

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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 THE ROYAL COLLEGE OF GENERAL PRACTITIONERS

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the bill”) has been introduced and is now pending in your honourable House entitled “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 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 Royal College of General Practitioners (hereinafter referred to as "RCGP"), which is a registered charity representing over 48,000 members, based at 30 Euston Square, London NW1 2FB. Within the Bill your Petitioners building has been referred to under the title, 'Offices at 1-9 Melton Street'. The building also has one further title, '194-198 Euston Road'.
8. Your Petitioners have owned and/or occupied the property at 30 Euston Square since early 2010. The property was purchased prior to the publishing of the first HS2 proposal. The property is in use as the RCGP's headquarters but has a mixed use. Alongside office space for over 200 staff it incorporates a purpose built unique examination centre facility; an extensive conference centre that includes a 300 seat auditorium; 41 study bedrooms; a café; gymnasium and two large state/event rooms on the 5th floor with adjoining roof terrace. The property has both its main and staff entrances on Melton Street, the examination centre entrance and disability access on Euston Road and a rear entrance on Stephenson Way that acts as the Services or 'goods in' entrance.
9. Your Petitioners property accommodates all of the charitable activities of RCGP and includes (i) a purpose built examination centre that runs the professional entry examination required by every GP to gain a license to practice in the UK. Upwards of 4,200 GP trainees are assessed annually over an 8 month period from October to May. The facility is unique, having been built to our specifications and as such is not replicable anywhere in the UK; (ii) a conference centre including a raked 300 seat auditorium, available for both private use and public hire; (iii) 41 study bedrooms that are available for hire to the College's membership and are regularly utilised by the examiners and assessors of our examinations; (iv) a café that is open to the public; (v) a gym for staff, members and bedroom guests and (vi) two large state/event rooms with adjoining roof terrace that host the RCGP Council meetings four times a year and are available for public hire for large dinners and events, such as weddings.
10. The RCGP is the professional membership body and guardian of standards for over 49,000 family doctors in the UK, working to promote excellence in primary healthcare. The RCGP was founded in 1952. HRH Prince Philip, the Duke of Edinburgh is the RCGP's patron and in March of 2014 attended a ceremony to officially open your Petitioners building following completion of the extensive refurbishment project that commenced in 2011, following the purchase of the freehold in 2010. Your Petitioners building has been nominated for a number of awards related to the unique design and the refurbishment/recycling of a building listed at Grade II* that had fallen into dis-repair under previous ownership. Your Petitioners property has very quickly become a well recognised and prestigious conference and event venue in London and within a year of operating was placed at number 12 in the UK's top 20 venues, as voted for by readers of Event Magazine.
11. Following the purchase of your Petitioners' property in 2010, funded by the sale of its previous headquarters building, a large scale renovation and refurbishment project was undertaken to tailor the building to its specific needs, the facilities of which have been highlighted in the paragraphs above. This work was funded by a commercial bank loan that is repayable over 15 years.

Injurious effect of the Bill on your Petitioners

12. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

The disruptive works adjacent to, and in the immediate vicinity of, the property

13. Your Petitioners property is located immediately adjacent to the HS2 construction site on both Melton Street and Stephenson Way which is to be used for works to accommodate the high speed platforms and associated facilities for the HS2 station at Euston, including the construction of a deep ventilation shaft and escape stair for the Northern Line which would be located immediately to the west of your Petitioners' property.
14. Your Petitioners property is not intended to be demolished as a result of the Bill, however the adjoining building to the North, Walkden House at 10 Melton Street, and Wolfson House at 4 Stephenson Way, situated directly opposite the rear elevation of the building have been identified for demolition in 2016.
15. Your Petitioners property has been identified within the Bill as a non-residential receptor as it will be subject to significant construction noise or vibration effects over a period of up to 7 months due to a range of activities including demolition of buildings in Euston Square, construction of a new utilities corridor and earthworks. Furthermore construction is expected to be taking place directly around your Petitioners property for a period of 10 years.
16. The nature of the proposed works will cause unacceptable and direct disturbance resulting in the potential loss of use and amenity of your Petitioners property during the demolition and construction phase. This disturbance and disruption will affect the operational viability of the building, particularly the ability to run the examination that assesses over 4,200 GP trainees per year, as well as the ability to remain financially viable whilst the RCGP meet the repayments on the loan taken out to carry out the refurbishment works. These issues are of very serious concern to your Petitioners and to date HS2 Ltd has failed to provide sufficient assurances that suitable mitigation or compensation will be put in place.

The period and nature of the disturbance and disruption

17. The Bill includes powers for the Secretary of State and the Nominated Undertaker to carry out construction works, that are estimated to take at least ten years to complete, and will include lorry movements, service and utility diversions, road works, restricted access, demolitions, deep excavations, 24 hour working and major construction works immediately adjacent to your Petitioner's property. This long term, ongoing programme of works will create noise and vibration that we believe will cause unacceptable disturbance and disruption to the normal daily activities and events carried out in your Petitioners property.
18. As mentioned in paragraph 15 your Petitioners property has been identified as a sensitive receptor by HS2 and as such will be subject to significant construction noise or vibration effects over a period of up to 7 months. In being identified as a sensitive receptor this indicates that your Petitioners property is forecast to experience noise levels higher than the noise insulation trigger levels as defined in the draft Code of Construction Practice. Your Petitioners are extremely concerned that the impact of this noise will cause such large scale disruption that the RCGP will not be able to continue with its normal operations in its current property.

19. Of most critical concern is the potential disturbance to the RCGP examination that runs annually throughout the 8 months from October to May. Over 4,200 GP trainees are assessed each year in the purpose built examination centre situated within your Petitioners property. As mentioned above this facility is not replicable anywhere in the UK. Were the examination not be able to run due to the disturbance caused by HS2 this would mean that the UK would be deprived of thousands of new GP's each year. This would have a huge detrimental impact for the future delivery of General Practice and primary care throughout the UK.
20. Furthermore, the RCGP relies on the income from the letting of the conference centre, auditorium, study bedrooms and event rooms to meet its financial obligations. Your Petitioners are concerned that the disruption to external client experiences will not only cause immediate ramifications in terms of financial loss but will have a negative impact on the retention of existing and new client relationships resulting in loss of business.
21. Your Petitioners have been in ongoing engagement with HS2 and have been informed that HS2 will continue to seek reasonably practicable measures to further reduce or avoid these significant effects. However, to date HS2 have failed to provide any information as to what practicable measures or compensation will be made available to mitigate against the consequences of its long term programme of disruptive works. The compensation currently stipulated under the revised National Compensation Code still fails to protect large businesses, such as the RCGP, for disruption 'when no land is taken', as is the case with your Petitioners.

Construction of ventilation shaft

22. Your Petitioners are concerned about the ventilation shaft due be constructed immediately behind your Petitioners property that was added to the plans included in the bill.
23. Your Petitioners currently object to the ventilation shaft works on the grounds that it will not make best use of an important site within the plans for the new Euston Station. Your Petitioners are concerned that the ventilation shaft will not contribute aesthetically to the local street scene. Your Petitioners are further concerned that the noise and vibration emanating from the ventilation shaft will adversely impact your Petitioners' operations and use, in particular the roof terrace that is used for large high profile events..
24. Your Petitioners request that HS2 submit their detailed designs for approval by the local planning authority and that the local community in Stephenson Way is consulted on the design of the ventilation shaft building, the potential for street level uses and acceptable levels of noise and vibration that does not cause harm to adjacent properties.

The need for a review of the construction strategy

25. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works, by considering their individual and cumulative impacts on sensitive receptors including your Petitioners property.

26. Your Petitioners request that in reaching such amendments to the Bill or by giving such undertakings, proper consideration is given to the elimination of unacceptable disturbance to your Petitioners property through adequate mitigation and/or compensation so that the RCGP may continue to carry out its normal operations in accordance with its charitable objects without loss, disturbance or disruption.
27. In summary, your Petitioners property is immediately adjacent to the proposed works. It is immediately, and potentially catastrophically, threatened by the current plans for HS2. The proposed works pose serious threats of long-term disturbance and disruption to your Petitioners property and the activities of the RCGP, most importantly the examination for new GP trainees. Without adequate compensation and mitigation measures being put in place, HS2's plans threaten the financial viability of the RCGP's use of its recently refurbished headquarters.
28. There are other clauses and provisions of the Bill, which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by 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 provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.



Dr Helen Stokes Lampard
Honorary Treasurer, RCGP

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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AGAINST, BY COUNSEL, &c

THE ROYAL COLLEGE OF GENERAL PRACTITIONERS

