

**EXPLANATORY MEMORANDUM TO THE
TRANSPORT FOR LONDON (WATERLOO STATION) ORDER 2005**

2005 No. 1866

- 1** This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 2 Description**
 - 2.1 The purpose of this instrument is to give the consent of the Secretary of State to the proposed transfer of land at Waterloo Station, London by London Underground Limited (“LUL”), a subsidiary company of Transport for London (“TfL”). The land at Waterloo Station is operational land, and TfL (and their subsidiaries) are prohibited from transferring such land without the consent of the Secretary of State. The Order will allow LUL to dispose of surplus land at Waterloo, which will enable a major redevelopment of the area between the Waterloo Mainline Station and the Shell Building.
- 3 Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
- 4 Legislative Background**
 - 4.1 Section 163 of the Greater London Authority Act 1999 prevents the disposal of any operational land by TfL without the prior consent of the Secretary of State. Section 164 of that Act provides that TfL must use its powers to ensure that no subsidiary of TfL does anything which TfL does not itself have power to do (including any thing which it does not have power to do because the consent of the Secretary of State has not been obtained). Any such consent is to be given by statutory instrument. The land at Waterloo station is operational land within the definition in section 163(8). The land which is to be transferred comprises of land which was originally occupied by a former Bakerloo line ticket hall. For the purposes of paragraph 12(1) of Schedule 11 to the Greater London Authority Act 1999, which sets out TfL’s powers to dispose of surplus property, the Mayor has confirmed that this land is surplus to operational requirements and can be disposed of.
 - 4.2 Under section 163 the Secretary of State may consent to the disposal of the freehold interest in any land which is or has been operational land. Only the land within the stated boundary, above a level of 6.3m below Ordnance Datum Newlyn is to be transferred, as land below this level is still in use by LUL.
- 5 Extent**
 - 5.1 This Order applies to Great Britain.

6 European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7 Policy background

- 7.1 LUL, a wholly-owned subsidiary of TfL, owns operational land for essential facilities (such as stations, track and sidings) which are vital for running its services. Under section 163 of the Greater London Authority Act 1999, where TfL wishes to dispose of land which is or has recently been operational land, it must obtain the Secretary of State's consent to do so. By virtue of section 164 of that Act, the same requirement for consent applies to TfL's subsidiaries.
- 7.2 It is proposed that there will be a major re-development of the area between Waterloo Station and the Shell Centre, which will require the demolition of existing buildings to make way for office and residential buildings.
- 7.3 LUL owns land at York Road, London SE1 that includes a now-disused Bakerloo line ticket hall and is surplus land. LUL wishes to offer part of the freehold to Eurostar (UK) Limited, that is the soil and airspace from a depth of 6.3 metres below Ordnance Datum Newlyn upwards. In exchange LUL would receive land beneath Waterloo Mainline station that would enable it to expand the existing passenger areas for circulation and escalators at the Northern line concourse. LUL would also reserve rights over the land it transfers to benefit the rest of its operational land at Waterloo such as the right to construct step free access and firefighters access to Northern and Bakerloo line concourses.
- 7.4 The land which LUL proposes to transfer includes ventilation structures and lift shafts to the LUL's operational land beneath the exchanged land. LUL has confirmed that its contract with Eurostar shall reserve all the necessary and appropriate access and rights to these and other adjacent LUL structures for their day to day operations.
- 7.5 The land is described by reference to Ordnance Datum Newlyn. Ordnance Datum Newlyn means the coordinate system for heights above mean sea level (orthometric heights) in Great Britain, originally based on the tide gauge readings at Newlyn, Cornwall. In less technical language, describing land by reference to Ordnance Datum Newlyn enables that land to be accurately described in three dimensions (length, breadth and height), and allows the height of the land in question to be determined by reference to sea level. Please note that the use of the term "land" here covers soil, airspace and buildings which are on the relevant site. While it is perhaps unusual to define a freehold interest in land in three dimensions rather than two, this is because a freehold interest in land is usually of unlimited height - covering every part of the relevant site, both above and below ground level - and as such the height does not need to be specifically defined. It is appropriate to define the height of the land in this case because the part of the site which is not covered by the Secretary of State's consent is not surplus land. It remains operational land in use by LUL, LUL do not intend to dispose of it, and it would not be appropriate for the Secretary of State to consent to its disposal.

8 Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is that LUL, a wholly owned subsidiary of TfL, will be able to proceed with the transfer of land at Waterloo, SE1. There is no adverse impact on the public sector under this instrument.

9 Contact

- 9.1 Charles Amis at the Department for Transport, Tel: 020 7944 8824, email charles.amis@dft.gsi.gov.uk, can answer any queries regarding the instrument.