

East West Rail – Benefit or Blight?



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Introduction

The East West Rail (“EWR”) project is a proposed rail connection between Oxford, Milton Keynes, Bedford, and Cambridge. It aims to revive and extend the Varsity lines, promising reduced travel times, boosted local economies and decreased road congestion. However, as with any major rail infrastructure project, it raises a pivotal question: will it benefit the region or mar its scenic countryside and cause unnecessary stress for local landowners?

Project Phasing

EWR will be delivered through multiple phases with varying completion statuses.

The initial phase - completed in December 2016 - revitalised the line between Oxford and Bicester Village and included the refurbishing of stations and the implementation of a new service by Chiltern Railways.

The subsequent phase, under construction since 2020, aims at modernising and reopening tracks between Bicester and Bletchley, with passenger services expected to commence later this year. Meanwhile the central section, the proposed next phase which is currently going through planning and consultation, envisions a new rail path from Bedford to Cambridge which will form the critical link that completes the East West Rail corridor between Oxford and Cambridge. Construction is anticipated to commence in the late 2020s with an unspecified target date in the 2030s for service rollout.

DCO and Consultation Process

The delivery of future sections of EWR will involve the Development Consent Order (“DCO”) process. A DCO can be used for major infrastructure projects deemed as Nationally Significant Infrastructure Projects (‘NSIPs’) under the Planning Act 2008. This process is managed by the Planning Inspectorate, and “development consent” is granted by the relevant Secretary of State if the scheme proves to be in the national interest. A DCO will provide planning consent for the scheme and, where appropriate, can include powers of compulsory acquisition.

EWR has conducted a non-statutory consultation on the next phase, which opened on 14 November 2024 and concluded on 24 January 2025, which was designed to gather feedback on its designs and plans. This gave affected parties a chance to voice their opinions of the scheme through the process of written representations. We understand that 5,500 responses were received, some of which EWR is now following up with face-to-face discussions.

Given the nature and status of the project, the implementation of a DCO is the only viable option for land assembly and the delivery of the scheme; we understand that EWR is currently preparing an application. The impact of a DCO application could be considerable, with safeguarding directions in place to control any grant of planning permission, over land that may be needed for the scheme.

In the circumstances where prior agreement between landowners and EWR cannot be achieved, progressing via a DCO will ensure that EWR can still deliver the scheme by giving EWR compulsory acquisition powers if required.

Understanding Blight

The concept of 'blight' refers to the reduction in a property's market value or an owner's difficulty in selling due to an anticipated or confirmed future acquisition by an authoritative body. This phenomenon is particularly pronounced in areas earmarked for extensive infrastructure projects such as EWR, where the possibility of compulsory purchase may result in any open market sales being at depreciated values.

'Generalised blight' is heavily subjective in nature, hinging on individual perceptions of potential future risks and impact of a potential scheme. Its effects generally commence when such schemes become publicly known, often enduring for extended periods. While blight is temporally finite, its repercussions can last several years but can gradually dissipate as plans evolve.

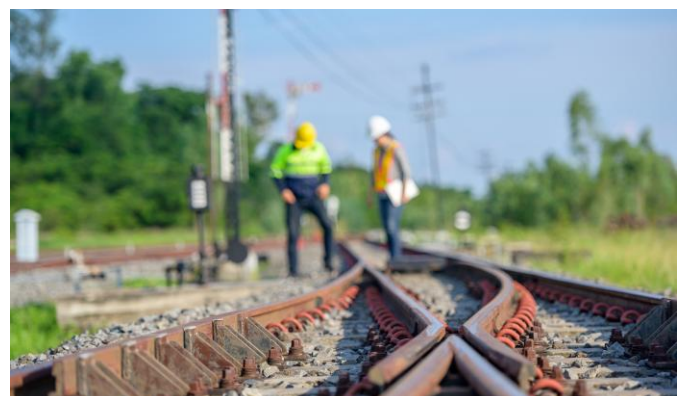
In contrast (and in the context of potential DCOs), 'statutory' blight predominantly concerns residential owner-occupiers and business occupiers. Investors are often not directly impacted by statutory blight, but rental values may be affected and the compensation framework will address 'pre-acquisition' losses only if the property is eventually acquired and if they hold a qualifying interest at that time.

The statutory context of blight is governed by provisions within the Town & Country Planning Act 1990 (sections 149 – 171 and Schedule 13). Blighted land, in respect of which a 'blight notice' might be served, is defined as land falling within one of several specified categories, including land subject to safeguarding directions. The provisions also state that affected parties must be occupiers and must demonstrate:

- a qualifying interest (defined in the Act) in blighted land;
- inability to sell, except at a substantially reduced price, due to blight; and
- reasonable efforts to sell, unless the land is subject to a confirmed Compulsory Purchase Order or Special Act.

Owners of qualifying properties may serve a blight notice on the relevant authority. A valid notice obliges the authority to purchase the property, sooner than planned, at its 'unblighted' market value.

Overall, understanding the statutory provisions and rights associated with blight is crucial for property owners to safeguard against potential financial impacts and to ensure equitable treatment in the face of involuntary acquisition pressures.



Conclusion

The EWR project is designed to improve connectivity between Oxford, Milton Keynes, Bedford, and Cambridge. Nevertheless, as the project progresses through its various phases, it poses challenges, particularly concerning the rights of local landowners and occupiers. For landowners, understanding the nuances of blight, including statutory rights and potential financial repercussions, is essential.

Ultimately, the delivery of EWR will depend on ongoing communication and cooperation between the project developers, local authorities and affected parties to ensure that its transformative benefits are realised without compromising the region's heritage and landscape, and without imposing undue hardship on affected owners and occupiers.

Our Expertise

We offer informed and practical advice on property owners' and occupiers' rights and, how these might best be protected and adverse impact minimised. At the appropriate time we advise on and, negotiate fair compensation and mitigation measures, where necessary with expert collaboration from lawyers and other professionals.

For more information on EWR and our services, please contact one of our dedicated team.

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