

TRANSPORT FOR LONDON

Bakerloo Line Extension

Safeguarding Directions

With guidance notes for local planning authorities

1 March 2021.

The Secretary of State for Transport gives the following Directions (“Directions”) to the local planning authorities named in the Schedule in exercise of the powers conferred by articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure)(England) Order 2015¹ (“the Order”).

Commencement

1. These Directions come into force on 1 March 2021 (“the commencement date”).

Application

2. These Directions apply in respect of any application for planning permission which:
 - (a) has not been finally determined by the issuing of a decision notice by the commencement date;
 - (b) relates to development within (in whole or in part) the area specified in paragraph 3; and
 - (c) is not an exempt application by virtue of paragraph 4.

Safeguarded Area

3. The area referred to in paragraph 2(b) is the area shown bounded by red lines on the plans annexed to these Directions (being the area relating to the extension proposed to be constructed to the Bakerloo Line to Lewisham via Old Kent Road and New Cross Gate) and which comprises “Areas of Surface Interest” (shown with blue shading) and “Areas of Subsurface Interest” (shown by black hatching) on those plans.

Exempt applications

4. An application is exempt for the purposes of paragraph 2(c) if it is an application for planning permission which relates to development that:

¹ S.I. 2015/595 made under the Town and Country Planning Act 1990 (c. 8), see in particular section 74.

- (a) is wholly or partly within an Area of Subsurface Interest as shown on the plans attached to this Direction and none of which is within an Area of Surface Interest as shown on those plans;
- (b) which does not involve, or is not likely to involve, any construction, engineering or other operations more than 2 metres below existing ground level; and
- (c) where the local planning authority proposes to impose a condition upon the grant of any planning permission to which the application relates in order to preclude any construction, engineering or other operations that are more than 2 metres below existing ground level

Duties on Local Planning Authorities

- 5. Before a local planning authority may determine (by the issuing of a decision notice) any application for planning permission to which these Directions apply it must consult Transport for London.
- 6. Where a local planning authority is required by paragraph 5 to consult Transport for London, it must not grant planning permission otherwise than to give effect to the recommendation of Transport for London unless:
 - (a) it has delivered to the Secretary of State for Transport the material specified in paragraph 7; and
 - (b) a period of 21 days has passed beginning with the day after the date on which that material (or the last item comprising that material) was received by the Secretary of State for Transport.
- 7. The material referred to in paragraph 6 is:
 - (a) a copy of the application for planning permission together with a copy of all plans or documents submitted with it;
 - (b) a copy of the response of Transport for London to the consultation by the local planning authority in pursuance of paragraph 5;
 - (c) such information regarding the application as the Secretary of State for Transport may require by direction under article 34(8) of the Order; and
 - (d) a statement by the local planning authority on the provisions of the development plan and other issues involved, including whether the grant of permission would be contrary to the view of another Government Department.

Signed by authority of the Secretary of State for Transport.

Handwritten signature in black ink, appearing to read "J. A. Ham". The signature is written in a cursive style with a horizontal line above the first letter "J".

.....
A senior civil servant in the Department for Transport

Schedule

London Borough of Lambeth

London Borough of Lewisham

London Borough of Southwark