

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 1998 (“The 1998 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(10), 18(3) and 30 of the 1998 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 (“DMPO”) 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 [date] 2015 now replace the Directions issued on 18 June 2008. The Secretary of State for Transport is committed to review this Safeguarding Direction by 2021.

6. The defined zones of the Directions comprise:-
 - (a) Zones containing 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. These are all designated on the plans annexed to the Directions as “Areas of Surface Interest”; and
 - (b) Zones 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. TfL should be sent applications for planning permission on which they must be consulted, in accordance with paragraph 4 of the Directions.
8. Copies of the applications referred to in paragraph 7 should be sent by first class post to:-

The Safeguarding Manager, Transport for London, [address]

Or may be sent by email to:-

[Email address]
9. Such applications must not be determined before the expiry of the period for consultation set out in articles [10(4)] and [10(4A)] of the DMPO.
10. If permission is refused, the decision issued should state all the reasons for refusal. 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 8 above.
11. 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 8 above and notifying TfL when such conditions have been fully discharged.
12. If local planning authorities are minded to approve applications against the advice of TfL, these applications should be sent by first class post, in accordance with paragraph 5 of the Directions, to:-

[London Transport Division, Department for Transport, Zone 5/26 Great Minster House, 33 Horseferry Road, 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

13. 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 served on TfL and sent to:-

The Safeguarding Manager, Transport for London

[Address]

With a copy to:-

Operational Property Manager, Transport for London

[Address]

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

Planning and local land charges registers

14. In accordance with article [25(4)(b)] of the DMPO, particulars of the Directions in respect of any applications for planning permission to which they apply must be entered in Part II of the register of Applications. The DfT is also of the view that the Directions should be revealed in response to Part 1 of Standard Enquiries of Local Authorities (Form Con 29) sent with requisitions for searches of the local land charges register in relation to land and property:-

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

15. TfL suggests that, in response to the appropriate question in Part 1 of the Standard Enquiries, 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 [date] 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 [date] 2015 in respect of the Crossrail 2 Project.

Consultation on permitted development

16. The Directions also apply to proposals to carry out permitted development. TfL would find it helpful to be informed of proposals to carry out works under article [3] and Schedule [2] of the DMPO.

Existing planning permissions

17. 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

18. 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.
19. Accordingly, local planning authorities must review all pending applications to determine whether the proposed development is covered by paragraph 4 of the Directions.

Local Development Frameworks (“LDFs”) and old style Unitary Development Plans (“UDPs”)

20. The area safeguarded by the Directions should be identified in LDFs or in old style UDPs. Local planning authorities should indicate the Directions on the Proposals Map. Proposals which conflict with the Directions should not be included in LDFs or old style UDPs.
21. LDFs and UDPs should state that the Directions have been made to 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 under statutory procedures, which will provide appropriate opportunities for representations to be made by those directly affected by the scheme. Further information on the statutory procedures can be obtained from www.parliament.uk and from the TfL help desk, telephone [number] (24 hour service) or [email address].
22. The local planning authority should record any representations received and bring these to the attention of the Inspector appointed to examine the soundness of a LDF or public local inquiry into objections to an old style UDP. 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 consider the objection or make recommendations on it. Local planning authorities when adopting planning policy documents should note in the statement of consultation and representations received to the Directions.
23. It would be helpful if local planning authorities would consult with TfL by writing to the TfL Safeguarding Manager at the address given in paragraph 8 on any drafts of LDFs which affect the land within the consultation zones and upon any draft orders promoted pursuant to any enactment authorising the construction of works upon which the local planning authority has been consulted on.
24. These Directions come into force on [date] 2015 and apply to applications for planning permission as provided for on paragraph 1 of the Directions

[Date] 2015

Department for Transport