

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013 –14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 HS1 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.

Clauses of the Bill

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.
- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.

- 6 Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.

- 7 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

Your Petitioner

- 8 Your Petitioner holds the concession from the Government to operate, manage and maintain the High Speed 1 railway infrastructure until December 2040. The High Speed 1 railway operates between St Pancras in London and the Channel Tunnel and forms the United Kingdom part of the international high speed passenger railway routes between London and Paris, and London and Brussels. The railway is also used by freight traffic with Europe (for which there are connections with the national rail network at Camden, Barking and Dollands Moor) and high speed domestic trains serving Kent. It includes a train maintenance depot at Temple Mills. The railway infrastructure and its stations are held by your Petitioner on a lease from the Secretary of State for Transport.

- 9 As part of that undertaking, your Petitioner operates St Pancras International, the international UK terminus for High Speed 1, which is located less than half a mile from the proposed HS2 site at Euston.

- 10 Your Petitioner also owns a leasehold interest in One Euston Square (formerly 40 Melton Street) in the London Borough of Camden shown as part of plot number 29 on sheet number 1-01 of the deposited plans accompanying the Bill and described in the Book of Reference.

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

Your Petitioner's concerns

- 12 Your Petitioner is supportive of the principle of high speed rail and seeks to work with the Promoter and HS2 Limited to facilitate the provision of HS2 but your Petitioner

has concerns over the impact of the works and powers proposed in the Bill on your Petitioner's property and interests.

St Pancras International and the Euston Road transport corridor

- 13 St Pancras International has become a major element of the UK's transport infrastructure. Your Petitioner is concerned that the construction and operation of the HS2 works at Euston should not have any detrimental effect on the operation of St Pancras Station. Given the proximity to St Pancras International of the HS2 works at Euston and the uncertainty concerning the extent of them and how they will be carried out, your Petitioner is concerned about the impact they may have on the whole of the Euston Road corridor.
- 14 Up to one million visitors per week travel through St Pancras International. They come and go on foot and by the national rail service, the London underground system, bus, taxi, private car, motorcycle and bicycle. Well in excess of 500 people are employed at the station daily in order to provide the services required there in connection with transport functions and in connection with the retail and catering activities. This does not include all those working at or visiting the St Pancras Renaissance Hotel and the occupants of and visitors to the apartments above in the former St Pancras Chambers building. The imaginative and world class restoration of St Pancras Chambers for these uses was part of the overall redevelopment of the historic grade 1 listed St Pancras Station and Chambers buildings.
- 15 Around 25 per cent of visitors come to the station for reasons other than travel. The retail space within the station is a vibrant commercial operation in its own right but is dependent on ease and reliability of access for its footfall. The restoration of the station and its retail and cultural activity have been instrumental in changing the image of the area giving confidence to investors bringing forward the regeneration of Kings Cross Railway Lands. The letting of the retail space provides an important revenue stream for your Petitioner and supports the maintenance of the historic station fabric.
- 16 The Euston Road transport corridor is already heavily congested for much of the day both at weekends and on weekdays. The redevelopment of Euston station is therefore likely to have serious consequences for the area well beyond the boundary of the redevelopment itself and after the construction has been completed. For these cumulative impacts to be minimised and managed properly, they should be factored into the design of the station and its surrounding area.
- 17 The need for this area-wide planning and design extends to the issue of connectivity between Euston and St Pancras International. The Promoter having now given a commitment not to carry out the rail link between HS2 and HS1 and your Honourable House having instructed the Select Committee to whom the Bill is referred not to consider petitions on this issue, the question of how passengers are to transfer between the stations needs to be addressed. Whilst the Promoter has commissioned a report on this issue, your Petitioner submits that the Promoter

should also commit to engaging fully on the issue with local stakeholders, including, not least, your Petitioner.

- 18 The construction period of the HS2 works at and in the vicinity of Euston will pose particular challenges if the wider area is not to suffer from them. If the additional construction traffic associated with the works necessitates road closures and diversions, it will compound the disruptive effect on the area. This will be detrimental to travellers seeking to reach or return from St Pancras and to the provision of services and amenities at the station. This in turn could damage the reputation of St Pancras International as an international transport hub, as the United Kingdom's leading railway station and be detrimental to your Petitioner's business.
- 19 Your Petitioner therefore wishes to be satisfied that all possible measures will be taken to limit the surface impact of the design and construction of the scheme and submits that the Promoter should be required to demonstrate how its proposals will cause the least adverse impact possible, that it will take all possible steps to mitigate such disturbance as cannot be avoided.
- 20 Your Petitioner calls upon the Promoter to commit to establishing a stakeholder group to consider such impacts and to allow your Petitioner full participation in it, with a proper degree of influence over the evolution and implementation of the scheme in respect of all matters affecting it.
- 21 Your Petitioner understands that the nominated undertaker to be appointed to carry out the works is to be bound by the terms of a code of construction practice to regulate how the works will be carried out and their impacts minimised during the construction period and that the nominated undertaker is to be accountable for compliance with this code. Nevertheless, your Petitioner is concerned that the code be suitably comprehensive so that it covers the wider issues affecting the Euston Road corridor. As a major stakeholder in the area, your Petitioner also seeks a commitment from the Promoter that HS2 Limited and the nominated undertaker will consult directly with your Petitioner on the scope and application of the code.
- 22 It is also unclear what remedy, if any, will be available to your Petitioner in the event of any failure to observe the terms of the code of practice or other obligations or failure to engage in proper stakeholder consultation. Where the Promoter has not agreed terms on such issues directly with your Petitioner, your Petitioner should have some other clear form of recourse in the event of any non-compliance by the nominated undertaker or its sub-contractors that affects your Petitioner. Your Petitioner also seeks arrangements that will require the Promoter and the nominated undertaker to give due weight to views expressed by stakeholders such as your Petitioner. Also, where the Petitioner believes that its views have not been properly taken into account, it seeks a right of appeal to an independent party or body.
- 23 The role of the proposed Complaints Commissioner is not adequate for this purpose, although it should at least be broadened to cover the issues raised in this

petition and also strengthened. The Commissioner should also, therefore, be appointed sooner than the commencement of the works.

One Euston Square

- 24 The Environmental Statement volume 2, CFA report 1 ('CFA Report') states at 2.4.16 that One Euston Square is to be demolished. The building is therefore stands to be purchased compulsorily.
- 25 Your Petitioner leases offices on the twelfth floor of One Euston Square. These offices are the hub of your Petitioner's whole operation and where its principal back office functions are carried out. Your Petitioner considers it to be a necessary requirement of its business to have offices within walking distance of St Pancras International. It enables HS1 Limited personnel to work and in an integrated way with its station management partner and to deal with incidents and issues at the station quickly.
- 26 Under the current provisions proposed by the Bill, your Petitioner could be required to vacate its premises on no more than three months' written notice by the Promoter. Such a period is wholly inadequate for giving your Petitioner suitable time to find alternative satisfactory premises close to St Pancras, particularly as compulsory purchase of other properties by the Promoter at the same time will generate higher demand for office space in the area. Given the nature of your Petitioner's business they cannot allow their operations to be jeopardised by anything less than a seamless transfer to new premises.
- 27 Your Petitioner therefore calls upon the Promoter to commit to giving your Petitioner a significantly longer period for vacating its office premises. Given the lengthy timescale for the project, there does not appear to be any sound reason why this should not be possible.
- 28 Your Petitioner also seeks a binding commitment that before your Petitioner vacates the property the Promoter will pay the advance compensation payment due of 90% of the value of the premises being acquired.
- 29 There are other clauses and provisions of the Bill which, if passed into law as they now stand will or may prejudicially affect your Petitioner and its rights, interests and property and for which no adequate provision is made to protect your Petitioner.

Costs

- 30 Your Petitioner submits that provision should be made for the Promoter to repay to your Petitioner all proper costs, charges and expenses (including the proper fees of such professional advisers as it may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

Conclusion

- 31 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended so as to address your Petitioner's concerns, the Bill should not be allowed to pass into law.

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.

Bircham Dyson Bell LLP

Parliamentary Agents for HS1 Limited

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WEST MIDLANDS) BILL

PETITION OF
HS1 Limited

AGAINST, By Counsel, &c.

Bircham Dyson Bell LLP
50 Broadway
London
SW1H 0BL

Solicitors and Parliamentary
Agents

15 May 2014