

SECRETARY OF STATE FOR TRANSPORT

SAFEGUARDING DIRECTIONS FOR DEVELOPMENT AFFECTING THE ROUTE AND ASSOCIATED WORKS FOR A POTENTIAL CROSSRAIL PROJECT EXTENSION – MAIDENHEAD TO READING

The Secretary of State for Transport, in exercise of the powers conferred by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995^(a) ("the GDPO"), directs the local planning authorities named in the Schedule as follows:-

1. These Directions shall come into force on 29 April 2009 and apply in respect of any application for planning permission which has not been finally determined by that date and relates to development within the zones specified in paragraph 2.
2. The zones referred to in paragraph 1 are the zones shown bounded by lines marked "Limits of Land Subject to Consultation" on the plans signed by the authority of the Secretary of State for Transport, annexed to these Directions and numbered: Volume 5 (between Maidenhead and Reading), 346A, 347 to 353, 353A and 354 to 368 ("the plans"); being the zones relating to the route of a railway or railways proposed to be constructed between Maidenhead in the Royal Borough of Windsor and Maidenhead and Reading in the Borough of Reading.
3. Before granting planning permission on any application to which these Directions apply, a local planning authority shall consult Crossrail Limited ("CRL"), a wholly owned subsidiary of Transport for London ("TfL"), which has been appointed to administer these Directions on behalf of the Department for Transport ("DfT").
4. Where a local planning authority is required by paragraph 3 to consult CRL, they shall not grant planning permission on the application otherwise than to give effect to the recommendation of CRL:-
 - (a) unless they have delivered to the Secretary of State for Transport the material specified in paragraph 5; and

^(a) S.I. 1995/419.

- (b) until the expiry of a period of 21 days from the date on which that material was delivered to the Secretary of State.
5. The material referred to in paragraph 4 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 CRL to consultation by the local planning authority in pursuance of paragraph 3;
 - (c) such information regarding the application as the Secretary of State may require by direction under article 20(4) of the GDPO; and
 - (d) a statement on the provisions of the development plan and other issues involved, including whether the grant of permission would be contrary to the views of another government department.

Signed by authority of the Secretary of State

A handwritten signature in black ink that reads "Lucy Chadwick". The signature is written in a cursive, flowing style.

Lucy Chadwick

A Senior Civil Servant in the Department for Transport

SCHEDULE

Royal Borough of Windsor and Maidenhead
Borough of Wokingham
Borough of Reading

SECRETARY OF STATE FOR TRANSPORT

GUIDANCE AND EXPLANATORY NOTES FOR LOCAL PLANNING AUTHORITIES TO ACCOMPANY SAFEGUARDING DIRECTIONS ISSUED FOR A POTENTIAL CROSSRAIL PROJECT EXTENSION – MAIDENHEAD TO READING

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 1988¹. 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 1995² ("the GDPO").
5. On 14 July 2004 the Secretary of State for Transport invited Cross London Rail Links Limited ("CLRL"), a subsidiary of Transport for London ("TfL") and the Department for Transport ("DfT"), 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

¹ S.I. 1988/1818, revoked by S.I. 1995/419.

² S.I. 1995/419.

- (c) Stratford in the London Borough of Newham and Shenfield in the Borough of Brentwood, and works at Pitsea in the District of Basildon.
7. As a result of negotiations with affected parties and the development of the engineering design works which happened during the passage of the hybrid Bill through Parliament, changes were identified to the land needed for the construction and operation of Crossrail. On the 24 January 2008 the Secretary of State for Transport issued Safeguarding Directions to reflect these changes for the whole of the Bill route alignment:-
- (a) Volume 1: between Old Oak Common in the London Borough of Hammersmith and Fulham and Abbey Wood in the London Borough of Greenwich;
 - (b) Volume 2: 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; and
 - (c) Volume 3: between Old Oak Common in the London Borough of Hammersmith and Fulham and Maidenhead in the Royal Borough of Windsor and Maidenhead.
8. The Safeguarding Direction issued by the Secretary of State for Transport on 24 February 2005 for safeguarding the route between Abbey Wood to Hoo Junction remains in force.
9. On 6 February 2008 Transport Minister, Tom Harris MP, issued a written Ministerial Statement on Crossrail Safeguarding. In the Statement he confirmed that he had decided to safeguard the additional land between Maidenhead to Reading to give flexibility to extend Crossrail in the future should there be a business case to do so. He also added that safeguarding allowed for the possibility of undertaking electrification works on the route.
10. The hybrid Bill was enacted as the Crossrail Act 2008 on the 22 July 2008.
11. On 30 January 2009 CLRL became Crossrail Limited ("CRL"), a wholly owned subsidiary of TfL.

Processing of Applications

12. Applications for planning permission on which CRL, which has been appointed by DfT to administer these Directions on its behalf, must be consulted, in accordance with paragraph 3 of the Directions, should be sent by first class post to:-

The Safeguarding Co-ordinators
Crossrail Limited
CS 28/B1/06
25 Canada Square
Canary Wharf
London E14 5LQ

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

13. Decisions issued where permission is refused should state all the reasons for refusal. Copies of all decisions on planning applications on which CRL have been consulted should be sent to the Safeguarding Co-ordinators at the above address. It is CRL's intention to agree procedures and drafts of model conditions with local planning authorities.
14. Applications which local planning authorities are minded to approve against the advice of CRL should, in accordance with paragraph 4 of the Directions, be sent by local planning authorities by first class post to:-

Rail Projects Directorate
Department for Transport
Zone 4/31
Great Minster House
76 Marsham Street
London SW1P 4DR

The Department will inform local planning 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

15. The provisions of the Town and Country Planning Act 1990³ 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 CRL and sent to:-

The Safeguarding Manager
Crossrail Limited
C2 28/Y2/01
25 Canada Square
Canary Wharf
London E14 5LQ

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

Planning and local land charges registers

16. 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 DfT is also of the view that the Directions should be revealed in response to Part 1 of Standard Enquiries sent with requisitions for searches of the local land charges register in relation to properties within the zones marked "Limits of Land Subject to Consultation".

³ 1990 c. 8.

17. CRL suggests that, in response to the appropriate question raised in Part 1 of the Standard Enquiries, authorities respond that the property is, or is not, within the limits of land subject to consultation for Crossrail.

Consultation on permitted development

18. CRL would find it helpful to be informed of proposals to carry out works under article 3 and Schedule 2 of the GDPO.

Extant planning permissions

19. It would be helpful for CRL to know about any extant planning permissions affecting land within the consultation zones which have yet to be implemented.

Pending planning applications

20. Local planning authorities are reminded that the Directions issued on 29 April 2009 apply to any planning application that has not been fully determined by the date of the coming into force of the Directions.

Local Development Frameworks (“LDFs”)⁴ and old style Unitary Development Plans (“UDPs”)⁵

21. 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 and should not include any proposals in their LDFs or old style UDPs which conflict with the Safeguarding Directions.
22. LDFs and old style UDPs 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 route in question will not be determined through the development plan process. They will be considered under other procedures, which will provide appropriate opportunities for representations to be made by those directly affected by the scheme. Further information on the Crossrail scheme can be obtained from CRL public helpdesk telephone 0345 602 3813 (24 hour service) or helpdesk@crossrail.co.uk.
23. 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 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 be prepared to consider the objection or make recommendations on it. Local planning authorities when adopting supplementary planning policy documents should note in the statement of consultation any representations received on the Directions.
24. It would be helpful if local planning authorities would consult with The Safeguarding Manager at the address given in paragraph 15 on any drafts of

⁴ Local Development Frameworks include development plan documents which are part of the statutory development plan and supplementary planning documents which expand policies set out in a development plan document or provide additional detail.

⁵ Development Plans (Structure Plans, Local Plans and Unitary Development Plans) prepared under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Development Plan) Regulations 1999 or under the Planning and Compulsory Purchase Act 2004 Transitional Arrangements.

LDFs which affect the land within the consultation zones and upon any draft Orders, such as those promoted under the Transport and Works Act 1992, on which the local planning authority has been consulted.

Review

25. DfT's intention is to review these Directions approximately five years from the date that they come into force, or sooner if the need arises.

Coming into force

26. These Directions come into force on the 29 April 2009 and apply in respect of the matters referred to in paragraph 1 of the Directions.