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IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

PETITION

Against the Bill – 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 WESTMINSTER CITY COUNCIL

SHEWETH as follows:

1. A Bill (hereinafter called “the Bill”) has been introduced into 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, supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.

3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. The works proposed to be authorised by the Bill ("Phase One of HS2") are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.
7. Your Petitioners are the local authority for the City of Westminster and have been invested by Parliament with a number of important powers and duties in relation to the interests of the inhabitants of their area. Amongst other functions of your Petitioners is that of the highway authority for all existing or proposed public highways in their area, except for those which are the responsibility of Transport for London. In addition, your Petitioners are the traffic authority for most roads in their area. They are also the local planning authority and are thus responsible for general planning and the preparation of development plans. Your Petitioners have a statutory duty to investigate the existence of, and to control nuisances within their area.

8. The Bill would authorise the compulsory acquisition of certain interests in land or property of your Petitioners and in accordance with the standing orders of your honourable House, notice has been served on your Petitioners of the intention to seek such compulsory powers.
9. Your Petitioners allege that they and their property, rights and interests in their area and the inhabitants thereof would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and they accordingly object to the Bill for the reasons, amongst others, hereinafter appearing.

Route Alignment

10. Your Petitioners do not consider that the route proposed through their area is the best option. The route passes in tunnel under the Queen's Park Estate area, which is predominantly residential and contains a conservation area and a number of listed buildings. Some properties in this area are known to have a history of structural problems and could experience noise, vibration, and subsidence problems including impact on utilities and ground conditions generally, leading to blight if the railway is constructed underneath or near to them. To address these issues, your Petitioners consider that the proposed route should be realigned slightly to the north so that it passes under the existing West Coast Main Line, and your Petitioners respectfully ask your honourable House to amend the Bill accordingly. An assessment of impacts comparing an alignment under the West Coast Main Line against the current proposal would assist in addressing this issue.
11. The proposed route of the railway also passes under the Moberly Sports and Leisure Centre, which although located within the London Borough of Brent, is owned and operated by your Petitioners. Your Petitioners are proposing to redevelop this site to provide improved sports and leisure facilities and new housing. Your Petitioners' suggested alternative alignment mentioned above would avoid passing under the site, and therefore remove any constraints on the proposed development.

12. Your Petitioners are pleased to note that they have entered into a memorandum of understanding with the Promoters as regards the interface between the proposed railway and the Sports and Leisure Centre, but are keen to ensure that no changes to the Bill proposals are made which would prejudice the position that has been reached.

Salisbury Road Ventilation Shaft

13. Your Petitioners are concerned about the impact of the proposed ventilation shaft and auto-transformer station located at Salisbury Road, at the junction with Kilburn Lane. Although the shaft is located in the London Borough of Brent, it is on the boundary with your Petitioners' area. Your Petitioners are concerned about the visual intrusion of the proposed ventilation shaft and adjacent auto transformer, the impacts during construction and other impacts on the surrounding residential area. Your Petitioners are particularly concerned about the impacts of the construction of the shaft on emission levels, local transport and parking facilities.
14. Your Petitioners do not consider that the environmental statement deposited with the Bill ("the ES") adequately deals with possible alternative locations for the proposed ventilation shaft and your Petitioners request your honourable House to examine all the alternatives for the shaft and auto transformer before approving its construction as planned.

Transportation effects: Euston

15. Your Petitioners note that following the recent report by Sir David Higgins, and the Secretary of State's response, the proposals for Euston Station contained in the Bill and described in the ES are likely to be the subject of substantial change. Your Petitioners therefore reserve their position in relation to the proposals, should they change to your Petitioners' detriment.
16. Your Petitioners are concerned about the impact of the proposed Euston terminus on central London transport and on the suitable provision of the necessary integrated services including underground, bus and taxi passengers. Many passengers using HS2 will begin or end their journey within your Petitioners' area. The Northern and Victoria Underground lines which serve Euston and a number of stations in your Petitioners' area are already at capacity at certain times of day.

17. One potential solution to the problems that are envisaged by your Petitioners could be the construction of Crossrail Line 2. However, there is no guarantee that Crossrail Line 2 (or any other transport infrastructure improvements) will be implemented at all, let alone in time for the opening of Phase One or Phase Two of HS2. Your Petitioners request your honourable House to require the Promoters to provide further information about the funding and timetable for implementation of associated transport projects, such as improvements to the London Underground and bus services and the source of that funding and that the select committee of your honourable House satisfy themselves that the concerns of your Petitioners have been properly considered and addressed.
18. Your Petitioners are also concerned that road closures associated with the construction and operation of the proposed Euston terminus would result in the diversion of traffic which would in turn lead to increased traffic flows and increased pedestrian severance on some roads in your Petitioners' area. Your Petitioners are also concerned about the proposed significant adverse effects on air quality which are predicted on the A5 Edgware Road, associated with the movement of excavated material. Your Petitioners request that the Promoters provide your Petitioners with more information about these matters, and that the select committee of your honourable House satisfy themselves that the effects have been properly assessed and that the mitigation proposed is sufficient.

Transportation effects: Old Oak Common

19. Your Petitioners welcome the provision in the Bill of a station at Old Oak Common in the London Borough of Hammersmith and Fulham as this could assist with mitigating impacts at Euston. However, further information is required about the impact of this interchange on passenger numbers in Westminster given the potential for interchange with the Great Western Main Line, Crossrail 1, Heathrow Airport services, the North London Line and the West London Line as well as any connection between these lines and the West Coast Main Line. Your Petitioners are keen to ensure that impacts on interchanges in your Petitioners' area, particularly at Paddington, are reduced, by providing more and better interchange options to passengers. Again, your Petitioners request that the Promoters provide your Petitioners with more information about these matters, and that the select committee of your honourable House satisfy

themselves that the effects on transport interchanges within your Petitioners' area have been properly assessed and minimised as far as possible.

Environmental effects

20. Your Petitioners welcome the Promoters' proposal to provide Environmental Minimum Requirements in order to establish a set of controls to ensure that the environmental effects of the proposed scheme do not exceed those assessed in the ES.
21. In accordance with the standing orders of your Honourable House, comments on the ES were invited in the newspaper notices that were published when the Bill was deposited. Your Petitioners accordingly sent comments in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioners have raised a number of concerns about the adequacy and accuracy of the ES, some of which are mentioned elsewhere in this Petition.
22. Because of the interaction between the Environmental Minimum Requirements, it is vital that the deficiencies in the ES identified by your Petitioners are remedied by the Promoter of the Bill, whether by way of an addendum to the ES or otherwise.

Noise: groundborne noise and vibration

23. As mentioned, unless the railway is relocated as suggested by your Petitioners, there will be a number of buildings in your Petitioners' area above the proposed line of the railway or nearby and which are likely to be sensitive to noise and vibration during the construction period and when the railway comes into operation. These buildings include residential properties. Your Petitioners respectfully submit that the promoter of the Bill should be required to ensure that groundborne noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery. Your Petitioners are concerned that operational groundborne noise and vibration, while meeting design standards put forward by the Promoter of the Bill, may still be radiated into buildings to an unacceptable extent. In your Petitioners' submission the Nominated Undertaker should be subjected to stringent design and maintenance standards and where the railway passes near to noise sensitive buildings the Nominated Undertaker should be

required to install additional appropriate procedures and design criteria to inhibit the transmission of groundborne noise and vibration into such buildings. In your Petitioners' submission, the Bill should also provide that the Nominated Undertaker should put in place a comprehensive consultation exercise with regard to groundborne noise and vibration monitoring. Such a scheme should be subjected to a compensation code where agreed groundborne noise and vibration standards are breached.

Draft Code of Construction Practice

24. The technical appendices of the ES say that site specific controls, which will be included within Local Environmental Management Plans ("LEMPs"), will be developed during the parliamentary process. Your Petitioners request your honourable House to require the Promoters to provide draft LEMPs for the areas with which your Petitioners are concerned, so that they can be considered during the Parliamentary process, and to clarify the way in which this process will work and to clarify the way in which local authorities can influence the contents of the LEMPs.

Role of nominated undertaker

25. The role of the nominated undertaker is described in chapter 3 of the ES. Your Petitioners request that your honourable House should specify which roles will be managed and co-ordinated by the nominated undertaker. In your Petitioners' submission, based on its recent experience on Crossrail, it should be the role of the principal contractor to co-ordinate the works so that the impacts are minimised as much as possible in your Petitioners' area.

General

26. 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 your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, their 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 Petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

SHARPE PRITCHARD LLP

Agents for Westminster City
Council

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AGAINST,

BY COUNSEL, &c.

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