



# GUIDE TO THE ACQUISITION OF SUBSOIL

## What is subsoil?

Subsoil is the part of the ground which is below its natural surface. English property law recognises that, unless specified otherwise, freehold ownership of land includes the ground below the surface of the land to an unlimited depth. In some cases, leaseholders may share these rights, which may include the subsoil beneath adjacent public roads or streets.

## Do you have a legal right to acquire the subsoil compulsorily?

Where we have carried out permanent underground works, either constructing the main tunnel, connection tunnels or their related structures, the area of subsoil surrounding these works will need to be compulsorily acquired. The Development Consent Order (DCO) granted for the Thames Tideway Tunnel under the Planning Act 2008 includes provisions for the compulsory purchase of the land and rights required, including the acquisition of subsoil, within defined vertical and horizontal limits for the construction of the tunnels. If you have an interest in this areas of subsoil, you will be entitled to receive compensation.

## How deep will the tunnel structures be?

The approximate depth of the main tunnel would be between 35 metres in west London and up to 65 metres in the east.

This is to provide sufficient clearance in relation to existing tunnels and infrastructure under the city. The shafts are constructed from ground level and the interception structures are mainly located along the riverbank.

## How will the tunnels be constructed?

The work will be carried out using tunnel boring machines (TBMs). Similar machines have been used recently on the Woolwich extension to the Docklands Light Railway, the Channel Tunnel Rail Link and Crossrail.

The TBMs will operate from construction sites at Carnwath Road Riverside, Kirtling Street, Chambers Wharf, Greenwich Pumping Station and Dormay Street.

## How much subsoil would be acquired?

The main tunnel will have an approximate internal diameter of 6.5 metres in the west and 7.2 metres elsewhere. The various connection tunnels will be less deep and have a smaller diameter.

We will need subsoil for the tunnel and the area outside of it as a protection zone for the tunnel in the long term. The protection zone is provided to safeguard the tunnels in the event of adjacent future development on the edge of the zone.

The size of the protection zone area will generally be six metres but may be modified on a case-by-case basis to avoid conflicts with existing structures.

Minor adjustments may be made to the tunnel design up to the point when the subsoil is acquired, this is known as the alignment adjustment.

The Limit of Deviation is a below ground corridor in which the tunnel would be constructed. The size of the Limit of Deviation is a combination of the tunnel itself, the tunnel protection zone and the alignment adjustment.

Owners of land whose subsoil is intended to be acquired will be informed of the depth of the subsoil below their land together with the depth of the proposed structures, when compulsory purchase documents are issued.

## How do you acquire subsoil?

All property owners will be notified at least 14 days before we tunnel underneath their property to confirm our rights for temporary access to the full limits of deviation for construction. Once the tunnels are in place the freehold interest to the subsoil will be acquired through the General Vesting Procedure. This will require a preliminary Notice of Intention to make a General Vesting Declaration (GVD) followed by a second notice, a Notice of Making a GVD, the effect of which would be to automatically vest the land in Thames Water's ownership not less than 28 days later.

Vesting means that the subsoil will automatically be transferred without the need for it to be formally conveyed as is normally required when land is acquired.

The owners of affected properties will be asked to complete and return a claim form confirming whether

they wish to accept the compensation offered in relation to the acquisition of their subsoil. Relevant land owners would be notified subsequently that their subsoil had vested and the project would then proceed to register its title to the subsoil at HM Land Registry.

**How would affected land owners be compensated?**

We are following the practice of adopting a fixed value compensation scheme as has been used by other recent major infrastructure projects where subsoil for tunnelling and other works was acquired. Acceptance of the compensation offered will not be mandatory and relevant owners would be free to employ professional advisers to pursue a claim by negotiation if they choose to do so.

The Royal Institution of Chartered Surveyors (RICS) operates a helpline on 02476 868 555 where you can obtain advice.

As in any compulsory purchase of land, the amount of compensation payable relates to the market value of the land (in this case, the subsoil) being acquired. The presumption used on recent deep tunnel projects is that any subsoil acquired is of little value in the market because of its depth beneath the surface and the rather limited use to which it could usefully be put.

Accordingly the compensation being offered by the project in respect of the acquisition of subsoil (and which has been paid by other major infrastructure projects is:

- £50 which represents the perceived value of the subsoil, whether claimants are the freeholder or a leaseholder
- £250 as a contribution towards professional fees in connection with any advice claimants may wish to seek in relation to the acquisition.

If claimants decide not to accept the offer then they may follow the statutory process for agreeing compensation.

Professional fees, which any claimant properly and actually incurs, would form part of the compensation to be agreed or determined in this process. The basis upon which fees will be charged would need to be agreed in advance and will require reasonable evidence of any fees incurred to substantiate any claim for reimbursement.

The second notice, the Notice of Making a GVD, will be accompanied by a form of claim which will ask claimants to indicate whether they will accept payment of the fixed compensation offered or wish to pursue a compensation claim through the statutory process. If the

fixed compensation is accepted, the claimant will need to sign a standard form of receipt which acknowledges the payment of compensation as full and final settlement in relation to acquisition of the subsoil.

If the fixed compensation offer is not accepted, the law requires that compensation claims must be submitted or, in the case of dispute, be referred to the Upper Tribunal, within six years of the vesting of the land after which time the right to make a claim for compensation lapses.

**What is the timetable for acquisition of subsoil?**

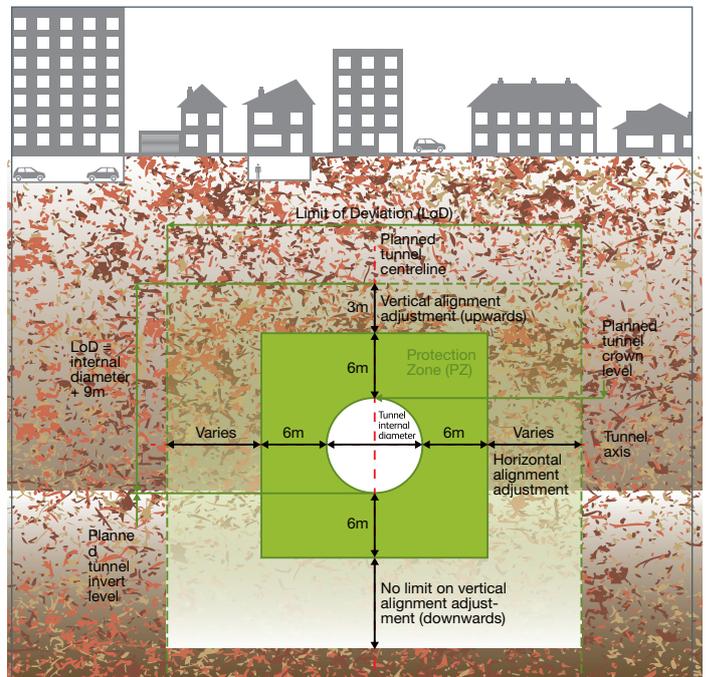
The tunnelling programme of the TBMs and timing of when they would pass beneath the relevant properties is being finalised. This information will be used to plan the dates for sending the notice of temporary access. This will also guide the timing for completion of the construction which would trigger the issue of the compulsory acquisition (GVD) process.

**Guidelines for Developers and Local Planning Authorities**

We have published a guide on our website for anyone preparing to apply for planning permission to build in the vicinity of the Thames Tideway Tunnel.

The guidance should also be used by Local Planning Authorities when considering a planning application in the vicinity of the project and discharging their decision making function.

**Main tunnel explaining limits of deviation.**



*This diagram is indicative only and not to scale*