

HS2

How to make a compensation claim if you receive a temporary occupation 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 from us (HS2 Ltd) when your land or property is temporarily occupied. This will be done through a temporary occupation notice.

Introduction

This guide explains how to make a claim for compensation to us if you have received notice of temporary occupation of your land or property.

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 when you have received a temporary occupation notice from us

If you have received a temporary occupation notice from us it means that we will be occupying your land or a part of your land for an amount of time. The reason we need to do this is because we need the land to build the new railway between the West Midlands and London.

If you receive a notice, it means that you can claim reasonable compensation for any loss caused by our temporary occupation of your land or property.

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.
- As part of your claim, you can include (if relevant):
 - loss payments, such as loss of crop or loss of rent (your agent will be able to tell you which payments you can include); and
 - your agent's fees.

Step 3: Send the claim to us

- Online using 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 adviser 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 or your agent on our progress and tell you when we have made our decision.

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.

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 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

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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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