

HS2

HS2 Project Rescoping: Interim Policy Update

**Using subsoil for HS2
Phase 2a**

July 2025

Version 3.0

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.

In July 2025, HS2 safeguarding was removed across the majority of the former Phase 2b Eastern Leg route (West Midlands to Leeds). A short section of safeguarding was retained in Central Leeds to allow for potential enhancements to the existing station. The Government will set out more detailed plans in due course, including further details of 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.

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 on Using Subsoil for HS2 (Phase 2a)

This guidance document sets out how and why HS2 Ltd obtains and uses subsoil for Phase 2a.

Due to the change of scope of the project, no further notices are expected to be served to acquire subsoil on Phase 2a.

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.

HS2

Using subsoil for HS2

Phase 2a



Introduction

High Speed Two (HS2) is Britain's new high-speed railway. It is being built by High Speed Two Limited (HS2 Ltd), the company set up by the Government to deliver HS2.

We will construct the railway in phases. Phase One tunnelling works have begun between London and the West Midlands. Phase One will be followed by Phase 2a, which will link the West Midlands and Crewe, and Phase 2b, which will extend the network to Manchester and the East Midlands. This guide to obtaining and using subsoil applies to Phase 2a only.

We will need to have a legal right to use subsoil in order to build the tunnels for the high-speed trains and other rail infrastructure that is below ground.

We may also protect our tunnels through legal means, including safeguarding and setting restrictions – known as restrictive covenants – on future development of the land above the tunnels.

This guide explains:

- how and why we obtain and use subsoil that is beneath land and properties;
- the legal permission we need and your rights to compensation;
- how we will build the tunnels; and
- how we will keep you informed.

Subsoil and who owns it

Subsoil is the layer of earth at least nine metres below the surface of the ground. Under English property law, and unless specified otherwise in ownership documents, freehold ownership of land includes the ground below the surface to the centre of the earth. In some cases, leaseholders may share these rights, which may include rights to the subsoil beneath neighbouring public roads or streets.

Why we need subsoil for HS2

Just over 2.1 kilometres of the Phase 2a route will be under the ground within two tunnels in the Whitmore and Madeley areas. Subsoil will have to be excavated while these tunnels are being bored.

Our legal authority to use subsoil

Section 7 of the High Speed Rail (West Midlands – Crewe) Act 2021 ('the Act') authorises us to obtain and use subsoil to build HS2. The Act authorises the compulsory purchase of land, including subsoil, within defined vertical and horizontal limits.

Plans and section drawings accompanying the Act show the depth of the HS2 tunnels. Only minor upward variations to these depths are allowed, but there is no limit on how far the tunnels may extend downwards.

We will obtain all the subsoil we need for the tunnels before our right of compulsory purchase ends in 2026.

You can see the High Speed Rail (West Midlands – Crewe) Act 2021 and explanatory notes at:

www.legislation.gov.uk/ukpga/2021/2/contents/enacted

HS2's tunnels

The main HS2 tunnels will be twin-bored, made up of two parallel tunnels (for 'up' and 'down' trains) each containing a single track. Their internal diameters will range from 7.8m to 10.5m and run at a depth of 9m to 100m. Tunnel portals – the tunnel's openings and exits – are constructed where the tracks rise to the surface.

How we'll build the tunnels

We will build the tunnels using tunnel boring machines (TBMs), which are designed to deal with a variety of ground conditions.

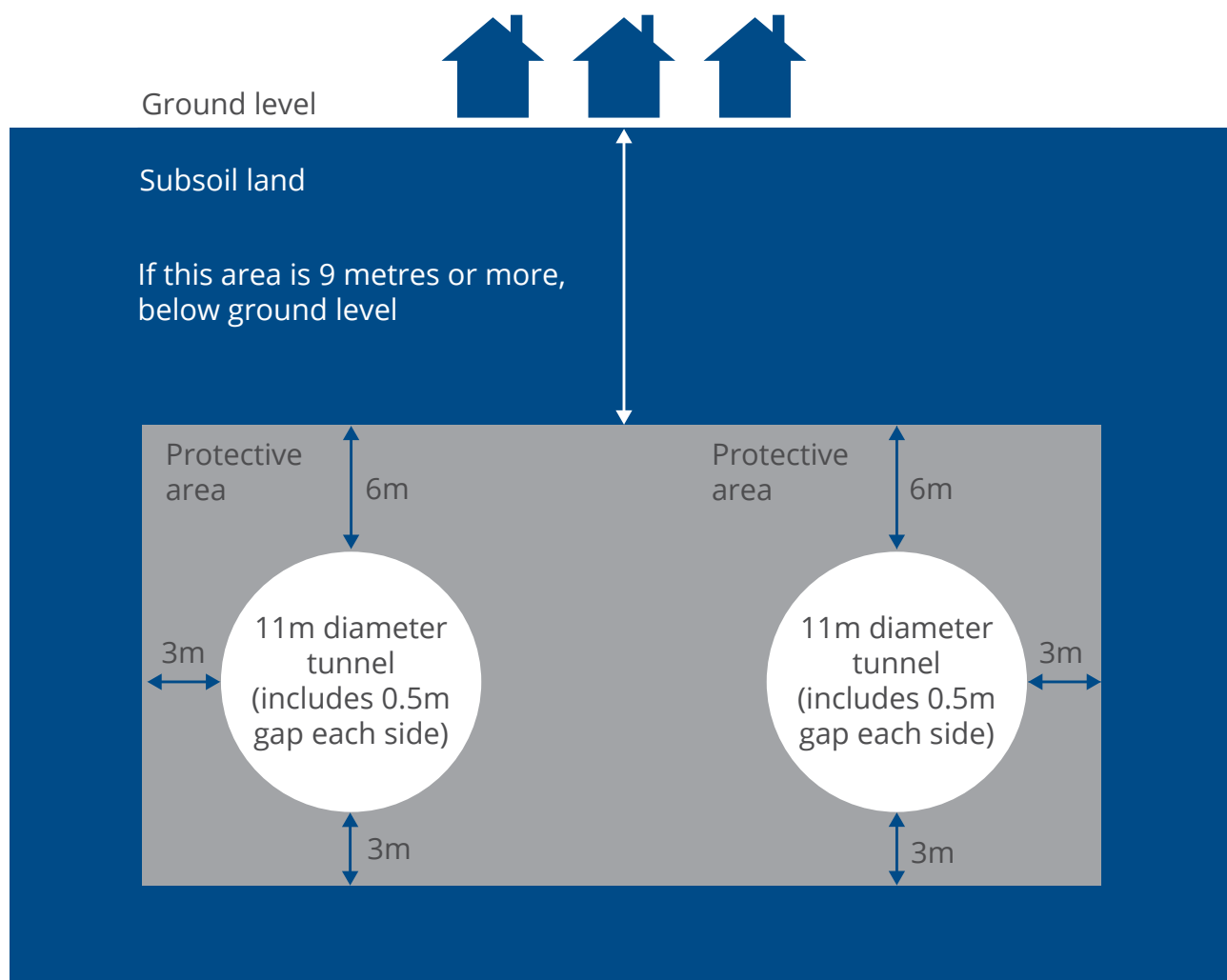
You can find more information about tunnelling for HS2 here:

- Ground settlement:
www.hs2.org.uk/documents/hs2-guide-to-ground-settlement
- Construction noise and vibration:
www.hs2.org.uk/documents/hs2-phase-2b-control-of-construction-noise-factsheet
- Tunnel construction and methodology:
www.hs2.org.uk/documents/phase-2b-factsheet-tunnel-construction-methodology

The subsoil we'll need for our tunnels

HS2's tunnels will be built within a rectangular-shaped stratum, or layer, of subsoil. They will measure at least 40m wide and 20m deep within the limits defined in the plans and section drawings accompanying the High Speed Rail (West Midlands – Crewe) Act 2021. See Figure 1, below for an example.

Figure 1: Subsoil land obtained for tunnel and protective area



We will use an area of subsoil outside the tunnel limits as a protective area to maintain the long-term safety of the railway. The size of the protective area may alter for each tunnel to avoid conflicting with existing structures.

We may make minor adjustments to the design of the tunnel up to the point where we take the subsoil. If you are a property owner or landowner who will be affected by this, we will tell you the depth of the layer and the depth of the proposed structures when we write to you to confirm that your subsoil rights will be obtained by us.

The legal process for obtaining and using subsoil

We will follow a statutory process known as a general vesting declaration (GVD) procedure to obtain subsoil for HS2. We will send you a preliminary notice before the Secretary of State for Transport makes the GVD, and we will ask you to fill in a questionnaire to confirm that you own the relevant land above the subsoil.

A second notice, called a notice of making, will tell you that the Secretary of State has made the GVD. The notice will state that the ownership of the subsoil will automatically transfer to the Secretary of State within three months, without the need for it to be formally transferred (or 'conveyed'), as is usually the case in house purchases.

We will ask you, as the owner of any affected land and property, to fill in and return a form confirming whether you want to accept the sum we are offering for your subsoil.

A third and final notice will confirm the legal 'vesting' date once we are satisfied that all the notices of making have been issued correctly.

On behalf of the Secretary of State, we will then register ownership of the subsoil at HM Land Registry.

How you'll be compensated

We will use a fixed-value compensation scheme for subsoil, in common with major railway projects that feature tunnelling. You do not have to accept our compensation offer and you are free to use a professional adviser to negotiate a claim. The Royal Institution of Chartered Surveyors has an advice helpline on 02476 868 555.

In the compulsory purchase of land, compensation relates to the market value of the land or, in this case, the subsoil. Subsoil is considered to be of little market value for railway projects because of its depth below the surface and its limited use.

We are offering a fixed payment of £50 per parcel of land and £250 for professional fees, whether or not you use an adviser. The offer is for the piece of land, regardless of the number of owners of that land.

Claiming your compensation

When you receive the second notice (the notice of making), you will also receive a form asking you to say if you accept the fixed sum we are offering or want to make a claim for compensation. If you accept the fixed sum, all owners of the land will need to sign a standard form of receipt, which acknowledges that the payment is a full and final settlement for the subsoil.

If you do not accept our offer, by law you must submit a compensation claim within six years of receiving notice of vesting. After this time, the right to make a compensation claim ends. If we don't accept your claim for compensation, the case will be referred to the Upper Tribunal (Lands Chamber).

How safeguarding and restrictive covenants affect you

We need to protect our tunnels from future development. This is known as safeguarding. The High Speed Rail (West Midlands – Crewe) Act 2021 allows the Secretary of State to set restrictions on the future use of land, including development and registering these charges on the legal title to land. These restrictions can be made at the same time as we obtain subsoil, or at a later date.

We will aim to renew safeguarding after the tunnels are built to make sure we are told about any planning applications that might affect the railway. As part of safeguarding, we may try to make changes to any planning applications or recommend they are refused.

The next steps

We are finalising the tunnelling programme for HS2. This will determine when the work will take place along the Phase 2a route. The programme will allow us to plan the dates we will need to obtain subsoil beneath properties by as well as the timing of the relevant notices.

Before we send out the preliminary notice, we have to identify who has an interest in the affected subsoil. Our land referencing research teams will do this and will send a land interest questionnaire to the affected landowners.

Questions

If you have any questions about why we need the subsoil or how the process works, or if you would like more information, please contact the HS2 Helpdesk on Freephone [08081 434 434](tel:08081434434) or email hs2enquiries@hs2.org.uk

Frequently asked questions

What correspondence I can expect from you?

First, you will receive a land interest questionnaire and leaflet explaining why we need the subsoil for HS2. We will ask you to return the filled-in questionnaire. We may need to contact you further about this form.

Next, we will send you a preliminary notice, setting out the Secretary of State for Transport's proposal to obtain the subsoil beneath your property. This is for information only and you don't have to reply to this notice.

The preliminary notice will be followed by the notice of making, which we send you after the Secretary of State has made the general vesting direction concerning the subsoil. At this stage, we will ask you to fill in a claim form for the £50 we are offering per parcel of land.

The last correspondence you should receive is a final notice which will confirm that ownership of the subsoil has transferred to the Secretary of State. The subsoil now 'vests' with them and the process is complete.

I am a leaseholder or tenant – why have I not received a notice?

We will only send notices to the freeholder of the land and to leaseholders who have an interest in all of the land including the land below the surface (subsoil). The subsoil is generally owned by the freeholder, or a leaseholder who has a lease for the whole of the land.

I have also received a 'form of giving'. Can I ignore it?

The form of giving has two purposes. It allows us to find out if any details we have about you have changed or to find details of other owners we weren't aware of. If you are in doubt, please fill in the form of giving and return it to us in the envelope provided.

I received two claim forms with the notice of making. Which one should I fill in and return?

If you are happy to accept our subsoil offer (£50 per land parcel and £250 towards professional fees) you and any other owners of the land should fill in and return the shorter form. We'll do our best to pay you within 28 days.

If you aren't satisfied with our offer, you should speak to a solicitor and send us the full claim form. If we don't accept your claim, the matter will be referred to the Upper Tribunal for a decision. The legal costs of going to the tribunal may be awarded against you or us. They may be awarded in full, in part, or not at all.

Now you have obtained the subsoil, when will the tunnelling work begin?

Tunnelling for Phase 2a of HS2 is scheduled to start in 2025.

You will be able to find up-to-date information on our website www.hs2.org.uk

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.

Residents' Commissioner

The Residents' Commissioner oversees and monitors our commitments to you. The Commissioner's reports and our responses can be found at www.gov.uk/government/collections/hs2-ltd-residents-commissioner

The Residents' Commissioner makes sure we fulfil the commitments in the [HS2 Community Engagement Strategy](#). The Residents' Commissioner can be contacted on: residentscommissioner@hs2.org.uk

Construction Commissioner

The independent Construction Commissioner regularly meets our Chief Executive Officer to raise any concerns or emerging trends across HS2. The Construction Commissioner's role has been developed to monitor the way we manage and respond to construction complaints.

The Commissioner mediates on disputes about construction, involving individuals and organisations, that we can't resolve. The Commissioner advises members of the public about how to make a complaint about construction.

The Construction Commissioner can be contacted at: complaints@hs2-cc.org.uk

Property and compensation

You can find out all about HS2 and properties along the line of route by visiting: www.gov.uk/government/collections/hs2-property




Find out if you're eligible for compensation at: www.gov.uk/claim-compensation-if-affected-by-hs2

Holding us to account

If you are unhappy for any reason, you can make a complaint by contacting our HS2 Helpdesk team. For more details on our complaints process, please visit our website: www.hs2.org.uk/how-to-complain

Contact us

Our HS2 Helpdesk team are available all day, every day. You can contact them at:

-  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

Please contact us if you'd like a free copy of this document in large print, Braille, audio or easy read. You can also contact us for help and information in a different language.

HS2 Ltd is committed to protecting personal information. If you want to know more about how we use your personal information please see our Privacy Notice (www.gov.uk/government/publications/high-speed-two-ltd-privacy-notice).