

To the House of Lords
Session 2015–16

PETITION against the

High Speed Rail (London – West Midlands) Bill

THE PETITION OF THE LONDON BOROUGH OF CAMDEN

Declares that:

1. The petitioner and its property, rights and interests in its area and the inhabitants of its area would be injuriously and prejudicially affected by the provisions of the Bill except the provisions under the cross-headings "*Railway matters*" and "*the Crown*".

The petitioner

2. The petitioner is the local authority for the London Borough of Camden. It was established by the London Government Act 1963, which also conferred important powers and duties upon the petitioner. Numerous enactments since that date have added to the petitioner's statutory powers and duties. It is the local planning authority and is, therefore, responsible for general planning and preparation of location plans. It is also the local highway authority and the education authority and has other powers and duties in relation to activities of public concern including housing, public health, recreation, civic welfare and amenity and the economic well-being of the area. As such the petitioner is responsible for the protection of its property, rights, security and interests and those of the citizens, inhabitants and ratepayers of Camden as a whole.
3. The Bill would authorise the compulsory acquisition of certain interests in land or property of the petitioner, to which it objects, and in accordance with the standing orders of your right honourable House, notice has been served on the petitioner of the intention to seek such compulsory powers.

Compensation

4. The petitioner considers that the provisions in the Bill relating to compensation for those whose land is to be acquired under the Bill and, especially, those who will be affected by the construction and the operation of the proposed works even though their land is not acquired, is completely inadequate. The petitioner notes in particular that the promoters consulted on compensation proposals related to the Bill and made decisions following that consultation process. It is with great regret that the petitioner noted that residents of rural communities are to be treated in a different, preferential way from residents in Camden. For example, residents in rural areas will be able to claim the benefits of the promoters' voluntary purchase scheme and other measures, which are not available to residents of Camden. The petitioner understands that the reason for this is that the promoters consider that residents of urban areas like Camden are used to having to put up with the adverse effects of construction works and railway noise and therefore are in some way more immune to their effects.
5. The petitioner considers this to be grossly unfair and therefore asks your right honourable House to amend the Bill to ensure proper compensation will be payable not only to those in Camden whose land is to be acquired, but also those who will be badly affected by the works. In the words

of the select committee of the House of Commons at paragraph 237 of their final special report, "Camden is exceptional, and needs special treatment. Many residents are going to have to put up with disturbance on a scale beyond the experience in most other locations". The petitioner agrees, and would urge that at least the equivalent compensation proposals are available to residents of Camden as are available to residents of rural areas. This should include equivalent provisions to those available in the "rural support zone", namely the cash offer scheme and the voluntary purchase scheme and in the "homeowner payment zone", namely the homeowner payment.

6. The existing provisions relating to statutory blight are also unfair for property owners in Camden, particularly business property owners. In order to be able to serve a blight notice, the rateable value of the business property must be less than £34,800. As the government's own consultation on compulsory purchase reform (March 2016) says: "The current system is unfair to occupiers and landowners of properties in high value areas because their properties exceed the rateable value limit, and they are therefore barred from serving a blight notice." Its proposed solution is to set a higher rateable value limit for serving a blight notice within Greater London than elsewhere in the country. The petitioner endorses this approach, and asks your right honourable House to consider altering the rules now in such a way for businesses in Camden who are affected by the Bill, rather than having to wait for legislation, if any, following the consultation process.

Community engagement

7. The petitioner has received assurances from the promoter about community engagement, and the select committee of the House of Commons made recommendations about the subject in its final special report. Paragraph 346 says "As the project moves toward commencement, considerate engagement and helpful provision of information will be even more important. HS2 Ltd will need to pay attention to communicating and explaining its decisions" and paragraph 235 said, in relation to Camden, that the NU should "consult conscientiously" and "respond with more than average diligence".
8. The petitioner also notes the conclusions and recommendations relating to community engagement made by the House of Commons Public Administration and Constitutional Affairs Committee in its sixth report of Session 2015-16, to which the petitioner submitted evidence. For example, in the summary, the report said "Unless those responsible for delivering HS2 understand that first and foremost they serve the public, and take action to reflect this, then they will continue to be vulnerable to the criticism that they have disregard for members of the public who are impacted by this large-scale infrastructure project."
9. The petitioner is very concerned to note that since receiving the assurances mentioned above, it has received reports from residents and businesses that there has been no improvement at all by the promoter in relation to engagement. For example, there have been no meetings of the Euston Community Representatives Group, a group set up by HS2 Ltd, since September 2015, despite requests from its members; the promoter has failed to hold a public meeting with communities from the north of Camden (the first one has only recently been scheduled to be held in May), and vulnerable members of the community are anxious about what will happen to them because they have had no communications from the promoter. The petitioner has represented the community in this process from a strategic point of view; however, it is ultimately the promoter's responsibility to engage with the community to ensure their individual concerns are heard and responded to directly, rather than using the petitioner as an intermediary.
10. With no little amount of frustration, the petitioner asks that the promoter be required to make further significant improvements forthwith, in relation to the way in which it engages with the community in Camden.

Euston Station design

11. The proposed terminus of the railway is in Camden, at Euston Station. The Bill would provide for the construction of the High Speed 2 station in a staged programme that would take seven years longer to construct than was proposed in the original Bill scheme, meaning the construction of the Station alone wouldn't be completed until 2033, giving very significant impacts on residents and businesses in Camden for a period of 17 years: longer than a child's full school career. The first stage, described as Stage A, would be the building of the six High Speed 2 tracks required for Phase 1 of the Bill and would include subsurface platforms and ground level concourses. The second stage, stage B1, would be the lowering of five tracks in the existing station to provide the High Speed 2 tracks required for the anticipated Phase 2 Bill. The construction programme assumes that the final stage, described as Stage B2 and being the remainder of the existing station works, could be developed by Network Rail as the owner of the existing station at some as yet undetermined time in the future. Both Stage A and Stage B1 are said to incorporate passive provision that would allow the existing station to be redeveloped at a later date (outside the HS2 Bill process) and joined into the Station to create a comprehensive developed station.
12. The promoter has provided assurances to the petitioner relating to the delivery of the Euston vision, working collaboratively and the station design. They require the promoter and the nominated undertaker to participate with the petitioner in arrangements whose objects include overseeing the integration of the delivery of the HS2 Euston Station with other significant projects. The Promoter has also agreed that any solution must accord with the Euston Area Plan which has been developed jointly by the petitioner, the Greater London Authority and Transport for London. So, these assurances are welcomed by the petitioner and they go some way to meeting the serious concerns that the petitioner has in relation to the design of the station. But the petitioner remains seriously concerned about one aspect in particular, namely the absence of real certainty that the comprehensive development of the station as a whole, integrating the HS2 Station with the existing Network Rail Station, the forthcoming Crossrail 2 Station, over site and associated development and the surrounding area will actually be delivered, while funding for the Network Rail station redevelopment remains uncertain. The Petitioner expressed these concerns to the select committee of the House of Commons, who expressed support for the petitioner in their final special report at paragraphs 242-245.
13. The Petitioner has received confirmation from the promoter indicating a commitment to funding initial feasibility work for preparation of an outline masterplan for Euston Station. Despite that support, there has been no indication that the Secretary of State will take any steps to address the need to expedite and fund a detailed design of the Network Rail station, which is required, along with consideration of the Crossrail 2 Station, to allow the opportunity to create a truly integrated station at Euston by designing the stations at the same time. .
14. To overcome the issues identified by the petitioner there must be a full and comprehensive development of the proposed HS2 works, the existing Station and Crossrail 2 station to form one integrated station on a level deck, with provision to ensure the future delivery of over site development above the station and tracks. This would entail the tracks within the existing station being lowered to the same underground level as the proposed HS2 tracks with a shared concourse covering the whole station at ground floor level and the removal of the proposed spine building between the HS2 and Network Rail Stations, so as to allow the potential for a joined up approach to developing above the stations and providing permeability through the stations. This alternative solution must provide for coordination of all the elements of a strategic transport interchange and other proposed transport infrastructure projects such as the proposed upgrades to the Northern Line, working with Network Rail, Transport for London and Crossrail 2's Nominated Undertaker to integrate the HS2 and Network Rail stations with Crossrail 2 and it must include a requirement to

share worksites with Crossrail 2.

15. In summary, much progress has been achieved by the petitioner in securing the assurances referred to above, but the main remaining issue for the petitioner is the uncertainty of delivery, whilst the powers and funding for the redevelopment of the existing Network Rail Station are not secure. The petitioner therefore respectfully request your right honourable House to require the Secretary of State to give a commitment to ensure that work will not commence on the proposed HS2 station at Euston until the necessary powers and funding for the redevelopment of the existing Network Rail station are in place, and that those powers include the provision of a level deck concourse for the HS2 and classic station.
16. The petitioner is aware that other petitioners will be presenting alternative suggestions for the design of the station and its approaches. The petitioner would welcome alternative suggestions including a "within footprint" station that is deliverable and trusts that your right honourable House will provide those petitioners with a full opportunity to make their case.

Completion of negotiations and outstanding reports.

17. The petitioner has received assurances from the promoter about the movement of material and spoil by rail. In those assurances, the promoter undertook to engage actively with the petitioner, Transport for London and the Greater London Authority to develop a plan which seeks to maximise the volume of construction material brought to, and excavated spoil removed from, Euston Station by rail. The assurance provided that the plan is to be submitted to the Euston Integrated Programme Board and the Euston Station Strategic Redevelopment Board for comment no later than May 2016, and thereafter the plan would be submitted to the Secretary of State for a final determination on implementation. The petitioner welcomes the opportunity to participate in this process but reserves its position on the subject of movement of construction materials and spoil until the outcome of the process is known. If the outcome is unsatisfactory, then the petitioner may wish to address the select committee of your right honourable House on the subject.
18. A similar situation applies in relation to the design of the replacement for the Hampstead Road Bridge, which will be carried out under the Bill. Hampstead Road is a highway for which Transport for London are the highway authority, but it is in Camden, and the petitioner has concerns about the height and the design of the replacement bridge, which is very close to residential properties. It will be remembered that, as planning authority, the petitioner will be responsible for approving the detailed design of the bridge. Transport for London received an assurance from the promoter which says that the petitioner will be involved in the study referred to in paragraph 229 of the final special report of the select committee of the House of Commons. The study is into whether the proposed replacement Hampstead Road Bridge can be lowered in profile so that its impact is reduced. Until the study has been made available and depending on what it says, and until the further assurances have been received, the petitioner reserves its position on this subject and may need to address the select committee of your right honourable House on it.
19. A similar situation applies again in relation to a number of assurances from the Promoter about air quality. One of the assurances required the promoter to provide information relating to the use of EURO VI engines. It said that the information would be provided before the petitioning period in your right honourable House commenced. The Promoter has since indicated that the study related to this assurance will instead be provided before any potential appearance before your right honourable House on the subject and has extended the involvement of the petitioner in the scope of the study. The petitioner welcomes the opportunity to participate in this process but reserves its position on the subject of EURO VI engines until the outcome of the process is known. If the outcome is unsatisfactory then the petitioner may wish to address the select committee of your

right honourable House on the subject.

20. The petitioner has received assurances from the promoter about the provision of replacement open spaces and trees (and their protection) and also about the provision of mitigation for business and employment effects, and in particular the provision of a skills centre at Euston. These assurances are being worked up into legally binding agreements, and whilst that process remains ongoing, the petitioner reserves its position on these subjects and may need to address the select committee of your right honourable House if insufficient progress is made.
21. The petitioner is in the process of securing assurances from the promoter in relation to the utilities that run under the petitioner's estates and whilst that process remains ongoing, the petitioner reserves its position on this point and may need to address the select committee of your right honourable House if insufficient progress is made.
22. The promoter provided an assurance to the Local Authority Noise Consortium that it would actively engage on the provision of advice to the public, including the provision of an independent advisory service, in relation to eligibility and application of the construction noise and vibration mitigation package. The promoter aimed to conclude considerations by the time the Bill reached the House of Lords. This process remains ongoing and the petitioner therefore reserves its position as it waits for the outcome of these considerations.

Clause 48: Acquisition outside limits

23. Despite amendments to clause 48 having been made in the select committee and on consideration stage of the House of Commons, the petitioner continues to have concerns about it. Subsection (1) provides the Secretary of State with power to acquire land compulsorily if he considers that the construction or operation of Phase One of High Speed 2 gives rise to the opportunity for regeneration or development of any land. The petitioner is particularly concerned about this clause because land which is in its area lies in close proximity to the railway and Euston Station. The petitioner does not understand why subsection (1) is required at all and believes that it should be removed from the Bill. There are already adequate powers of compulsory acquisition in other legislation, notably the Town and Country Planning Act 1990, to enable compulsory purchase powers to be exercised by local authorities. This power is unqualified, meaning there is nothing in the Bill that would ensure it is only used as a matter of last resort, and your Petitioner is concerned that the existence of this power significantly undermines its own role in promoting the regeneration of its own local authority area. The petitioner does not understand why clause 48(1) is required at all and believe that it should be removed from the Bill or be disappplied from its area.

Highway Costs

24. The Petitioner is concerned about the recovery of certain highway-related costs that may be incurred arising directly as a result of the implementation of the Bill's proposals. The select committee of the House of Commons, at paragraph 339 of its final special report pointed out that the Government has said that it will make good on additional local authority maintenance costs attributable to HS2, applying its doctrine of 'no new burdens'. The petitioner is not convinced that this is necessarily the case in respect of liability for some highway maintenance and repair costs which will be imposed upon it directly as a result of the HS2 works. This is an issue which has been taken up on a route-wide basis by other highway authorities, and the petitioner supports them on it.

Code of Construction Practice

25. The petitioner has received a number of assurances from the promoter relating to the code of construction practice, but there are some remaining issues on which the petitioner remains to be satisfied, including the provision by the nominated undertaker of detailed results of the monitoring of construction impacts information to the petitioner. The petitioner is concerned to ensure that it is able to assess the impacts of construction on the health and well-being on its inhabitants and is perplexed about the refusal of the promoter to require the nominated undertaker to share information with the petitioner, which is responsible for these matters as environmental health authority. Without a requirement to share this information the Code of Construction Practice lacks transparency. The House of Commons recognised the importance of such information in paragraph 235 of its Second Special Report, noting “... *there should be an assessment of compliance with noise limits and a survey of health impacts.*” The petitioner therefore asks your right honourable House to impose a requirement that the Nominated Undertaker share monitoring results and information relating to construction activity.
26. The petitioner is working with Transport for London to secure Construction Logistics Plans in the Code of Construction Practice for key locations of significant construction activity such as Euston. The promoter has to date not agreed the inclusion of this plan and the petitioner therefore asks your right honourable House to impose a requirement that the Nominated Undertaker includes a Construction Logistics Plan in the final version of the Code of Construction Practice.
27. The Code of Construction Practice remains in draft form and as such your petitioner reserves the right to raise other issues with the content as discussions with the promoter progresses.

The Construction Commissioner

28. There is a commitment from the promoter that a Construction Commissioner will be in place before the commencement of the HS2 Scheme. Information Paper G3 (Construction Commissioner) confirms this and explains that if someone is unhappy with any aspect of Phase One’s construction, the first step would be to complain to the nominated undertaker. If the complainant feels that the complaint has not been satisfactorily addressed through the normal procedure, he can then put his case to the Construction Commissioner.
29. The Information Paper explains that the Commissioner will be independent of the Secretary of State and of any nominated undertaker appointed to construct the proposed scheme. The petitioner notes that the Commissioner will be established by an independent body, which will be made up of a variety of project stakeholders, and which will monitor the Commissioner.
30. The petitioner understands that the independent body will include members who represent community interests and the construction industry. The petitioner considers that the independent body should also include local authority representatives and requests that the promoter provides an assurance to this effect.
31. The petitioner is aware that other petitioners will be presenting alternative suggestions for the creation of an independent adjudicator to deal with matters and issues arising in relation to the HS2 scheme wider than construction, including compliance with assurances. The petitioner would welcome the creation of such a role and trusts that your right honourable House will provide those petitioners with a full opportunity to make their case.

Residential Mitigation

32. The petitioner has received a number of assurances from the promoter relating to mitigation of impacts upon residents significantly affected by construction works in the Euston area.
33. The assurances secure the production of a construction noise mitigation package for over 1025 properties in Camden which will be developed by the Nominated Undertaker and agreed by the petitioner. It will include the Nominated Undertaker commissioning an experienced person to independently survey additional residential properties that may also be affected by the construction of the scheme. If it is found that they are detrimentally affected, the Nominated Undertaker will install appropriate remedial measures which are agreed by the petitioner.
34. The petitioner welcomes the opportunity to participate in this process but reserves its position on the subject of residential mitigation. If progress on the mitigation package is unsatisfactory, then the petitioner may wish to address the select committee of your right honourable House on the subject.

Community Fund

35. Paragraph 305 of the final special report of the select committee of the House of Commons says: "Losses to the environment could be relatively more significant in urban areas with little green space. This should be recognised through specific extra allocations to Birmingham and Camden on top of the current Community and Environment Fund budgets. The Council could argue that it should get its own specific extra allocations on top of the Community and Environment Fund budgets." Also, the select committee said that the amount proposed by the promoter to go into the Community and Environment Fund and the Business and Local Economy Fund should be substantially increased.
36. The petitioner has received no assurances following the committee's first recommendation, and in response to the second, the promoter has indicated that the funds will be increased from £30m to £40m in total for both funds. The petitioner asks your right honourable House to require extra allocations to be made as proposed by the select committee of the House of Commons and supports other local authorities in the view that the overall fund should be increased further.

Schools

37. The petitioner welcomes the assurances it received from the promoter that address issues affecting schools in the borough, especially those in relation to Maria Fidelis.
38. The Maria Fidelis Convent School is a voluntary aided Catholic secondary school currently operating on two sites. The lower school is located on North Gower Street to the west of Euston Station. The site sits immediately adjacent to a proposed construction compound, which will be used for the railway works and is in close proximity, on two sides, to significant buildings that will be demolished. Utility works in the form of pipe laying will also be carried out in the school's playground. The petitioner does not consider that the school should have to operate on this site during the construction of the works authorised by the Bill or afterwards as no amount of mitigation measures could ever completely overcome the detrimental impact of construction on the pupils at the school.
39. The petitioner is pleased to note that the promoter (through London and Continental Railways (LCR) a limited company established for the purposes of regeneration and development and wholly-owned by the Department for Transport), has agreed to buy an alternative site at

Drummond Crescent, which is adjacent to the upper school site on Phoenix Road, for the purpose of building a consolidated school for the lower and upper schools. It should be noted that in exchange for the promoter buying the school the petitioner has granted a share in its North Gower Street school site so while the promoter (through LCR) must make a short term investment, in the long term he gains a percentage of value in that property.

40. The petitioner understands that the school is required to stay on the North Gower Street site for longer than originally anticipated, currently estimated to be between 15 to 18 months, while construction works commence on two sides of the school site. While the relocation of the school is a complex process the petitioner wishes to ensure that continued efforts are made by the promoter to ensure that the Education Funding Authority expedites the projects. The petitioner therefore asks your right honourable House to recommend that this issue be brought to a conclusion forthwith by assistance from promoter so that the school can move as early as possible.

General

41. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of the Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

The prayer

42. The petitioner therefore asks the House of Lords that it, or someone representing it in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition to the Select Committee which considers this Bill.

AND the petitioner remains, etc.



SHARPE PRITCHARD LLP
Agents for the London Borough of Camden

18th April 2016

HOUSE OF LORDS
SESSION 2015-16

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

of

THE LONDON BOROUGH OF CAMDEN

AGAINST,

BY COUNSEL, &c.

SHARPE PRITCHARD LLP
Elizabeth House
Fulwood Place
London WC1V 6HG
Parliamentary Agents