HS2

Property schemes

Special circumstances or atypical properties

Guidance and frequently asked questions



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Department for Transport

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Useful terms

We have tried to make this guide as simple 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.

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

Express Purchase: A discretionary scheme introduced by the Secretary of State which simplifies the blight notice scheme in two ways. When an owner-occupier who qualifies for statutory blight and owns a property within the safeguarded area serves a blight notice on the Secretary of State, the Government may choose to accept the notice:

- regardless of whether we would need the property to build or operate the railway, as long as the property is fully within the safeguarded area; and
- without asking you to show that you have made reasonable efforts to sell the property.

Home-loss payment: A payment which some homeowners are entitled to when they have to move from their property. The payment is equivalent to 10% of the value of the property, up to a maximum of £71,000 (October 2021 rate), and is set out in law. Applicants need to show that they had been living in the property for at least a year before they had to move.

Homeowner Payment (HOP) scheme: A scheme for owners of property where at least part of the main building (the home) or at least 25% of the total land area of the property is within the homeowner payment zone. This zone spans 180 metres either side of the outer boundary of the RSZ, in the same areas along the proposed HS2 route as the RSZ. Under the scheme, owner-occupiers of these properties who meet a 'no prior knowledge' condition can claim a fixed cash payment. The payment is one of three set amounts, decided by the location of the main building in relation to three payment bands within the zone.

Line of route: The 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.

Need to Sell (NTS) scheme: A scheme for property owners who believe they have a compelling reason to sell their property. Owners must meet five conditions, and there is no geographic boundary to this scheme.

No prior knowledge: You are considered to have 'prior knowledge' if you were aware of the proposals for HS2 at the time you exchanged contracts when buying your property.

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

Rural Support Zone (RSZ): The area outside the safeguarded area and typically up to 120 metres from the centre line of the HS2 railway in rural areas. Two discretionary schemes are available in the RSZ – the Voluntary Purchase scheme and the Cash Offer.

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.

Statutory entitlement: This is something that the law sets out that you have a right to receive in certain situations.

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 line of route is in a deep tunnel.

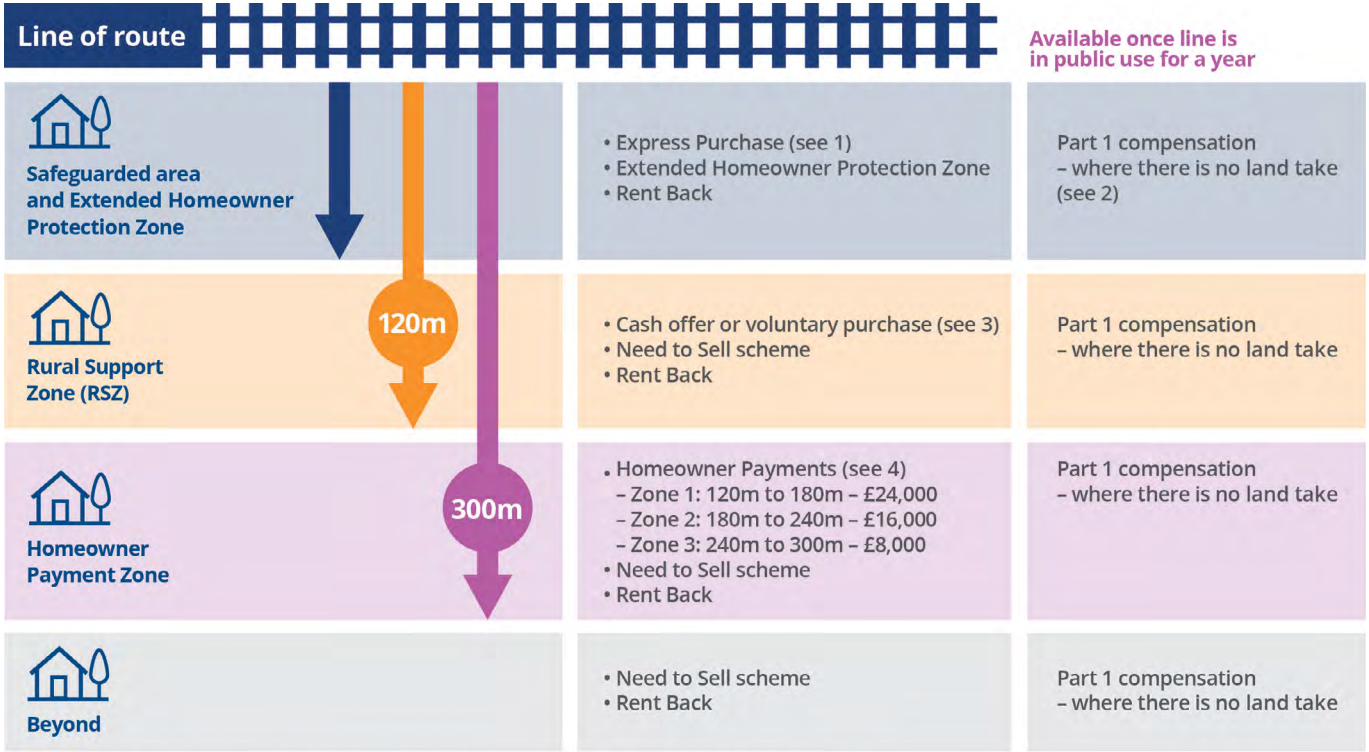
Unblighted open-market value: The market value of a property as if there were no plans to develop HS2.

Introduction

High Speed Two (HS2) is the new high-speed railway connecting London and the West Midlands. We are HS2 Ltd, the company set up by the Government to design and build HS2. We are committed to being a good neighbour and treating the communities where we work with respect and compassion. You can find information about the plans for HS2 on our website at: **www.hs2.org.uk**

Property owners who have 'a qualifying interest' and are directly affected by major infrastructure projects (such as new railways, motorways or airports) can claim statutory compensation (compensation set out in law). Statutory property schemes, such as safeguarding, provide support for those who live very close to the railway.

The Government believes that, because the HS2 project is unique, we should go further and offer an exceptional package of assistance to owner-occupiers outside of the safeguarded areas. As a result, they are offering various discretionary 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) Applies to rural areas only and does not extend to areas beyond deep tunnels.

Discretionary schemes

Express Purchase scheme (EPS)

This scheme applies to properties in the surface safeguarding area. People living in this area who meet the criteria 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 (that is, its 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.

Rural Support Zone (RSZ)

The RSZ is the area that starts at the outer border of safeguarding and stops typically 120 metres from the centre line of the HS2 railway in rural areas. There are two discretionary schemes available to property owners whose property is within the RSZ − the Voluntary Purchase scheme and the Cash Offer. The Voluntary Purchase scheme allows you to sell your property to the Government for 100% of its unblighted open-market value. The Cash Offer is a lump-sum payment of 10% of the unblighted open-market value of the property. There is a minimum cash offer payment of £30,000 and a maximum payment of £100,000.

Homeowner Payment scheme (HOP)

This scheme is a discretionary scheme for owners of property where at least part of the main building (the home) or at least 25% of the total land area is within the Homeowner Payment zone. This zone spans typically 180 metres either side of the outer boundary of the Rural Support Zone (RSZ), in the same areas along the HS2 route as the RSZ. The HOP scheme offers a fixed cash payment.

The payment is one of three set amounts, decided by the location of the main building in relation to three payment bands, within the zone.

- Band 1: typically between 120 metres and 180 metres from the line of the route – £24,000.
- Band 2: typically between 180 metres and 240 metres from the line of the route – £16,000.
- Band 3: typically between 240 metres and 300 metres from the line of the route – £8,000.

Need to Sell scheme (NTS)

The Government has set up the NTS scheme to support property owners who have a compelling reason to sell their property but due to HS2 are unable to do so other than at a significant loss or, if they're unable to sell their property, would face an unreasonable burden in the next three years. Whether something is an unreasonable burden will be judged on the facts of each case and the degree of hardship caused to you or your family by not being able to sell your property.

Special circumstances or atypical property applications

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 our property schemes. This assistance could include the Government buying their property, making a payment, or providing some other form of support that they would not normally offer.

The Government is willing to consider these types of cases, which involve 'atypical' or special circumstances, on their individual merits.

Examples of successful and unsuccessful applications to be considered as atypical or a special circumstances:

Example one: Reasonable adjustment	
Successful example An applicant asked for adaptations to their new home, together with special furniture and floorings due to a medical condition. This was supported by a full equality impact assessment (carried out by us) and appropriate medical evidence.	**Unsuccessful example** An applicant asked for adjustments to their new property, but medical evidence did not support their request.

If you need reasonable adjustments in order to move to a new property that are not covered by any statutory entitlement (something you have a right to as set out in law) you can apply for the costs of making these adjustments. But you will need to provide supporting evidence (such as medical records) for us or our representative to assess whether the adjustments are appropriate. We consider each case individually, and the evidence you need to provide will depend on your personal circumstances.

Example two: General

Successful example

A homeowner who was not living at their property had their blight application turned down because they didn't meet the occupancy conditions. They were living in a care home due to ill health. They provided full evidence of their personal circumstances that led to them living in a care home and, on that basis, we bought the property from them on terms appropriate to their circumstances.

Unsuccessful example

An applicant whose property was outside of the safeguarding area applied to us to buy the property on blight terms as one of their friends who lived nearby had received full statutory compensation. The applicant then successfully applied for the Rural Support Zone scheme.

You should only make an atypical or special circumstances application if no other schemes are open to you, or where the compensation you would receive under other schemes is inadequate due to your atypical property or special circumstances.

Example three: Ownership of land and property

Successful example

An applicant submitted one blight notice for five separate land titles. Four of the five titles were eligible to be bought by the Secretary of State for Transport, but the fifth was not linked to the other land titles and so did not meet the criteria. Due to the likely cost to the applicant of maintaining the land included in the fifth land title and the small cost to the Secretary of State, we agreed to buy all five land titles, including the one that did not meet the normal criteria as an atypical application.

Unsuccessful example

An applicant whose property was in the Rural Support Zone did not have a qualifying interest as the property had been transferred to a trust. There was a three-month period to dissolve the trust and a small cost to the applicant. As a result, we decided to reject the atypical application due to the small time period and the cost. The applicant successfully applied to the Voluntary Purchase scheme within the Rural Support Zone at a later date.

You can consider making an atypical or special circumstances application if there is an unreasonable financial cost or time delay relating to the property schemes.

Example four: Home-loss payment for mobile homes and houseboats

Example

In this made-up example, an applicant lived on a houseboat as their main home. They sold their property using the blight process. The houseboat could not be moved and had moored at the same place for several years. We agreed to make a payment equivalent to the home-loss payment the applicant would have received had they lived in a caravan.

Unsuccessful example

A houseboat owner moved to a new mooring and then sold their property using the blight process. The houseboat could clearly be moved and there were other moorings nearby, available on reasonable terms. We decided to reject their application because they had not occupied the mooring for long enough, and because they could have moved their houseboat to another suitable location.

Houseboat owners, but not caravan owners, are currently not eligible for a home-loss payment as part of a blight compensation package. We are willing to consider atypical or special circumstances applications from houseboat owners who want to be treated the same as caravan owners.

If you consider yourself to be in special circumstances or are an owner-occupier of an atypical property, you can contact the HS2 Helpdesk on **08081 434 434** or email us at **HS2Enquiries@hs2.org.uk** and ask to speak with someone from our Land and Property team. Our Helpdesk will then ask someone from the most appropriate team to get in touch with you and discuss your case.

Frequently asked questions

How do I ask to be considered as having an atypical property or special circumstances?

Firstly, you may want to discuss your case with our Land and Property team by contacting them through our HS2 Helpdesk on **08081 434 434** or emailing them at **HS2Enquiries@hs2.org.uk**. There is also a Freephone minicom number (08081 456 472) for callers with hearing and speech difficulties

Do I need to have previously applied to an HS2 property scheme before my case can be considered as atypical or special circumstances?

No. However, it is worth considering making an application through one of our property schemes first to see whether you are successful. When looking at atypical cases, we will always consider whether there is an existing scheme that could meet your needs and if so, we expect you to apply to that scheme.

Is it possible for the Government to buy my property even if I don't meet the conditions of other available discretionary and non-discretionary schemes, if I have special circumstances or I own an atypical property?

Yes, it may be possible for the Government to buy properties where the applicant does not meet the conditions of other available discretionary or non-discretionary schemes. There is no application form, but you can ask us to consider your case 'atypically'.

Is there more information on what you and the Government consider to be 'special circumstances' or an atypical property?

The Government believes trying to define these terms would limit the types of cases that it might consider. We (and the Department for Transport) will consider cases you submit to us that are not part of our existing property schemes by looking at the particular circumstances of each case. On pages 9, 10 and 11 of this document, there are three examples of the types of successful and unsuccessful applications.

Who decides whether I own an atypical property or have special circumstances?

Any decision to provide support over and above our property schemes is made by the Department for Transport on behalf of the Secretary of State for Transport, taking into account advice from us. In some cases, approval may also be needed from HM Treasury.

I have been unsuccessful in applying to a property scheme. Can you consider my case as special circumstances or my property as atypical?

We only consider cases involving an atypical property or special circumstances if there are exceptional circumstances. You should not use this as a way of appealing if you have been unsuccessful under our established schemes.

How do you consider my atypical property or special circumstances if my situation means a decision needs to be made quickly?

If you face urgent or critical circumstances that mean you are unable to apply to the appropriate property scheme, you can contact us or the Department for Transport, in writing (either by post or by email), outlining the exceptional circumstances you face. We will contact you to discuss your personal circumstances and the options that may be available to you.

How will you keep me informed about my case?

Once we agree to consider your case as an atypical property or as special circumstances, we will assign a Case Officer to work with you. The Case Officer will be your main point of contact and will keep you informed of the progress of your case.

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**.

You can also write to us at our registered address:

High Speed Two Limited,
Two Snowhill,
Snow Hill Queensway,
Birmingham,
B4 6GA

You can find more information about our property schemes at:
www.hs2.org.uk/building-the-railway/land-affected-by-hs2/apply-for-property-assistance-schemes/

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 commissioner

We have an independent Residents' and Construction Commissioner whose job is to make sure we keep the promises we make in our **community engagement strategy**.

The commissioner helps settle disputes and monitors the way in which we manage and respond to complaints about construction.

For more information, visit:
www.hs2.org.uk/about-us/independent-hs2-commissioner

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 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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