



**Date:**      **31 May 2012**

**Item 7:      Crossrail: Application for Transport and Works Act  
Order to Facilitate Works at Whitechapel**

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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 temporary use of land to facilitate Crossrail works at Whitechapel. It also briefs the Committee on CRL's plans for pre-application consultation at Plumstead and Paddington.
- 1.2 The decision to make an application for a TWAO is a matter reserved to the Board and the Mayor's written consent is required before an application for a TWAO can be made.

**2      Recommendation**

**2.1      The Committee is asked to:**

- (a) note this paper and the intent to consult on seeking additional powers for Crossrail at Plumstead and Paddington;
- (b) recommend that the TfL Board approve the submission of an application for an Order under the Transport and Works Act 1992 (TWAO) to provide all the necessary land rights required to implement works and construction arrangements by Crossrail Limited (CRL) at the Whitechapel site;
- (c) recommend that the TfL Board delegates 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 to be subject to the order) for the TWAO;
  - (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, including signing and/ or sealing any documents, agreements or notices required in connection with the submission of the application and promotion of 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 On 21 September 2011, the Board approved the making of an application by CRL for a TWAO to authorise temporary use of land at Kensal Green as a works site to facilitate Crossrail works between Old Oak Common and Paddington. The Mayor granted his consent to the application and it was deposited on 5 March 2012.
- 3.2 A need for additional TWAO powers has arisen at Whitechapel as a result of the redesign of the Crossrail station and changes in the construction arrangements. Crossrail now requires temporary access rights over a number of parcels of land in the vicinity of Whitechapel station that were scheduled for subsoil, but not surface, acquisition. Despite extensive negotiations with the freeholder of the land it has not been possible so far to secure a grant of the necessary rights by private treaty on terms that are acceptable to CRL. Compulsory powers may therefore be required to ensure that the necessary additional rights can be obtained.
- 3.3 Additional TWAO powers are also likely to be needed at Plumstead and Paddington. The Plumstead site consists of approximately 11 acres of vacant industrial land at White Hart Triangle, Plumstead. The land has been marketed as two plots with outline planning consent for light industrial use.
- 3.4 In November 2011, TfL and the Department for Transport (DfT), acting as Crossrail Sponsors, endorsed proposals to revise the track layout at Plumstead, to provide permanent stabling for eight trains and sidings for the trains, which will be used to maintain the central section of the completed railway. These are additional requirements as a consequence of reaching agreement on the infrastructure management arrangements for the operation of Crossrail.
- 3.5 In order to implement this scheme, additional powers would be needed to authorise the permanent works and the associated realignment of the Network Rail bridge over the adjacent highway, White Hart Road.
- 3.6 In addition, TfL and the DfT, acting as Crossrail Sponsors, have confirmed to CRL that a low level link should be provided at Paddington between the Crossrail platforms beneath Eastbourne Terrace and the Bakerloo line platforms on the opposite side of the station. Changes in the layout of the Crossrail platforms do not allow this link to be constructed within the limits of deviation provided in the Crossrail Act. Additional powers would be required to authorise a revised alignment to facilitate the implementation of the works.

### **4 Current Status**

- 4.1 The need to minimise the risk of delay to the Crossrail programme precludes CRL from placing reliance on reaching agreements with external parties in order to secure the access and other rights necessary for the Crossrail works.

The likely timescale for obtaining all approvals and then going through the TWAO procedure mandates the commencement of the process immediately at Whitechapel and later in 2012 at Plumstead and Paddington.

- 4.2 The need to obtain or exercise additional powers in respect of the site at Whitechapel would disappear if negotiations with the landowner can be successfully concluded and the necessary rights are granted by private treaty. CRL is pursuing those negotiations but, to safeguard its programme, it needs to progress an application for compulsory powers in parallel.
- 4.3 The need to obtain additional powers in respect of the sites at Plumstead and Paddington is not conditional on reaching agreement with third party landowners. However, powers would be required to authorise the construction and operation of the railway at Plumstead.
- 4.4 The proposed construction methodology for the works at Paddington conflicts with part of the basement of the former Royal Mail Paddington sorting office, which is beneath London Street. There is a current planning application for this site, which appears to render this area redundant, and Royal Mail is being consulted to establish the extent of any conflicts between the schemes. The agreement of Royal Mail will be sought in relation to acquisition of any part of its land required for these works but in the absence of such agreement rights to acquire the land necessary will be included in a TWAO.
- 4.5 The precise scope of the powers sought at each location will depend to varying degrees on the outcome of further design development, which will be concluded before any application is made. It is proposed to seek one TWAO at Whitechapel which would include provisions dealing with the temporary use and access rights that are required over the land. The other sites may be taken forward together or separately later.

## 5 Key Impacts

### Environmental Considerations

- 5.1 Environmental Impact Statements are required as part of every application for a TWAO. The Whitechapel site is generally within the scope of the assessments produced for the Crossrail Act and it is unlikely that any significant additional impacts will result from the promotion of additional powers in respect of this site.

## 6 TWAO Process and Timing

- 6.1 Before an application for a TWAO is made, a consultation process will be undertaken with statutory consultees (such as the relevant London Boroughs) and affected landowners to explain the purpose of the TWAO. Prior notice of the application will also be published in a local newspaper.
- 6.2 All interested parties will be given the opportunity to make representations to CRL and the Secretary of State for Transport. Depending on the extent and nature of any objections, a public inquiry may be required.

- 6.3 The Whitechapel application will, subject to approval, be submitted during the Summer of 2012.

## **7 Cost, Procurement and Funding**

- 7.1 Approvals in respect of the cost of implementing the works that would be subject to the additional powers will be granted by the CRL Board in accordance with delegated authority.
- 7.2 The costs involved with obtaining a TWAO, including arranging any public inquiry the Secretary of State for Transport may require, will be funded from CRL's budget.
- 7.3 If the TWAO application is successful, CRL will take possession of the relevant land and exercise the relevant access rights as required for project implementation. Compensation will be paid in accordance with the Compensation Code.

## **8 Alternatives**

- 8.1 The principal alternative to promotion of a TWAO for the Whitechapel site is to either purchase the necessary land by private treaty or promote a compulsory purchase order for land outside Crossrail Act limits.
- 8.2 None of these mechanisms alone provides a suitable solution although CRL will continue to try and seek agreement with the landowner to acquire the land required by private treaty.

## **9 Overall Programme**

- 9.1 The current initial key milestones for the powers at Whitechapel are:

Commence consultation with all relevant parties	June 2012
Obtain TfL Board and Mayoral consent for CRL to make TWAO application	July 2012
Submit TWAO application	Summer 2012

### **List of appendices to this report:**

None

### **List of Background Papers:**

None

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