



Rail Development

Faster evaluation of small-value disturbance disputes

Introduction

Northern Powerhouse Rail: Manchester Connection

Northern Powerhouse Rail (NPR) is the government’s plan to provide more reliable and frequent services between key economic centres in the North of England. NPR forms the transport backbone of the Northern Growth Strategy and will deliver a “turn-up-and-go” railway linking Liverpool, Manchester, Leeds/Bradford, Sheffield and York, with regular onward services to Newcastle, Hull and Chester for North Wales connections.

NPR will be delivered in three phases:

- (1) early upgrades and electrification east of the Pennines (Leeds–Bradford, Sheffield-Leeds, Leeds–York);
- (2) a new Liverpool–Manchester route via new stations at Warrington Bank Quay (Low Level) and Manchester Airport; and
- (3) further cross Pennine enhancements beyond the Transpennine Route Upgrade, including Manchester-Leeds, Manchester-Bradford and Manchester-Sheffield.

The first phase of NPR prioritises the upgrades to existing lines east of the Pennines. The adapted High Speed Rail (Crewe- Manchester) Bill, (hereafter ‘the Bill’) has been taken forward as part of the second phase of NPR to obtain the necessary powers to deliver the NPR route into Manchester via Manchester Airport (the Proposed Scheme).

The Bill, formerly designed to deliver the route between Crewe to Manchester, has been adapted to retain only the section of route from the Parish of Millington and Rostherne to Manchester Piccadilly, via a new station at Manchester Airport (also known as NPR’s ‘Manchester Connection’). For further information about the development of the Bill, please see information paper A1.

The government has also confirmed its intention to ultimately complete a new line between Birmingham and Manchester. This is not included in this Bill and this would be progressed following the delivery of the three stages of NPR.

The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State for Transport has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. Following Royal Assent this body will be the ‘nominated undertaker’. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, and the policies and commitments established in the EMRs, including any commitments provided in the information papers.

HS2 Ltd is a non-departmental public body and their Rail Development Directorate is responsible for developing and promoting these proposals for the purposes of the Bill. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.

Faster evaluation of small-value disturbance disputes

We know that building Northern Powerhouse Rail: Manchester Connection will affect the lives of thousands of people. In some cases, it will mean we have 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?

We 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 Residents' and Construction Commissioner is independent of us and of the Department for Transport.
- The Residents' and Construction 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 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 proposed 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 the Northern Powerhouse Rail: Manchester Connection or to other projects) or does not come under the Compensation Code (the law that governs compensation matters); or
- if the case does not relate to the railway.

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 Residents' and Construction 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 Northern Powerhouse Rail: Manchester Connection. This includes making sure you know what to expect and when to expect it, as well as how we can help.

Residents' and Construction Commissioner

The independent Residents' and Construction Commissioner oversees and monitors our work, making sure we fulfil our commitments to you. The commissioner will monitor the way we manage and respond to complaints about construction and advises members of the public how to make complaints.

The commissioner helps settle disputes involving individuals and organisations that we can't resolve.

The commissioner can be contacted on:
hs2commissioner@dft.gov.uk

Property and compensation

You can find out all about Northern Powerhouse Rail: Manchester Connection including how it affects properties along the route and if you could be entitled to compensation by visiting:

www.npr-bill-documents.org.uk

Holding us to account

If you are unhappy for any reason, you can make a complaint by contacting our Helpdesk team. For more details on our complaints process, please visit our website:

www.hs2.org.uk/contact-us/how-to-complain/

Contact us

Our Helpdesk team are available all day, every day.

You can contact them by:

 Freephone
08081 434 434

 Minicom
08081 456 472

 Email
**enquiries@
raildevelopment.org.uk**

Write to

**FREEPOST
HS2 Community Engagement**

Website
www.npr-bill-documents.org.uk

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