

Guidance for Local Planning Authorities and Developers on the Safeguarding Directions issued for East West Railway Project

Background

1. The East West Rail Safeguarding Directions (“the Safeguarding Directions”) were issued and came into force on 14 November 2024 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015¹ (“the Order”).
2. East West Rail is a project of national significance aiming to deliver new and enhanced rail infrastructure to provide frequent, fast, and reliable rail links for communities between Oxford, Milton Keynes, Bedford, and Cambridge.
3. In order to protect the planned route of the railway from conflicting development, the Secretary of State for Transport has safeguarded land required for the East West Rail project using Safeguarding Directions, which are an established tool of the planning system designed for this purpose. Railway projects that have previously been subject to safeguarding include HS2 and Crossrail. Safeguarding aims to ensure that new developments do not impact on the ability to build or operate East West Rail or lead to excessive additional costs.
4. These Safeguarding Directions have been issued to Local Planning Authorities (“LPAs”), by the Secretary of State for Transport. As a result, LPAs need to consult East West Railway Company Ltd. (“EWR Co”), the organisation responsible for delivering East West Rail, with regard to any planning applications falling within paragraph 2 of the Safeguarding Directions before determining an application for planning permission.

Safeguarded Land

5. The safeguarded area specified in paragraph 3 of the Safeguarding Directions includes the land that EWR Co has currently identified as being likely to be needed to build and operate the railway. The Secretary of State for Transport may issue new or revised Safeguarding Directions if circumstances change: for example if modifications are made to the route in response to feedback at statutory consultation stage or if more detailed engineering work reveals that additional land is required or that land can be removed from safeguarding.
6. The Safeguarding Directions and maps showing the safeguarded area can be found at: www.eastwestrail.co.uk/safeguarding
7. GIS shapefiles showing the safeguarded area are available on request from EWR Co by emailing - townplanning@eastwestrail.co.uk

¹ SI 2015/595.

Processing of Applications

8. Applications for planning permission on which EWR Co must be consulted, in accordance with paragraph 4 of the Safeguarding Directions, should be sent either by email to: townplanning@eastwestrail.co.uk or by first class post to:

EWR Town Planning Manager
c/o Adam Hendry Consulting Ltd.
Sheridan House
40-43 Jewry Street
Winchester
Hampshire
SO23 8RY

9. Such applications must not be determined before the expiry of the period for consultation set out in article 18(5)(b) of the Order (21 days, subject to article 18(6) of the Order).
10. Any applications sent to EWR Co under paragraph 4 of the Safeguarding Directions will be considered by EWR Co on a case-by-case basis on the grounds of whether the proposed development would impact on the ability to build or operate East West Rail or lead to excessive additional costs.
11. Where the application does not include sufficient information to allow EWR Co to determine whether the development would impact on the ability to build or operate East West Rail or lead to excessive additional costs, EWR Co will notify the LPA without delay setting out what additional information is needed and why.
12. Where EWR Co has not responded within the period set out in article 18(5)(b) of the Order, the LPA may proceed to determine that application. Where EWR Co has responded, the LPA is not bound by EWR Co's recommendation. However, if it does not accept the recommendation, the LPA is required to notify the Secretary of State for Transport under paragraph 5 of the Safeguarding Directions.
13. Where permission is refused by the LPA due to a conflict with East West Rail, the decision notice should refer to that conflict in the reasons for refusal. Copies of all decisions on planning applications on which EWR Co has been consulted should be sent to the EWR Town Planning Manager at the postal or email address given at paragraph 8 of this guidance. EWR Co has developed procedures for handling consultations relating to the Safeguarding Directions and may recommend that conditions are imposed in specified circumstances and where appropriate to protect East West Rail.
14. Applications which LPAs are minded to approve against the recommendation of EWR Co should be sent by the LPA, in accordance with paragraph 5 of the Safeguarding Directions, together with the material specified in paragraph 6 of the Safeguarding Directions, by post to the Secretary of State for Transport at the following address:

DfT Group Property – East West Rail
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Or by email to: DfT.Property@dft.gov.uk

And copy email to: townplanning@eastwestrail.co.uk

15. The Department for Transport will inform the LPA of the date of receipt of the application and the material required under paragraph 6 of the Safeguarding Directions, and will, within 21 days of that date, either notify the LPA that there are no objections to permission being granted, or issue directions restricting the granting of permission specifically for that application.
16. Where the Department for Transport has not responded regarding that application within 21 days of receipt of the material referred to in paragraph 15 above, the LPA may proceed to determine the application.

Blight and Purchase Notices

17. The provisions of the Town and Country Planning Act 1990 on blight and purchase notices will apply to qualifying property interests affected by safeguarding. The appropriate authority to receive blight notices is EWR Co. Blight notices should be sent to:

BLIGHT TEAM

EWR Co
The Quadrant,
Elder Gate,
Milton Keynes,
United Kingdom,
MK9 1EN
Telephone: 0330 838 7583
Email: blight@eastwestrail.co.uk

18. The appropriate authority to receive purchase notices is the LPA.
19. Further details of the blight provisions and guidance including how to serve a blight notice can be requested from the above postal or email addresses, or found on the East West Rail website: www.eastwestrail.co.uk/safeguarding

Planning and Local Land Charges Registers

20. In accordance with article 40(4)(b) of the Order, particulars of the Safeguarding Directions must be entered in Part 2 of the Register of Applications, in respect of any application for planning permission to which they apply. The Department for Transport considers that the Safeguarding Directions should be revealed in response to Optional Enquiries sent with requisitions for searches of the local land charges register in relation to properties [within the zone described in paragraph 3 of the Safeguarding Directions].

Extant Planning Permissions

21. Where LPAs are aware of, or become aware of, any extant planning permissions affecting land [within the zone described in paragraph 3 of the Safeguarding Directions], which have yet to be implemented, it would be helpful if they could inform EWR Co.

Pending Planning Applications

22. The Safeguarding Directions apply to any planning application that has not been finally determined by the date the Directions come into force. This includes cases where a resolution to grant a permission has been made by the LPA but the decision notice has not been formally issued.
23. Accordingly, LPAs must review all pending applications to determine whether the development proposed is a development to which these Safeguarding Directions apply.

Local Plans

24. In preparing or revising any local development document, including a local plan, the area safeguarded by the Directions should be taken into account. Where the Safeguarding Directions are taken into account in a local plan, the area safeguarded by the Safeguarding Directions should be represented on the policies map (in accordance with regulation 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and LPAs should not include any proposals in their local plan that conflict with the Safeguarding Directions.
25. Adding information about the extent of the safeguarded area on the policies map is helpful for those considering development in the area; however, it is important to note that the requirements of the Safeguarding Directions apply, in the circumstances described above, regardless of whether the safeguarded area is identified on the policies map or not.
26. Local plans should state that the Safeguarding Directions have been made by the Secretary of State for Transport. They are not proposals of the LPA and the route of East West Rail will not be determined through the development plan process. The route will instead be subject to an application for development consent under the Planning Act 2008 which will provide an opportunity for interested parties to submit representations on the proposals.
27. Whilst the Safeguarding Directions should be taken into account in any new or revised local development document, including a local plan, as set out in paragraphs 24 and 25 of this guidance, it is not expected that LPAs would need to amend adopted local plans solely to take account of the Safeguarding Directions.
28. Where the local plan has been submitted for independent examination, the LPA should record any representations received which relate to the Safeguarding Directions and bring these to the attention of the inspector appointed to hold the examination of a local plan. The inspector's role is to consider the policies of the LPA set out in the draft local plan. If the inspector is satisfied that an objection is solely to matters covered by the Safeguarding Directions, rather than to proposals of the LPA, the inspector is unlikely to consider the objection to be relevant to consideration of the local plan.
29. When adopting supplementary planning documents, LPAs should note in the statement of consultation any representations received which relate to the Safeguarding Directions.

Proposed Development within the Safeguarded Land

30. Developers proposing development affecting land within the zone described in paragraph 3 of the Safeguarding Directions should engage with EWR Co at an early stage, alongside any pre-application engagement with the LPA.
31. Early engagement will allow EWR Co to consider how the proposals interact with East West Rail and how they might be accommodated with the proposed railway project, helping to avoid the possibility of a recommendation for refusal being made to the LPA by EWR Co at the planning application

stage. To discuss any relevant proposals, developers should contact EWR Co by email at: land@eastwestrail.co.uk.

Timing

32. These Safeguarding Directions came into force on 14th November 2024 and apply in respect of planning applications falling within paragraph 2 of the Directions.

14th November 2024