

DEPARTMENT FOR TRANSPORT

SAFEGUARDING DIRECTIONS FOR DEVELOPMENT AFFECTING THE ROUTE AND ASSOCIATED WORKS PROPOSED BY TRANSPORT FOR LONDON FOR THE CROSSRAIL 2 RAIL PROJECT; WIMBLEDON TO NEW SOUTHGATE; STOKE NEWINGTON TO TOTTENHAM HALE; SHOREDITCH PARK TO HACKNEY CENTRAL

The Secretary of State for Transport, in exercise of the powers conferred by articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (“the Order”)¹, gives the following directions to the local planning authorities named in the Schedule.

1. These Directions come into force on 24 March 2015. These Directions apply to any application for planning permission which:
 - a. has not been fully determined by that date;
 - b. which relates to development within any of the land specified in paragraph 2; and
 - c. is not development of a kind described in paragraph 3 (“excluded development”).
2. The land referred to in paragraph 1 is the land shown bounded by lines marked “Limits of Land Subject to Consultation (Safeguarding Limits)” on the plans signed by the authority of the Secretary of State for Transport, annexed to this Direction (“the plans”) and numbered:
 - (a) 1 to 3, 3A to 3C and 4 to 6 in the London Borough of Merton;
 - (b) 3C and 5 to 15 in the London Borough of Wandsworth;
 - (c) 15 to 18 and 18A in the Royal Borough of Kensington and Chelsea;
 - (d) 18, 18A and 19 to 23 in the City of Westminster;
 - (e) 22 to 26 in the London Borough of Camden;
 - (f) 26 to 29 and 32 in the London Borough of Islington;
 - (g) 28 to 30, 30A to 30D, 31 to 36, 36A and 36B in the London Borough of Hackney;
 - (h) 36, 36A to 36D and 37 to 45 in the London Borough of Haringey;
 - (i) 45 to 47 in the London Borough of Barnet;
 - (j) 45 to 46 in the London Borough of Enfield.
3. The excluded development referred to in paragraph 1(c) is development within the land shown bounded by lines marked “Limits of Land Subject to Consultation (Safeguarding Limits)” but excluding the land shown shaded and marked “Areas of Surface Interest” on the plans, which:

¹ SI 2010/2184 made under the Town and Country Planning Act 1990 (c. 8), see in particular section 74.

- (a) does not involve any building, engineering or other operation deeper than 3 metres below existing ground level; and
- (b) does not involve either:
 - (i) an increase in the planned floor space; or
 - (ii) an increase in the height,

of an existing building.

- 4. (a) Subject to paragraph (b), before:
 - (i) Granting planning permission on any application; or
 - (ii) Passing any resolution to carry out or authorise the carrying out of the proposals for development,

in relation to any application for planning permission to which these Directions apply, a local planning authority must consult Transport for London (“TfL”).

- (b) The requirement to consult does not apply where:
 - (i) the development concerned lies within any of the land specified in paragraph 2 and is not within any area shown shaded and marked “Areas of Surface Interest” on the plans, and
 - (ii) the local planning authority proposes to grant planning permission to which a condition is to be attached precluding any building, engineering or other operation deeper than 3 metres below ground level.

- 5. Where a local planning authority is required by paragraph 4 to consult TfL, it shall not:

- (a) grant planning permission; or
- (b) resolve to carry out or authorise the carrying out of the development,

otherwise than to give effect to the recommendation of TfL:

- (i) unless it has delivered to the Secretary of State for Transport the material specified in paragraph 6; and
- (ii) until the expiry of a period of 21 days beginning with the day after the date on which the last item of any such material was delivered to the Secretary of State for Transport.

- 6. The material referred to in paragraph 5 is:-

- (a) a copy of the application together with a copy of any plans or documents submitted with it;
- (b) a copy of the response of TfL to consultation by the local planning authority in pursuance of paragraph 4;

- (c) such information regarding the application as the Secretary of State for Transport may require by direction under article 29(6) of the Order; and
- (d) a statement on the provisions of the development plan and other issues involved, including whether the grant of permission would be contrary to the views of another government department.

7. These Directions replace the Direction issued on 18 June 2008 under articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 for development affecting the route and associated works proposed by Transport for London for the Chelsea-Hackney line project which is cancelled.

Signed by authority of the Secretary of State for Transport

A handwritten signature in blue ink, appearing to read 'R Furness', with a long, sweeping horizontal stroke extending to the right.

Rupert Furness, Head of London Transport Division

A Senior Civil Servant in the Department for Transport

24 March 2015

SCHEDULE

City of Westminster

London Borough of Barnet

London Borough of Camden

London Borough of Enfield

London Borough of Hackney

London Borough of Haringey

London Borough of Islington

London Borough of Merton

London Borough of Wandsworth; and

Royal Borough of Kensington and Chelsea

DEPARTMENT FOR TRANSPORT

GUIDANCE AND EXPLANATORY NOTES FOR LOCAL PLANNING AUTHORITIES TO ACCOMPANY SAFEGUARDING DIRECTIONS ISSUED FOR THE CROSSRAIL 2 RAIL PROJECT; WIMBLEDON TO NEW SOUTHGATE; STOKE NEWINGTON TO TOTTENHAM HALE; SHOREDITCH PARK TO HACKNEY CENTRAL

Background

1. Safeguarding Directions were first issued on 7 February 1991 under articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 (“The 1988 Order”). The Safeguarding Directions safeguarded the route corridor for the proposed Chelsea-Hackney Railway Line Project from Parsons Green to Leytonstone, Grosvenor Road to Ebury Bridge and at Wimbledon and Putney Bridge.
2. The Safeguarding Directions issued on 7 February 1991 were replaced by new Directions issued by the Secretary of State for Transport on 12 November 1991 under article 14(1), 18(3) and 30 of the 1988 Order. These were replaced by new Directions issued by the Secretary of State for Transport on 18 June 2008 under articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 to safeguard the whole of the proposed route alignment of the Chelsea-Hackney line:
 - (a) Between Parsons Green and Leytonstone;
 - (b) Between Battersea Park and Ebury Bridge; and
 - (c) At Wimbledon and Putney Bridge.
3. In 2009 the Department for Transport (“DfT”) requested that Transport for London (“TfL”) bring forward proposals to review and amend the Safeguarding Directions for the Chelsea-Hackney line. The review has taken place in the context of the Mayor of London’s Transport Strategy published in May 2010. The revised project has been named Crossrail 2 and responsibility has transferred from Cross London Rail Links Limited (renamed Crossrail Limited on 5 December 2008) to TfL.
4. Following the review undertaken by TfL, the Secretary of State for Transport has issued new Safeguarding Directions (“the Directions”) under articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (“the Order”) to safeguard the central section of the proposed route alignment:
 - (a) Between Wimbledon and New Southgate;
 - (b) Between Stoke Newington and Tottenham Hale;
 - (c) Between Shoreditch Park and Hackney Central.
5. The Directions issued on 24 March 2015 now replace the Directions issued on 18 June 2008. The Secretary of State for Transport will review this Safeguarding Direction by 2021.
6. The land within the Directions comprise:
 - (a) Land designated on the plans as “Areas of Surface Interest” being the surface sections of the proposed line, additional land that may be required permanently or

temporarily for works such as drainage, road diversions and environmental protection measures, construction sites, spoil disposal sites, ventilation shafts, intervention and escape shafts and land above tunnels in the vicinity of tunnel portals and stations; and

- (b) Land containing sections of tunnel and other sub-surface works designated on the plans as “Limits of Land Subject to Consultation (Safeguarding Limits)”.

Processing of applications

7. Applications for planning permission on which TfL must be consulted, in accordance with paragraph 4 of the Directions should be sent by first class post to:-

Safeguarding Manager, Transport for London

Crossrail 2, PO Box 72284

London, SW1P 9PB

Or by email to:-

SafeguardCrossrail2@tfl.gov.uk

8. Such applications must not be determined before the expiry of the period for consultation set out in article 16(5)(b) of the Order. Where TfL has not responded within the period set out in article 16(5)(b) of the Order, the local planning authority may determine that application. Where TfL has responded, the local planning authority is not bound by that recommendation. However, if it does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 5 of the Directions.
9. Copies of all decisions on planning applications on which TfL has been consulted should be sent to the Safeguarding Manager at the address given in paragraph 7.
10. Where TfL has recommended that planning applications include conditions in accordance with paragraph 5 of the Directions, it would be helpful if local planning authorities would advise TfL on the outcome of the application. This should be done by sending a copy of the decision notice to the address given in paragraph 7 and notifying TfL when such conditions have been fully discharged.
11. In accordance with paragraph 5 of the Directions, if local a planning authority is minded to approve a planning application against the advice of TfL, that application should be sent together with the material referred to in paragraph 6 of the Directions, by first class post to the Secretary of State for Transport at the following address:

London Transport Division, Department for Transport

Zone 5/26 Great Minster House, 33 Horseferry Road

London, SW1P 4DR

The Secretary of State will inform local authorities of the date of receipt of the application and the material required under paragraph 6 of the Directions and will, within 21 days, either notify authorities that there are no objections to permission being granted, or issue Directions restricting the granting of permission specifically for those applications.

Blight and Purchase Notices

12. The provisions of the Town and Country Planning Act 1990 on blight and purchase notices will apply to property affected by the Directions. The appropriate authority to receive purchase notices will be the local planning authority. Blight notices should be addressed to the Secretary of State for Transport and sent to TfL, who will receive them on the Secretary of State's behalf, at the following address:

Safeguarding Manager, Transport for London

Crossrail 2, PO Box 72284

London, SW1P 9PB

With a copy to:-

Operational Property Manager, Transport for London

Crossrail 2, PO Box 72284

London, SW1P 9PB

Further details of the provisions and how to complete the prescribed form can be obtained from the Safeguarding Manager at the above address.

Planning and local land charges registers

13. In accordance with article 36(4)(b) of the Order, particulars of the Directions in respect of any applications for planning permission to which they apply must be entered in Part 2 of the register of Applications. The DfT is also of the view that the Directions should be revealed in response to Optional Enquiries sent with requisitions for searches of the local land charges register in relation to land and property:

- (a) within any land marked "Limits of Land Subject to Consultation (Safeguarding Limits)"; and
- (b) within 100 metres of any area marked "Areas of Surface Interest" on the plans mentioned in paragraph 2 of the Directions.

14. TfL suggests that, in response to the appropriate question in Part 1 of the Standard Enquiries, local planning authorities respond along the following lines:-

- (a) The property is/is not within the zones marked "Limits of Land Subject to Consultation (Safeguarding Limits)" on the plans annexed to the Safeguarding

Directions issued by the Secretary of State for Transport on 24 March 2015 in respect of the Crossrail 2 Project; and/ or

- (b) The property is/ is not within 100 metres of any area of land within the zones marked “Areas of Surface Interest” on the plans annexed to the Safeguarding Directions issued by the Secretary of State for Transport on 24 March 2015 in respect of the Crossrail 2 Project.

Consultation on permitted development

15. The Directions do not apply to proposals to carry out permitted development. However, TfL would find it helpful to be informed of proposals to carry out works under article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 within the Areas of Surface Interest.

Existing planning permissions

16. It would be helpful for TfL to know about any existing planning permissions affecting land within the consultation zone which have not yet been implemented.

Pending planning applications

17. The Directions apply to any planning application that has not been fully determined by the date that the Directions come into force, other than an application in relation to excluded development referred to in paragraphs 1 and 3 of the Directions.
18. Accordingly, local planning authorities must review all pending applications to determine whether the proposed development is covered by paragraph 4 of the Directions.

Local Plans

19. In preparing any Local Plan document we advise that the area safeguarded by the Safeguarding Directions should be identified in the amended Local Plan. In those cases local planning authorities should indicate the Safeguarding Directions on the Policies Map and should not include any proposals in their Local Plan which conflict with the Safeguarding Directions.
20. If a Local Plan designation was promoting for example a development site, then when a subsequent planning application was submitted for that development the conflict with the safeguarded area should be addressed without the need to amend the Local Plan allocation. Any conflicts with the Safeguarding Directions on a policies map should be considered when the Local Plan or relevant Development Plan Document is revised.
21. Local Plans should state that the Safeguarding Directions have been made by the Secretary of State for Transport. They are not proposals of the local planning authority and the routes in question will not be determined through the development plan process.
22. Further information on the Crossrail 2 can be obtained from <http://crossrail2.co.uk/>

- 23.** Where the Local Plan has been submitted for independent examination, the local planning authority should record any representations received which relate to the Safeguarding Directions and bring these to the attention of the inspector appointed to hold the examination of a Local Plan document. The inspector's role is to consider the policies of the local planning authority set out in the draft Local Plan document. If the inspector is satisfied that an objection is solely to matters covered by the Safeguarding Directions, rather than to proposals of the local planning authority, the inspector is unlikely to consider the objection to be relevant to consideration of the Local Plan document.
- 24.** Local planning authorities, when adopting supplementary planning documents should note in the statement of consultation any representations received which relate to the Safeguarding Directions

Timing

25. These Directions come into force on 24 March 2015 and apply to applications for planning permission as provided for on paragraph 1 of the Directions

24 March 2015

Department for Transport