

Date: 13 March 2013

Item 10: Crossrail: Plumstead Transport and Works Act Order

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**This paper will be considered in public**

## **1 Summary**

- 1.1 This paper seeks the recommendation of the Committee that the Board approves Crossrail Limited (CRL) making an application for a Transport and Works Act Order (TWAO) authorising the construction and operation of a depot to provide infrastructure maintenance facilities and passenger train stabling at Plumstead.

## **2 Recommendations**

- 2.1 **The Committee is asked to note the paper and recommend that the Board:**
- (a) approve the submission of an application for an Order under the Transport and Works Act 1992 (TWAO) by Crossrail Limited (CRL) that provides all the necessary land rights and planning permissions required to construct and operate a railway stabling and maintenance facility by CRL at Plumstead;**
  - (b) delegate authority to the Chief Executive of CRL (or in his absence, TfL General Counsel) to:**
    - (i) agree the final terms of the application (including the land and interests, environmental scoping and deemed planning permission to be subject to the order) for the TWAO required in relation to the works;**
    - (ii) obtain the Mayor's written consent to apply for the TWAO (as required by the Greater London Authority Act 1999); and**
    - (iii) do everything else necessary or desirable to facilitate the making of the TWAO, including:**
      - (1) signing and/or sealing any documents, agreements or notices required in connection with the submission of the application; and**
      - (2) promoting the TWAO including responding to any objections and dealing with any public inquiry that may be held in relation to the proposals.**

### **3 Background**

- 3.1 The Crossrail Act contained provisions for train stabling and infrastructure maintenance at Old Oak Common in west London. However, detailed operational planning for the introduction of Crossrail services in 2018 has identified a requirement for an additional maintenance/stabling facility on the south east spur of Crossrail at Plumstead. The site in question was originally intended for use only as a temporary rail head for approximately four years close to the Crossrail Plumstead portal to facilitate the delivery activities associated with the fit-out of the central operating section. However, due to the revised depot and maintenance strategies, upon completion of those works it is now proposed that the temporary railhead be converted into a permanent train stabling railway maintenance facility for the central operating section. It is these permanent works only that would be subject of the TWAO.
- 3.2 In May 2012, the Committee noted CRL's intention to undertake preliminary consultation on a possible Plumstead TWAO. However, this consultation exercise was subsequently deferred until after the planning application for temporary works on the same site had been submitted.

### **4 Alternatives**

- 4.1 Alternative locations for the permanent train stabling and maintenance sidings were considered, but these did not meet the following essential requirements:
- (a) close proximity to the Crossrail route alignment in order to minimise empty train running and works to connect the facility to the rail network; and
  - (b) to have sufficient space available to stable passenger and engineering trains and provide staff mess facilities, parking and storage areas for materials.
- 4.2 Existing Network Rail plant depot locations (Woking, Colchester, Hither Green and Reading) were considered. These locations would require both passenger and engineering trains to run empty across Network Rail tracks, which could have implications for timetabling as well as increasing operating costs.
- 4.3 Old Oak Common was considered for the location of a single maintenance and train stabling facility. This would have resulted in passenger trains commencing or terminating on the Abbey Wood branch having to be worked empty to stabling sidings some distance away. This would restrict maintenance access to the central section and increase Crossrail operating costs. The availability of land is also complicated by HS2 Limited's proposals for the area.

### **5 Transport and Works Act Order**

- 5.1 It is proposed that an application be made for a TWAO to authorise the creation of eight stabling sidings at Plumstead and provision of an infrastructure maintenance facility for the central operating section.

- 5.2 The TWAO would include the following provisions:
- (a) deemed planning permissions for the works;
  - (b) protection against claims for nuisance for the permanent works;
  - (c) powers to permanently acquire land;
  - (d) powers to make temporary use of land for construction purposes; and
  - (e) any other powers or consents deemed necessary to progress the works.
- 5.3 The TWAO would provide for the transfer of any rights or interests in land that are required for the long term operation of Crossrail from CRL to TfL.

## **6 Current Status**

- 6.1 Part of the proposed TWAO Plumstead site is currently being used temporarily by CRL's Plumstead portal contractor to support its tunnelling works there. The whole site will then be used for a period of approximately four years up to 2017 in order to construct and operate a temporary railhead for the supply and installation of materials and systems equipment to facilitate Crossrail tunnel fit-out. That facility will include the construction of a railhead, with temporary accommodation and maintenance facilities. Consent for this facility is being sought from the Royal Borough of Greenwich under the Town and County Planning Acts.

## **7 Key Impacts**

### **Environmental Considerations**

- 7.1 An Environmental Impact Assessment (EIA) scoping opinion will be sought from the Department for Transport, in line with the TWA procedures. An EIA will be prepared accordingly.

### **Compulsory Acquisition of Land**

- 7.2 Government guidance on seeking powers to compulsorily acquire land, states that such powers should only be exercised when there is a compelling case in the public interest. It also makes it clear that an acquiring authority should be sure that the purpose for which the powers of compulsory purchase are required justify interfering with the rights of those with an interest in the land affected.
- 7.3 The majority of the land to be included in the TWAO is currently in the freehold ownership of the GLA and is in the process of being transferred to TfL by agreement. Discussions are ongoing between CRL and the Royal Borough of Greenwich regarding a small parcel of land that CRL also require. Any party with a legal interest in the land will be entitled to compensation proportionate to any losses that it may incur as a result of the use of the land in accordance with the Compulsory Purchase Code (the Code).
- 7.4 The TWAO application process involves consultation with a number of parties, including affected landowners and the Royal Borough of Greenwich. All interested parties will be given the opportunity to make representations to CRL

and the Secretary of State for Transport. They will also have the right to be heard at any public inquiry into the making of the TWAO that the Secretary of State may decide to convene.

- 7.5 In the absence of agreement being reached with affected landowners, the objective of securing use of land for the completion of Crossrail works cannot be achieved except through a TWAO. CRL does not consider that the proposed TWAO will have an excessive or disproportionate effect on the interests of the individuals concerned.

## **8 Cost, Procurement and Funding**

- 8.1 The costs involved with obtaining a TWAO, including provision of an EIA, external legal costs, and a possible public enquiry, will be funded from within CRL's existing budget.
- 8.2 The costs associated with constructing the sidings will be funded from within CRL's existing budget.
- 8.3 If any land or rights are acquired compulsorily, compensation will be paid in accordance with the Compulsory Purchase Code, proportionate to any losses that may be incurred.
- 8.4 The costs of acquiring the land subject of the TWAO will be funded from within CRL's existing budget.

## **9 Risks**

- 9.1 The primary risk is that the TWAO may not be approved at the end of the process, it may be delayed, or may have onerous conditions attached to it.
- 9.2 The Local Planning Authority has not raised any objections to the land being acquired through the TWAO being used for train stabling. However, no public consultation has yet taken place so it is therefore difficult to gauge local opinion. The site is within an industrial area close to the Crossrail Portal and existing rail line.

## 10 Overall Programme

10.1 The forecast key milestones for the TWAO and subsequent construction programme are:

Obtain a TfL Finance and Policy Committee recommendation in support of submission to the TfL Board	13 March 2013
Obtain TfL Board approval for CRL to make TWAO application	27 March 2013
Obtain Mayor's approval to submit the TWAO application	By April 2013
Submit the TWAO application	By July 2013
Issue Notice of Intention to hold a Public Inquiry (if required)	By September 2013
Public Inquiry commences (if required)	Early 2014
TWAO comes into force	Mid/Late 2014
Commence works	2017
Complete works	2018

### List of appendices to this report:

Appendix 1: Proposed Plumstead Layout Plan

### List of Background Papers:

None

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