

<b>Committee:</b> King George's Fields Charity Board	<b>Date:</b> 6 <sup>th</sup> April 2011	<b>Classification:</b> Unrestricted	<b>Report No:</b> (KGFCB 005/1011)	<b>Agenda Item:</b>
<b>Report of:</b> Owen Whalley – Head of Major Projects, Development and Renewal		<b>Title:</b> Stepney Green – Crossrail Update and Implications		
<b>Originating officer(s)</b> Bob Bennett – Crossrail Project Manager		<b>Wards Affected:</b> Stepney Green		

## 1. SUMMARY

- 1.1. At the last meeting of the Board held on 5<sup>th</sup> January 2010 officers provided an update on the Crossrail proposals at Stepney Green as they affected both the Park and football pitch as well as Stepping Stones Farm. In that report it was noted that the football pitch would no longer be directly affected by the Crossrail works but that the western third of Stepping Stones Farm would be required by the construction works. Since that time detailed proposals for the construction works have been developed and design proposals for the head house building above the Intervention shaft have been presented to the Council. At the beginning of the year Crossrail took formal possession of the area required for construction works.
- 1.2. The report also provided information on the significant progress being made by the new Charitable Company now occupying and managing the Farm site. Since that time Phase 1 of the Crossrail mitigation works have been completed, and Phase 2 has been approved in principle. In respect to the management of the Farm, the Company has now secured Charitable Status and are now known as the Stepney City Farm Ltd , a company limited by guarantee (Company registration No 06855753) . The Charity has also been very successful in fund raising which has effectively removed from the Council any financial responsibility arising from the operation and running of the Farm.
- 1.3. This report provides a further update on the Crossrail proposals for Stepney Green, an update on the mitigation works and puts forward a recommendation that the Stepney City Farm Charity be granted a licence to occupy and manage the Farm until the completion of the Phase 2 mitigation works at which time it is hoped that the Charity could be granted a formal lease

## **2. RECOMMENDATIONS**

The Board is recommended to:-

- 2.1 Note the progress on the Crossrail works at Stepney Green Park and Stepping Stones Farm as described in section 3 of the report
- 2.2 Note the impacts of Crossrail on the Trust lands at Stepney Green and give guidance to officers on the proposed mitigation measures
- 2.3 Agree to the grant of a Licence for a period of 12 months to the Stepney City Farm Ltd to occupy and manage Stepping Stones Farm excluding that part required for the Crossrail Phase 2 works as shown on appendix 1(to be circulated at the meeting)and that subject to the satisfactory completion of the Stage 2 works, delegate to the Corporate Director Communities, Localities and Culture the granting of a formal lease to Stepney City Farm.

## **3. BACKGROUND**

- 3.1 Since the last meeting considerable progress has been made on both the proposals for the design of the head house structure above the Stepney Green shaft and the actual site construction arrangements. Furthermore Schedule 7 planning applications have been submitted for both the design of the shaft and the construction arrangements which are discussed further below.

### **Stepney Green Shaft construction arrangements**

- 3.2. The main purpose of the works is to construct the junction between the central section of Crossrail and the branches to Stratford and Abbey Wood. The site will also be a tunnel launch site for the section of tunnel running between Stepney Green and Pudding Mill Lane. Once the shaft has been excavated and the tunnelling machines launched, all the spoil from the tunnel will be removed through the tunnels back to the Limmo Peninsula Worksite in Newham. In addition following completion of the tunnelling works, an emergency intervention and ventilation shaft will need to be built above the running tunnels.
- 3.3 Crossrail has now submitted the Schedule 7 planning application for the construction arrangements and has also appointed the contractors who will construct the shaft itself. The construction site comprises that part of Stepney Green Park located between the boundary of the football pitch and Garden street, together with the western third of Stepney City Farm which is primarily being used for the grazing by the farms animals. Advanced enabling works comprising the diversion of a sewer and water services, and the re-routing of electricity cables are now taking place and Garden Street has been closed to facilitate this work. In addition archaeological investigations have been taking

place. The contractors envisage taking over the main site towards the end of March 2011.

### **Stepney Green Shaft Design**

- 3.4 Crossrail has now submitted a draft Schedule 7 Plans and Specification Planning Application for the detail design of the Intervention Shaft at Stepney Green. The structure will provide emergency access and ventilation for the Crossrail tunnels, and also includes provision for large electrical transformers providing power to the trains. The emergency escape route from the exits at shaft will be onto the football pitch at Stepney Green.
- 3.5 The building is located on the part of the park between Garden Street and the football pitch and is 46 metres in length and between 8 and 10 metres in width and has a site area of 611m<sup>2</sup>. Compared to the original proposals the shaft structure has been reduced in height and now has a maximum height of 7.9 Metres with a majority being 4.7 metres in height. Whilst officers consider the actual design in visual terms to be acceptable, there are still considerable concern about the impact of the bulk and massing of the shaft structure on the visual and functional amenities of the park.

## **4. IMPACTS ON STEPNEY GREEN PARK & STEPNEY CITY FARM**

### **Stepney Green Park**

- 4.1 The impacts on the park are both temporary and permanent. In terms of the temporary impacts the area of the park between the football pitch and Garden Street will be use as a construction site for the next 5 years. All trees and shrubs within the existing park will need to be removed together with the existing playground. In addition because of the need to excavate beneath the football pitch, Crossrail anticipates that settlement will occur which would make the football pitch unusable. As a result Crossrail have agreed to relay the football pitch following completion of the excavation works but this will result in the football pitch being unavailable for up to six months whilst the re-construction takes place.
- 4.2 In terms of permanent impacts there will be a significant lost of public open space since the Headhouse has an area of 611 m<sup>2</sup> which would no longer be available for public use. There will also be a significant loss of visual amenity as a result of the construction of the Headhouse above the intervention shaft. As described above the Headhouse is a very bulky structure and notwithstanding the quality of its design will have a significant adverse impact on the openness of the park. In addition the area between the Headhouse and the football pitch boundary will need to be secured and exclude the public partly because emergency excavation routes will cross the area into the football pitch, and partly because the area will become potentially unsafe because it would not be visible from public areas.

## **Stepney City Farm**

- 4.3 As indicated earlier the Crossrail works will necessitate the temporary loss of the western third of the Farm that is mainly used for grazing. In addition there were a number of buildings located on King John Street and used by the Farm which Crossrail has now demolished. During the next 5 years the main impacts are likely to result from the construction activities themselves which will be taken place immediately on the boundary with the Farm albeit being separated by solid construction hoardings. However, unlike the impact on Stepney Green Park there will be no permanent impacts since the Farm could be reinstated with its present boundaries on completion of the Crossrail works subject to further decisions by Members.
- 4.4 As compensation for the loss of grazing land, Crossrail undertook mitigation works at the Farm in advance of taking possession of the western third of the Farm. These Phase 1 Works comprised the relocation of the allotment boxes to a more central location in the middle of the Farm, the construction of new fencing and reseeding of all the grazing fields, the erection of animal shelters in each of the fields, and the construction of a path running on the boundary of the Farm. It is evident that the mitigation works have resulted in a significant improvement in the operation and appearance of the Farm site. These Phase 1 Works will be followed in May 2011 by the Phase 2 works which will comprise the erection of a large Barn to house the animals in the winter, together with a rural craft centre provided to compensate for the loss of various buildings on the Farm.

## **5 MATTERS FOR CONSIDERATION**

### **Mitigation of Crossrail impacts**

- 5.1 As will be apparent from the previous section Crossrail are carrying out significant work to mitigate the impact of the construction works on Stepney City Farm. The outcome of the works once completed is that the Farm will be able to continue to operate in a sustainable and effective manner both during the period of Crossrail works and afterwards once the works have been completed. Furthermore the Farm could continue to operate on its reduced current site without adversely affecting its viability or attraction to the public.
- 5.2 However This is not the situation in respect to Stepney Green Park where as well as the temporary loss of open space during the construction period, there will be a permanent loss arising from the presence of the head house to the intervention shaft and its ancillary facilities which will reduce the amount of open space available to the public. In addition there will be an adverse visual impact as described above. The only mitigation being offered by Crossrail is the reconstruction of the football pitch following completion of the construction works

which is likely to become necessary because of unacceptable levels of settlement.

- 5.3. Although compensation for the loss of open space is theoretically payable, the amount is likely to be very limited because the land is dedicated as open space. In any case so far as the King George's Field Trust is concerned the objective of the Trust is to maintain and enhance the playing fields for which it has responsibility rather than receive a capital income. As Members will also be aware the aims and objectives of the Trusts preclude it from disposing any land without compensatory re-provision. Officers have therefore been considering alternative locations for compensating for the loss of Trust land, as well as considering other options for meeting the Trust's charitable objectives. Members views are therefore requested on their views about the importance of asking for replacement land rather than financial compensation

### **Management of the Farm**

- 5.4. As was recognised in the report to the Board in January 2010, the original charity occupying the Farm has now had their occupation terminated, but the current occupiers, Stepney City Farm have no legal interest in the Farm. This has meant that by default, the King George's Field Trust now has legal and financial responsibility for the operation of the Farm.
- 5.5. In respect to the potential financial responsibilities, the Board also agreed to request that Council investigate funding streams to contribute to the potential £20,000 per annum running costs of the Farm. In the event, the Stepney City Farm's success in fundraising has at least temporarily removed the need to set aside funding to manage the Farm. However, the lack of any formal lease or legal title means that legal responsibility for the Farm still remains with the King George's Field Trust which is clearly not a satisfactory situation.
- 5.6. For the past 15 months, the Stepney City Farm Charity has continued to manage the Farm on a day to day basis, assisted in part by the Council's adviser, Mike Daligan, who has continued to ensure that the King George's Field Trust interest as land owner have been protected. Despite the disruption caused by the Crossrail works, the Farm has remained open to the public at weekends and during the week has organised visits from the local schools and other local organisations such as APASENTH. The Farm also has a large pool of volunteers who carry out work at the Farm and now also organises Corporate Volunteering days for international companies including Rothschilds, HSBC and Lloyds who make a financial donation to the Farm, and whose staff undertake volunteering work at the Farm.
- 5.7. The Charity has 4 trustees registered with the Charity Commission and a formal management structure with a board of directors comprising 6 local people together with a number of sub-committees. The board has also now adopted a

full range of management procedures and policies which deal with such matters as equal opportunities, farm code of conduct, health and safety, financial procedures, child and vulnerable persons, animal welfare etc. The Farm is now also financially self sufficient having successfully secured grants of £30,000 per year for 3 years from the City Bridge Trust which will be used to fund a Project Manager who has just been recruited, and a grant for £20,000 per year for 3 years from the Tudor Trust which is being used for general running costs. In officers view the Stepney City Farm Charity is, in principle, now a sufficiently “fit organisation” to be given legal rights to occupy Stepping Stones Farm and manage it as a City Farm.

- 5.8 The Stage 2 mitigation works will not be completed for another 9 months or more for which Crossrail will require an extension of its license to enter onto the site to undertake the construction work. For this very practical reason, any legal rights granted to the Charity should be limited in the first instance both in relation the area of the Farm site covered, and the form of legal agreement.
- 5.9 In view of the above considerations it is considered that the optimum way of achieving the objectives of maintaining overall responsibility for the Phase 2 works on behalf of the Board, but devolving financial and legal responsibility for the running of the Farm to the Stepney City Farm would be to a grant a short term license which excludes the area to be included in the Phase 2 works. This would ensure that the Phase 2 works are completed in accordance with the original Parliamentary Undertakings, and the Boards interests as landowners fully protected.

## **6. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 6.1 This report provides an update on the implications for the Stepney Green Park and Stepping Stones Farm of the on-going Crossrail project.
- 6.2 Previous reports have highlighted that all costs associated with the reconfiguration of the farm to accommodate the construction works, and any necessary reinstatement to the farm on completion of the works, are being fully funded by Crossrail. In addition, the Council will be fully recompensed for income that it will lose through the inability to rent the football pitch during the construction period and, on completion of the works, Crossrail will fully fund the reprovision of the pitch.
- 6.3 The proposals submitted for the construction of the intervention shaft will result in a loss of Council open space. Compensation arrangements are currently being discussed with Crossrail to mitigate this loss (paragraph 5.3).
- 6.4 The farm is managed by the Stepney City Farm Charity, assisted by a Council advisor. The costs of the advisor are met by Crossrail.

- 6.5 Previous reports requested that the Council be approached to provide or seek funding to underwrite the day to day running costs of the farm (estimated at £20,000 per annum). At the time it was advised that the availability of this funding would be a matter for the Council to determine, but it was recommended that the Board continue to seek alternative funding sources for these costs. This continues to be the case, but it is noted that the Charity has been very successful in raising external funding support and has generated sufficient resources to be operating on a self-sufficient basis. To support the running of the farm, it is proposed that a short term licence for the farm site be granted to the Charity. There are no direct financial implications for the Authority arising from this proposal.

## **7 CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 7.1. The granting of a licence to Stepney City Farm Ltd , a charitable company limited by guarantee will regularise the current position regarding occupation of that part of the farm which is available pending completion of the Phase 2 Crossrail works on the land. At the conclusion of those works consideration can be given to a more permanent arrangement for the letting of the land.
- 7.2. By virtue of the Crossrail Act 2008 the Crossrail project has powers to compulsorily acquire land including open space. They are required to compensate owners in accordance with the Land Compensation Act 1961 but in the Crossrail Environmental Statement (2007) they have made it clear that although they will work to minimise the impact of Crossrail's permanent infrastructure on public open spaces, they will not undertake to replace it. The Secretary of State's powers are exercised by Transport for London by virtue of the Crossrail (Devolution of Functions ) Order 2010. A special case would need to be put forward by the Trust if it required Crossrail to provide replacement land.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 The Council's role as trustee of the charities referred to in this report must be exercised having regard to the objects, powers and limitations in the governing documents. The Council is not, in exercising the functions of trustee, necessarily free to pursue its own goals for sustainable action, whether expressed in the Community Plan, or otherwise. The Council's discharge of its trustee duties may incidentally, and perhaps will likely, contribute to sustainable action for a greener environment through the maintenance of the allotments in perpetuity.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 It is important that the Council carries out its role as trustee of the charities

according to law. Failure to do so may result in legal action or public criticism. That risk is assessed as low, but the purpose of this and related reports is to ensure that the Board is aware of its obligations in carrying out the Council's trustee function and is satisfied that the function is being properly exercised.

10. **EFFICIENCY STATEMENT**

- 10.1 As noted in paragraph above Crossrail has now formally taken possession of that part of Stepney Green Park and Stepney City Farm required for the 5 year construction period. This has reduced the amount of land for which the council is responsible for managing which result in some short term cost savings. Once that land is returned to the council, officers will need to ensure that its reinstatement minimises future maintenance costs. The granting of a license to Stepney City Farm Charity will reduce the council's legal and financial responsibilities in the short term, and the long term following the grant of a full lease as set out in the recommendations.

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**Local Government Act, 1972 Section 100D (As amended)  
List of "Background Papers" used in the preparation of this report**

Brief description of "background papers"	Name and telephone number of holder and address where open to inspection.
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