

## Settlement Deeds in Hillingdon – Frequently Asked Questions

### What is Settlement?

Settlement is the technical term for the way the ground moves around a hole after it has been dug out. Building tunnels, shafts and basements can cause a small amount of movement to the ground. We know how to limit the effects of this movement on buildings.

### What is a Settlement deed?

A Settlement deed is a formal legal agreement between a property owner and HS2 Ltd which records the protection already provided to a property by the High Speed Rail Act of 2017. It is available to owner occupiers of properties above or near excavations. Excavation is the use of mechanical equipment to move earth, rock or other materials. HS2 excavations include tunnels, retained cuttings, shafts and station boxes.

### Do I need a Settlement deed?

Everyone whose property could be affected by settlement is already protected by the High Speed Rail Act 2017. But you might want to have a formal Deed if, for example, you are insuring, selling or re-mortgaging your property.

### How does the High Speed Rail Act cover me for settlement?

The Settlement deed is part of the HS2 settlement policy (see the C3 information paper “Ground Settlement” – available online), which is part of the 2017 Act. The same protection provided in the Deed is provided to any property affected by HS2. We will put right any damage caused by HS2, whether or not you have a Settlement deed.

### If the High Speed Rail Act protects me from property damage anyway, even if I am beyond 30 metres, why can you not provide me with a Settlement deed?

The Settlement deed is to give extra reassurance to those more likely to be affected by settlement, i.e. those closer to the works. The impact of settlement beyond 30m is likely to be minimal, however properties over 30m away from our excavations are still protected by the Act.

### Can you give me a map to show me how many properties are affected by settlement and how many are eligible for Settlement deeds?

If your property is eligible and you request a Settlement deed, you will receive a settlement report for your property. This will contain a map showing your property and tell you how much settlement is predicted at your property. We cannot give you the settlement details for all properties affected, only for your property. However, we have

made maps available on the Commonplace website showing those affected street by street. A link to these maps can be found [here](#).

## **Eligible properties**

### **How are you communicating and engaging with impacted communities?**

For general information about construction plans in your area you can find the latest updates on our local community website at [www.HS2inyourarea.co.uk](http://www.HS2inyourarea.co.uk). We will also send updated information by post and provide it at our local engagement events.

### **How are you encouraging people to apply for Settlement deeds?**

We send a letter offering a Settlement deed to every eligible property along the route.

### **When will Settlement deeds be made available for the rest of the route?**

The Settlement deed policy is in the HS2 Information Paper C3. Anyone who thinks they may be eligible for a Settlement deed can apply for one and has been able to do so since 2015.

### **Are my garden and outbuildings covered by the Settlement deeds?**

We have used Ordnance Survey map data to define a 'property' and in most cases structures such as outbuildings would form part of the property and so would be eligible. Similarly, a swimming pool would be covered. Lighter structures, such as a garden shed would not be eligible.

### **How many properties are eligible for Settlement deeds along Phase One?**

This number is yet to be calculated but it is expected to be more than 7000. In most cases the calculated impact is very small, and little or no damage is expected.

### **How have you calculated the properties impacted by settlement?**

Our designers carry out settlement assessments, which are described in the C3 information paper. These assessments follow industry standard approaches, which have been used on many other projects such as HS1, Crossrail and Thames Tideway.

### **You want me to apply more than 10 months before excavation starts, but when will that be?**

If your property is eligible, HS2 Ltd will send you a letter more than 10 months before the work that is assessed to affect your property starts, so that you can reply in plenty of time.

### **Why was there no map or tunnel depth information in my letter?**

The letter is simply an offer to have a Settlement deed, which is a legal document between the owner and HS2. If an owner has a deed, a later part of the process will provide them with more detailed information, including a map and tunnel depth, which will be provided as part of the Settlement Report.

**You know who I am as we've had lots of dealings in the past, so why haven't you sent me this letter by name?**

We can't assume that, for example, a property owner hasn't sold their property in recent weeks, so we always use a general form of greeting.

**You are telling me I am eligible for a Settlement deed now, but you have already started work. What about any damaged caused already?**

Settlement deeds are required to be in place prior to excavation of the main structures (tunnels, shafts, retained cuttings and station boxes), so other construction activity such as mobilisation, enabling works and site set ups can begin without the Deeds being in place. These early works are very unlikely to cause damage from settlement.

Prior to any works that have the potential to cause property damage, a defect survey will be undertaken. This usually takes place before any works starts. If any damage is caused to a property, it would be compared to the defect survey to assess damage caused by the works.

**Has the railway alignment moved?**

Through the detailed design stage, there can be some small changes in the tunnel alignment. Those who have been given a Deed on the basis of a previous alignment will be able to retain it even if the property is no longer in the 30m zone.

## **Non-eligible properties**

**I pre-registered for a Settlement deed. Why are you only telling me now that I am not eligible for one?**

HS2 now have the right level of design information to be able to identify eligible properties.

**Why didn't I get a letter when my neighbour did?**

A property must be within 30 metres of an excavation (of a tunnel, retained cutting, shaft or station box). If your neighbour is within 30 metres, they would be eligible. And if you are more than 30 metres away, you would not be.

**When I bought my property I was told there was a U&A which promised me a Settlement deed. Why can't I have one?**

Undertakings and Assurances (U&As) are agreements or commitments issued to affected parties during the parliamentary stage of the project. U&As relating to Settlement deeds apply only where a property meets the Deed eligibility criteria, detailed in the C3 information paper. It is likely that your property is more than 30 metres away from an HS2 excavation.

A U&A is specific to a named individual, not a property. However, you will still be afforded the equivalent protection under the Act.

### **The boundaries for land and property compensations vary. Why is the limit for Settlement deed eligibility exactly 30 metres?**

The 30m zone was defined following a review of historic projects of a similar nature, which was scrutinised through the parliamentary process. The zone captures those properties more likely to be affected by settlement.

## **The Settlement Deed process**

### **Has the policy or process changed from what is published in the C3 Ground Settlement Information Paper?**

No. The current policy is the same as in the C3 information paper:  
<https://www.hs2.org.uk/documents/ground-settlement-c3/>

### **Why has it taken so long to send information around Settlement deeds?**

Information about Settlement deeds has been publicly available in the C3 information paper for several years.

HS2 Ltd now have sufficient design and programme information to be able to send letters to eligible properties to inform the property owners that they can request a Settlement deed.

### **During the Hybrid Bill process HS2 got tunnel measurements incorrect. How do we know that the process is correct?**

The current design is more detailed than that developed for the Hybrid Bill. The tunnel alignment is unlikely to change much from the current design.

### **How do I know your Settlement Report is accurate?**

Our designers carry out settlement assessments, which are described in the C3 information paper and follow industry standard approaches.

### **Am I able to challenge the Settlement Report if I don't agree with it?**

If the Settlement Report shows damage Category 2 or less (minor impact) then you can request that HS2 Ltd consult you on the report but you can't challenge it. If your property is assessed to experience Category 3 or more then you can employ an Owner's Engineer to review our report for you and they may raise challenge to the report by formal notice within 25 days of us providing the report to you. If you don't use an Owner's Engineer then you can challenge the report but you must provide detailed reasons for your challenge.

### **Can I have a copy of the Settlement Report?**

If your property is eligible you can request a copy of a Settlement Report from the Helpdesk. This would contain a map showing your property and tell you how much settlement is calculated at your property.

### **How do you plan to monitor settlement during excavation?**

We will monitor settlement using instrumentation that will be installed either in the ground or on to buildings or other structures. These will be automatically read or be manually read by surveyors and the data reviewed daily. If settlement monitoring is specifically planned at your property this will be recorded in the Settlement Report.

### **HS2 Ltd previously told me I was impacted by settlement, however now HS2 is saying I am not eligible for a Settlement deed, how did you reach to that decision?**

The design has been developing since the Hybrid Bill design with the tunnel alignment and associated structures sometimes required to move. When a structure or tunnel moves away from a property it may move an excavation more than 30m away from that property, therefore having a lower impact and also taking it out of the Settlement deed eligibility zone.

### **Is the process for listed buildings different?**

Heritage buildings have specific protection by law and hence we are required to look at them in more detail.

### **Will HS2 Ltd pay for legal advice or solicitor's fees prior to my signing/committing to a Settlement deed?**

No. The Settlement deed does not provide for owners to receive reimbursement for legal advice or solicitor's fees.

### **What are the next steps after I have registered my interest for a Settlement deed?**

We will send you two copies of a Deed for you to sign. You will need to return both copies to us within 21 days. However, we recognise the changing nature of the circumstances due to COVID-19 therefore we are extending the deadline to 28 February 2021 and we will contact you again if the situation changes. When we receive your signed Deeds, we will also sign them and send one signed copy back to you.

Please contact our Helpdesk if you have any concerns and we will seek to accommodate your individual circumstances.

### **How long will it take for me to get a signed Settlement deed?**

HS2 Ltd will try to provide the Deeds as quickly as possible but this will depend on the volume of interest we receive and the completeness of the information provided by the owner. A full signed Deed (by both parties) will likely be in place within eight weeks of a request being submitted by a property owner.

### **How long am I covered against damage by the Settlement deed?**

Whether or not you have a Settlement deed, you can make a claim for damage caused by the HS2 works up to two years from the date the railway opens to the public or, if later, the end of the period of three months from the day on which any monitoring specific to the building ceased.

**If my property is predicted to move less than 10mm can I request a survey anyway or could I commission one myself?**

You can commission your own defect survey.

**How are the predicted building damage categories defined?**

The table at the back of the C3 information paper is taken from industry standard publications.

**Where do I find an owner's engineer?**

HS2 Ltd have been working with the Institution of Civil Engineers (ICE) and can provide a list on request. The engineer will be independent and will be suitably qualified to act in this capacity on behalf of the owner.

## **Timescales and general information**

**What are trigger activities?**

The activity that defines when a Settlement deed needs to be in place is the excavation that has been calculated to result in ground movement/settlement that could affect the property.

**Why is there a limited period (21 days) to respond to your letter?**

We will be writing to several thousand properties along Phase One, between Birmingham and London, about Settlement deeds over the next 1-2 years, which requires careful management. The set timescale for an owner to return a deed ensures that we have all the deeds in place before work starts.

**What is the current start date for tunnelling?**

Our Tunnel Boring Machines have been ordered and we expect to commence tunnelling in April 2022.

**What is the follow up process for those who haven't responded?**

In the High Speed Rail Act, 2017, the responsibility is on a property owner to request a Settlement deed from HS2 Ltd, but we have decided to write to every eligible property (within the 30m zone) to remind or inform them that they can have a Deed. We have already written to every eligible property in Hillingdon. The property will still have the same level of protection afforded by the High-Speed Rail Act 2017, whether the owner has a Settlement deed or not.

**Why do I need to respond to the letter if I have already pre-registered?**

If an owner has already pre-registered for a Settlement deed, we have contacted them to confirm their details as in some cases the pre-registration was up to two years ago. It is essential that we include accurate property owner details in the Settlement deed document.

### **When will my Settlement Deed and Settlement Report be issued?**

If you are eligible for a Settlement deed, we will send you the blank Deeds for your signature within one to two months of confirming your eligibility. We will send you your Settlement Reports at least 90 days prior to the planned start of the tunnelling or excavation works.

### **What depth is the tunnel near my property?**

This is currently being finalised as part of the design and will be shared early in 2021. Property specific information will also be provided as part of the Settlement Report.

## **Surveys**

### **Are surveys an essential part of the Settlement Deed process?**

Pre-condition surveys (also known as defect surveys) are required for those properties that are predicted to experience settlement of 10mm or greater. It is not necessary for pre-condition surveys to be undertaken for properties predicted to experience settlement of less than 10mm as they are unlikely to experience damage. However, where a Settlement deed is in place, the property owner will be agreeing to allow access for the survey, where requested.

### **When will we know if eligible for surveys?**

We are finalising detailed design and will contact all of those properties eligible to have a pre-condition survey (sometimes also called a defect survey).

### **What do I do if I'm not eligible for a survey but think my property has been damaged?**

Please contact the HS2 Helpdesk to let us know, and we will address this on a case by case basis.

### **What sort of monitoring equipment might be necessary if HS2 Ltd enters my property?**

Monitoring equipment will not be required on most properties and is not essential for a Settlement deed. In the unlikely event that monitoring is required in a residential property, details would be included in the Settlement Report.

## Impacts on homeowners

### **How does this affect my house buildings insurance?**

In the event that damage is caused by settlement associated with the construction of the railway, the High Speed Rail Act allows you to claim for reasonable costs to repair the damage or for us to repair the damage with your consent.

The 2015 Insurance Act sets out the duty of an insured person with regard to disclosure and also includes information on the presumed knowledge of an insurer. This includes that the insurer is 'presumed to know things which are common knowledge', which would likely include the construction and operation of HS2. However, recognising that policies vary, it is for residents to contact their insurer directly if they are unsure.

We have prepared a short document that presents the facts about what is covered by the Act and by HS2 with regard to settlement.

View or download the document: [HS2 Ground Settlement – Information for Homeowners and Insurers](#)

We recommend that people download this document and provide it for information to their insurers, and that insurers read both the [HS2 Guide to Ground Settlement](#): and [Information Paper C3: Ground Settlement](#).

### **How will the works affect our mortgage or our ability to re-mortgage our property?**

Where individual cases are raised, we can notify UK Finance and they will then notify your lender. We can then make direct contact with the lender to provide them with all the relevant information, including details on the impact in the area and how the HS2 Act provides appropriate coverage in case of any damage.

### **If we sell our house, how do we transfer the name on a Settlement Deed?**

New owners would need to contact the Helpdesk and new Deeds would be issued.

### **What if we are selling our house and the HS2 survey is different from our buyer's survey?**

It is unlikely there would be significant differences. Any instances would be dealt with on a case by case basis and you should contact the Helpdesk in the first instance.



**Will there be settlement from the trains running?**

There will be no settlement issues from train operations. A full assessment of any ground-borne vibration has been undertaken as part of the HS2 Environmental Statement.

**Will there be vibration from running trains?**

For the operational railway, significant ground-borne noise or vibration effects at properties above tunnels will be avoided through the design of the track and track-bed.

**COVID-19****Under the current government guidelines, how can residents return Deeds with witness signatures within 21 days?**

If you have any COVID-19 issues whatsoever, speak with the Helpdesk and further arrangements can be made.

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