

**IN PARLIAMENT**

**THE HOUSE OF LORDS**

**SESSION 2015–16**

**PETITION** against the

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**Against** – on Merits – Praying to be heard by Counsel, &c.

**THE HUMBLE PETITION of THE MAYOR OF LONDON ON BEHALF OF THE GREATER LONDON AUTHORITY**

YOUR PETITIONER DECLARES that:

1. A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your noble House intituled "A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes."
2. Your petitioner is specially and directly adversely affected by the whole Bill.

*YOUR PETITIONERS*

3. Your Petitioner is the Mayor of London ("the Mayor") acting on behalf of the Greater London Authority (hereinafter called "the Authority") as established under the Greater London Authority Act 1999 ("the Act"). The Authority comprises the Mayor of London and the London Assembly. The Act conferred significant powers and duties upon Your Petitioner, and subsequent enactments have further increased the scope of these powers and duties, the majority of which are exercisable by the Mayor on his own behalf or by him on the Authority's behalf. The Authority is a strategic authority, with a strategic role in London's economy, housing and regeneration, policing, transport, planning, environment, culture and health improvement. Through the five functional bodies currently established under the Act, the Mayor has powers over the

provision of transport, policing, economic development, and fire and emergency planning in Greater London generally.

4. The Mayor sets an overall vision for London and has a statutory duty to create strategies for the Capital covering planning and development, transport, housing, economic development and regeneration, culture, health inequalities and environmental issues including climate change, waste disposal and air quality.
5. In accordance with that duty, in July 2011 the Mayor published the replacement of the spatial development strategy for London – known as the London Plan. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the Capital to 2031. The London Plan forms part of the development plan of all local planning authorities (i.e. the London Boroughs, the Corporation of London and any Mayoral Development Corporations) in Greater London under the Capital's two-tier planning system.
6. The local plans of London's local planning authorities need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by them and by the Mayor. The Mayor has a statutory strategic role in relation to planning applications of potential strategic importance ("PSI applications") which local planning authorities within London must refer to him in accordance with the Town and Country Planning (Mayor of London) Order 2008 ("the 2008 Order"). This is a two stage process whereby the Mayor is initially asked to express a view on whether he considers that the PSI application complies with the London Plan. Thereafter, the local planning authority must not determine the PSI application unless it has notified the Mayor of the decision that it proposes to make. At that stage the Mayor may decide that he is content for the local planning authority to determine the application itself. The Mayor also has powers, as provided for in the 2008 Order, to (i) direct a local planning authority to refuse a PSI application and (ii) to direct that he is to be the local planning authority for the PSI application. This latter power is not exercisable in respect of PSI applications relating to land within the area of a Mayoral development corporation.
7. On 11 October 2013, the Mayor published Revised Early Minor Alterations to the London Plan ("REMA"). From that date, the REMA are operative as formal alterations to the London Plan and form part of local planning authorities' development plans in Greater London.
8. On 15 January 2014, the Mayor published Draft Further Alterations to the London Plan ("FALP") for a twelve week period of public consultation. The FALP have been prepared primarily to address key housing and employment issues emerging from an

analysis of census data released since the publication of the London Plan in July 2011, and which indicate a substantial increase in the Capital's population. FALP was published as the updated 2015 London Plan in March 2015. Minor Alterations to the London Plan (MALP) were published on 14 March 2016.

9. As part of the London Plan, the Mayor has identified Park Royal, including Old Oak Common and Euston, as Opportunity Areas to enable significant regeneration and growth. These designations are covered by Opportunity Area Frameworks and plans, including the Park Royal Opportunity Area Framework and the Euston Area Plan, which are non-statutory planning documents, which comprise of supplementary planning guidance used as a material consideration when assessing planning applications. The Framework also provides guidance in the preparation and assessment of Local Development Frameworks by Boroughs and the Mayor. The London Plan also designates a Euston Opportunity Area with a Euston Area Plan, more detail on this is set out in paragraph 27 below.
10. Under section 77 of the Greater London Authority Act 1999 ("the Act"), the Authority has the power to oppose any local bill in Parliament which affects the inhabitants of, or any part of, Greater London. This Bill is such a bill.
11. The power of the Authority to oppose the Bill is exercisable by the Mayor acting on behalf of the Authority. Before opposing any such bill the Mayor must consult the London Assembly. Consultation with the London Assembly took place between 24 April 2014 and 8 May 2014, prior to Your Petitioner lodging its initial petition in the House of Commons.
12. Your Petitioner, its subsidiaries and their respective rights, interests and property are specially and directly affected by the Bill, and acting on its own behalf and on behalf of its subsidiaries, objects for reasons amongst others, hereinafter appearing.

#### *YOUR PETITIONER'S CONCERNS*

13. Your Petitioner is supportive, in principle, of the proposal to construct a new high speed railway between London and the West Midlands ("HS2 Phase 1"). The Mayor regards the development of a high speed rail network in the UK as representing a key element in reshaping the nation's transport network to enable economic growth, as identified in the Mayor's Transport Strategy.
14. Your Petitioner previously raised concerns as to whether the proposals for HS2 Phase 1:
  - (a) sufficiently maximised the regeneration and development proposals at Euston Station and its local environment, were



adequately integrated into their surroundings, and sufficiently safeguarded the future delivery of a Crossrail 2 railway line;

- (b) delivered a station development at Old Oak that meets the Mayor's planning and regeneration objectives and is sufficiently integrated into its surrounding highway, public transport and pedestrian and cycle networks;
- (c) provided the best integrated transport solution for London, particularly at Old Oak Common and Euston; and
- (d) contained adequate proposals to mitigate adverse impacts likely to arise during the construction of HS2 Phase 1.

15. Your Petitioner has been in detailed discussion with the Secretary of State for Transport in relation to the proposals for HS2 Phase 1 and both parties have made good progress. Your Petitioner has received a number of further undertakings and assurances from him in relation to the implementation of the powers in, and the carrying out of works that would be authorised by the Bill. Those undertakings have dealt with most of Your Petitioner's concerns.

16. On 1 July 2015, the Secretary of State provided Your Petitioner with a set of assurances ("**the July 2015 Assurances**") dealing with the provision by the Promoter, Your Petitioner and others with a series of pedestrian and cycle links to link the station proposed at Old Oak Common as part of the works authorised by the Bill and surrounding transport networks, particularly the London Overground. Your Petitioner has seen the petition submitted to your noble House by Transport for London. Your Petitioner supports the points made by Transport for London in its petition in relation to the July 2015 Assurances.

17. On 23 October 2015, the Secretary of State gave an Undertaking to your Petitioners ("**the October Undertaking**") dealing with:

- (a) the design of the proposed station at Old Oak Common;
- (b) the provision of a pedestrian access through the station concourse area linking the HS2 area of the Old Oak Common station with the Great Western Mainline area of the Old Oak Common station and enabling provision for a future access to Wormwood Scrubs;
- (c) overstation development at Old Oak Common station;

- (d) a logistics tunnel to be constructed under Atlas Road pursuant to the Bill; and
  - (e) the planning functions of the Old Oak and Park Royal Development Corporation (one of the functional bodies of the Authority) and related matters.
- 18. To date, HS2 Limited has produced the studies required by the October Undertaking and matters are progressing between Your Petitioner and HS2 Limited. Your Petitioner raises no concerns in this petition in relation to matters covered by the October Undertaking.
- 19. Most recently on 7 December 2015, the Secretary of State provided the GLA with a further set of assurances (also provided to Transport for London) ("**the December 2015 Assurances**") dealing with:
  - (a) the delivery of the vision for Euston Station and the surrounding area;
  - (b) the design of Euston Station;
  - (c) the connection of HS2 Phase 1 at Euston with the proposed Crossrail 2 scheme;
  - (d) a link through Euston Station from east to west;
  - (e) the works proposed for the Hampstead Road Bridge;
  - (f) construction traffic and the use of rail;
  - (g) the protection of Your Petitioner's assets at Euston Station and Euston Bus Station and the proposed Cycle Superhighway;
  - (h) the Code of Construction Practice and Environmental Minimum Requirements to be adopted in relation to the works authorised by the Bill; and
  - (i) reducing traffic impacts at Hillingdon.
- 20. Transport for London has set out in its petition detail on the above issues and your Petitioner agrees with and adopts the position set out in that petition, subject to the additional matters set out below. In summary, in many cases, the December 2015 Assurances make provision for the Secretary of State to carry out further studies and associated work to provide solutions that will deal with Your Petitioner's concerns. The Secretary of State is to consider Your Petitioner's comments on those studies

once they are completed and will then determine whether or not to implement the solutions identified. Progress has been made on a number of the assurances. However, as at the date of this Petition, those studies, etc. have not been completed and accordingly, Your Petitioner does not know what solutions will be identified to deal with its concerns listed above or, indeed, whether the Secretary of State will determine to implement those solutions. Accordingly, Your Petitioner is obliged to petition your noble House in order that Your Petitioner can bring these issues before the Select Committee or your noble House pending, or following, (as the case may be) the Secretary of State's determination on the solutions. However, Your Petitioner does not intend the bringing of this petition to impute any criticism of the Secretary of State or the Promoter of the Bill at this stage.

*Delivery of the vision for Euston Station and the surrounding area (December 2015 Assurances)*

21. The points made in this petition in relation to Euston are made by your Petitioner additionally to the points set out in Transport for London's petition and in your Petitioner's strategic role. Nothing in this petition should be taken to differ from the more detailed development of any of those points set out in Transport for London's petition. Your Petitioner sets out further context in relation to the delivery of the vision for Euston Station and the surrounding area in the context of the your Petitioner's role and duties set out above.
22. Your Petitioner wishes to see a coherent, integrated redevelopment of the Euston area, comprising not only the new station at Euston for HS2 but also a redevelopment of the existing Network Rail ("NR") station at Euston and provision for Crossrail 2, overstation development and regeneration in the area.
23. In the December 2015 Assurances, the Secretary of State committed that he would set up:
  - (a) the Euston Station Strategic Redevelopment Board ("ESSRB"), to include as members, Your Petitioner, Transport for London, the Department for Transport and NR. Full terms of reference for the Board and a forward work programme for the following year were to be agreed by the end of March 2016. Although a meeting of the ESSRB has taken place, the full terms of reference for the Board that include a forward work programme have not yet been produced and agreed.
  - (b) the Euston Integrated Programme Board ("EIPB"), comprising Your Petitioner, Transport for London and others. The EIPB is to bring together HS2 work streams; provide member organisations with information on progress; support coordination between member



organisation activities; report to the ESSRB and work with the Euston Strategic Board; make recommendations on scheme changes that would facilitate integration of the different schemes proposed at Euston; and monitor the progress of community engagement in accordance with the Promoter's Community Engagement Framework. Two meetings of the EIPB have taken place.

24. Further, the Secretary of State committed to agree before the end of 2016 a working schedule for all activities required to deliver all the relevant schemes in the Euston Station area (i.e. the HS2 Euston station, rebuild of the existing NR station, the Crossrail 2 proposals at Euston and the oversite development and related development opportunities). At least two months in advance of the publication of the NR Initial Industry Plan for Control Period 6, NR is to be invited by the Secretary of State to present any relevant elements of that draft plan which relate to the development of the Euston NR station for the ESSRB to consider.
25. Bearing in mind, for example, that the NR Initial Industry Plan for Control Period 6 is expected in September 2016 and that no preliminary information has been produced or provided to your Petitioner, your Petitioner is now concerned that the timeframes for these deliverables referred to above may not be met. Your Petitioner asks the Select Committee to ensure that these steps are woven into the implementation of the powers under the Bill to ensure that these steps cannot be disregarded, or carried out too late in the process to be meaningful. If the timeframes are not met, the ability to develop and agree an integrated plan which optimises both the transport solution and regeneration will likely be lost.
26. Your Petitioner raises these issues given the importance that it places not only on the need for the HS2 Euston station to integrate into the existing transport network and a desire to mitigate construction impacts, but also the Mayor's wider ambitions for growth and development in the Euston area and a pressing requirement for the rebuild of the NR Station. Your Petitioner believes that the carrying out of the works authorised under the Bill gives rise to a once in a lifetime opportunity to revolutionise not just the NR Station but a whole area at the heart of London. There is an opportunity now to future-proof for the NR Station redevelopment and mitigate or reduce future construction impacts and costs.
27. The Mayor's wider ambitions for the area are reflected in the Euston Area Plan ("the EAP"), which has been jointly prepared by London Borough of Camden, the Authority and Transport for London (with input from the Department for Transport, HS2 Ltd and NR) to support that growth and redevelopment at Euston, taking account of the proposed Euston HS2 Terminus. The EAP was adopted in January 2015 and takes

forward the objectives and aspirations for delivering a comprehensive transport and development framework for the Euston area, building on the London Plan and other strategic policy documents which identify Euston as an Opportunity Area with the potential for over 14,000 jobs and 3,000 homes. The Mayor's 2020 Vision also flags up the potential of Euston – King's Cross – St. Pancras as the UK's largest mega rail hub, creating an area with the potential to contribute significantly to London's growth

28. The EAP land use strategy proposes a grid of new east-west and north-south pedestrian and cycle routes across the station and station track approach. It also identifies opportunities for over-site development ("OSD") above the entire station site and the approaching tracks (including both the NR Station and the HS2 Euston Terminus) including the provision of homes and open spaces. A key component of the EAP vision is the future rebuild of the NR Station as part of a commitment to deliver a world class station fully integrated with local development.
29. Your Petitioner is concerned that the Bill design does not support the EAP's vision to unlock the full regeneration of the area. The HS2 project has significant potential to enable high levels of growth not just related to the station, but in the wider area, and in particular presents an opportunity to achieve both regeneration objectives in surrounding estates and wider environmental improvements. The delivery of this growth, and in particular OSD, will be significantly undermined if a comprehensive rebuild is not delivered and opportunities to provide works to support future development (such as enhanced utilities provision and access) and reduce later disruption are not taken. The Kings Cross St Pancras redevelopment, for example, included within its design parameters the additional utilities capacity needed to support the additional development expected around the new station site. Doing so reduced future disruption and costs and therefore expedited the delivery of the new development. Not forward planning for Euston in this way by delivering a coordinated redevelopment will mean opportunities are missed and redevelopment is stunted.
30. Opportunities to (1) combine construction worksites and coordinate works and (2) avoid or mitigate impacts on other transport infrastructure (including the London Underground network, bus station and strategic road network) must be maximised via the structures that the Secretary of State has agreed to put into place.
31. Progress on developing an integrated plan at Euston has been slower than was envisioned at the time of the December 2015 Assurances. It is critical that an integrated masterplan which establishes the designs for the HS2 station, Crossrail 2 station, rebuild of the NR station and OSD development is finalised by early 2017 in order for the plans to be optimised and synergies between the schemes to be maximised. More broadly, Your Petitioner hopes that through the work of the ESSRB in particular, a comprehensive rebuild of the NR Station can be brought forward which



could avoid the need to retro-fit changes and result in sub-optimal design solution for the existing NR station.

32. Your Petitioner asks the Promoter to commit to ensuring that the ESSRB and the EIPB have a real tangible influence on the design and implementation of the works authorised by the Bill in the hope that your Petitioner's aspirations for the Euston area set out in the EAP can be brought closer to realisation.

*Traffic Impacts in Hillingdon*

33. Your Petitioner has concerns in relation to the volume and intensity of HGV movements through the London Borough of Hillingdon, particularly in the Ickenham area. Your Petitioner was disappointed that the longer tunnel proposals put forward by the London Borough of Hillingdon which would significantly reduce the construction and longer term impacts of HS2 Phase 1 in the borough were not pursued further.
34. Your Petitioner requests that the Promoter be required to carry out a comprehensive study to provide to the Select Committee, setting out options for extending the HS2 Phase 1 tunnel in Hillingdon and a consideration of the impacts that such options would have on reducing traffic, amenity and environmental impacts in Hillingdon. Should that study conclude that a tunnel would be beneficial, the Promoter should be required to construct such an extended tunnel and that the Bill be amended to include provision for an extended tunnel for HS2 Phase 1 in Hillingdon.
35. The points raised in this petition are without prejudice to the points made in relation to traffic impacts in Hillingdon in the petition of Transport for London.

**Your 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 the Bill.**

**AND YOUR PETITIONER REMAINS, &C.**



**PINCENT MASONS LLP**

**Parliamentary Agents for the Mayor of London acting on behalf of the Greater London Authority**

**18 APRIL 2016**