

HS2

How to request a crop loss expedited payment (CLEP) if you receive a temporary occupation notice



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 while we build the railway. This will be done through a temporary occupation notice.

Introduction

This guide explains how to ask us for a crop loss expedited payment (CLEP) if you have received notice that we want to temporarily occupy your land or property.

Purpose of the scheme

The scheme aims to compensate you early for crops you will lose as a result of us using your land temporarily. We work out compensation by applying standard crop rates to the crop area (in hectares) affected. We aim to make your payment on, or shortly after, the date we occupy your land. More details are set out below.

- Expedited payments are intended to give farmers and growers who have received a temporary occupation notice from us an earlier payment based on standard rates for crops. The aim is to compensate you before you lose money as a result of not being able to harvest and sell your crops.
- The scheme payment rates apply to any temporary possession that we are due to take of your land. We will pay expedited payments for losses for the period up to 31 December 2024, if this is agricultural land that is producing crops and you have not yet made a claim for compensation.
- You will still be able to submit an additional claim (with evidence) for other losses or if you believe that the standard rates do not fully compensate you for the loss of your crops. We will assess and negotiate these claims through our existing temporary possessions claims process. You can find further information on how to do this at assets.hs2.org.uk/wp-content/uploads/2020/05/CS1202c_062022_Comp-claim_temp-WEB.pdf.

- If we continue to occupy your land after 31 December 2024, you will be able to make another CLEP request for any further losses, or you can make a standard temporary occupation claim. For more details about this, go to: assets.hs2.org.uk/wp-content/uploads/2020/05/CS1202c_062022_Comp-claim_temp-WEB.pdf.
- You can request an expedited payment as soon as you receive a notice for temporary occupation. We will do our best to make the payment on, or shortly after, the date that we occupy your land.
- We, or our advisors, will assess crops in the ground before, or on, the date we occupy it. We will need to confirm that your claim is consistent with our assessment.
- The payment is for combinable crops and grazing land. We will base combinable crop payments on standardised gross margin rates. For grazing land, we will pay the value of the fodder or silage that was in the ground but could not be harvested due to us occupying the land.
- The payment will be 100% of the CLEP crop loss rate per hectare (see Appendix A – schedule of rates) for a specific crop in the ground, or for the crop that you would have planted. (We will need appropriate evidence of this, for example the crop rotation plan, before we can make the payment.)
- To calculate the compensation payment per hectare (the crop margin) for each crop, we have taken crop prices from published data sources and deducted some of the costs involved in growing and harvesting the crop. You can find more information on how we calculate compensation under ‘Frequently asked questions’.
- The payment does not affect compensation negotiations or the final total compensation we agree with you. Signing an expedited payment receipt does not mean you agree with our figures or approach.
- If you accept a CLEP payment, it does not mean you cannot claim for items such as Basic Payment Scheme losses or ask us to consider payment for a specific crop.

- If we later find that we have paid you too much compensation because your claim for a crop type or area was inaccurate, or your claim is not eligible, you will need to repay the difference.

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 be a professionally qualified member of the Royal Institution of Chartered Surveyors (RICS) or a Fellow of the Central Association of Agricultural Valuers (CAAV). Your agent can submit a claim for any further losses and we will assess and negotiate the claim through our standard process.

Where to send your expedited payment request

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

If you need to contact us, you can call our Helpdesk at any time on 08081 434434 or email us at HS2Enquiries@hs2.org.uk

Making an expedited payment request 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.

If you receive a notice, and are a farmer or grower, it means that you can request an expedited payment for loss of crops caused by us temporarily occupying your land or property.

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

Step one: appoint a professionally qualified agent

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

Step two: prepare the request

- Your agent will prepare your claim and fill in a crop loss expedited payment request form. You will need to give them information and evidence to support the claim if necessary.

- As part of your request, you must include the following details:
 - How you occupy the land (whether you are a landowner, tenant and so on)
 - The land use of the areas we will occupy
 - The types and areas of crops lost
- The crop loss expedited payment request form is in Appendix B. You can also ask our Helpdesk for this form.

Step three: 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 advisor. If they do this, they also need to send the claim to the above address or email address.

Step four: our advisors review the request

- We appoint professional advisors to act on our behalf and ask them to review the request.
- You or your agent will need to send your request to us at the email address in step 3. Once we have received your request, our advisors will review it.
- They will contact you or your agent if we have any questions about your request.
- Our advisors may need to ask you or your agent for more information or further explanation so that we can confirm and process your request.

Step five: we review the request

- After our advisors have reviewed your request and submitted their recommendation, we will review your request. This is an important part of our audit process. You can find more information on how we make decisions on compensation for claims at assets.hs2.org.uk/wp-content/uploads/2020/05/CS1202d_0622-Claims_comp-compulsory-WEB.pdf.
- If we think that there has been an error in filling in the form or if we need more information to make a decision, we will contact you or your agent. We will tell you if the outcome of this means there is a change to the amount of your compensation.
- We will regularly update you or your agent on our progress and contact you when we have made our decision.

Step six: we pay your expedited payment

- Once we have approved your request, we will process your payment.
- We will be in touch with you to confirm how we will make the payment.
- We will make the payment no earlier than the date we occupy the land from.

Step seven: claims for other losses

- Expedited payments are intended to provide you with a payment based on standard rates for crops.
- You should discuss your case with your agent if you want to make a further claim for other losses or if you believe that the standard rates are not enough compensation for the crop loss.
- Please see our guide 'How to make a compensation claim if you receive a temporary occupation notice', which you can find at assets.hs2.org.uk/wp-content/uploads/2020/05/CS1202c_062022_Comp-claim_temp-WEB.pdf.

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 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 our 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.

How do you set the compensation rates for crops?

To calculate the compensation payment per hectare (the crop margin) for each crop, we use crop prices from published data sources and deduct some of the costs involved in growing and harvesting the crop.

Where available, we have used futures price trends (available on www.ahdb.org.uk) for contracts to be fulfilled in November of the current harvest year. If a futures price is not available for a specific crop, we have either calculated the price based on a percentage of the futures price for a suitable alternative crop, used historical average prices, or used published values from John Nix Pocketbook for the current harvest year. Where appropriate, we have included the value of straw in the crop price.

The amounts that we deduct for the costs involved in growing and harvesting the crop are taken from John Nix Pocketbook. We do not deduct the fixed costs involved in establishing and maintaining the crop. The table below shows an example of how we have calculated the compensation for winter feed wheat.

The rates listed help us to make an expedited payment. Any payments we make will not affect your position or any future claim you make for losses.

Crop type	Average yield (t/ha)	Crop price (£/t)	Straw (£/ha) (if this applies)	Variable costs/ inputs (£/ha)	Fixed costs (£/ha - harvesting only)	CLEP crop margin (£/ha)
	A	B	C	D	E	F
Winter feed wheat	8.60	£204.00	136.00	697.00	138.19	1055.21
Source	John Nix Pocketbook for the current harvest year	November future price for the current harvest year (ahdb.org.uk)	John Nix Pocketbook for the current harvest year (with ratio adjustments for winter and spring crops)	John Nix Pocketbook for the current harvest year	John Nix Pocketbook for the current harvest year	(AxB)+C-D-E

Why is the crop I grow not listed in the payment request form or the schedule of rates?

The crops included in this guide have been chosen because they represent the most common crops grown on farms affected by HS2. However, it has not been practical to include all possible crop types. For crop varieties that are very similar to any we have listed, please select the crop that is most similar to the one you are growing. If you are growing a type of crop that is not listed, please discuss the matter with your advisor.

Appendix A - schedule of rates

The rates that we pay will be per hectare, per year for each crop type listed below. These rates will apply until 31 December 2024 and we will review and update them every year after that.

Type of crop	CLEP payment per hectare (£)
Winter feed wheat	1055.21
Spring feed wheat	725.61
Winter feed barley	742.81
Spring feed barley	573.81
Winter oil seed rape	660.38
Spring oil seed rape	431.20
Winter oats	628.21
Spring oats	605.21
Field beans (winter)	517.11
Field beans (spring)	452.11
Maize, forage	1044.65
Temporary grass	1456.14
Permanent grass	1077.32

Appendix B – crop loss expedited payment request form

Crop loss expedited payment request form	
Full name of the claimant (the person claiming the payment):	Claimant's address:
Notice number:	
Agent's name and firm:	
Harvest year for affected crop:	
Please confirm who the claimant is (for example, an individual, a group of individuals, or anyone with a legal interest in the land, such as a partnership or trust), and whether they are a freeholder, owner-occupier or tenant).	

Total CLEP claim

Please list the crop types and areas (in hectares) that the claimant will not be able to harvest as a result of us occupying their land. Please multiply the area (in hectares) by the cost per hectare to calculate the compensation for each crop.

Crop type - From CLEP rate card	Total crop area	CLEP payment per hectare	Total
	ha	£	£
	ha	£	£
	ha	£	£
	ha	£	£
	ha	£	£
Total			£

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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HS2

High Speed Two (HS2) Ltd

Two Snowhill, Snow Hill Queensway

Birmingham B4 6GA

Freephone: 08081 434 434

Email: HS2Enquiries@hs2.org.uk

CS1565_12-22

www.hs2.org.uk