

HS2

How to make a compensation claim if you receive a compulsory purchase notice

Phase One

Updated January 2021



www.hs2.org.uk

High Speed Two (HS2) is Britain's new high-speed railway. The aim of this booklet is to help you claim compensation when we buy your land or property through compulsory purchase. This will be completed by a compulsory purchase notice, which is usually a general vesting declaration (GVD).

Introduction

This guide explains how to make a claim for compensation to us (HS2 Ltd) if you have received a compulsory purchase notice (a 'notice of making' or general vesting declaration) for your land or property in relation to HS2.

We recommend that you appoint a professionally qualified agent to help you with your claim. This person should have appropriate experience of advising on compulsory purchase matters and should be a professionally qualified member of the Royal Institution of Chartered Surveyors (RICS) or a Fellow of the Central Association of Agricultural Valuers (CAAV). If you have a valid claim, we will repay your agent's reasonable fees for preparing, negotiating and submitting the claim to us. We will also repay their reasonable fees for acting as your agent on claims and compensation.

Where to send your claim

You can send all payment requests to us using one of the following options:

Online using the HS2 Track my Property Case on the HS2 website:
www.hs2.org.uk/in-your-area/assistance-for-property-owners/track-my-property-case

By post:

Land and Property
HS2 Limited
Two Snowhill
Snow Hill Queensway
Birmingham
B4 6GA

Or

By email: lpclaims@hs2.org.uk

Making a claim

If you have received a compulsory purchase notice (or general vesting declaration) from us, it means that we will be buying your land, a part of your land or a right over your land. We need to do this because we need the land to build the new railway between the West Midlands and London.

If you receive a compulsory purchase notice, you can claim reasonable compensation for your land or property in line with the relevant compensation law and practice. This requires us (HS2) to compensate you fully for all of your reasonable losses arising from the scheme. It also requires you to keep these losses to a minimum, if possible.

The following steps explain how to prepare and submit a claim to us.

Step 1: Appoint a professionally qualified agent

- We recommend that you appoint a professionally qualified agent to help you with your claim.
- We suggest this person is a RICS-qualified surveyor or a Fellow of the CAAV with experience of compulsory purchase. If you have a valid claim, we will repay your agent's reasonable fees for preparing, negotiating and submitting the claim. We will also repay their reasonable fees for acting as your agent on claims and compensation.

Step 2: Prepare the claim

- Your agent will prepare your claim and you will need to give them information and evidence to support the claim if necessary.
- If you have received a notice of making or notice of exercise of compulsory purchase powers there is a claim form within which your agent can use as a guide on what to include in your claim.
- The information in these forms is not a complete list, but suggests items you can include if they are relevant to your case. The list includes:
 - the open-market value of land taken by us (that is, the value as if there were no plans to develop HS2);
 - items of compensation you are legally entitled to (your agent will be able to tell you this);
 - your agent's and solicitor's fees; and
 - removal costs and other 'disturbance' items resulting from the notice (or notices).

Step 3: Send the claim to us

- Online using the HS2 Track my Property Case on the HS2 website: www.hs2.org.uk/in-your-area/assistance-for-property-owners/track-my-property-case
- By post: Land and Property, HS2 Ltd, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA
- Or, email it to: lpclaims@hs2.org.uk
- Your agent may choose to send your claim to our own adviser. If they do this, they also need to send the claim to the above address or email address.

Step 4: Our advisers review the claim

- We appoint professional advisers, such as Deloitte and Carter Jonas, to act on our behalf. We instruct them to try to reach a settlement with you, which we will then review before it is finally agreed (see step 5).
- You or your agent will need to submit your claim to us at the address in step 3. Once we have received your claim, our advisers will review it.
- They will then get in touch with you or your agent to discuss the claim and try to reach agreement.
- Our advisers may need to ask you or your agent for more information or explanation so that we can understand and agree your claim.

Step 5: We review the claim and decide whether to approve it

- After you and your agent and our advisers reach agreement, we will review your claim internally. This is an important part of our audit process.
- We will regularly update you and your agent and tell you when we have made our decision on your claim.

Step 6: We pay your compensation

- Once we have approved your claim we will process your compensation payment.
- We strongly advise you to appoint a solicitor (we will repay the reasonable costs of this) as we have to transfer your payment to a solicitor acting on your behalf. The solicitor must not be the same person as your professional agent.

Important note on advance payment requests

Compensation claims can be complex and it may be necessary for us to take ownership of your property before we fully agree or pay the compensation package. In these circumstances you can ask us for an advance on your compensation payment. This is known as an advance payment request. You can ask for this advance before or after we have bought the land and/or property.

It is important that you discuss with your agent whether to ask for an advance payment. You can send us a request at any time.

You can ask your agent to send us a formal advance payment request. If we can reach an agreement on your request, we will pay the full value of the advance payment request. If we cannot reach an agreement, we will pay 90% of our estimate of compensation (this may be less than your agent's estimate). The more evidence you can provide, the more helpful it will be for us in estimating your compensation. If you identify further reasons for compensation after you have received your first advance payment, you can send further requests.

- The payment is due on the date we take possession of your land or property or three months after the date of your advance payment request, whichever is later.
- To help our advisers accurately assess the amount of the advance payment, you will need to give us as much relevant information as possible when you make your request.
- Our estimate does not affect compensation negotiations or the final agreed total compensation. Signing an advance payment receipt does not mean you agree with our figures or approach.
- If we later find that your advance payment is more than the amount of compensation due, you will need to repay the difference.

If you are not satisfied with our assessment of your claim

If we cannot reach an agreement with you, we may suggest 'alternative dispute resolution', such as mediation or asking an independent expert to make a decision. For more information and guidance on this, please read:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721047/Alternative_Dispute_Resolution.pdf

Or, you can contact our Helpdesk, who will be able to give you a copy of this guidance. If we can't reach agreement through any of the methods mentioned above, either party may refer your claim to the Upper Tribunal (Lands Chamber). The Lands Chamber decides on disputes relating to compensation for the compulsory purchase of land and property. Your agent will be able to advise you further if this course of action becomes likely.

Frequently asked questions

How do I keep updated on the progress of my claim?

The best way to see how your claim is progressing is by discussing it with your agent or online using the HS2 Track my Property Case on the HS2 website. If your agent cannot update you, contact our Helpdesk and they will work with the Land and Property Case Manager.

Why do I need to appoint a professionally qualified agent?

We strongly recommend you use a professionally qualified agent to support you with your compensation claim. They will be able to tell you what items you can claim compensation for, and will prepare, negotiate and submit your claim. This person should be experienced in advising on compulsory purchase matters and be professionally qualified as a member of the Royal Institution of Chartered Surveyors (RICS) or a Fellow of the Central Association of Agricultural Valuers (CAAV). This is to make sure that you get the most appropriate advice.

If you have a valid claim, we will repay your agent's reasonable fees for preparing, negotiating and submitting the claim. We will also repay their reasonable fees for acting as your agent on claims and compensation.

How do I complain if I am unhappy with the service I have received?

The best way to sort out a problem is to discuss it with your agent. If your agent is not able to deal with the problem, contact our Helpdesk. They will work with the Land and Property Case Manager to try to sort out the issue. If the matter cannot be dealt with locally, you can take it further by making a formal complaint through our Helpdesk. You can see more details at: www.hs2.org.uk/how-to-complain

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

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