



CROSSRAIL INFORMATION PAPER

C11 – CLAIMS FOR COMPENSATION FOR INTENSIFICATION OF USE

This paper explains why it is not proposed to provide for a right to claim compensation for intensification of use of an existing railway line as a result of Crossrail.

It will be of particular relevance to those in the vicinity of the proposed surface railway sections of Crossrail.

This is not intended to replace or alter the text of the paper itself 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, 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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C11 – CLAIMS FOR COMPENSATION FOR INTENSIFICATION OF USE

1. Background

- 1.1 There is no statutory requirement to provide for land compensation or mitigation of airborne noise and vibration simply because traffic on an existing railway line has increased. The longstanding policy of successive Governments has been that people who buy property near existing railway lines must know that traffic can change in composition or volume over time and that it would not be justifiable to require railway operators to provide land compensation or mitigation solely because traffic patterns have altered in this way. Similarly, land compensation is not provided simply because the use of an existing road intensifies.
- 1.2 It is also debatable whether (even in the absence of statutory authorisation provided by the Bill) the common law of nuisance would allow such claims.
- 1.3 Claims for compensation may be made under Part 1 of the Land Compensation Act 1973. (See Information Paper C3, Advance Claims under Part 1 of the Land Compensation Act 1973 for further information.)

2. Crossrail Policy

- 2.1 There would be far-reaching consequences if a right to claim compensation or noise mitigation simply for the intensification of use of an existing railway line were created in relation to Crossrail. That precedent would place an undue burden on the railway industry, particularly the rail freight industry, as use of the existing rail network grows in line with Government policy, potentially undermining the Government's efforts to encourage a shift of traffic from road to rail. It might also have similar consequences for other forms of development and infrastructure. It would also set an expensive precedent in relation to existing roads. For all these reasons, the creation such a compensation right has been consistently rejected.
- 2.2 Booklets 2 and 4 of the Office of the Deputy Prime Minister (ODPM)¹ series on compulsory purchase and compensation ("Compensation to Business Owners and Occupiers" (Booklet 2) and "Compensation to Residential Owners and Occupiers" (Booklet 4)) provide more information (see also Information Paper C2, Operation of the National Compensation Code).

¹ The above publications were 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 booklets can be found at www.communities.gov.uk