org.uk/how-to-complain

Property and compensation

You can find out all about HS2 and properties along the line of the route by visiting our website. You can also find out if you're eligible for compensation. Visit www.hs2.org.uk/in-your-area

Contact us

Our HS2 Helpdesk team are available all day, every day. You can contact them by:



Freephone
08081 434 434



Minicom
08081 456 472



Email
hs2enquiries@hs2.org.uk

Write to

FREEPOST
HS2 Community Engagement

Website **www.hs2.org.uk**

To keep up to date with what is happening in your area, visit:
www.hs2inyourarea.co.uk

Please contact us if you'd like a free copy of this document in large print, Braille, audio or easy read. You can also contact us for help and information in a different language.

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