

HS2

HS2 Project Rescoping: Interim Policy Update

**HS2 Land Acquisition Policy (Phase 2b
hybrid Bill)**

September 2024

Version 2.0

Introduction

The advice and guidance within the attached document have not yet been updated to reflect the decision not to proceed with Phase Two of HS2 published in '[Network North: Transforming British Transport](#)' on 4 October 2023.

In January 2024, HS2 safeguarding was removed across the majority of the former Phase 2a route (West Midlands to Crewe). Safeguarding was retained close to Handsacre to allow Phase One of HS2 to connect to the West Coast Main Line so that HS2 trains can reach cities in the north of England and Scotland on the existing West Coast Main Line.

The Government will thoroughly review the position they have inherited before setting out more detailed plans in due course, including future plans for HS2 Phase 2b safeguarding and a disposal programme for land and property acquired for HS2 that is no longer required.

Any land acquired for Phase 2 that is no longer required will be sold in line with Treasury rules through a disposal programme.

High Speed Two (HS2) Ltd is working with the Department for Transport and we will update our policies and procedures when further information is available.

Update of HS2 Land Acquisition Policy (Phase 2b Hybrid Bill)

This factsheet describes the policies the Secretary of State was expected to adopt for the acquisition of land and property for construction and operation of the Proposed Scheme on the former Phase 2b route.

On 25 March the Government announced that it will seek to adapt the Phase 2b Hybrid Bill to deliver Northern Powerhouse Rail only. We have communicated with land and property owners who are impacted by these changes.

When will this document be updated?

When changes are required, HS2 Ltd will update this guidance document as soon as possible.

Need more information?

We regularly update our 'Frequently Asked Questions' webpage. It includes questions about our land and property programme and provides the most up to date information. These can be viewed here: <https://www.hs2.org.uk/in-your-area/assistance-for-property-owners/project-rescoping-phase-two-cancellation/>

If you have further queries, the easiest way to contact us is via the HS2 Helpdesk. The HS2 Helpdesk is open all day, every day on 08081 434 434 (freephone); Minicom: 08081 456 472; or email us at HS2enquiries@hs2.org.uk.

Land acquisition policy

This factsheet describes the policies the Secretary of State is expected to adopt for the acquisition of land and property for construction and operation of the Proposed Scheme.

1 Introduction

- 1.1.1 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. The Western Leg of Phase 2b comprises an extension of the network to Manchester and a connection to the West Coast Main Line at Golborne, and is referred to as the Western Leg hybrid Bill. The Eastern Leg of Phase 2b currently comprises an extension of the network from the West Midlands through the East Midlands to Leeds.
- 1.1.2 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.
- 1.1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act (2017). In July 2017, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2a.
- 1.1.1 In February 2020, the Government announced its intention to draw up an Integrated Rail Plan. This will recommend a way forward on scoping, phasing and sequencing the delivery of HS2 Phase 2b, Northern Powerhouse Rail, Midlands Rail Hub and other proposed rail investments across the north. At the same time, the Government asked HS2 Ltd to prepare the Western Leg hybrid Bill, provided it does not prejudice any recommendations or decisions that will be taken in this plan, which will be published by the end of the year.
- 1.1.2 It is intended to deposit a Western Leg hybrid Bill seeking powers to construct and operate this phase in Parliament in early 2022 or sooner if possible (the Proposed Scheme). The work to produce the Bill will include an Environmental Impact Assessment (EIA), the results of which will then be reported in an Environmental Statement (ES). The ES would be submitted alongside the Bill when it is introduced to Parliament. As was the case with Phase One and Phase 2a, when the Bill is introduced to Parliament the Secretary of State will also publish draft Environmental Minimum Requirements (EMRs). The EMRs will set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.1.3 A series of information papers were produced for the Phase One and Phase 2a hybrid Bills, explaining the commitments made in those Bills and EMRs. It is the Secretary of State's intention to follow a similar process for the Western Leg Bill. These information papers will be used to provide information about the Proposed Scheme itself, the powers contained in the Bill and how decisions on

the Proposed Scheme have been reached. It is currently proposed that these information papers for the Western Leg of Phase 2b will be published at the time the Bill is introduced in Parliament.

- 1.1.4 The Secretary of State for Transport will be ‘the Promoter’ of the Western Leg Bill. The Promoter will also eventually appoint a body responsible for delivering the Proposed Scheme under the powers to be granted by the Bill. This body will be known as the ‘nominated undertaker’. There may well be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the Western Leg EMRs and any commitments provided in the Western Leg information papers.
- 1.1.5 These Western Leg factsheets have been produced to provide information on the emerging proposals for measures to manage the design process for the Proposed Scheme and to control impacts which may arise from the construction and operation of the Proposed Scheme. These measures may then be applied to the Western Leg as commitments made through the eventual Bill, EMRs or information papers.

2 Overview

- 2.1.1 This factsheet describes the policies the Secretary of State is expected to adopt for the acquisition of land and property for construction and operation of the Proposed Scheme.

3 General approach

- 3.1.1 The Western Leg hybrid Bill will seek powers for the compulsory acquisition of the land required for the scheme. The land boundaries within the Bill are intended to provide sufficient flexibility for the detailed design of the Proposed Scheme.
- 3.1.2 The Bill will generally include full land acquisition powers. However, in any individual case the powers will be exercised 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.
- 3.1.3 If it is reasonably 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 then the Secretary of State would look to do so. If it becomes clear that not all the land within the Bill is required, the Secretary of State would not generally seek to

acquire this land and would be prepared to give the necessary assurances to the landowners in question.

- 3.1.4 Landowners affected by the use of these compulsory acquisition powers will be compensated according to the Compensation Code. The 'Compensation Code' is a collective term for the law relating to compensation for compulsory acquisition originating from Acts of Parliament and case law. Its general purpose is to provide fair compensation for a person whose land has been compulsorily taken.
- 3.1.5 Where applicable, the compensation will be the unblighted market value of the land acquired (assuming it is sold by a willing seller) plus statutory loss payments (in England), disturbance (including stamp duty in relation to replacement property), diminution of value of any retained land, and other losses arising as a direct and reasonable consequence of the acquisition.
- 3.1.6 In addition to authorising the acquisition of land in connection with the railway, the Bill would also authorise the making of compulsory purchase orders to acquire land for business relocation purposes. Further details about compulsory purchase powers for business relocations are contained in factsheet: Business Relocation.

4 Worksites and other temporary land requirements

- 4.1.1 The Bill will contain permanent acquisition powers to acquire the freehold interests in worksites due to the length of time they will be occupied.
- 4.1.2 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 would 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 using compulsory acquisition 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.

- 4.1.3 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.
- 4.1.4 In considering the question of material change, the Secretary of State will apply the approach set out in the Crichel Down Rules¹.
- 4.1.5 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 the Phase 2b Western Leg factsheet: Disposal of Surplus Land.

5 More information

- 5.1.1 Further factsheets and details on the Proposed Scheme can be found at: www.hs2.org.uk/phase2b

¹ The Crichel Down Rules can be viewed at: www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance