

## SECRETARY OF STATE FOR TRANSPORT

### **SAFEGUARDING DIRECTIONS FOR DEVELOPMENT AFFECTING THE ROUTE AND ASSOCIATED WORKS PROPOSED FOR THE CROSSRAIL PROJECT – MAIDENHEAD TO OLD OAK COMMON, OLD OAK COMMON TO ABBEY WOOD, STRATFORD TO SHENFIELD AND WORKS AT WEST HAM, PITSEA AND CLACTON-ON-SEA**

The Secretary of State for Transport, in exercise of the powers conferred on her by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995<sup>(a)</sup>, (“the 1995 Order”) and of all other powers enabling her in that behalf, hereby directs the local planning authorities named in the Schedule hereto as follows:-

1. These Directions shall come into force on 24 of January 2008 and apply in respect of any application for planning permission which has not been finally determined by that date in relation to development within the zone specified in paragraph 2 below, other than development of the exempted category specified in paragraph 3 below.
2. The zone referred to in paragraph 1 above is the zone lying within the limits on the plans dated January 2008 annexed to these Directions and numbered—
  - (a) Volume 1 – (between Old Oak Common and Abbey Wood) 1 to 5, 5a, 6 to 13, 17, 18, 19, 22 to 27, 27a, 28 to 35, 100, 101, 102, 103, 131, 132, 133, 300, 301, 302 and 302a;
  - (b) Volume 2 – (between Stratford and Shenfield) 18, 19, 20, 21, 200 to 235, 238 and 239;
  - (c) Volume 3 – (between Old Oak Common and Maidenhead) 303 to 326, 326a, and 327 to 346;

(“the plans”), copies of which are annexed hereto and marked “Limits of Land Subject to Consultation” being the zone relating to the route of a railway or railways proposed to be constructed—

- (a) between Maidenhead in the Royal Borough of Windsor and Maidenhead and Old Oak Common in the London Borough of Hammersmith and Fulham;
- (b) between Old Oak Common in the London Borough of Hammersmith and Fulham and Abbey Wood in the London Borough of Greenwich; and
- (c) between Stratford in the London Borough of Newham and Shenfield in the Borough of Brentwood and works at West Ham in the London Borough of Newham, Pitsea in the District of Basildon and Clacton-on-Sea in the District of Tendring.

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<sup>(a)</sup> SI 1995/419.

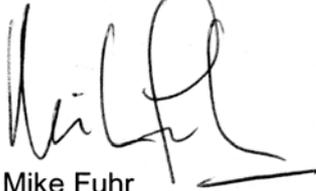
3. (a) The exempted category of development referred to in paragraph 1 above is any development which is—
  - (i) within that part of the zone specified in paragraph 2 above which lies within the limits shown on the plans 3 to 35 and is not shown shaded on those plans; and
  - (ii) consists only of an alteration to a building of a sort referred to in sub-paragraph (b) below; and
  - (iii) does not involve, and is not likely to involve, any construction, engineering or other operations below existing ground level.
- (b) A building to which sub-paragraph (a) applies is a hereditament which falls within the scope of section 149(3) of the Town and Country Planning Act 1990<sup>(b)</sup> and which, after development, would remain within the scope of that section of that Act.
4. (a) Subject to sub-paragraph (b) below, before granting planning permission on any application to which these Directions apply, a local planning authority shall consult Cross London Rail Links Limited.
- (b) The requirement to consult does not apply where—
  - (i) the development concerned lies within that part of the zone specified in paragraph 2 above which lies within the limits shown on the plans 3 to 35 and is not within any area shown shaded on those plans; and
  - (ii) the local planning authority proposes to grant permission to which a condition is to be attached precluding any building, engineering or other operation deeper than 3 metres below existing ground level.
5. Where a local planning authority is required by paragraph 4 above to consult Cross London Rail Links Limited, they shall not grant planning permission on the application otherwise than to give effect to the recommendation of Cross London Rail Links Limited—
  - (a) unless they have delivered to the Secretary of State for Transport the material specified in paragraph 6 below; and
  - (b) until the expiry of a period of 21 days from the date from which that material was delivered to the Secretary of State.
6. The material referred to in paragraph 5 above 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 Cross London Rail Links Limited to consultation by the authority in pursuance of paragraph 4 above;

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<sup>(b)</sup> 1990 c.8

- (c) such information regarding the application as the Secretary of State may require by direction under article 20(4) of the 1995 Order; and
  - (d) a statement on the provision 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. Subject to paragraph 8 below, the Directions issued to local planning authorities on the 22 February 2005 under articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995, specifying safeguarding limits for areas between Maidenhead and Old Oak Common, Old Oak Common and Abbey Wood and between Stratford and Shenfield are hereby cancelled.
8. The Safeguarding Direction issued by the Secretary of State for Transport on the 24 February 2005 for the safeguarding of the route from Abbey Wood to Hoo Junction remains in force.

Signed by authority of the Secretary of State



Mike Fuhr

A Senior Civil Servant in the Department for Transport

## **SCHEDULE**

London Borough of Camden  
London Borough of Islington  
London Borough of Tower Hamlets  
The City of Westminster  
Corporation of London  
London Borough of Ealing  
London Borough of Hammersmith and Fulham  
Royal Borough of Kensington and Chelsea  
London Borough of Newham  
London Borough of Greenwich  
London Borough of Bexley  
London Borough of Redbridge  
London Borough of Barking and Dagenham  
London Borough of Havering  
London Borough of Hillingdon  
Borough of Brentwood  
District of South Bucks  
Borough of Slough  
Royal Borough of Windsor and Maidenhead  
County of Buckinghamshire  
District of Basildon  
District of Tendring  
County of Essex  
Olympic Delivery Authority

## SECRETARY OF STATE FOR TRANSPORT

### GUIDANCE AND EXPLANATORY NOTES FOR LOCAL PLANNING AUTHORITIES TO ACCOMPANY SAFEGUARDING DIRECTIONS ISSUED FOR THE CROSSRAIL PROJECT – MAIDENHEAD TO OLD OAK COMMON, OLD OAK COMMON TO ABBEY WOOD, STRATFORD TO SHENFIELD AND WORKS AT WEST HAM, PITSEA AND CLACTON-ON-SEA

#### Background

1. Safeguarding Directions were issued on 5 November 1990 (coming into force on 5 November 1990) under articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988<sup>(a)</sup>. These Directions safeguarded the route for the proposed Crossrail project between Old Oak Common and Mile End and at Stratford.
2. One Direction included the central route alignment between Westbourne Park in the City of Westminster and Mile End in the London Borough of Tower Hamlets. Responsibility for processing planning applications falling within paragraph 1 of the Directions and public consultation on the engineering details and environmental impact on this part of the alignment vested in London Regional Transport and its wholly owned subsidiary London Underground Limited.
3. The second Direction included the route alignment between Old Oak Common in the London Borough of Ealing and Westbourne Park in the City of Westminster and Stratford in the London Borough of Newham. Responsibility for processing planning applications falling within paragraph 1 of the Directions and public consultation on the engineering details and environmental impact on this part of the alignment vested in the British Railways Board.
4. The Directions in respect of the central section of the Crossrail alignment issued on 5 November 1990 were replaced by a new Direction issued by the Secretary of State for Transport on 30 July 2004 pursuant to articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 ("the GDPO").
5. On 14 July 2004 the Secretary of State for Transport invited Cross London Rail Links Limited to bring forward confirmed route proposals for inclusion in a hybrid Bill to authorise the construction and maintenance of Crossrail.
6. The Secretary of State deposited a hybrid Bill on the 22 February 2005, which would permit the construction of Crossrail to proceed and made new Directions on the 22 February 2005 to safeguard the whole of the proposed route alignment between:-
  - (a) Maidenhead in the Royal Borough of Windsor and Maidenhead and Old Oak Common in the London Borough of Hammersmith and Fulham;
  - (b) Old Oak Common in the London Borough of Hammersmith and Fulham and Abbey Wood in the London Borough of Greenwich; and

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<sup>(a)</sup> SI 1988/1813 revoked by SI 1995/419

- (c) Stratford in the London Borough of Newham and Shenfield in the Borough of Brentwood, and at works at Pitsea and Basildon in the District of Basildon.
7. The Directions issued on 24 January 2008 now supersede the Directions issued on the 22 February 2005. The Direction relating to the section between Abbey Wood and Hoo Junction, as referred to in paragraph 8 of these Directions remains in force.

### **Processing of applications**

8. Applications for planning permission on which Cross London Rail Links Limited must be consulted, in accordance with paragraph 4 of the Directions, should be sent by first class post to:-

The Safeguarding Co-ordinators  
Cross London Rail Links Limited  
6th Floor, Portland House  
Bressenden Place  
London SW1E 5BH

Such applications must not be determined before the expiry of the period for consultation set out in articles 10(4)(b) and 4A of the GDPO.

9. Decisions issued where permission is refused should state all the reasons for refusal. Copies of all decisions on planning applications on which Cross London Rail Links Limited have been consulted should be sent to the Safeguarding Co-ordinators at the above address. It is Cross London Rail Links Limited's intention to agree procedures and drafts of model conditions with local planning authorities.
10. Applications which local planning authorities are minded to approve against the advice of Cross London Rail Links Limited should, in accordance with paragraph 5 of the Directions, be sent by authorities by first class post to:-

Major Projects Directorate  
Department for Transport  
Zone 2/19  
Great Minster House  
76 Marsham Street  
London SW1P 4DR

The Department will inform local authorities of the date of receipt 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**

11. The provisions of the Town and Country Planning Act 1990 on blight and purchase notices will apply to property affected by safeguarding. The appropriate authority to receive purchase notices will be the local planning authority. Blight notices should be served on Cross London Rail Links Limited and sent to:-

The Safeguarding Manager  
Cross London Rail Links Limited  
6th Floor, Portland House  
Bressenden Place  
London SW1E 5BH

Further details can be obtained from The Safeguarding Manager at the above address.

### **Planning and local land charges registers**

12. In accordance with article 25(4)(b) of the GDPO, particulars of the Directions must be entered in Part II of the Register of Applications, in respect of any application for planning permission to which they apply. The Department is also of the view that the safeguarding provisions should be revealed in response to Optional Enquiries sent with requisitions for searches of the local land charges register in relation to properties within the zone of consultation and within 200 metres of the areas of surface interest shown shaded on the plans attached to the Directions.
13. The Department suggests that, in response to the appropriate question in an Optional Enquiry, authorities respond along either or both of the following lines:-
  - (a) the property is/is not within the limits of land subject to consultation for Crossrail; or
  - (b) the property is/is not within 200 metres of an area of surface interest for Crossrail.

### **Consultation on permitted development**

14. Cross London Rail Links Limited 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.

### **Extant planning permissions**

15. It would be helpful for Cross London Rail Links Limited to know about any extant planning permissions affecting land within the consultation zone which have yet to be implemented.

### **Pending planning applications**

16. Local planning authorities are reminded that the Directions issued on 24 January 2008 apply to any planning application that has not been fully determined by that date, other than an application in relation to development of the exempted category specified in paragraph 1 and 3 of the Directions.
17. Accordingly, local planning authorities must review all pending applications to determine whether the development proposed is development to which paragraph 4 of the Directions applies.

## **Local Development Documents and old style Development Plans<sup>1</sup>**

18. The area safeguarded by the Directions should be identified in local development documents<sup>2</sup> (LDDs) or in old style development plans. Local planning authorities should indicate the Safeguarding Directions on the Proposals Map and should not include any proposals in their LDDs or old style development plans which conflict with the Safeguarding Directions.
19. LDDs and old style development plans should state that the 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. They will be considered in Parliament under hybrid Bill procedures, which will provide appropriate opportunities for petitions to be made to Parliament by those directly affected by the scheme. Further information on the hybrid Bill procedures can be obtained from [www.parliament.uk](http://www.parliament.uk), and from the Cross London Rail Links Limited help desk telephone 0845 602 3813 (24 hour service) or [helpdesk@crossrail.co.uk](mailto:helpdesk@crossrail.co.uk)
20. The local planning authority should record any representations received and bring these to the attention of the inspector appointed to hold the examination into soundness of a development plan document or public local inquiry into objections to an old style development plan. If, however, the inspector is satisfied that an objection is to matters covered by the Directions, rather than to proposals of the local planning authority, the inspector will not be prepared to consider the objection or make recommendations on it. Local planning authorities when adopting supplementary planning documents should note in the statement of consultation any representations received to the Safeguarding Directions.
21. These Directions come into force on the 24 January 2008 and apply in respect of the categories defined in paragraph 1 of the Directions.

**24 January 2008**

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<sup>1</sup> Development Plans (Structure Plans, Local Plans and Unitary Development Plans) prepared under the Town and Country Planning Act (As Amended) and the Town and Country Planning (Development Plan) Regulations 1999 or under the Planning and Compulsory Purchase Act 2004 Transitional Arrangements.

<sup>2</sup> Local Development Documents include development plan documents (DPDs) which are part of the statutory development plan and supplementary planning documents (SPDs) which expand policies set out in a development plan document or provide additional detail.