



# Planning & Heritage Memorandum (Annex 2 to the EMR)

## CR/HB/PM/0002

Custodian

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## **Planning and Heritage Memorandum**

### **1. Introduction**

1.1 Under the Crossrail Bill (“the Bill”), Schedule 7, Part 1, paragraph 1, the Secretary of State is obliged to make an order specifying every relevant local authority which has, on or before the relevant day, given him undertakings with respect to the handling of planning matters arising under that Schedule which he considers satisfactory.

1.2 This Memorandum sets out those undertakings. It is binding upon any authority which has chosen to sign it so as to have the powers available to qualifying authorities in the Bill, and (through the Development Agreement with the Secretary of State for Transport) upon the nominated undertaker. It shall be taken into account in determining matters submitted for approval to qualifying authorities under Schedule 7 to the Bill (“the Planning Conditions Schedule”). It is divided into eight principal sections:

2. Aim of the Memorandum
3. The Planning Forum
4. Expeditious Handling of Applications
5. Requests for Approval
6. Heritage
7. Mitigation
8. Environmental Management System
9. Procedures

1.3 ..... (“the authority) hereby undertakes to act in accordance with the terms of this memorandum.

### **2. Aim of the Memorandum**

2.1 The Crossrail Bill provides powers for the construction and operation of Crossrail. Schedule 1 of the Bill describes the 'scheduled works' that the nominated undertaker will be authorised to carry out. The descriptions provide a description of the type of work and their location, for example,

*‘Work No. 1/22– A passenger subway linking the proposed Crossrail platforms at Liverpool Street station with the London Underground Northern Line platforms at Moorgate Station commencing beneath a point in Moorfields 140 metres south-west of its junction with Ropemaker Street, passing under Ropemaker Street and terminating in Moorgate beneath a point 43 metres south-east of that junction’*

2.2 The Bill provides for these works to be constructed on land within the lateral limits of deviation (LoD) for the work concerned shown on the deposited plans and provides for an upwards limit of deviation of 3 metres from the levels shown on the deposited sections (subject to any exceptions within the Bill or maximum level for any station, depot or shaft shown on the sections). The deposited plans also show a further limit of land to be acquired or used outside the limits of deviation, which may be used for ancillary purposes.

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- 2.3 The Bill deems planning permission to be granted for the works authorised by it, subject to the conditions set out in Schedule 7. Schedule 7 includes conditions requiring various matters to be subject to the approval of the relevant local authority, and the extent of these depends on whether or not any local authority becomes a qualifying authority, that is to say one that “had, on or before the day on which the Crossrail Bill ... was reported from Select Committee in the House of Lords, given him undertakings with respect to the handling of planning matters arising under the Schedule which he considered satisfactory ...”.
- 2.4 There will be a considerable number of these ‘Schedule 7’ applications. This memorandum seeks to ensure that the process of obtaining these consents does not unduly hinder the construction of Crossrail. It sets out the arrangements for the processing of the applications, setting out the responsibilities of the nominated undertaker and the qualifying authorities.
- 2.5 This memorandum does not relate to applications for permission to construct over site development. Such applications, for non-railway related development over operational structures such as stations and vent shafts, will be taken forward as normal planning applications.

### **3. The Planning Forum**

- 3.1.1 The authority shall join with other qualifying authorities and the nominated undertaker (together with representatives from the relevant Government Departments) in establishing a Planning Forum (“the Forum”) to help co-ordinate and secure the expeditious implementation of the planning provisions in the Bill. The authority signing this Memorandum in order to become a qualifying authority under the Bill's planning regime also becomes a member of the Forum and is obliged to take into account its conclusions. Where appropriate, matters on heritage and design will be referred to the Heritage and Design sub-group of the Forum and matters on highways and traffic will be referred to the Highways and Traffic sub group.

#### ***3.2 Dedicated Staff***

- 3.2.1 The authority and the nominated undertaker shall nominate, for the duration of the project's design and construction, individuals who will be responsible for approval procedures. These individuals shall be authorised to consult each other and shall meet regularly in the Forum. This provision should contribute significantly towards meeting a key objective of this Memorandum which is to achieve the shortest timescale for securing decisions on requests made under the Bill's planning regime.

### **4. Expeditious Handling of Applications**

#### ***4.1 Matters to be Considered by Qualifying Authorities***

- 4.1.1 As members of the Forum, the nominated undertaker and the authority shall seek to facilitate the timely processing of requests for approval under the Planning Conditions Schedule. It should be noted in this connection that for the authorised works, tables in paragraph 6(4), 15(4) and 21(4) of the Schedule indicate the extent of the matters which the authority can consider as grounds for refusal, and for construction arrangements, grounds are similarly set out in relation to paragraphs 7(2), 16(2), 22(2) and 24(3).

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Grounds for refusal relating to certain other matters requiring approval are set out in paragraphs 8(2), 9(4), 17(4) and 23(2) of the Schedule.

### ***4.2 Importance of Expeditious Processing***

4.2.1 Crossrail is an infrastructure project of national importance for which Parliament has given approval. The authority shall accordingly have regard to construction cost and programme implications, and shall not seek to impose any unreasonably stringent requirements on the requests for approval or agreement of any construction arrangements, plans or specifications, mitigation scheme<sup>1</sup>, or site restoration scheme<sup>2</sup>, which might frustrate or delay this project. In particular, the authority shall not seek to impose unreasonably stringent standards in respects of land use, planning, design or environmental matters. In this context, the authority shall give due weight to any conclusions reached by the select committee (subject to any modifications made by Parliament) which are relevant to matters submitted for approval or agreement.

### ***4.3 Actions by the Qualifying Authority***

4.3.1 In recognition of the tight construction programme, the authority shall use its best endeavours, subject to its obligations under statute and to guidance from the Secretary of State in Planning Policy Guidance Notes and Circulars, to determine any request for a relevant approval within the timetable referred to in paragraph 30(4) of the Planning Conditions Schedule (i.e. eight weeks) or, whenever possible, a lesser period. Where appropriate the nominated undertaker will respond quickly to assist the local authority in the timely processing of requests.

4.3.2 The authority shall not require the nominated undertaker to vary the extent or content of a request for approval to include matters which could reasonably be included in a subsequent request (unless it is necessary for the determination of the first request). When designs of Crossrail works are submitted for approval, the nominated undertaker shall, where reasonably necessary for the proper consideration of the design proposed, provide an indication of appropriate mitigation measures.

4.3.3 When necessary, the authority shall put in place appropriate internal decision-making arrangements to ensure that this timetable for determining requests is achieved. If adherence to the normal committee cycle would make it difficult to reach decisions in accordance with the timetable, consideration should be given to authorising greater delegated powers for officers and/or the formation of a dedicated sub-committee. Where only part of a request can be determined within this timetable, the authority shall not seek unreasonably to delay determination of the remainder, and in consultation with the nominated undertaker may grant approval for those aspects or subsidiary packages of works which they have been able to determine.

### ***4.4 Actions by the Nominated Undertaker***

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<sup>1</sup> i.e. the scheme referred to in paragraph 9 or 17 (as appropriate) of the Planning Conditions Schedule.

<sup>2</sup> i.e. the scheme referred to in paragraph 8, 11, 19 or 24 (as appropriate) of the Planning Conditions Schedule.

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4.4.1 To facilitate effective consultation and ensure that requests for approval of construction arrangements or plans and specifications are determined within the timetable referred to above, the nominated undertaker shall, wherever reasonably practicable engage in forward discussions about prospective requests with the authority and statutory consultees<sup>3</sup>. The nominated undertaker shall also provide information relevant to his requests for approval at the earliest reasonably practicable stage.

### ***4.5 Delays in/refusal to determine applications***

4.5.1 If the authority repeatedly fails to expedite requests for approval, or seriously fails to expedite a request in line with the timescale set out in paragraph 30(4) of the Planning Conditions Schedule, or repeatedly or seriously fails to act in accordance with all the requirements of this Memorandum, the Secretary of State may have sufficient grounds to order that the authority shall cease to be a qualifying authority.

## **5. Requests for Approval**

### ***5.1 Applications for Approval of Plans and Construction Arrangements***

5.1.1 The planning regime in the Bill will require the nominated undertaker to submit for approval by the qualifying authority plans and construction arrangements for works authorised by the Bill.

5.1.2 Schedule 7 of the Bill sets out the grounds on which the qualifying authority may refuse to approve the plans and specifications for the operations or works or conditions that can be imposed on approvals. The Schedule also sets out the grounds on which the qualifying authority may refuse to approve construction arrangements.

#### **Relationship with other Documents**

### ***5.2 The Environmental Statement and other EMR's***

5.2.1 In determining requests for approval of construction arrangements<sup>4</sup> or plans or specifications<sup>5</sup>, the authority shall take into account the assessments in the Environmental Statement, the arrangements in the Construction Code, the Environmental Memorandum, any relevant undertakings and assurances to Parliament<sup>6</sup>, and any other relevant considerations.

### ***5.3 The Planning Context Report***

5.3.1 The authority shall also have regard to the Planning Context Report<sup>7</sup>, and to the nominated undertaker's explanation of how an individual request for approval fits into the overall scheme of the works authorised by the Bill. This

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<sup>3</sup> i.e. the bodies referred to in the table in paragraph 26(4), and in paragraphs 27(1) and 27(2) on the Planning Conditions Schedule.

<sup>4</sup> i.e. the arrangements with respect to a matter mentioned in the left-hand column of the table in paragraph 7(2), 16(2) or 23(2) or mentioned in paragraph 24(1) (as appropriate) of the Planning Conditions Schedule.

<sup>5</sup> i.e. the plans and specifications in respect of an operation or work mentioned in the left-hand column of the table in paragraph 6(4), 15(4) or 21(2) as appropriate of the Planning Conditions Schedule.

<sup>6</sup> i.e. undertakings and assurances included in the register of undertakings which forms part of the Environmental Minimum Requirements.

<sup>7</sup> i.e. the document referred to in paragraph 25 of the Planning Conditions Schedule.

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report is to include an indication of the location of the scheduled and ancillary works to which requests for approval are expected to relate.

### ***5.4 Justification for Refusal or the Imposition of Conditions***

5.4.1 Where an authority refuses approval of plans and specifications or construction arrangements, or imposes conditions on such approval, it shall (in addition to specifying the ground or grounds for its decision under the Planning Conditions Schedule) state clearly and precisely the full reasons for its decision.

5.4.2 In particular, where the authority's decision in relation to the approval of plans and specifications has been reached on the ground that some aspect of the operation or work ought to be modified and is reasonably capable of being modified, the authority shall include an explanation of why and how it considers the modifications should be made. Where the authority's decision has been reached on the ground that the development ought to, and could reasonably, be carried out elsewhere within the pertinent limits specified in the Bill, the authority shall include an explanation of why it considers the development should, and could reasonably, be sited elsewhere and where.

5.4.3 Where the authority's decision in relation to the approval of construction arrangements has been reached on the grounds that the arrangements ought to be modified and are reasonably capable of being modified, the authority shall include an explanation of why and how it considers modification should be made and where.

### ***5.5 Construction Code***

5.5.1 As part of the EMR's the nominated undertaker is bound by the Crossrail Construction Code which sets out the general objectives and measures to be applied to all construction works on Crossrail to maintain satisfactory levels of environmental protection and limit disturbance from construction activities.

### ***5.6 Reinstatement of Discontinued Facilities***

5.6.1 Schedule 15 of the Bill allows the Secretary of State, by direction, to specify conditions of the planning permission deemed to be granted under the Bill which are in addition to, or in substitution for, those set out in Schedule 7 to the Bill for facilities reinstating those discontinued by the Crossrail works. The discharge of such conditions and any related appeals are carried through the normal planning process as set out in the General Development Procedure Order.

### ***5.7 Standard Designs for Railway Infrastructure and Common Works***

5.7.1 For a number of types of railway infrastructure items the nominated undertaker will not be required by the Planning Conditions Schedule to submit a request for the approval of plans and specifications. Illustrations of the standard design or a range of standard designs for those works shall be presented to the Forum by the nominated undertaker for the Forum's information.

5.7.2 The Forum will also consider procedures by which authorities agree with the nominated undertaker standard designs for certain common works, so that requests for such works that have been submitted for approval need only make reference to standard design drawings. Where the Forum has made a recommendation on a standard design for a common work, the authority shall

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take into account that recommendation when considering whether to grant approval of the plans and specifications submitted to it for that work. The Forum will also use its best endeavours to agree in advance with the nominated undertaker and relevant Government Departments locations (particularly those within conservation areas) where the designs of such common works may need to be considered individually.

### ***5.8 Grounds for the Imposition of Planning Conditions***

5.8.1 The authority will be able to refuse to approve or impose conditions on approvals for plans and specifications of works falling within the table in paragraph (6)4, 15(4) and 21(4) (as appropriate) of the Planning Conditions Schedule. However, the reasons for refusal or conditions must relate directly to the grounds which are specified in the relevant table as grounds for refusal and take account of established Department for Communities and Local Government guidance on planning conditions. The Forum may be consulted on the form of appropriate standard conditions. The authority will not be able to impose conditions on approvals relating to construction arrangements except where the conditions are agreed beforehand between the nominated undertaker and the authority.

5.8.2 Where additional details of a development required under paragraph 6, 15 or 21 (as appropriate) of the Planning Conditions Schedule, are submitted for approval, the authority shall use its best endeavours to make its decision on the approval of those additional details expeditiously, and in any event within not more than four weeks after the date of the submission of those additional details.

### ***5.9 Site restoration schemes***

5.9.1 The nominated undertaker will be required in the circumstances specified in paragraph 8, 11, 19 or 23 (as appropriate) of the Planning Conditions Schedule to implement a site restoration scheme as agreed with or approved by the authority, or failing agreement, as determined by the relevant Secretaries of State.

### ***5.10 Applications Outside the Bill Process***

5.10.1 There may be instances when it will be necessary to obtain permission for works which are not the subject of deemed consent granted by the Bill. Should the nominated undertaker seek permission through the normal planning process the authority shall consider and determine the application expeditiously under normal planning procedures.

## **6. Heritage**

### ***6.1 Principles***

6.1.1 In taking forward the detailed design and construction of Crossrail, the nominated undertaker will have due regard to the guidance set out in PPG15: Planning and the Historic Environment, in order to protect the settings, character and amenity of listed buildings, conservation areas and other historic areas identified in the guidance. Sympathetic design and the careful control of construction works will be of particular importance in achieving these objectives.

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6.1.2 The nominated undertaker will also respect the principles set out in Planning Policy Guidance Note 16: Archaeology and Planning.

### ***6.2 Listed Buildings***

6.2.1 Paragraph 1 of Schedule 8 of the Bill disapplies controls under the Listed Buildings and Conservation Areas Act 1990 in relation to listed buildings which are affected by Crossrail works. It is proposed an agreement will be made with each affected local authority and with English Heritage as appropriate. These agreements cover the site specific arrangements for each of the listed buildings set out in the Table in paragraph 1 of Schedule 8 to the Bill. These agreements will ensure that appropriate safeguarding measures are in place for the buildings.

6.2.2 Paragraph 2 of Schedule 8 of the Bill disapplies controls under the Listed Buildings and Conservation Areas Act 1990 in relation to listed buildings which may require protective works. The agreements referred to in paragraph 6.2.1 above also deal with these buildings.

### ***6.3 Conservation Areas***

6.3.1 Paragraph 1(4) of Schedule 8 of the Bill disapplies controls under the Listed Buildings and Conservation Areas Bill 1990 in relation to demolition of buildings in a conservation area. In relation to these works, the approval of construction arrangements and the approval of operations and works will follow procedures set out in Schedule 7 and as explained elsewhere in this memorandum.

### ***6.4 Consultation With English Heritage***

6.4.1 Paragraph 26 of Schedule 7 to the Act requires that where a local authority considers a request for approval to relate to matters which may affect a site of archaeological or historical importance it consults English Heritage. The criteria in paragraph 8(2) of Circular 01/01: Arrangements for Handling Heritage Applications within Greater London and paragraph 8(3) of Circular 01/01: Arrangements for Handling Heritage Applications outside Greater London and PPG16 paragraph 23 provide guidance on when a request for approval should be considered to be of archaeological or historical importance.

### ***6.5 Scheduled ancient monuments***

6.5.1 Crossrail works may affect sections of the London Wall which are scheduled monuments and are within the City of London.

6.5.2 One of the sections of the London Wall is within the Church of All Hallows which may be affected by settlement. A further section of London Wall may require protection due to the diversion of utilities. The nominated undertaker will liaise with English Heritage during the preparation of the methodology for the works.

6.5.3 It is proposed a Scheduled Monuments agreement will be put in place with English Heritage and, should the works be of a type that would normally require scheduled monument consent this agreement will be the process by which they are approved.

### ***6.6 Other Historic and Archaeological Resources***



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- 6.6.1 It is recognised that there will be loss of, or modifications to, other buildings or structures which, although they do not have any statutory protection, are of historical interest. It is proposed that the mitigation strategy for both above ground and below ground historic features (including archaeological resources) are considered together. The framework for mitigation is set out in Paragraph 7 below.

### **7. Mitigation**

#### *7.1 Mitigation - Overview*

- 7.1.1 In selecting the route of Crossrail, full regard has been paid to the need to avoid, or, where otherwise unavoidable, to constrain any impacts on sensitive areas such as those designated as being of archaeological or historical importance or areas of nature conservation value. The nominated undertaker will be required to abide by the terms of the Environmental Memorandum which forms part of the EMR's. In addition, under paragraph 9 or 17 (as appropriate) of the Planning Conditions Schedule, the nominated undertaker is required to obtain the approval of the authority before bringing a scheduled work into use, other than tunnels more than nine metres below the surface and stations. Tunnels more than nine metres below the surface and stations are excluded from this requirement because they are not thought to have an impact which can successfully be mitigated after the event. The authority will be required to grant approval where no reasonably practicable measures need to be taken for the purposes of mitigation, or where it has approved a scheme comprising provision relating to the taking of such measures.
- 7.1.2 When applying for approval of plans and specifications and construction arrangements affecting sites of archaeological, historical or nature conservation interest, the nominated undertaker shall adopt a sensitive approach to development, within the physical constraints imposed by Crossrail works and so far as practicable, having regard to the need to maintain project viability and a tight construction programme. This obligation to adopt a sensitive approach shall encompass a commitment to appropriate mitigation measures, which may include recording, restoration, or relocation.

#### *7.2 Mitigation of Historic and Archaeological Resources*

- 7.2.1 Prior to works commencing, the archaeological assessments will be reviewed in relation to the detailed project design. Where appropriate additional detailed archaeological assessment and/or archaeological field evaluation will be carried out. This will then determine the need for site mitigation works. The mitigation measures will be defined in detail in individual archaeological project designs (also known as Site-Specific Written Schemes of Investigation (WSIs)) which will be developed in consultation with the relevant statutory authorities. For example this may include archaeological excavation, again, before works commence, and/or the implementation of a watching brief during construction works. The Site-Specific WSIs will include a programme for archaeological work. Where appropriate this will show time periods and sequence of archaeological work as an integrated part of the enabling and construction works programme.
- 7.2.2 Where the Heritage Sub-Forum has approved a Generic WSI setting out general principles for the preparation of Site-Specific WSIs, the Site-Specific WSIs shall be prepared in accordance with those principles. The broad headings for the Generic WSI are set out in Appendix 1.

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- 7.2.3 The approach to mitigation as set out above has been designed to ensure that the potential for discovering unexpected major finds is minimised. However, if potentially nationally important remains not encompassed by the scheme of archaeological works are discovered during the construction, the nominated undertaker will immediately alert the relevant statutory authorities. The nominated undertaker will first examine in consultation with the relevant statutory authorities whether preservation in situ is feasible within the limits of deviation of the project and other constraints. If preservation in situ is not feasible, the nominated undertaker will carry out archaeological excavation on the site, to achieve preservation by record. The nominated undertaker will allow a period for archaeological recording and excavation that has been determined in consultation with the relevant statutory authorities, having due regard to the construction programme, but shall not be less than 28 days. At the end of that period the nominated undertaker's works will be able to continue.
- 7.2.4 Where the Secretary of State for Transport is notified of a decision by the Secretary of State for Culture, Media and Sport, following advice from English Heritage or representations from the authority that remains investigated under these provisions are of exceptional national importance, he may after consulting the nominated undertaker extend the period available for recording and excavation, or require the nominated undertaker to take steps such as are feasible in engineering terms to preserve the remains. In those circumstances, the nominated undertaker shall comply with the Secretary of State for Transport's decision.
- 7.3 *Landscape and Nature Conservation Mitigation*
- 7.3.1 The Environmental Memorandum identifies worksites where a significant impact is predicted in terms of landscape and nature conservation. The nominated undertaker will be required to prepare environmental management plans for these sites focusing on environmental priorities and mitigation requirements.
- 7.4 *Mitigating Impacts on Open Space*
- 7.4.1 Some of the land authorised for acquisition by the Bill 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 the Crossrail scheme or, in a number of more limited cases, the permanent loss of public open space arising from the infrastructure required to operate the railway.
- 7.4.2 The mitigation of open space will be dealt with in accordance with the Environmental Memorandum and Crossrail Information Paper D13 – Restitution of Open Space.
- 7.5 *Mitigating Impacts in Townscape*
- 7.5.1 Where the works have a significant negative impact on the townscape, including the setting of listed buildings, the nominated undertaker will seek to mitigate these impacts in the design of, and construction arrangements for, works submitted for approval under Schedule 7 and landscaping schemes submitted as part of bringing into use applications. The nominated undertaker will engage in pre-application discussion with the relevant qualifying authorities.

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7.5.2 Where issues arise in relation to the public realm or the wider historic environment, and in particular where they are beyond the limits in the Bill and therefore outside the scope of Schedule 7, the nominated undertaker will co-operate with and provide relevant information to the local authority, to enable the local authority to develop appropriate solutions. The local authority will work alongside, as appropriate, other local authorities, English Heritage, the Greater London Authority (and others). This work shall not delay the handling of applications as set out elsewhere in this memorandum.

### ***7.6 Role of Over Site Development in Mitigating Impacts***

7.6.1 The Crossrail Environmental Statement reported that several of the townscape impacts resulting from the demolition of a Listed Building or buildings in or adjacent to a conservation area would be mitigated through the development of over site development. As noted above in paragraph 2.5 permissions for these developments is not being sought through the Bill process and is therefore outwith the remit of this memorandum. The Secretary of State has given an undertaking that in relation to any building specified in the table in clause 14(2) of the Bill other than those in the Royal Arsenal Woolwich Conservation Area in the London Borough of Greenwich:

(1) There is consultation with Local Planning Authorities prior to submission of a planning application for OSD on –

- a. the proposed use, quantum, layout, scale, access, appearance and response to context of the proposed OSD (including where appropriate co-operation in the preparation of a Planning Brief and/or SPD); and
- b. the means by which the fundamental design elements of the new development will be integrated with the Crossrail Works (including loadings, support and access).

(2) OSDs in or adjacent to Conservation Areas will be designed in accordance with relevant national, regional, spatial and local planning policies, and in consultation with English Heritage.

(3) In assessing the contribution that OSDs will make to the character or enhancement of conservation areas the quality of buildings that existed prior to demolition will be a material consideration.

(4) A planning application and accompanying environmental statement for the proposed OSD is submitted as soon as reasonably practicable and in any event no later than 2 years after the commencement of construction of the Crossrail Works on the site unless the Local Planning Authority agree to a deferral or agree that an application is not required.

(5) The planning application progresses by using reasonable endeavours to obtain planning consent by the date structural works for the new railway on the site are completed or as soon as reasonably practicable thereafter.

(6) Reasonable endeavours will be used to ensure development is commenced in accordance with the planning consents granted once the works to the new stations or railway on the sites are completed.'

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7.6.2 In relation to the buildings specified in the table in clause 14(2) in the Royal Arsenal Woolwich Conservation Area in the London Borough of Greenwich the Secretary of State has given an undertaking that:

(1) If –

- a) a decision is made to proceed with the fitting out of a station at Woolwich; or
- b) a decision is made that a station will not be provided at Woolwich;

a planning application and (if required) an accompanying environmental statement for a proposed OSD is submitted as soon as reasonably practicable and in any event no later than 2 years after either decision has been made and the construction of Crossrail Works at Woolwich has commenced, unless the Local Planning Authority agree to a deferral or agree that an application is not required.

(2) There is consultation with the local planning authority, prior to submission of a planning application for OSD on:

- a) the proposed use, quantum, lay-out, scale, access, appearance and response to context of the proposed OSD (including where appropriate co-operation in the preparation of a Planning Brief and/or SPD); and
- b) the means by which the fundamental design elements of the new development will be integrated with the Crossrail Works (including loadings, support and access).

(3) The OSD will be designed in accordance with relevant national, regional, spatial and local planning policies, and in consultation with English Heritage.

(4) In assessing the contribution that the OSD will make to the character or enhancement of conservation areas the quality of buildings that existed prior to demolition will be a material consideration.

(5) Reasonable endeavours will be used to obtain planning consent by the date the works for the new station or railway on the site is completed.

(6) Reasonable endeavours will be used to ensure that development is commenced in accordance with the planning consent granted once the works to the new stations or railway on the site is completed.

7.6.3 The qualifying authority will therefore have control over the design of the replacement building, and therefore the mitigation of the townscape impacts, through the exercise of their usual planning powers.

7.6.4 The Heritage and Design sub-group of the Crossrail Planning Forum shall consider how Crossrail can work with local authorities in relation to over-site development, including the early preparation of planning briefs.

## **8. Environmental Management System**

8.1 In line with the requirements of the Environmental Memorandum, the nominated undertaker will introduce an Environmental Management System which will be used to help ensure delivery of mitigation measures for Crossrail commensurate with standards detailed in the Environmental Statement of the

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environmental aspects of assurances and undertakings given to Parliament, and of approvals given and conditions imposed by local authorities under clause 10 of the Bill.

### **9. Procedures**

- 9.1 The nominated undertaker shall submit requests for approval of construction arrangements, plans and specifications, and mitigation schemes in compliance with guidelines on standardised proforma, plans processing and handling of amendments to be drawn up by the Forum, subject to the agreement of the DfT and the Department for Communities and Local Government.
- 9.2 The Crossrail Bill makes provision for the putting in place of regulations for fees for applications for approval under Schedule 7. The regulations may provide that where fees are agreed, the fees prescribed by the regulations will not apply.
- 9.3 Where the nominated undertaker is aggrieved by a decision of a planning authority on a request for approval they may appeal the decision to the appropriate Ministers. Appeals can also be made if requests for approval are not determined within the time period set out in the Bill. Unless the appropriate Ministers direct otherwise their functions in relation to the determination of appeals will be carried out by the Planning Inspectorate. Appeals will be dealt with on the basis of written representations unless the person deciding the appeal directs otherwise.

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### Appendix 1: Outline of the Generic Written Scheme of Investigation

1. Introduction
2. Compliance with legislation and relevant codes of practice
3. Data gathering and detailed desk-based assessment
4. Site-based assessment (archaeological field evaluation)
5. Mitigation measures
  - 5.1 Preservation in situ
  - 5.2 Preservation by record
  - 5.3 Watching brief
6. Archaeological Project Designs (Written Scheme of Investigation)
7. Post-excavation Programme
8. Dealing with remains discovered during construction

Appendix: Policies and Guidelines