



# CROSSRAIL INFORMATION PAPER

## C9 – LAND ACQUISITION POLICY

This paper sets out the Crossrail land acquisition policy as published in November 2005.

It will be of particular relevance to owners of land subject to compulsory acquisition under the Bill.

This is not intended to replace or alter the text of the paper itself or any commitments contained in it, and it is important that you read the paper in order to have a full understanding of the subject. If you have any queries about this paper or about how the policy might apply to you, please contact either your regular Petition Negotiator at CLRL or the Crossrail helpdesk, who will be able to direct your query to the relevant person at CLRL. The helpdesk can be reached at:

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**APPROVED**

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## C9 – LAND ACQUISITION POLICY

This Information Paper reproduces the text of the policy on land acquisition as published in November 2005.

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### 1. Land Acquisition Policy

- 1.1 Whilst the Crossrail Bill generally includes full land acquisition powers, the exercise of these powers will, in any individual case, operate on the basis that the Secretary of State will acquire no greater amount of land than appears to him to be reasonably required following detailed design. If it should be possible and practicable to acquire a smaller area of land without compromising his ability to secure the construction and implementation of the project in a timely and economic manner, and in accordance with any undertaking given by the Secretary of State in respect of the Bill, agreement will be sought with the landowner where reasonable terms can be reached.
- 1.2 The Bill seeks powers for the compulsory acquisition of land within limits of deviation for the works. These limits are intended to ensure sufficient flexibility in the detailed design of the scheme. The full extent of land within the limits will not necessarily be acquired. Where it becomes clear, following detailed design work, that not all the land within the limits is required, the Secretary of State will not seek to acquire this land and will be prepared to give the necessary assurances to the landowners in question.

### 2. Compensation

- 2.1 Payment of compensation for land compulsorily acquired will be in accordance with the general statutory framework incorporated within the Crossrail Bill (and as interpreted by the Courts and the Lands Tribunal; for further information see Information Paper C2, Operation of the National Compensation Code). The general purpose of the statutory framework is to provide fair compensation for a person whose land has been compulsorily taken. Where applicable, compensation payable will be the open market value of the land acquired (assuming it is sold by a willing seller) plus home loss payments, or basic and occupier's loss payments, disturbance, diminution in value of retained land and other losses arising as a direct and reasonable consequence of the acquisition.
- 2.2 For further information, see the ODPM booklet 'Compulsory Purchase and Compensation, Compulsory Purchase Procedure'<sup>1</sup>.

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<sup>1</sup> This was last issued by the Office of the Deputy Prime Minister (ODPM) in October 2004. ODPM became Communities and Local Government on 5 May 2006 – all references in the text to ODPM should now refer to Communities and Local Government. Copies of the booklet can be found at [www.communities.gov.uk](http://www.communities.gov.uk)

### 3. Working Sites

3.1 The Crossrail Bill generally contains permanent acquisition powers to acquire the freehold interests in working sites due to the length of occupation for these major infrastructure works.

3.2 Working sites are often formed from a number of different land parcels in different ownership and can be split into two 2 categories:

(i) Where Crossrail will not materially change the nature of the sites and no new railway works will be constructed on the site. Often these sites can be returned to their original use.

(ii) Where Crossrail will materially change the nature of the site through demolition of existing buildings or construction of railway works on the site. Many of these sites will be suitable for development or redevelopment in line with planning policies.

In considering the question of “material change” the Secretary of State will apply the approach to “material change” set out in the Criche Down Rules contained in Part 2 of the Memorandum to ODPM Circular 06/2004<sup>2</sup>.

3.3 Where work sites are not materially changed in character as outlined in 3.2(i) above, the Secretary of State will normally be willing to enter into an agreement to acquire lesser rights provided this can be obtained on reasonable terms with all land owners and before financial close on any contract to construct the Crossrail works.

3.4 Where work sites will be materially changed in character as outlined in 3.2(ii) above the freehold interest will be acquired, in order to demolish buildings as necessary and construct these major infrastructure works.

3.5 The working sites permanently acquired will normally be offered back to the original owners in line with the Crossrail land disposal policy (contained in Information Paper C10, Land Disposal Policy), and in such cases, former owners of qualifying interests will have the opportunity to repurchase an interest in the sites at market value.

### 4. Utilities

4.1 Where rights over land only are required for utilities diversions, although the Bill provides for powers to acquire the freehold of the land outright, the Secretary of State is prepared to consider acquiring a lesser right where this is appropriate and suitable terms can be arrived at by agreement.

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<sup>2</sup> See Rules 10 and 11 in particular, and paragraph 8 of the accompanying “Guidance for Departments”.

## **5. General**

5.1 The land acquisition policy and powers sought for Crossrail as outlined above together with the Crossrail land disposal policy are considered proportionate and in the public interest.