

HS2

How we make decisions on claims for compensation for compulsory purchase, temporary possession and survey access

Phase One

Updated January 2021



High Speed Two (HS2) is Britain's new high-speed railway. The aim of this booklet is to help you understand our internal procedure for making decisions on claims we receive for compensation for compulsory purchase, temporary possession and survey access.

Introduction

This guide tells you how we deal with claims for compensation resulting from the issue of compulsory purchase, temporary occupation or survey notices.

We have appointed advisers to act on our behalf, who we instruct to try to reach an agreed settlement with you (and in the case of advance payment requests, to recommend a compensation value).

We recommend that you appoint a professionally qualified agent to help you with your claim.

We suggest this person is a Royal Institution of Chartered Surveyors (RICS)-qualified surveyor or a Fellow of the Central Association of Agricultural Valuers (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.

Important note on advance payments

Compensation claims can be complex and it may be necessary for us to buy and take possession 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 or property.

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.

For claims that do not include advance payment requests, once you (usually through your agent) and our advisors have agreed the claim in principle, our advisors will pass the proposed settlement to us to review and approve. This proposed settlement will then need to go through our governance procedure.

What is your procedure for approving compulsory purchase, temporary possession and survey claims?

- Each week, our staff review and assess claims and then decide whether or not to approve them.
- This procedure provides an accurate audit and record of how we spend public money when approving claims.

How does the procedure work?

- The first claim in a single case (there can often be more than one claim within a case) will go to one of our forums or boards for approval. The panel or board we submit the claim to depends on what we expect the total value of the whole case to be.
- The total value of the case will change based on the number and value of approved claims.
- Each individual claim needs to go through the procedure separately. If we approve more than one claim for the same land or property, these claims form a case.
- High-value claims may need to go to several approval panels or boards, which will lengthen the amount of time a claim is reviewed with the procedure.
- When our agent sends us a recommendation for approval, we will submit it to the relevant panel or board as soon as our Land and Property Case Manager has assessed and reviewed the report.
- We do our best to keep you (or your agent) regularly updated on the progress of your case.
- Sometimes we may need more information about claims, and so cases will need to be resubmitted into the procedure and reassessed until the approval panel or board is satisfied.

What is the payment process once you have approved a claim?

Once we have approved a compulsory purchase or temporary occupation claim, we instruct our solicitors to prepare a draft deed of receipt. (A deed of receipt is a legal document under which we will pay compensation, with conditions on repayment under specific circumstances, such as if we overpaid on an advance payment.) Our solicitors will contact your solicitor to finalise the deed of receipt. Once the deed of receipt has been finalised and completed, we will transfer the money for your claim to your solicitor.

Once a survey claim has gone through our procedure, our case manager will send you or your adviser (or both of you) a payment form asking for your bank details. Instructions on how to fill in the form and who to send it to are on the form. Once we have the filled-in form, we will transfer your payment.

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 you or we can 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.

Complaints

If you are unhappy with the way we or our advisors handle a case, you can make a formal complaint. You can do this by calling our Helpdesk on 08081 434434 at any time, by emailing hs2enquires@hs2.org.uk or by using the following link:

www.gov.uk/government/organisations/high-speed-two/limited/about/complaints-procedure

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

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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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