



Department
for Transport

Crossrail 2 Safeguarding Direction Consultation Document

October 2014

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General enquiries: <https://forms.dft.gov.uk>

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Foreword

Crossrail 2 is a proposed new underground railway line to be built between Wimbledon and New Southgate / Tottenham Hale via Central London (Victoria and Euston), with the potential to connect to the national rail network.

Safeguarding is a planning process that enables the Government to issue Directions to local planning authorities to protect land needed for long term infrastructure projects from developments that would prevent them being built or make them more expensive. This is increasingly needed as cities are redeveloped with bigger buildings that have deeper foundations. Safeguarding does not necessarily prevent developments taking place: it ensures that when they take place the design can accommodate the addition of railway infrastructure.

Parts of the proposed Crossrail 2 route have been subject to safeguarding since 1991. The Mayor for London has reviewed the existing safeguarding Directions following changes in forecasted transport demand, and has concluded that some changes need to be made to the existing Directions. TfL has carried out a number of planning and design studies which have led to a proposed new Direction to safeguard the route alignment. The Crossrail 2 Direction would replace the existing Chelsea - Hackney line safeguarding Directions. The Secretary of State for Transport is committed to review this safeguarding Direction by 2021.

Executive summary

Introduction

1. This consultation provides an opportunity for comments to be made on the proposed safeguarding direction for Crossrail 2 and the accompanying guidance and explanatory notes.
2. Safeguarding is a process that enables the Government to issue directions to local planning authorities to protect land from development that would prevent the long-term infrastructure projects from being built or make them more expensive. Safeguarding does not necessarily prevent developments taking place: it ensures that when they are built the design can accommodate the addition of proposed infrastructure.
3. The Mayor's Transport Strategy published in May 2010 sets out his transport vision for London and details how Transport for London (TfL) and partners will deliver the plan over the next 20 years. In the strategy the Mayor supports new rail capacity in a southwest to northeast corridor across London, including new lines or services using the Chelsea Hackney line (CHL) safeguarded alignment. TfL has carried out a review of the CHL route to ensure that it provides the maximum benefits, including helping the onward dispersal of passengers from central London termini and providing value for money.
4. TfL considers that the CHL route should be amended and, in partnership with National Rail (NR), it has proposed a number of changes to reflect future needs and current opportunities.
5. TfL has asked the Secretary of State for Transport to issue a new Direction for Crossrail 2 which would replace the present CHL safeguarding Direction which was issued on 18 June 2008. The new Direction would reflect changes in proposals since 2008, the outcome of consultation undertaken in 2013 and the modifications under consideration.

How to respond

The consultation period began on 20 November 2014 and will run until 29 January 2015. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found on the gov.uk website or you can contact Emma Hindley on 020 7944 3707 if you need alternative formats (Braille, audio CD, etc.).

Please respond using the online form, or alternatively send consultation responses to:

Emma Hindley

London Transport Policy

5/26 Great Minster House

33 Horseferry Road

London

SW1P 4DR

0207 944 3707

Crossrail2.Safeguarding@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were gathered.

A list of those consulted is attached at Annex C. If you have any suggestions of others who may wish to be involved in this process please contact us.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you would like the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1. General Information

About the consultation

- 1.1** The Department wishes to have the comments of local planning authorities who will be directed to consult Transport for London (TfL) regarding planning applications on land required for the construction of Crossrail 2. Comments from landowners and developers along the proposed route who may be affected by the safeguarding direction are also welcomed. Safeguarding may affect land and property within 55 metres of the centre line of the Crossrail 2 project.
- 1.2** All responses received within the consultation period will be considered and responded to as necessary. After the consultation period a summary report will be made available on the Department of Transport website. The summary report will provide an analysis of responses received and the Department for Transport response.
- 1.3** Subject to the results of the consultation, we expect that the summary report and safeguarding direction will be issued in early 2015.

What is this consultation about?

- 1.4** We are consulting on the proposal to issue a Direction requiring local planning authorities to consult TfL about planning applications that might affect Crossrail 2. For full details of the proposal, please refer to Section 3 of this document.
- 1.5** This consultation does not relate to the detail of a proposed route or the location of any infrastructure. This will be the subject of separate consultations undertaken by TfL. Moreover, the consultation is not an application for consent or legal authorisation to build any part of the project.

Comments on safeguarding Crossrail 2

- 1.6** We will consider comments from local planning authorities and from organisations, businesses or individuals interested in the

proposals. We would ask interested organisations, businesses and individuals to make contact with us and communicate their views.

- 1.7** If those views relate to the detail of proposed railway alignments, proposed infrastructure or any aspect of the project other than the proposed safeguarding directions you should contact TfL at the address given below.
- 1.8** If you are responding on behalf of an organisation other than a local planning authority affected by the proposal, it would be helpful if you could note this in your reply. Please indicate the nature of the organisation, how many individuals' views are included in your response and ways in which these views were gathered.

2. Legislative changes

Legislative changes for the safeguarding of Crossrail 2

- 2.1** Subject to the outcome of the consultation, a Direction will be issued by the Secretary of State for Transport to local planning authorities, using powers conferred by articles 16(4), 25(1) and 29(6) of the Town and Country Planning (Development Management Procedure) (England) Order 2010¹. The Direction will instruct local planning authorities to consult TfL when they receive particular planning applications regarding land within the Limits of Land subject to Consultation shown on plans attached to the Direction.
- 2.2** In addition to directing planning authorities to consult TfL, the Direction requires the local planning authority to follow TfL's recommendation when determining an application for planning consent. If it does not follow TfL's recommendation it must give the Secretary of State 21 days' notice of its intentions and forward the information listed in the Direction to the Secretary of State.
- 2.3** The proposed Direction would not apply nationally – it will apply only to land specified in the Direction.
- 2.4** The Direction will replace the Safeguarding Directions for the Chelsea Hackney Line issued by the Secretary of State for Transport on 18 June 2008 under articles 10(3), 13(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995². The Secretary of State for Transport is committed to review the new safeguarding Direction by 2021.
- 2.5** The operation of the Safeguarding Direction may give rise to statutory blight under Chapter II of the Town and Country Planning Act 1990 but does not give any powers to acquire land or to grant any form of planning consent for the construction of works. The construction and maintenance of

¹ 2010/2184 as amended

² S.I. 1995/419 revoked by 2010/2184

Crossrail 2 will require specific authorisation under any future consenting mechanism.

3. Crossrail 2

What is happening?

3.1 The Mayor's Transport Strategy published in May 2010 sets out his transport vision for London and details how TfL and partners will deliver the plan over the next 20 years. In the strategy the Mayor supported new rail capacity across London from the southwest to the northeast of the city including new lines or services using the CHL safeguarded alignment. TfL was tasked with reviewing the route to ensure it provides the maximum benefits, including helping the onward dispersal of passengers from central London termini and value for money.

3.2 TfL has completed the review and has concluded that the CHL route should be revised and, in partnership with NR, has proposed a number of changes to reflect future needs and current opportunities. The major changes are:

3.3 Wimbledon – Victoria

The CHL route from Wimbledon to Victoria using the District line between Wimbledon and Fulham Broadway is abandoned in favour of one via Tooting Broadway to relieve the Northern line and Clapham Junction. The route continues to Victoria via either World's End, Chelsea, or Kings Road, Chelsea. The CHL alignment is joined on the west side of Victoria station.

3.4 Victoria –Angel

The only significant change in central London is a deviation between Tottenham Court Road and Angel to an alignment north of the Euston Road which would serve the redevelopment of Euston station to accommodate HS2 and the new St Pancras station entrance. North of Angel the line approaches Dalston on a north – south axis rather than the previous east – west one.

3.5 Angel – New Southgate and Tottenham Hale

The CHL route from Dalston Junction to Leytonstone and connection with the Central line has been abandoned in favour of a route to Alexandra Palace and New Southgate which relieves the Piccadilly and Victoria lines. Between Angel and

Dalston Junction the safeguarding provides for a possible branch to Hackney Central. The routes to New Southgate and Tottenham Hale diverge at a second junction at South Tottenham.

Network Rail works

3.6 South of Wimbledon

Strategic planning studies by NR suggest that additional capacity will be required on routes from Waterloo through Wimbledon towards New Malden. The proposed safeguarding direction allows for this development by providing surface connections at Wimbledon.

3.7 North of Tottenham Hale

Strategic planning studies by NR suggest that provision should be made for the widening of all or part of the line between Tottenham Hale and Cheshunt to accommodate increasing demand for local services on this route. The proposed safeguarding direction includes provision to connect into the NR lines at Tottenham Hale.

Programme

3.8 The outline programme for the development and implementation of Crossrail 2 is:

2014 – 16	Ongoing development, option testing, analysis
2015	Safeguarding changes
2016 – 17	Single preferred option consulted upon and finalised
2017 - 19	Securing powers to construct
2020 – 30	Construction and testing
2030	Start of public services

Further information

- 3.9** Further information about Crossrail 2 can be obtained by contacting the TfL project team in writing at:

Crossrail 2 Information

TfL Planning

Windsor House

42 – 50 Victoria Street

London SW1H 0TL

Email: Crossrail2@tfl.gov.uk

Alternatively visit the Crossrail 2 website at
www.crossrail2.co.uk

4. Background Information

Questions and answers

4.1 What is happening?

The Mayor of London has asked TfL to review long-standing plans for a new underground line on a northeast – southwest axis through central London between Leytonstone and Wimbledon (the Chelsea – Hackney line). TfL has carried out the review and has recommended that the proposed alignment should be changed to Wimbledon – Tottenham Hale and New Southgate which reflects current priorities for railway investment in London. TfL has proposed that the Safeguarding Direction for the Chelsea – Hackney line should be amended to reflect that review.

4.2 Why is the Department for Transport consulting?

This consultation is concerned with whether a new safeguarding Direction should be issued. In the light of TfL's review, the proposals no longer affect some local authorities but will affect others. It is an opportunity for local authorities to raise any issues they have on the principle of making a direction and its operation.

TfL has undertaken public consultation on the type of railway service to be provided and the areas to be served. It has also consulted the public on some changes to the alignment, notably at Chelsea and in north east London. This consultation is not intended to repeat or supplement that work.

4.3 Who can respond to this?

The Department for Transport is interested to hear from local planning authorities about the proposal to issue a new Direction, as well as from interested organisations and members of the public. Any responses which relate to the design of the scheme, proposed land uses and property matters (as opposed to the safeguarding proposal) will be referred to TfL.

4.4 How does safeguarding work?

The safeguarding Direction requires local planning authorities to consult the infrastructure planning authority (TfL in the case of Crossrail 2) when it is considering particular planning applications within the area shown on the plans attached to the Direction. The infrastructure planning authority advises the planning authority how to respond to the application. In most cases it will have no comment or ask for any approval to be subject to planning conditions that have to be resolved before work on the development starts. Very rarely, the local planning authority will be instructed to refuse the application.

4.5 I own property within the safeguarding limits. How will I be affected?

If you wish to develop the land in a way which might affect any future railway works and apply for planning consent, the application will be referred to TfL as part of the routine consultation on the application. It will then depend on the scale of your proposals. If you are proposing a large development with foundations more than 3 metres below ground level TfL will contact you and ask for more information so that they can discuss their consultation response with you.

If your application is for smaller scale works (for example, within 3 metres of the surface) TfL may respond direct to the local planning authority that they have no comment or seeking planning conditions.

On the sale of your property, the existence of the safeguarding will be revealed to your purchaser in response to a search of the Land Charges Register. If the purchaser needs more information they can contact the TfL safeguarding team.

4.6 Can I contact TfL about my plans?

Crossrail Ltd has published a Technical Guide for Developers on the Crossrail web site at www.crossrail.co.uk/route/safeguarding. This advice is applicable to Crossrail 2. The TfL safeguarding team is always willing to answer questions about the operation of the safeguarding and the underlying infrastructure scheme.

4.7 What land is affected?

The plans attached to the safeguarding Direction show the limits of land subject to consultation (the safeguarding limits). The Direction instructs local planning authorities to consult TfL when they receive planning applications on land within the limits. In some areas, shown as areas of surface interest, all applications are to be included in the consultation. Over most of the route the consultation is limited to applications for underground work that could affect the proposed railway tunnels.

4.8 What is “an area of surface interest”?

An area of surface interest is an area where local planning authorities must consult TfL on all planning applications they receive. These are areas where the Crossrail 2 proposals will have a greater effect on the land surface. This land includes proposed sites for stations, ventilation and emergency access shafts, the tunnel portals (where the trains reach the surface), maintenance depots and for temporary construction purposes. The surface interest includes areas where the tunnels will be shallow and buildings may need to be protected against ground movement during construction. These areas are marked on the plans attached to the safeguarding Direction.

4.9 Can I appeal against my property being safeguarded?

No. The safeguarding Direction is an instruction to the local planning authority to consult TfL and does not directly confer any decision making power. If a planning application is made and consent is refused or restricted by conditions for the protection of Crossrail 2 then the decision is subject to appeal in the usual way.

4.10 Does the safeguarding Direction affect my ability to serve a Blight Notice or a Purchase Notice?

The provisions of the Town and Country Planning Act 1990 on Blight and Purchase Notices apply to property affected by the Direction.

Before you consider securing a Blight or Purchase Notice, you are strongly advised to consult a professional advisor. The Royal Institution of Chartered Surveyors offers a free consultation service at www.RICS.org.

4.11 Will the safeguarding ever be removed?

Safeguarding plans are kept under review. It is not essential for land that is no longer within the scope of the project to be removed from the plans immediately. TfL will advise the local planning authority that it has no comments when consulted on land that is no longer affected by a project proposal. The plans will be renewed either when there is a major change in the project or consent is sought for construction of the project. The Secretary of State for Transport is committed to review this safeguarding Direction by 2021.

4.12 Does the safeguarding mean that construction of the project is about to start?

No. The safeguarding Direction does not authorise the compulsory acquisition of land or the construction of works which are essential for Crossrail 2 to be built. These need express legal powers. Any such application in the future will be subject to consultations, preparation of an Environmental Statement and detailed public examination.

4.13 Will I be consulted if powers are sought to implement a scheme?

TfL will undertake a programme of public consultation and public information before seeking legal authority to construct the railway. The process of securing consent for construction will involve extensive consultation and a detailed examination of any scheme brought forward. Information will also be published in the local and national press in accordance with the relevant consenting procedures. Consultation will continue throughout the construction phase of the project.

4.14 Will all the land within the limits of land subject to safeguarding be needed for the railway?

No. The extent of the land required for Crossrail 2 will change as the design of the project is developed and more information is obtained about the many factors that will influence the land requirement. The maximum limits of land to be acquired or used will be fixed when statutory powers for the acquisition of land and construction of the works are applied for. Those limits may go beyond the limits shown on the safeguarding

direction drawings. It depends upon the extent of the project that may ultimately be taken forward.

What will happen next

A summary of responses, including the next steps, will be published in early 2015 on the Department for Transport website. Paper copies will be available on request.

If you have questions about this consultation please contact:

Emma Hindley
London Transport Policy
5/26 Great Minster House
33 Horseferry Road
London
SW1P 4DR

0207 944 3707

Crossrail2.Safeguarding@dft.gsi.gov.uk

Further background information can be found at www.crossrail2.co.uk.

Annex A: Full list of consultation questions

Please respond online using the form provided. Alternatively, complete this pro-forma and send it to the address below:

Emma Hindley
London Transport Policy
5/26 Great Minster House
33 Horseferry Road
London
SW1P 4DR
0207 944 3707

Crossrail2.Safeguarding@dft.gsi.gov.uk

Part 1 – Information about you

This section is optional, but completing it helps with our analysis of results. A note at the end of this form explains that we may be obliged to release this information if asked to do so.

Email	
Company Name or Organisation (if applicable)	

Please tick one box from the list below that best describes you/ your company or organisation	
	Small to Medium Enterprise (up to 50 employees)
	Large Company
	Representative Organisation
	Trade Union
	Interest Group
	Local Government
	Central Government
	Emergency Services
	Member of the Public
	Other (Please describe):
If you are responding on behalf of an organisation or interest group, how many members do you have and how did you obtain the views of your members:	
If you would like your response or personal details to be treated confidentially please explain why:	

Part 2 - Your comments

If you are responding with regards to a building in the safeguarded area, please give the postcode of that building:
--

Please tick one box below to indicate where the building your response relates to is situated, in relation to the safeguarded area. You can use the map found [here - hyperlink] to check if you are not sure.		
<input type="checkbox"/>	In an area of surface interest (AOSI)	
<input type="checkbox"/>	In the safeguarded area, but not in an AOSI	
<input type="checkbox"/>	Within 200m of an AOSI, not safeguarded	
<input type="checkbox"/>	None of the above	
<input type="checkbox"/>	Don't know	
Do you agree with the proposal to update the safeguarding of the Chelsea-Hackney Line route? If not, please explain why.	Yes	No
Please add any comments:		
Do you agree with the content of the proposed safeguarding directions? If not, please explain why.	Yes	No
Please add any comments:		
Do you agree with the content of the guidance for Local Planning Authorities on the directions? If not, please explain why.	Yes	No
Please add any comments:		

Do you agree with the geographical coverage of the land to be safeguarded? If not, please explain why.	Yes	No
Please add any comments:		
Do you have any specific comments on the safeguarding process or on the guidance provided?		

Note on disclosure of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want any information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

For this reason, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be binding to the Department for Transport,

The Department for Transport will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Annex B: Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Annex C: List of those consulted

Government/ Local Government Bodies

City of Westminster	London Borough of Haringey
Lea Valley Regional Park Authority (previously Olympic Delivery Authority)	London Borough of Islington
London Borough of Barnet	London Borough of Merton
London Borough of Camden	London Borough of Waltham Forest
London Borough of Hackney	London Borough of Wandsworth
London Borough of Hammersmith & Fulham	Royal Borough of Kensington and Chelsea

Environmental Organisations

Business Organisations
