

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland  
in Parliament assembled.

THE HUMBLE PETITION of CANFIELD FREEHOLD LIMITED

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as "the Bill") has been introduced and is now pending in your honourable 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 Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes".
- 2 The Bill is presented by Mr Secretary McLoughlin.

**Relevant clauses of the Bill**

- 3 Clause 1 of the Bill will authorise the nominated undertaker (as defined in the Bill) to construct and maintain the works specified in Schedule 1 to the Bill ("the scheduled works"), being works for the construction of Phase One of High Speed 2 ("HS2") and works consequent on, or incidental to, such works. The lines, situations and levels of the scheduled works and the limits of deviation within which the works may be carried out are shown on the deposited plans and sections referred to in the Bill. An Environmental Statement (the "ES") has also been prepared in respect of Phase One of HS2 and accompanied the Bill.
- 4 The scheduled works include Works Nos. 1/1, 1/2, 1/6, 1/7, 1/8 and 1/18 in the London Borough of Camden. Those works are described as follows:
  - (a) Work No. 1/1 is a proposed railway (partly in tunnel) that will run through various local authority areas including the London Borough of Camden. Work No. 1/2 is a proposed railway (partly in tunnel), being a realignment

of the West Coast Main Railway Line in the London Borough of Camden. Works Nos. 1/1 and 1/2 include the reconfiguration and enlargement of Euston Mainline Station and London Underground Euston Station Ticket Hall;

- (b) Work No. 1/6 is a sewer forming a diversion of sewers in Cardington Street, Melton Street, Drummond Street, Euston Street and Stephenson Way commencing by a junction with Work No. 1/9B beneath a point in Euston Road 25 metres north-east of the junction of that road with Gordon Street, and terminating by a junction with a sewer in Robert Street beneath a point 20 metres west of the junction of that road with Hampstead Road;
- (c) Work No. 1/7 is a diversion of Cobourg Street commencing at a point 70 metres south-east of its junction with Euston Street and terminating in Robert Street at a point 24 metres west of the junction of that street with Hampstead Road;
- (d) Work No. 1/7A is an access road to Regnart Buildings, commencing at a point 40 metres south-east of the junction of Euston Street with Cobourg Street and terminating at a point 42 metres north-east of the point of commencement;
- (e) Work No. 1/8 is a cycle track commencing at a point 50 metres south of the junction of Melton Street with Euston Street and terminating at a point 65 metres north-east of the junction of Robert Street with Hampstead Road; and
- (f) Work No. 1/18 is a water main commencing in Euston Road beneath a point 43 metres east of the junction of that road with Gordon Street and terminating at a point 270 metres to the north-west of the junction of Albany Street with Redhill Street.

5 Clause 2 of the Bill will authorise the nominated undertaker to carry out certain additional works for the purposes of or in connection with the scheduled works or otherwise for the purposes of Phase One of HS2, including the demolition of the whole or part of any building or structure.

6 Clause 3 of the Bill introduces Schedule 4 to the Bill which contains provisions relating to highways including power to stop up and interfere with highways.

- 7 Under clause 4 of the Bill, the Secretary of State will have power to acquire compulsorily so much of the land within "the Act limits" as may be required for the purposes of or in connection with Phase One of HS2 or any high speed rail transport system of which it forms or is to form a part. By clause 63(2), land is within the Act limits if it is within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, as shown on the deposited plans. Those lands include plots 33 and 35 in the London Borough of Camden as shown on the deposited plans (Sheet No. 1-01). These plots are within the Act limits and are therefore subject to the power of compulsory acquisition under the Bill.
- 8 Clause 19 of the Bill provides that planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the carrying out of development authorised by the Bill, subject to certain limitations.
- 9 Under clause 47(1) of the Bill, if the Secretary of State considers that the construction or operation of Phase One of HS2 gives rise to the opportunity for regeneration or development of any land, the Secretary of State will have power to acquire that land compulsorily. Clause 47(2) of the Bill will give the Secretary of State power to acquire land compulsorily to relocate the whole or part of an undertaking (which is defined in clause 47(9) to include a business or facility) if, as a result of the exercise of any of the powers under the Bill, the former site of the undertaking or part of it is no longer capable of being used for the undertaking.

**Your petitioner**

- 10 Your Petitioner, Canfield Freehold Limited, is a body corporate whose principal activity is property ownership.
- 11 Your Petitioner is the freehold owner of the property at 93 - 103 Drummond Street and 63 Cobourg Street in the London Borough of Camden (the "Site"). Your Petitioner's property at 63 Cobourg Street comprises the passageway at ground floor level.
- 12 The Site is located on the south side of Drummond Street at its junction with, and on the east side of, Cobourg Street. The Site occupies an area of approximately 1,161 square metres (12,500 square feet). It contains a commercial building which is currently used for retail, office and storage use.
- 13 The land comprising the Site is listed in the book of reference and shown on the deposited plans as plots 33 and 35. Plot 33 is the part of the Site known as 93 -

103 Drummond Street. Plot 35 is the part of the Site known as 63 Cobourg Street. These plots are subject to compulsory acquisition under the powers of the Bill.

- 14 Your Petitioner and its rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

### **The Site**

- 15 Your Petitioner purchased the Site on 24 December 1996. Since the date of purchase, the Site has been used for retail, showrooms, offices, parking, storage, distribution and ancillary purposes. Throughout this time the Site has been occupied by the same business in various corporate forms. The current lease expires on 4 September 2017.

- 16 Your Petitioner had intended to redevelop the Site once it became vacant upon expiry of the current lease on 4 September 2017 or earlier termination of the lease by the lessee. Planning permission (reference PL/8800589/R3) had previously been granted by the London Borough of Camden, on 27 September 1989, for the redevelopment of the Site by the erection of a four storey building (plus basement) for a mixed use, comprising showroom with light industrial use and ancillary office and storage space. Whilst that planning permission had lapsed by the time your Petitioner acquired the Site, your Petitioner intended to apply for a new planning permission for a mixed use scheme, potentially of a similar bulk to that which was previously approved, at an appropriate time. However, as a result of the current proposals for Phase One of HS2, those plans will not be able to be realised.

### **Your petitioner's concerns**

- 17 The Site is within the Act limits and is therefore subject to being acquired compulsorily for the purposes of Phase One of HS2. The Site is listed in Schedule A of the book of reference and is therefore subject to an unrestricted power of compulsory acquisition.

- 18 The ES that accompanied the Bill indicates that the building at 93 - 103 Drummond Street will need to be demolished to accommodate the proposed scheme (see Table 1 of section 2.4, Volume 2 'CFA1: Euston - Station and Approach'). The ES reports that the loss of this building will give rise to a significant adverse socio-economic effect, since the occupier will find it difficult to find suitable alternative accommodation given the limited supply of available floor space in the London Borough of Camden (see paragraph 10.4.29 of Volume 2

'CFA1: Euston – Station and Approach'). Although it is not entirely clear from the documents that accompanied the Bill, it is understood that the permanent acquisition of the Site and the demolition of the building which occupies the Site is proposed to accommodate the western extension and remodelling of Euston station and associated permanent and temporary highway closures and utility works.

- 19 Since the Bill was deposited, the Promoter has recognised that the proposals for the redevelopment of Euston Station need to be reconsidered. Your Petitioner notes in particular that the report published by Sir David Higgins on 17 March 2014, entitled 'HS2 Plus' (the "report"), questioned whether the current proposals for Euston Station under the Bill are ambitious enough and suggested that an alternative proposal should be pursued. On page 13 the report states:

*"...an alternative proposal that the Government could consider is a level deck design, which would enable access from one side of the station to the other, better connecting the station to the local area and the community. It could also create the potential for considerable over-site development, which could combine housing, retail and commercial development. As in St Pancras and King's Cross, this would maximise both the aesthetic and jobs impact of the development. Further work can and should be done to develop this alternative – and explore, in particular, how the private sector would help deliver a Euston that lasts, without additional contributions from the tax payer."*

- 20 Also on 17 March 2014, the Secretary of State for Transport, Mr Secretary McLoughlin, made a written statement to Parliament in which he welcomed the report and stated:

*"I also agree with the report that more can be made of Euston station. It is a significant opportunity to maximise the economic potential of the line and regenerate a site that has been neglected. It is also a significant opportunity to generate private sector investment that can reduce the overall burden on the taxpayer. I will, therefore, ask HS2 Ltd and Network Rail to develop more comprehensive proposals for the redevelopment of Euston, working with the rail industry and the local community. This work should include proposals for the Euston arch which should never have been knocked down and which I would like to see rebuilt."*

- 21 Your Petitioner further notes that on 26 March 2014 oral evidence was given to the House of Commons Environmental Audit Committee on behalf of the Promoter in

response to Questions 113 and 114 concerning the proposals for Euston station following the findings of the report. The representative of the Promoter said:

*"The process for making changes to the project during the parliamentary process is set out in Standing Orders. If we come forward with a different Euston proposal, and that leads to a different environmental effect in that area, we will have to provide what is called the supplementary environmental information. That will then be subject to a consultation of a minimum of 42 days, in the same way as the ES consultation was tackled."*

...

*"Once we have decided that we want to make an amendment we will table what is called an additional provision, so that there will be a motion in the House to agree that this additional provision can be made. As part of that process we will provide essentially the ES for the change. That will be subject to a public consultation with those views fed back to the House, and then that change will also be subject to people who are directly and especially affected being able to petition. This will all happen during the Commons Select Committee part of the Hybrid Bill process."*

- 22 It is clear, therefore, that the proposal for redeveloping Euston station as part of Phase 1 of HS2 is being or is to be reconsidered with a view to developing an alternative scheme. In those circumstances, your Petitioner respectfully submits that it is premature for the limits of land to be compulsorily acquired to be established and, consequently, that the compulsory acquisition of the Site is not at present adequately justified. On that basis, your Petitioner objects to the compulsory acquisition provisions of the Bill (as it currently stands) insofar as they relate to the Site and submits that the Site should be removed from the scope of the compulsory acquisition powers of the Bill.

### **General**

- 23 Your Petitioner therefore asks that the Bill be amended to ensure that all of your Petitioner's concerns as set out herein are addressed to your Petitioner's satisfaction.
- 24 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the clauses of and schedules to the Bill referred to above, so far as affecting your Petitioner, should not be allowed to pass into law.

25        There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioner and in support of such other clauses and provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Berwin Leighton Paisner LLP

Agents for the above-named Petitioner

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