



CROSSRAIL INFORMATION PAPER

D13 – RESTITUTION OF OPEN SPACE

This paper sets out the arrangements that will apply for the restitution of public open space taken during Crossrail construction.

It will be of particular relevance to those in the vicinity of the proposed Crossrail works.

This is not intended to replace or alter the text of the paper itself and it is important that you read the paper in order to have a full understanding of the subject. If you have any queries about this paper, please contact either your regular Petition Negotiator at CLRL or the Crossrail helpdesk, who will be able to direct your query to the relevant person at CLRL. The helpdesk can be reached at:

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APPROVED

Version 2 – 20/11/07



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1. Introduction

- 1.1 The Crossrail Bill (the Bill) includes powers for the Secretary of State to compulsorily acquire land shown on the deposited plans for the purposes of the scheduled works and other works authorised by it. Some of the land authorised for acquisition is public open space, which includes formal and informal parks and playing fields. This would either result in the temporary loss of public open space during the construction of Crossrail or, in a number of more limited cases, the permanent loss of public open space arising from the infrastructure required to operate the railway.
- 1.2 The exercise of these powers will not be subject to a statutory obligation to replace lost open space. However, clause 7 (4) of the Bill would confer upon the Secretary of State a power to make a compulsory purchase order under the Acquisition of Land Act 1981 for the acquisition of land outside the limits shown on the deposited plans for a number of purposes. One of these is to acquire land for the purpose of exchange with land forming part of a common, open space or field garden allotment affected by the Bill works.
- 1.3 As the making of such an order would involve the exercise of compulsory powers against the landowner concerned, with rights of appeal, consideration would first be given to other options for mitigation the loss of public open space. The following paragraphs outline the circumstances in which the Secretary of State would expect to use this power, and other means of mitigation.
- 1.4 Information Paper D5, Site Reinstatement, which covers the requirements of the Bill with regard to the reinstatement of land occupied temporarily as working sites, is also available.

2. Public Open Space Occupied Temporarily

- 2.1 In a number of locations public open space will be required as worksites for the construction of Crossrail. After the construction works have finished, these sites will be reinstated for public open space use.
- 2.2 The Crossrail Environmental Statement (ES¹) identifies that in some locations the temporary loss of open space will be significant for local communities, particularly where a recreational space is lost for a considerable duration in an area where there is already a shortage of open space. In these cases the Secretary of State will seek to agree appropriate mitigation with the relevant planning authority.
- 2.3 In considering appropriate mitigation measures, in the first instance consideration will be given to minimising the loss of public open space through the detailed

¹ The term 'Environmental Statement' refers to the Environmental Statement deposited with the Crossrail Bill in February 2005, the four Environmental Statements accompanying the Additional Provisions, the four Supplementary Environmental Statements submitted during the passage of the Bill, and their Non-Technical Summaries and errata, which together comprise the Crossrail Environmental Statement. The term 'the Main ES' refers specifically to the Environmental Statement produced (with its Non-Technical Summary) in February 2005. See <http://billdocuments.crossrail.co.uk/>.

design process. The nominated undertaker will be required to define worksite boundaries and layouts so as to maintain public access to any remaining public open space where reasonably practicable. Further mitigation through rearrangement of the remaining public open space and facilities, for example by reconfiguring playing pitch layouts, will also be considered.

2.4 Where significant temporary losses are still apparent after detailed design, the nominated undertaker will be required to consider other forms of temporary mitigation including:

- bringing land already in the ownership of the relevant authority into use as a public open space;
- improvements to other public open spaces to remedy the shortage caused by the temporary loss; and
- improved accessibility to existing open spaces.

2.5 The Secretary of State will not expect to acquire land compulsorily under clause 6 or 7 of the Bill only for the purposes of replacing temporary losses of open space.

3. Permanent Losses of Public Open Space

3.1 The design of the scheme has, wherever practicable, sought to minimise the impact of the Crossrail scheme on the public use of open space caused by the siting of permanent infrastructure. For example, ventilation shafts in public open space have been located so as to limit the impact on the landscape and maximise public access to the remaining open space. Further mitigation of the impact of permanent structures on the public open spaces will be considered, through the provisions for the approval of detailed design in Schedule 7 to the Bill.

3.2 However, the permanent loss of some public open space is likely to be unavoidable. In most cases the loss of open space is a minimal amount of the total area of open space and is not assessed in the ES as giving rise to any significant impacts. In these cases the Secretary of State will not undertake to replace open space.

3.3 Where the ES concludes that there is a significant impact arising from the permanent loss of open space, and it becomes apparent that this loss cannot be mitigated through detailed design, the Secretary of State will require the nominated undertaker to discuss with the relevant planning authority appropriate mitigation including:

- bringing land already in the ownership of the relevant authority into use as a public open space;
- improvements to other public open spaces to remedy the deficiency in provision caused by the permanent loss; and
- improved accessibility to existing open spaces.

3.4 Priority will be given to mitigation measures that can either be secured within the limits of land to be acquired for Crossrail or land which can be secured through agreement with the relevant authority. It is not anticipated that the Secretary of State will exercise the powers which would be conferred by the Bill to acquire compulsorily land outside the Bill limits for the purposes of replacement open space, unless other forms of mitigation have been considered and rejected and the residual impact on open space provision in the area in question warrants the exercise of compulsory powers.