

The Crossrail Bill: Regulatory Impact Assessment

1. Title

1.1 The Crossrail Bill

2. Purpose and intended effect of measure

(i) The objective

2.1 To secure the powers necessary for the construction and operation of a new railway connecting existing track to the west and east of London, via a tunnel through central London.

2.2 The content of the Crossrail Bill draws heavily on the last hybrid Bill, the Channel Tunnel Rail Link (CTRL) Bill, which was enacted in 1996. The two projects are sufficiently similar in nature and scope to warrant using the CTRL Bill as a template. There are some important differences between the two, such as the potential role of the Mayor/Transport for London in the implementation of Crossrail.

(ii) The background

The Crossrail Bill

2.3 The Crossrail Bill includes six main elements:

- (i) the power to construct and maintain works necessary to deliver Crossrail. These powers will be vested in a “nominated undertaker” (and, in the absence of a nominated undertaker, in the Secretary of State) and the Bill gives the Secretary of State the ability to nominate that undertaker. This will provide the Secretary of State important flexibility in determining how the project can be implemented most effectively and efficiently;
- (ii) the acquisition of land necessary for those works. The powers of compulsory purchase sought in the Bill are vested in the Secretary of State but could also be transferred to the Greater London Assembly (Mayor of London) or Transport for London, again to provide flexibility in implementation. The compulsory purchase powers in the Bill would expire five years after Royal Assent (as for CTRL) but the Secretary of State may extend this period by an Order made by statutory instrument, subject to special parliamentary procedure;
- (iii) the establishment of a planning and heritage regime for the works. These seek to give local planning authorities and the various statutory bodies an appropriate level of control over the planning and heritage aspects of the project (and will be augmented by other arrangements, such as a Planning Memorandum and a Construction Code of Practice, designed to sit alongside the legislative framework). These provisions have been the subject of consultation with the bodies affected, and

closely follow those established for the CTRL, which have generally worked well;

- (iv) the application of existing railway and other miscellaneous legislation to Crossrail. Chief amongst these are the provisions which seek to establish the railways regulatory regime which will apply to Crossrail and its interface with the existing network;
- (v) the power to transfer by transfer scheme property, rights and liabilities from CLRL or the Secretary of State, or their wholly-owned subsidiaries, or, with their consent, the GLA, TfL, the London Development Agency or any of their subsidiaries, where this is advantageous to ensure the delivery of the project; and
- (vi) the power to devolve control of the Crossrail project to the Greater London Assembly (Mayor of London) or Transport for London (or a combination of the two).

Primary legislation is required to take these powers, most notably in relation to the last three mentioned.

- 2.4 The Regulatory Impact Assessment (RIA) process is intended to examine the impacts on business, charities and the voluntary sector of proposed changes in policy, and particularly of legislative changes. The Crossrail Bill is unusual in that it will provide powers to implement a single specific project, rather than a general policy. This special nature requires that the application of the RIA process be adapted to fit the circumstances. This RIA therefore assesses the need for primary legislation to implement the project and the impacts this will have, rather than whether the Crossrail project itself is the best measure to achieve the stated objectives of increased rail capacity, economic development and regeneration. This approach has been agreed across Government.
- 2.5 The Crossrail Bill is focussed solely on the details of the project - its construction and operation - not the mechanism by which it will be funded. Work on developing a funding and financing package that is equitable to all parties is ongoing. If this work should necessitate a further RIA, then this will be brought forward in due course.

The Crossrail Project

- 2.6 The current rail and underground networks in and around London experience high levels of passenger usage, in many cases becoming crowded during peak periods. The forecast growth¹ in population and employment in London and the South East of England is likely to increase demand for transport and the incidence of crowding over the coming years.
- 2.7 London Underground Ltd. plans capacity increases over the next 20 years; the public-private partnership infrastructure contracts for the London Underground are designed to deliver a 15% increase overall on current capacity². But this increase will of itself be insufficient to remedy the problem of overcrowding. Based on the planned levels of employment and population growth within

¹ Mayor of London, The London Plan, 2004

² Department for Transport, Review of the Crossrail Business Case, 2004

central London, and in the absence of additional measures, the overall rail network is forecast to be more crowded in 2016 than at present³.

- 2.8 Congestion on the rail and underground systems in London, and the service unreliability that results, carries a real economic cost in addition to passenger discomfort. Both congestion and its costs are particularly apparent in the centre of London, where the main wealth-generating sectors are concentrated, and where economic growth is expected to continue most strongly. The general belief within London's financial community and beyond is that the capital's status as a major financial centre would be under threat without Crossrail or other significant upgrades or new lines.
- 2.9 In 2000, with demand on both the Underground and National Rail networks increasing, the Government asked the shadow Strategic Rail Authority (sSRA) to carry out a study into the need for additional rail passenger capacity into and through London. The resulting London East West Study⁴ recommended a package of rail improvements for London, including a new east-west route across London. This route was based upon the central tunnelled section of the original CrossRail proposal recommended by the Central London Rail Study of 1989, which has been subject to safeguarding since 1990.
- 2.10 In order to develop proposals for a viable Crossrail scheme, Cross London Rail Links Ltd. (CLRLL) was established in 2001, jointly owned and funded by the Strategic Rail Authority (SRA) and Transport for London (TfL). CLRLL analysed the options for the route, stations and services patterns, before arriving at a 'preferred scheme' and presenting the business case for this to DfT in 2003.
- 2.11 DfT commissioned a group of independent experts to examine this case and advise whether the scheme was feasible and financially viable. Their report, Review of the Crossrail Business Case⁵, was published in July 2004. The group determined that some revision of the preferred scheme was necessary to make the project deliverable, but confirmed that Crossrail as a concept was technically feasible and would have a benefit-to-cost ratio of 2:1.
- 2.12 On 17 July 2004, the Secretary of State for Transport made a written statement to Parliament. In this, he stated that the Government was confident that the Crossrail scheme should proceed and would therefore introduce at the earliest opportunity a hybrid bill to take the powers necessary for the construction and operation of Crossrail. The Secretary of State announced at the same time that CLRLL would be reconstituted to reflect the changed role of the Government. In the Autumn of 2004, SRA's shareholding in CLRLL was transferred to the Secretary of State.
- 2.13 The Secretary of State also explained that further work was needed to develop a funding solution that would be equitable to all parties, and which can successfully deliver a London project of such importance. That work is ongoing.
- 2.14 Crossrail will bring a number of benefits to London and the South East of England. Specifically, it will:

³ Department for Transport, Review of the Crossrail Business Case, 2004

⁴ Shadow Strategic Rail Authority, London East-West Study, 2000.

⁵ Department for Transport, Review of the Crossrail Business Case, 2004.

- improve rail access into and across London.
- support the development of London as a world city, and its role as the financial centre of Europe and the UK; and
- support the economic growth of London and its regeneration areas by tackling congestion and the lack of capacity on the existing rail network.

2.15 Crossrail can be considered in four distinct sections. The most significant, in terms of its impacts on businesses, will be a new central tunnelled section with new sub-surface stations at Paddington, Bond Street, Tottenham Court Road, Farringdon, Liverpool Street, Whitechapel and Isle of Dogs. Major construction works will be necessary at each station site, and at intermediate ventilation and emergency intervention shafts. To enable these works to take place, the Bill seeks compulsory purchase powers over specified areas of land. As Crossrail runs in tunnel through central London, the amount of surface land required is small, relative to the size of the project. Nevertheless, it is estimated that around 850 commercial and residential parties (either property owners or leaseholders with an interest greater than a monthly tenancy) will be displaced or interfered with permanently or temporarily in connection with the proposed surface works. Where the land is required only temporarily, it can be handed back to its owners once works are complete, but in many cases, land will be required permanently. In either case, there would be impacts on businesses in the area, in terms of their ability to trade as normal. In all cases, Crossrail would attempt to minimise negative impacts and deal sensitively with those affected. Existing planning legislation would provide access to compensation for individuals and organisations affected, and a discretionary purchase scheme for cases of hardship is in operation. Policies on Land Acquisition and Disposal have been published alongside the Bill and copies are available from the DfT and CLRLL.

2.16 The other three sections of the scheme – western, north eastern and south eastern – will largely run on existing track, or on land currently in railway use, and make use of modified existing stations. The western section will run along the existing Great Western Main Line between Maidenhead and the entrance to the central tunnel at Royal Oak. A new junction will be constructed to allow for the increased number of trains accessing Heathrow from the Great Western Main Line. The north eastern section will run on new track from the tunnel exit at Pudding Mill Lane, then on the Great Eastern Main Line between Stratford and Shenfield. The south eastern section will join what is currently the North London Line near Custom House, running through the existing Connaught Tunnel beneath the Royal Docks. A new Crossrail tunnel will then take the line to Plumstead where it will join the North Kent Line to Abbey Wood.

2.17 In using existing infrastructure on the outer sections of the scheme, the regulatory impacts of the Crossrail Bill will be relatively low. Some non-railway land will be required permanently and some will need to be used temporarily, which may impact on local businesses. Businesses that may be affected will be able to discuss their position with the Crossrail authorities. Support will be offered in cases where businesses are forced to relocate.

(iii) Risk assessment

- 2.18 The need for additional transport capacity is clear, and only increasing. Crossrail enjoys widespread support as the best measure proposed to meet this need, but such a large project will necessarily take a considerable amount of time to implement. It is therefore crucial that Crossrail is progressed as quickly as possible.
- 2.19 Hybrid bills have been promoted periodically for rail and other major projects. The ability to use a hybrid bill was retained when the private bill system for railway works was replaced by the Transport and Works Act (TWA) process. There are no set criteria for use of hybrid bills, but they are particularly useful for the largest projects of national importance, partly because their timetable is more predictable than for a public inquiry-based approval. This predictability reduces the cost to central Government, local authorities and other parties involved in the process. The hybrid bill process also helps to limit the lag between the identification of the need for a project and its implementation, and thereby reduces the benefits foregone. Crossrail is clearly a scheme of major national importance. The review of its business case confirmed that it will generate benefits of the order of £20bn.
- 2.20 Without a hybrid bill, it would be necessary to rely on processes established through existing legislation. The promoter would seek statutory powers for the scheme, including compulsory purchase powers, through an application to the Secretary of State for an Order under the Transport and Works Act 1992 (TWA). A TWA Order could provide most or all of the powers needed if a single promoter was in place with a well developed scheme that it was to build and operate. Crossrail, however, is a project of such importance, scale and complexity that the single private promoter model would not be appropriate. For these reasons, the Secretary of State has overall control of the project. The Secretary of State has no power himself to promote a Transport and Works Act order in normal circumstances. Accordingly, the mechanisms provided by that Act are not appropriate to a major project brought forward by government.
- 2.21 The Bill includes measures which modify public Acts, for example in respect of railways legislation. The intention of modifying these Acts is to provide for a greater range of structural models by which the Crossrail project can be delivered. The Bill's provisions allow for the project to be taken forward either by the Secretary of State directly or by, or with greater involvement of, London bodies. Additionally, provision is made whereby the regulatory framework can be adapted to ensure the operation of Crossrail. Without these measures the construction and operation of Crossrail might be unnecessarily constrained, which would be unsatisfactory given the scale of expected benefits and the proposed financial investment. Such powers could not be included in a TWA order promoted by a private promoter.
- 2.22 The hybrid bill process provides considerable opportunity for the involvement of affected parties. After second reading in both Houses of Parliament, Select Committees will be established to hear petitions against the Bill. Any party specially and directly affected by the Bill will have the opportunity to have their case heard in full by both committees.

3. Options

a) Option 1: Use existing legislation

- 3.1 Were the project being promoted by a private promoter, it would be possible to secure the majority of the powers and the necessary statutory approvals required to undertake the project using processes laid out in existing legislation. The project promoter would seek compulsory purchase and other powers through an application under the Transport and Works Act 1992 (TWA) and would seek other necessary statutory consents in parallel. This option would not be open to the Secretary of State as promoter of the project, nor allow for flexibility in project management as does the Bill.
- 3.2 Furthermore, for reasons given in paragraph 2.19, this process would be subject to greater uncertainty, and be likely to be a longer and more costly process for all involved, than that of a hybrid bill.

b) Option 2: Introduce Crossrail Hybrid Bill

- 3.3 This option would provide the necessary powers and statutory approvals in a single and thorough process. Parliament would consider all the issues involved and shape the project in a coherent way to take account of these. A hybrid bill combines elements of public and private bills and is the process by which approval has previously been granted to major transport projects of national importance. Since 1985, hybrid bills have provided the powers for four major transport projects: the Channel Tunnel; the Dartford-Thurrock Crossing; the Severn Bridges; and the Channel Tunnel Rail Link.

4. Sectors affected

- 4.1 The proposals set out in the Crossrail Bill will affect those landowners (commercial and residential) whose land will be interfered with permanently or temporarily. These landowners are estimated to number around 850.
- 4.2 There will also be (largely temporary) impacts on those living, working or trading near to sites used during construction and sites that will be used for operation of the railway. These impacts are not considered in this RIA, but have been examined in detail along with other environmental, community and socio-economic impacts of the Crossrail project in a robust Environmental Impact Assessment (EIA). The results of the EIA are reported in an Environmental Statement, which has been submitted alongside the Crossrail Bill. The Environmental Statement sets out the likely impacts of the project and identifies proposed mitigation measures to reduce those impacts.
- 4.3 The introduction of a new railway through London, and the amendment of some specific licensing and access arrangements, will also have some impacts on rail infrastructure managers and existing and future rail transport operators. During the construction of Crossrail the timetabling of passenger and freight trains will need to take account of track possessions required for works outside the central tunnel and the transport of spoil and construction materials by rail, with amendment of existing access rights as a last resort. Most existing access rights do not extend beyond the earliest possible commencement of Crossrail services. It is therefore operators seeking new access rights, and the infrastructure managers, that will be affected by changes to the capacity

available caused by the quantity and quality of access rights for Crossrail services. Parliament is likely to pay close attention to the concerns of operators who will be affected by the construction of Crossrail and subsequent introduction of Crossrail services to ensure that the powers in the Bill are reasonable and proportionate.

5. Benefits

(i) Economic

- 5.1 Both Options 1 and 2 would provide the key benefit of relative assurance to businesses of Crossrail's implementation. This would allow businesses to plan future investment, either as beneficiaries of improved transport links, or as potential suppliers during its implementation. That assurance would be greater under Option 2, as the Government's backing and the simpler and shorter process provided by the hybrid bill would both reduce the risks of the project being stalled or abandoned.
- 5.2 The reduced time and administrative burden of the hybrid bill process under Option 2 would limit the costs, for both Government and other interested parties engaged in the process, and should mean that the benefits of the project are delivered sooner than would be the case following the TWA route. CLRLL have estimated the overall benefits of Crossrail to be in the order of £20bn; the earlier Crossrail is implemented, the sooner this benefit can be realised.
- 5.3 Following a public inquiry under the TWA process, if the inspector were to recommend that substantial changes are required to a scheme to make it acceptable, the Secretary of State would need to consider whether the deficiencies were such that the application should be rejected, or whether the applicants should be invited to submit suitable amendments to their proposals. In either event, if the applicants wished to submit new proposals to address the deficiencies, these would probably need to be subject to a re-opened inquiry, as in the case of the Thameslink 2000 scheme. Under Option 2, it is possible for changes to be made to the scheme as the Bill passes through Parliament

(ii) Environmental

- 5.4 Neither of the options has any significant environmental impacts in itself.

(iii) Social

- 5.5 Both Options 1 and 2 would allow affected parties to make their case against the proposals. Under Option 1, any interested parties would be able to present their case before the inspector during the long planning inquiry process. Any interested party is able to present evidence to the inquiry and have their case heard. In Option 2, the opportunities for general involvement are more limited - only those specially and directly affected by the bill are able to petition, and must establish their eligibility in their written petition (see 5.6).
- 5.6 Under Option 2, affected persons would need to submit a 'petition' during a petitioning period that would be defined at Second Reading in the Houses of Commons and Lords; typically the period might be two or three weeks long. Petitioners would need to demonstrate that they were 'specially and directly

affected' by the proposals and to set out in their petition the issues on which they wanted to be heard. They would then present their case to the relevant select committee, who would hear their arguments, and those of the Government in response. The committee would reach a decision about what the outcome should be on the balance of the arguments heard. The length of time for which the committees will sit might typically be around two to four months. Those who petition in the first House, during the first petitioning period, may also petition in the second House, if they are dissatisfied with the outcome reached at their first attempt. In this sense, Option 2 has benefits over Option 1, as petitioners have two separate opportunities to make their case before a committee. In addition, under Option 2 the committees are part of Parliament, which is the decision-maker, which ensures a speedy decision (under Option 1, the inspector reports to the Secretary of State, who is the decision-maker). Objectors to the Bill will also be able to make their views known to their own MP or any other member of either House and both Houses will have a full opportunity to debate any issues raised during the passage of the Bill through Parliament.

- 5.7 Under Option 1, professional inspectors and expert assessors would hear the evidence before them and make recommendations. Scrutiny under Option 2 would be by select committees of Members of Parliament and Peers, who would not necessarily be expert in a relevant field. Expert witnesses may be called by both Government and petitioners, to present evidence to the select committees. Matters of detail would be subject to approval at local level by the relevant local authorities and statutory agencies, under the bespoke planning and heritage regimes that the Bill will establish.

6. Costs

(i) Economic

- 6.1 Option 1 would potentially be of greater duration, and carry greater uncertainty of duration, than Option 2. In addition, in being promoted by a private company rather than the Government, Option 1 would provide less certainty of implementation. These factors would be likely to postpone the realisation of the economic benefits of the project, and reduce the certainty for businesses in planning and investing on the basis of Crossrail going forward.
- 6.2 The TWA process of Option 1 would potentially take several years and therefore present a significant administrative cost to those involved. In particular, from experience of other major projects, the public inquiry could well last over a year. This would present a substantial cost to the public purse, for the operation of the inquiry process, and to the other parties involved, who could incur substantial costs in attending the inquiry over that period, particularly if they chose to be professionally represented. While the Bill process in Option 2 may take up to several years in total, both Government and any petitioners against the Bill will be engaged in the detailed work arising from the committee stages for a shorter and more focussed period.
- 6.3 Both The TWA and hybrid bill processes of Options 1 and 2 are technical approvals processes, requiring that, in many cases, those potentially affected seek expert advice. Both would therefore present economic costs to affected parties wishing to present their objections - these costs would apply to both businesses and individuals.

6.4 Under Options 1 and 2 there would be some localised short-term adverse impacts on the value of affected property, resulting from the threat of compulsory purchase. This adverse impact is known as 'blight', of which two types can be distinguished: statutory blight and generalised blight. Statutory blight applies to property that falls within the limits of the safeguarding directions issued by the Secretary of State. Owners of such properties can require the Secretary of State to purchase in advance, if they meet certain criteria. Generalised blight applies to any other properties whose value may be affected by the scheme, but which lie outside the limits of the safeguarding directions. Generalised blight results from uncertainty about the effects that a project will have on properties and tends to reduce during implementation; the longer the gestation of a project, therefore, the greater the generalised blight impacts. Generalised blight costs would be greater under Option 1 due to the greater duration of the approvals process. Generalised blight impacts of the project will be generally relatively low, as the majority of the railway will run in tunnel or on land in existing rail use. Where statutory or generalised blight arise, property owners would have access to statutory and discretionary advance purchase schemes, which would mitigate the costs to a great extent.

(ii) Environmental

6.5 There are no differences between the options in relation to any significant environmental impacts. The environmental impacts arise from the detail of the scheme and not from the process applied to the consideration of the scheme.

(iii) Social

6.6 Option 1 would potentially be of greater duration, and carry greater uncertainty of duration, than Option 2. In consequence, Option 1 would carry greater uncertainty for those whose land would be affected and could extend the period over which their property would be blighted.

6.7 Although the long inquiry process under Option 1 would provide ample opportunity for affected parties to engage, it would also require those parties to remain engaged for a much longer period.

6.8 The social costs under both Options 1 or 2 would be limited by the provision of comprehensive information direct to those affected, accessible contact arrangements, the use of appropriate mitigation for negative impacts and the availability of statutory and non-statutory blight protection.

7. Equity and Fairness

7.1 The effects of the Crossrail Bill will necessarily be concentrated geographically in a number of areas, based on the need to acquire property. Land required temporarily or permanently is concentrated in the central section, and this is where the effects will be most significant. Compulsory purchase powers and temporary access rights will be sought where specific works are required, such as new track, stations, ventilation and emergency intervention shafts, tunnel portals, depots and railway sidings. Only the central section of the proposed route will require entirely new railway infrastructure.

- 7.2 Powers of compulsory purchase are determined by the needs of the overall project. Whilst the project is planned to have an overall positive effect, the exercise of compulsory purchase powers will in cases have a negative impact on those whose property is being purchased. This situation is not unique to the use of a hybrid bill; it is an unavoidable impact of a scheme of this size and identical issues would face property owners under any other approvals process. Under existing planning law, affected property owners will be paid the full market rate for their property and receive compensatory payments for disturbance and the costs of moving.
- 7.3 The whole route will be subject to a safeguarding direction by the Secretary of State, to prevent the erection or modification of any building that would pose an obstacle to the construction of Crossrail. This safeguarding also allows those property owners within the safeguarded area access to the statutory blight, advance purchase, procedures. In addition to this statutory provision, DfT has published a policy on discretionary purchase of property in cases of hardship, which provides for flexibility in relation to any property seriously affected by Crossrail and to which no compensation scheme would otherwise adequately apply. The combination of these statutory and discretionary procedures provides adequate compensation for the potential effects of the Bill on private property prices.
- 7.4 CLRLL have taken a number of steps to ensure that those who will experience significant impacts have been made aware of those potential impacts and given the opportunity to discuss any concerns. A major public awareness campaign and two separate rounds of consultation were completed, with information exchanges in substantial population centres. Over 100,000 invitations to Public Information Centres were distributed through letter boxes of residences and businesses near to the proposed route. Over 77,000 were distributed at relevant railway stations and extensive advertising was placed in community newspapers and in other media announcing each of the consultation rounds. The pre-Bill consultation process was completed with an Information Round for which advertising was again undertaken and over 100,000 leaflets posted.
- 7.5 Consultation materials have been made available in a variety of relevant community languages. All those over whose property compulsory purchase powers will be sought have been contacted directly in writing and will be formally notified at the time of deposit of the Bill in Parliament. This notification will include information in appropriate community languages referring recipients to a solicitor or their local Citizens Advice Bureau if they do not understand the notice. Advertisements will also be placed in local and national newspapers at the time of deposit, drawing attention to the powers sought under the Bill.
- 7.6 Some of the land required is in areas where a high proportion of the local residents are from ethnic minority groups. Impacts will occur in these areas in the same way as all other affected areas, but it is recognised that these impacts may cause particular concerns in particular areas. As described in 7.5, all affected residents will be given formal notification of the potential application of compulsory purchase powers, which will include information on further sources of advice in appropriate community languages. All of CLRLL's information materials are also available in these languages. These measures will help to mitigate the impacts that could otherwise arise for residents whose first language is not English, or who have reduced access to information sources and professional advice.

- 7.7 A Race Equality Impact Assessment of the project has been published alongside this RIA. These set out the methodology that CLRLL and DfT have adopted and work already completed by them in assessing the impacts of the construction and operation of Crossrail, and the timetable for the completion of further work designed to identify any further possible mitigation measures that are appropriate and can be put in place.
- 7.8 An independent Crossrail Referee was appointed in June 2003, before consultation began, to act as an arbiter for the public in their dealings with Crossrail. It is anticipated that a Crossrail Complaints Commissioner will be appointed to arbitrate in disputes during construction.

8. Consultation with small business: the Small Firms' Impact Test

- 8.1 The Small Business Service (SBS) has been consulted on the proposal to legislate and were content that the Crossrail Bill will not in itself have any significant specific costs to small businesses. Where costs do arise through compulsory purchase, the business relocation policy will ensure that they are managed.
- 8.2 CLRLL have consulted extensively with small businesses and small business groups across the route, as part of their overall programme of consultation. The small business representative organisations that responded were very supportive of Crossrail overall.

9. Competition Assessment

- 9.1 The powers sought in the Crossrail Bill are time-limited and have very limited applicability. The powers to extend time period are subject to Parliamentary control. The powers sought under the Bill have been designed specifically for the purpose of allowing the construction and operation of a new railway. Therefore they do not constitute a regulatory burden on any particular group of people or business sector.
- 9.2 The Crossrail proposal will introduce new, high-frequency, high-speed, high quality services into and across central London. It will necessarily increase competition in the transport sector to some extent, most notably for existing train, London Underground and coach routes between key destinations. However, Crossrail is primarily aimed at providing capacity for the additional passengers generated by growth in the capital and the South East, and at relieving overcrowding on existing services. Although Crossrail will lower loadings on both LUL and national rail routes, this is by means of adding additional capacity to the Greater London Area, which is the purpose of the scheme.
- 9.3 Existing train operators (both freight and passenger) have been consulted by CLRLL, although current passenger franchises are to be re-let by the SRA. CLRLL has been in liaison with the SRA to ensure that the possibility of Crossrail being constructed and operated is appropriately reflected in the new franchise arrangements.

10. Enforcement and Sanctions

- 10.1 A General Vesting Declaration, under the Compulsory Purchase (Vesting Declarations) Act 1981, will be sought for the acquisition of subsoil within which the tunnels will run. This will entitle the Secretary of State to serve notice on landowners, take possession and automatically obtain title, thus limiting the administrative and legal burden on all parties.
- 10.2 The other temporary and permanent compulsory acquisition powers will operate in the usual manner. The Secretary of State will be required to serve notice on landowners individually before gaining access but may take possession of the property before title is transferred. If necessary, the Secretary of State may enforce the compulsory purchase powers through the legal system. This would impose costs for the Government, the Courts and the property owner, and it is hoped that the enforcement procedure will not be necessary and that can be taken by agreement (on payment of compensation where appropriate). Experience with similar infrastructure schemes suggests that compliance by property owners is good, and it is unlikely that enforcement will be necessary.

11. Monitoring and Review

- 11.1 The permanent compulsory powers sought will be available for five years from the date of Royal Assent. If the powers are not exercised within that period, they lapse and fresh powers would have to be sought. It will be possible to extend the compulsory purchase powers before they have expired by an Order made by the Secretary of State. This process will be subject to special Parliamentary procedure.
- 11.2 Where temporary possession is taken, that possession will be time-limited to one year after the completion of the work.
- 11.3 The planning consent sought will be limited to ten years. If construction has not started during that period, the powers lapse and fresh approval would have to be sought. As with the compulsory purchase powers, this too can be extended by Order of the Secretary of State. Any such order would be subject to annulment in pursuance of a resolution by either House of Parliament.

12. Consultation

(i) Within government

- 12.1 Local authorities were consulted by CLRLL, the developers of the proposed scheme, during the initial route selection phase in 2002/3 and during their two rounds of public consultation. Each of these consultations, with the exception of an addendum to the route selection stakeholder consultation which sought comment on the now-removed option of a route to Kingston, was of twelve weeks duration. All local authorities that responded, and through which the proposed route would pass, were supportive of the Crossrail project in principle.
- 12.2 Following the announcement by the Secretary of State for Transport that the Government would seek the appropriate powers for the construction of Crossrail, the Secretary of State proposed a draft safeguarding direction for the

outer London sections of the route. Local planning authorities were invited to comment on the proposed direction, in a formal twelve-week consultation which closed on 25 November 2004.

- 12.3 Since September 2004, all affected local authorities have been invited to attend a quarterly Crossrail High Level Forum, chaired by Tony McNulty, Minister for Transport. These meetings provide an opportunity for DfT and CLRLL to give an update on progress with the project, and for Local Authority representatives to raise any issues of concern. These meetings will continue throughout the Parliamentary process and beyond, until construction has been completed.
- 12.4 The High Level Forum has two sub-forums: the Planning Forum and the Statutory Agencies forum, both of which meet quarterly and will continue to meet until the High Level Forum is wound-up. The Planning Forum brings together planning officers from all the affected Local Authorities, with representatives from DfT and CLRLL, to develop the principles of the planning powers to be provided in the Crossrail legislation and their interpretation when they are exercised. The Statutory Agencies Forum is attended by public bodies established by legislation (such as the Environment Agency, English Nature and English Heritage), for discussion of Crossrail powers on environmental matters.
- 12.5 Other Government departments, particularly the Office of the Deputy Prime Minister, HM Treasury, the Department of Trade and Industry, and the Department for Environment Food and Rural Affairs, have been consulted on relevant elements of the Bill and the policies behind it.

(ii) Public Consultation

- 12.6 As the developers of the proposed scheme, CLRLL have undertaken a public awareness campaign and widespread public consultation. Two separate twelve-week rounds of public consultation were completed from September 2003 to January 2004 and from August 2004 to October 2004. The consultation rounds involved public information centres at key locations along the proposed route, mail drops to those potentially affected, newsletters, a dedicated web-site and a 24-hour telephone helpline.
- 12.7 Round One of the consultation process presented a scheme overview, leaving more detailed information for round two. The route proposed in Round One was of a different configuration to that in the Bill, and included a branch to Richmond and Kingston, rather than to Maidenhead. Following the results of the round one consultation and the publication of the Review of the Crossrail Business Case⁶ in July 2004, CLRLL revised the route, removing the Richmond and Kingston branch, and replacing it with the current branch to Maidenhead. This revised route was then consulted on in Round Two.
- 12.8 Neither consultation round sought views on the specific question of whether a bill was favoured as the approach to obtain consent for the project. However, CLRLL made it clear in their published material that this was their intended route, and that the implementation of the scheme would involve the compulsory purchase of some property. A large majority of the responses to both consultations supported the idea and route of the Crossrail proposals. Of those

⁶ Department for Transport, Review of the Crossrail Business Case, 2004

who commented in response to the Round 1 consultation, nearly 75% were supportive; In Round 2, nearly 70% were supportive.

12.9 Before deposit of the Bill in Parliament, CLRLL undertook a final information round between 10 and 19 February. This provided members of the public with an explanation of the scheme contained in the Bill, what some of the major impacts were likely to be, the compensation that would be available to people adversely affected, the process by which consent would be sought including an explanation of the documents, particularly the ES, that would be submitted, and the routes open to people if they wished to make representations against the scheme.

12.10 Further consultation will take place in relation to their Environmental Statement, following deposit of the Bill.

13. Summary and Recommendation

13.1 The need for additional transport capacity is clear, and only increasing. Crossrail enjoys widespread support as the best measure proposed to meet this need, but such a large project will necessarily take a considerable amount of time to implement and, initially, needs to be brought forward by central Government rather than by a private promoter. It is therefore crucial that Crossrail is progressed as quickly as possible and by Government.

13.2 The Government believes that the hybrid Crossrail Bill provides the best option for seeking the necessary powers and approvals for the construction and operation of the Crossrail scheme. This recommendation provides the greatest certainty that a viable Crossrail scheme can be taken forward and implemented as quickly as possible, whilst minimising the negative impacts on parties directly affected.

14. Declaration

I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs

Signed

Date 22 February 2005

Tony McNulty, Minister of State, Department for Transport

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