

0430

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.

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TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED,

THE HUMBLE PETITION OF THE COUNCIL OF THE ROYAL  
BOROUGH OF KENSINGTON AND CHELSEA

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 Royal Borough of Kensington and Chelsea 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 and leading regeneration of the area. 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, to which they object, 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.

#### **Introduction**

10. The route of the proposed railway is entirely underground in your Petitioners' area, passing under Kensal Green Cemetery, the Grand Union Canal, public roads and existing railway. There is also an element of above ground land acquisition proposed at the North Pole Railway Depot. The proposed Old Oak Common Station ("the Station") is very near to the boundary between your Petitioners' area and the London Borough of Hammersmith and Fulham ("LBHF").
11. Your Petitioners support the construction of the Station in principle but are concerned that significant regeneration opportunities at Kensal Gasworks, a 16 hectare brownfield site, and wider benefits particularly to residents of one of the most deprived wards in London will not be realised as a direct result of the proposals set out in the Bill.

#### **Releasing North Pole East Depot to regenerate North Kensington**

12. According to the Environmental Statement deposited with the Bill ("the ES") (Volume 2: Community Forum Area Report 4: Paragraph 2.3.6), the Old Oak Common Station works will require the demolition of the Heathrow Express Depot ("the HEx depot") which is located where the Station is proposed to be constructed. It is proposed to relocate the

HEx depot to a section of the North Pole depot, to the east of the Station. Further details on the relocation of the HEx depot is provided in Volume 4 of the ES (Off-route effects). The relocation works would need to be completed before any construction works could commence and, according to volume 4 of the ES, by 2017.

13. The North Pole East Depot ("the NPE depot") straddles your Petitioners' border with LBHF. It is currently vacant, having being used previously as part of the depot for Eurostar trains. The depot covers around 5 hectares of your Petitioners' area. Your Petitioners and LBHF Council have been actively encouraging the redevelopment of the NPE depot for mixed use, residential led development since 2008 (as can be seen in your Petitioners' North Kensington Area Action Plan Issues and Options Draft). Your Petitioners allocated that part of the NPE Depot which is within their area for development as part of Kensal Gasworks Strategic Site (sites north and south of the railway) in their Core Strategy, adopted in 2010. This site has subsequently been promoted for housing in the Issues and Options Draft Supplementary Planning Document, which underwent public consultation in June and July 2012.
14. The NPE Depot is integral to regeneration of the whole Kensal Gasworks site because it is needed to land a road bridge across the railway lines to provide a second road access to the site. Without a second road access, emergency access constraints mean the development capacity of the 16 hectare brownfield Kensal Gasworks site alone would be reduced to around 600 homes from at least 2,500 homes on Kensal Gasworks and NPE depot.
15. A Gross Value Added, Gross Development Value and Residual Value Study undertaken by DTZ indicates the relocation of the HEx depot to NPE Depot would prevent creation of 3,300 homes, 1,900 jobs and approximately £1,088 million Gross Value Added over 10 years and £1.2 billion Gross Development Value from being delivered across the Kensal Gasworks, NPE Depot and Mitre Bridge Industrial Estate (in the London Borough of Hammersmith and Fulham) sites. The NPE Depot itself could deliver over 2,000 homes, generating a Gross Development Value of £745 million and a residual value of £70 million.
16. Your Petitioners note that the Environmental Statement Volume 4, Off-route effects, at paragraph 6.1.3, acknowledges that the east of the North Pole site "is identified for

residential housing and commercial development” by your Petitioners, and is “within the Kensal Canalside Opportunity Area identified by the Greater London Authority”.

17. Your Petitioners would suggest that if the Bill is to be used as an “engine for growth” then using the NPE Depot as proposed is not the best way to proceed and note that this loss of opportunity has not been taken into consideration in formulating the cost benefit ratio for HS2.
18. Your Petitioners have been in liaison with the Promoters and Network Rail who are considering alternative sites along the Heathrow Express route for the relocation of the HEx depot. Your Petitioners would urge that process to continue, and for an alternative location to be used thereby allowing optimal development of Kensal Gasworks and bringing a capital receipt to the Department for Transport.
19. If a suitable alternative location is found, your Petitioners respectfully ask your honourable House to amend the Bill so as to delete the proposed relocation works, remove the NPE Depot from the Bill limits, and require the Secretary of State to give an undertaking that the NPE Depot will not be used for purposes connected with Phase One of HS2 or for displacement of the HEx or Great Western operations.
20. If it is concluded that there is no other option but to relocate the HEx depot to the NPE Depot, then your Petitioners would ask that the Promoters be required to recalculate and then publish the cost benefit ratio for the whole scheme, taking into account the opportunity cost of the failure to achieve optimal regeneration of the Kensal Gasworks, North Pole Depot and Mitre Bridge Industrial Estate, which would produce, as mentioned above, an estimated £1,088 million Gross Value Added and £1.2 billion Gross Development Value.

#### **Provision of extra railway lines between Old Oak Common and Ladbroke Grove Bridge**

21. Your Petitioners are pleased to note that the Station will provide a connection to Crossrail, which is currently under construction. However, your Petitioners are concerned about capacity and in particular the capability of the rail infrastructure that is currently

planned to handle expected passenger numbers changing from HS2 at Old Oak Common and travelling to central London.

22. Your Petitioners have proposed a solution, namely the provision of additional railway tracks between Ladbroke Grove Bridge and Old Oak Common, and have offered to negotiate contributions from developers toward this additional cost.
23. This solution would make it easier to design a workable Crossrail timetable accommodating sufficient numbers of trains to meet the forecast demand, and with capacity to include future Crossrail and West Coast local stopping trains. It may transpire that West Coast local stopping trains may be required to be diverted from Euston to Crossrail at the outset of the main railway works commence or before then, in order to permit the large scale works at Euston that are now proposed following the publication of the "HS2 Plus" report by Sir David Higgins. It would also provide greater resilience for Crossrail and Great Western services, by creating operational margins to accommodate service perturbations and maintenance work.
24. The additional lines would also facilitate provision of a new Kensal Portobello Crossrail station, served by 4-6 trains an hour, that would form an important part of your Petitioners' aspirations for development at North Pole, as described above. It is your Petitioners' assessment that by stopping only a proportion of all Crossrail trains at the Kensal Portobello station, with most trains bypassing it on separate tracks, the station would deliver strong overall net benefits. Without a station, the housing density and consequent population numbers at the Kensal housing development cannot be maximised. Your Petitioners secured an undertaking from the promoters of the Bill for the Crossrail Act 2008 to make passive provision for such a station as part of the Crossrail works, and this will be referred to later in this petition.
25. It is your Petitioners' understanding that, based on previous track plans, the Secretary of State had believed the case for the Kensal Portobello station to be fundamentally weakened by the emergence of the HS2 proposals, and that this is for two reasons. In the first place, that the HS2 proposals require most if not all Crossrail trains to run at least as far west as Old Oak Common, so that stopping all of these trains at a station at Kensal Portobello would add to the journey time of large numbers of Crossrail passengers. The

second objection to the Kensal Portobello station is that a station on the tracks as currently planned would reduce capacity on the railway line.

26. Your Petitioners have carried out work to show that their proposal for additional tracks addresses these concerns and indeed can assist the operation of more Crossrail trains, as set out above. Furthermore, prior to the opening of the Old Oak Common station, fewer than half of the Crossrail trains will call at stations west of Paddington. A selection of the remaining trains, currently planned to terminate at Paddington, could therefore serve a "turnback" station one stop further down the line at Kensal Portobello, located on the additional tracks, without increasing journey times for any passengers.
27. Your Petitioners respectfully ask your honourable House to require the Promoters to undertake that they will work with your Petitioners to increase track capacity on the Great Western Mainline in such a way as to address the concerns of the Secretary of State, and to assist the operability of Crossrail and Great Western services on the route between Ladbrooke Grove Bridge and Old Oak Common.

#### **Passive provision for a Kensal Portobello Crossrail Station**

28. As mentioned above, your Petitioners were given a Parliamentary assurance as noted in the Register of Undertakings and Assurances (no. 540) for the Crossrail Act 2008. The assurance is: "The Promoter acknowledges the aspiration of the Council for a station in the Ladbrooke Grove area and does not intend that the Crossrail track layout proposals in the vicinity should preclude the future provision of station platforms."
29. Your Petitioners are concerned that the proposals in the Bill might prejudice the possibility of a station being provided and therefore request that the Promoter be required to give a similar assurance, but in relation to the works authorised by the Bill.

#### **Improvements to the Strategic Road Network**

30. The ES explains (Volume 2: Community Forum Area Report 4: Paragraph 2.3.24) that road access to the Station will be from entrances on Old Oak Common Lane to the west. It says that traffic will access and exit the station at two points to the north-west of the station and to the south of the station, close to the site access to the existing rail depots. Internal

roads will provide access for buses, taxis, cars dropping-off passengers and emergency vehicles. They will also connect to the staff and short-term parking areas.

31. Fifty thousand of the 250,000 people who will use Old Oak Common Station daily are expected to leave the station, which will put considerable additional demand on the surrounding road network, but the Bill treats Old Oak Common simply as an interchange between HS2, Crossrail and Great Western services (to Wales and the South-West). Your Petitioners consider that the proposals for highway improvements at and around the Station are inadequate. In your Petitioners' submission, those proposed improvements are unsuitable for the purpose of serving the Station, and unless additional provision for road access is made, existing free capacity in the surrounding road network will be used up, prejudicing opportunities for further development and regeneration being brought forward in the area.
32. Having access from the HS2 station only to the west onto Old Oak Common Lane will add unacceptable pressure to the A40 junctions in the local area. Those junctions are already operating close to capacity and would make access to this station from your Petitioner's borough very difficult. In your Petitioners' submission, further access points to the Station are required to help distribute traffic associated with the Station across the highway network. It is therefore considered essential by your Petitioners that an alternative access should be provided to the station from the east, through the provision of a vehicular bridge over the Grand Union Canal that would connect to Hythe Road and on to Scrubs Lane.
33. Transport for London have undertaken a study exploring the merits of an eastern connection to Scrubs Lane from the new station at Old Oak Common. Initial modelling suggests that around a third of all road trips heading to and from the Station would be via an alternative eastern link, relieving pressure on Old Oak Common Lane and routes to the west. There would be little disbenefit to Scrubs Lane as the Hythe Road/Scrubs Lane junction has capacity for this additional traffic.
34. An initial review of HS2 Limited's Transport Study suggests that significant delays will occur at key junctions as a result of the Station proposals. This emphasises the importance of increasing the permeability of the area through the creation of new road

connections and improving a number of existing junctions. Further improvements are likely to be required to accommodate the number of trips anticipated to be generated by the proposed redevelopment of the Station site. Your Petitioners consider that the Bill's Promoters should fund highway interventions to mitigate any congestion that will be caused as a result of the construction of the Station.

35. Your Petitioners respectfully request your honourable House to amend the Bill so that it includes a vehicular road access to the east of the Station crossing over the Grand Union Canal and linking to Scrubs Lane, and that the road must be completed before the Station opens for public traffic. Your Petitioners also request your honourable House to require the Secretary of State or HS2 Limited to fund further reasonable highway improvements in the area, should they be recommended following further traffic studies conducted by LBHF, Transport for London and other responsible bodies, and involving your Petitioners, given their responsibilities as highway authority for the adjoining area.

#### **Early delivery of Old Oak Common Crossrail Station**

36. It is envisaged that both elements of the Station (HS2 and Crossrail/Great Western Main Line station) would open at the same time, currently programmed to be in 2026. Your Petitioners wish to see regeneration at Old Oak Common taking place at the earliest opportunity and for that reason are of the view that the construction and opening of the Crossrail and Great Western Main Line elements of the Station should be brought forward, if it is possible.
37. Doing so would, in your Petitioners' respectful submission, also help to reduce any risk of delay in the delivery of HS2 unnecessarily holding up the opening of the Old Oak Common station for Crossrail and Great Western Main Line passengers. HS2 Limited's own Transport Assessment, contained in the ES, shows that large numbers of passengers will transfer between Crossrail and the Great Western main line at Old Oak Common, which adds weight to the case for early construction of the Crossrail station.
38. Your Petitioners respectfully request your honourable House to require the Promoters to bring forward the early delivery of the Crossrail and Great Western Main Line elements of the Station ahead of HS2.

## London Overground Station

39. Your Petitioners are disappointed to note that the Bill contains no provision for a passenger connection to the London Overground at Old Oak Common. The North London Line runs on a railway corridor adjacent to the western edge of the Station site and the West London Line runs to the east of the station site and both lines connect towards North London at Willesden Junction station. Many of your Petitioners' residents are served by one or more of four existing West London Line Stations that lie close to the boundary with LBHF and could benefit from a direct connection to the Station, were it to be constructed.
40. In order to facilitate regeneration in a manner consistent with the Mayor of London's Transport Strategy, transport connections must be provided at all levels, ranging from international to local. The current HS2 proposals would facilitate excellent international, national and regional connections, but would be lacking in sub-regional and local links. A London Overground connection would ensure that Old Oak Common is accessible to all five of these key markets.
41. A new London Overground connecting station at Old Oak Common would, in your Petitioners' submission, also result in the following benefits:
- reduction in overcrowding at Euston by providing additional connections for HS2 passengers at Old Oak Common;
  - putting locations along the West London Line and North London Line in contact with a much greater jobs market, providing greater employment accessibility for residents and greater employee accessibility for businesses;
  - helping to relieve pressure on the local highway network by providing public transport connections to the local area;
  - providing benefits in the wider area, including additional homes and jobs and generating additional Gross Value Added to the UK economy.

42. Your Petitioners request your honourable House to amend the Bill so that it provides for an interchange station at Old Oak Common on the London Overground, serving both the North London Line and the West London Line.

**Noise from tunnelling and construction impact**

43. There are a number of buildings in your Petitioners' area which are near to the proposed line of the underground railway 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 construction of the proposed railway is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery. Your Petitioners are concerned that 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 standards for the operational railway and where the railway passes near to noise sensitive buildings the nominated undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration into such buildings. Those standards should adopt your Petitioners' own best practice approach in relation to these matters. In your Petitioners' submission, the Bill should also provide that the nominated undertaker should put in place a comprehensive consultation exercise with regard to noise and vibration monitoring. Such a scheme should be subjected to a compensation code where agreed noise and vibration standards are breached. A great deal of excavated material will need to be removed from the various construction sites adjacent to your Petitioners' area, for example as a result of the excavation of the Victoria Road crossover box and the Station box. Your Petitioners are pleased to note that the construction proposals include the use of the Willesden Euroterminal railhead and a connecting conveyor system which will eventually mean that a considerable amount of material will be removed by rail. However, for approximately 18 months prior to the railhead and the connecting conveyor system come into operation, all excavated material from the work sites is intended to be removed by road, including roads in your Petitioners' area.

44. Your Petitioners are concerned about the impact of that on the road network and request that your honourable House require the Promoters of the Bill to consider and, if practicable, implement further options for the removal of excavated material by canal and rail rather than road from the outset of the construction period. The matters which your Petitioners submit should be subject to their control in this respect are the routing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and miscellaneous related matters.
45. The promoter of the Bill and subsequent nominated undertaker should confirm the numbers and type of vehicles on specific routes and assess impacts accordingly, particularly cumulative impacts. The nominated undertaker should also be required to minimise the cumulative impact of lorry movements by properly managing lorry movements, keeping the number of movements to a minimum, using the strategic road network and confining movements to normal worksite hours.
46. The combined workforce for Old Oak Common HS2 tunneling, construction of the HS2 station and the Crossrail/Great Western station, and other related projects such as roads reconstruction, will amount to many hundreds of people. The Mayor of London is also proposing early progress with area redevelopment, under the aegis of a Mayoral Development Corporation. This could be contemporaneous with railway-related works at Old Oak Common.
47. Your Petitioners are aware that for other major projects such as Heathrow Terminal 5, it was a requirement for the developer to produce, in consultation with the relevant local authorities, a transport plan, to demonstrate how the large workforce would access the site throughout the project, without unacceptable transport or parking pressures in the locality.
48. Your Petitioners submit that the Promoters or the Nominated Undertaker must also be required to provide a transport plan, setting out how such a large volume of staff will access the site throughout the project. One or both of your Petitioners' points raised above – early delivery of Old Oak Common Crossrail Station, and/or early opening of a London Overground station - would materially assist in easing the pressure on the local transport network.

### **Provision of information and consultation**

49. Your Petitioners have serious concerns over the provision of information supplied by the promoter of the Bill, both prior to the deposit of the Bill and up to the date of the deposit of this petition. This has meant that thorough and detailed assessments of the proposed project, its impacts and benefits have been impossible to compile. Your Petitioners are concerned that requests for further information and responses to specific requests remain outstanding. In particular, your Petitioners are still to be satisfied about the adequacy of the Environmental Statement. Baseline assumptions made over a number of generic issues have still to be substantiated. Ancillary documentation such as the proposed Code of Construction Practice remains in a draft form which is neither acceptable in principle, nor in its presumptions, proposals and extent of detail.

### **Environmental Statement: Adequacy and Accuracy**

50. In accordance with the standing orders of your Honourable House, comments on the Environmental Statement deposited with the Bill were invited in the newspaper notices that were published in accordance with the standing orders of your honourable House when the Bill was deposited. Your Petitioners accordingly sent detailed comments to the promoter of the Bill in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner has raised a great deal of concerns about the adequacy and accuracy of the Environmental Statement.
51. Fundamental deficiencies in the Environmental Statement have been identified by your Petitioners, including the following:
- Deep concern regarding the significant economic opportunity that is being lost as a result of the decision to use the North Pole Depot, the consequences of it which are not acknowledged within the Environmental Statement;
  - The Environmental Statement fails to take into account the economic disbenefit that the occurs by HS2 preventing Crossrail at Kensal to come forward;

- The proposed road layouts and interventions contained within the Environmental Statement are inadequate and fail to meet the needs of the future and current road network;
- The Environmental Statement fails to consider the disbenefit created by HS2's refusal to consider the early delivery of Overground and Crossrail links in Old Oak Common in advance of HS2;
- There is some concern that there is not enough reliance on canal and rail based construction traffic within the Environmental Statement;
- The Environmental Statement is insufficient in terms of its reference to mitigation measures and monitoring of flooding risk, specifically, there is a need to monitor impacts during operation not only during construction;
- The Environmental Statement was also considered deficient in terms of noise and vibration impact to ensure that there is no perceptible increase in noise from the increase in traffic volume.

52. It is vital that the deficiencies in the Environmental Statement identified by your Petitioners are remedied by the Promoter of the Bill, whether by way of an addendum to the Environmental Statement or otherwise. One reason this is so important is that the Environmental Minimum Requirements, which have been produced by the promoter of the Bill in draft, contain important obligations which will fall on the nominated undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the Environmental Statement and depend upon its accuracy.

#### **Authorisation procedures**

53. In line with the Crossrail and Channel Tunnel Rail Link Acts, the Bill contains provisions which provide outline planning permission for the development authorised by the Bill and disapply a number of other statutory regulation regimes which would normally apply in relation to the construction of works, including the listed buildings and conservation area controls in the Planning (Listed Buildings and Conservation Areas) Act 1990, the Control of Pollution Act 1974 and the London Lorry Ban. Your Petitioners wish to ensure that if

those controls are to be removed or suspended then in their place there is a robust alternative approval mechanism in each case, in which your Petitioners play a full part. Your Petitioners will, in conjunction with other local authorities affected by the Bill, be seeking to ensure that such arrangements are put in place, but if that is not achieved then your Petitioners would respectfully request that the promoter of the Bill be required to accept satisfactory arrangements including realistic timescales for the consideration of applications.

### **Planning: Conditions**

54. Clauses 19 to 23 of and Schedule 16 to the Bill put in place an alternative regime for planning permission, overriding many of the controls ordinarily operated by your Petitioners as local planning authority. Your Petitioners are concerned that this process, supplemented by the Environmental Minimum Requirements, does not give your Petitioners as a local planning authority significant time to make proper decisions on what may be very significant items of development, including stations and depots. As such your Petitioners seek an undertaking from the Promoter that in respect of specified significant development proposals (including all stations and depots, and any proposals that will be subject to public consultation and consideration by your Petitioner's planning committee), the relevant determination period shall be 13 weeks.
55. Your Petitioners have similar concerns that the technical approvals process as proposed in the Bill and its supporting documents, which allows for 28 days for approvals, does not give your Petitioners as a relevant local authority sufficient time to give appropriate consideration to what may be highly complex approvals. Your Petitioners seek an undertaking that complex items of work will be subject to longer approval periods than 28 days, such periods to be agreed with your Petitioners.
56. Your Petitioners note that the planning regime set out in the Bill is very similar to that contained in both the Channel Tunnel Rail Link Act 1996 and the Crossrail Act 2007. However, there is one significant difference that causes Your Petitioners considerable concern, namely sub-paragraph 2(7) of Schedule 16 to the Bill. That sub-paragraph says that the relevant planning authority may impose conditions on approval of detailed plans and specifications only with the agreement of the nominated undertaker. This

tautological provision could render the planning authorities unable to impose conditions and should be struck from the Bill. Your Petitioners' concern applies to any other provision in the Bill in which authorities are given powers to impose conditions or other matters, only with the agreement of the nominated undertaker.

**Local authority costs: CoCP compliance**

57. Your Petitioners note that the Bill and the supporting documents adopt similar regimes to those which were established for the construction of the Channel Tunnel Rail Link and Crossrail. Your Petitioners are pleased to note that this regime will include the agreement of a code of construction practice ("CoCP"), and local area management plans ("LEMPs"). Your Petitioners will wish to ensure that the CoCP is complied with properly, and in that respect, your Petitioners will incur a great deal of expenditure. Your Petitioners wish to ensure that all of their reasonable expenses in monitoring construction sites are met by the nominated undertaker, together with expenditure incurred by your Petitioners in planning and programming activities related to the CoCPs and in enforcing them.

**Local authority costs: Other authorisation costs**

58. As part of the alternative consent regimes mentioned above, your Petitioners must be able to recover from the promoter of the Bill or the nominated undertaker their full costs of processing applications. Your Petitioners note that the Bill provides the Secretary of State with the power to make an order relating to the payment of fees to the local planning authority in respect of requests for detailed planning consent. Your Petitioners are pleased to note this, but seek assurances from the promoter of the Bill about the level of those fees and the ability of the promoter of the Bill to cover their costs of dealing with all applications, not just those directly related to the planning provisions in the Bill, and taking enforcement action where necessary.

**General**

59. 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 the Council of the Royal  
Borough of Kensington and Chelsea

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS)

P E T I T I O N

of

THE COUNCIL OF THE ROYAL BOROUGH OF

KENSINGTON AND CHELSEA

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AGAINST,

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