

HS2

Faster evaluation of small-value disturbance disputes





Department for Transport

High Speed Two (HS2) Limited has been tasked by the Department for Transport (DfT) with managing the delivery of a new national high speed rail network. It is a non-departmental public body wholly owned by the DfT.

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Introduction

We know that building HS2 is affecting the lives of thousands of people. In some cases, we have needed to buy your land or property. We aim to be considerate and respectful in how we communicate with you, but there may be times where we are not able to agree with you on the amount of compensation that is payable.

This guidance tells you how you can refer your case for a small-value compensation settlement to the Residents' and Construction Commissioner for them to consider.

Who can apply?

You can refer your case to the Residents' and Construction Commissioner if we are buying your land or property as part of one of our statutory schemes or under the Express Purchase scheme and there are disputed amounts of disturbance compensation totalling no more than £10,000.

How does it work?

If we cannot sort out your case through discussing it with you, we may suggest that we refer it to the Residents' and Construction Commissioner. Or, you can ask for a referral yourself by contacting your case manager or our professional advisors.

Once you have given your permission for your case to be referred, we or the Department for Transport (or both) will send the Commissioner a summary of the dispute and our discussions so far. Based on this evidence, the Commissioner will decide if it is appropriate to consider your case.

If the Commissioner agrees to accept your case, they will write to you confirming this and giving an idea of how long it will take to reach a decision, based on the evidence provided. If the Commissioner decides not to accept your case, they will write to confirm this and give the reason why.

To help the Commissioner assess your case, we and you will need to provide some background evidence. The Commissioner may suggest the type of evidence that would help them reach a decision. In general, you are expected to pay any costs associated with providing evidence. But if you run up extra costs while gathering evidence, the Commissioner may consider whether it is appropriate for us to contribute to these costs.

What happens next?

HS2 Ltd and the Department for Transport will accept the Residents' and Construction Commissioner's evaluation of the compensation and their recommendation for what you should be paid. You do not have to accept their decision and you have the right to go to alternative dispute resolution (ADR) or refer your case to the Upper Tribunal (Lands Chamber).

You usually have six years from the date we take possession of your land or property to refer your case to the Upper Tribunal, but you should take professional advice if this timescale becomes an issue.

The outcome of the evaluation will be confidential but not binding. However, if you do not accept the Commissioner's evaluation and recommendation, you will not be able to use the evidence, evaluation and recommendation for other procedures, such as ADR or the Upper Tribunal.

Notes

- The Commissioner is independent of us and of the Department for Transport.
- The Commissioner will handle all confidential information you provide to us sensitively and securely and in line with all relevant legislation, and will only keep it for the length of time needed to deal with your case.

Frequently asked questions

Who decides which cases go to the Residents' and Construction Commissioner?

We or the Department for Transport may refer a case to the Commissioner, or you can ask for your case to be referred by contacting your case manager.

Is the Residents' and Construction Commissioner's evaluation binding on all parties?

All parties will be expected to agree to keep to the Commissioner's evaluation. But you still have the right to go to alternative dispute resolution (ADR) or refer your case to the Upper Tribunal (Lands Chamber).

Under what circumstances could the Residents' and Construction Commissioner refuse to accept my case?

There are some specific circumstances in which the Commissioner may not accept a case or suggest another way of resolving it. These circumstances are as follows:

- if the amounts being disputed are (or are likely to be) over £10,000;
- if the amounts relate to the market value of the land we have bought, to severance (where the value of land you keep reduces if we only need to buy part of your property) or injurious affection (where the value of the land you keep reduces as a result of the construction or use of the railway), or to other items you are claiming for other than disturbance compensation;
- if the outcome of the issues being disputed could be novel, contentious or repercussive (in other words, that they may affect

other cases, whether relating to HS2 or to other projects) or does not come under the Compensation Code (the law that governs compensation matters);

- if the case does not relate to HS2.

Will you or the Department for Transport pay my costs of preparing evidence for the Residents' and Construction Commissioner?

Not usually. But if the Commissioner needs more evidence than they have been given, and that leads to further costs, the Commissioner can recommend that we should contribute to those costs if they can be claimed back under the Compensation Code.

Will you or the Department for Transport show me the evidence that you send to the Residents' and Construction Commissioner?

No, we will send the evidence direct to the Commissioner.

What if I want to challenge what you or the Department for Transport say about my case?

You will be expected to present your own case to the Commissioner. This will be your opportunity to give your side of things.

If the Commissioner wants further evidence from you or us, they will ask for it.

Will the Residents' and Construction Commissioner be able to reach an evaluation in every case?

The Commissioner will usually expect to be able to make an evaluation of a case. However, if there is not enough evidence to help them decide, they may not be able to reach an evaluation (but that is not likely to happen very often).

How long will it take the Residents' and Construction Commissioner to reach an evaluation of my case?

That will depend on how complicated your case is and the amount of evidence presented. But if the Commissioner thinks it is unlikely that they will be able to deal with your case faster than ADR or a referral to the Upper Tribunal, you and we can choose one of those methods instead.

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

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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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