

Phase one of the HS2 route between London and Birmingham has been approved and is expected to be operational from 2026. The scheme is to be brought forward by way of a hybrid bill, which is currently planned to be introduced to Parliament in late 2013. Similar bills were used for the Channel Tunnel Rail Link (HS1) and London Crossrail. Subject to the passing of this bill, and the creation of the Act, the process of land assembly for the scheme is expected to commence in or around 2015. Prior to this, the maximum extent of land required for the scheme will be “safeguarded” to ensure any applications for new development are referred to the Secretary of State.

Hewitsons LLP have been involved in similar schemes, and particularly in HS1, and can provide expert legal advice to affected landowners on the compulsory purchase process and their right to compensation.

Maximising Compensation

Any owner who is affected by HS2 will potentially be entitled to the open market value of any land taken, disturbance compensation, compensation for severance and their professional costs. Where land is not taken, there may also be a claim for injurious affection due to the noise or vibration arising from the use of the HS2.

However, our experience is that now is the time for landowners and businesses affected by HS2 to consider their interests and take steps to protect their landholding and maximise the compensation that may ultimately be payable.

- Are there tenancies which may need to be terminated or reorganised?
- Should partnerships be reviewed or land holdings transferred? Can the tax benefits be maximised?

- Should title be registered or title to occupied land regularised?

With our experience in dealing with rural and commercial properties and businesses, together with our specialised Private Client Solicitors, we are well equipped to advise on all property and title issues. We will work with your agent and tax advisor to ensure all issues relating to your ownership and claim have been covered.

The Compulsory Purchase Process

When the time comes, Hewitsons LLP can also advise in relation to the compulsory purchase process itself, and the negotiation of the legal agreements required as a result of that process.

Will there be a straight forward transfer – or can land be retained subject to rights or licences?

- Can we find another model which might allow you to continue to farm the land for a longer period or retain it after the development is done?
- Is the Government’s proposed sale and rent back scheme suitable and what will it mean to you?
- Are you affected by the tunnelling and are there measures which will protect you and the value of your property in the future?
- Does your land require special protection, perhaps to deal with conservation value or specialist growing areas?
- Do you have any plans for new development or land use which may be affected by designation within the safeguarded area?

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This document is written as an outline guide only and any action should not be based solely on the information given here. Appropriate professional advice should always be taken in specific instances.

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