

# Appendix C

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

### ADMINISTRATION COMMITTEE 12 FEBRUARY 2014

#### REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND BOROUGH DEVELOPMENT

#### PETITIONING AGAINST THE HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

This report seeks a decision from the Administration Committee to put before the full Council a decision to authorise officers to petition against the High Speed Rail (London – West Midlands) Bill.

**FOR DECISION**

#### **1. INTRODUCTION**

- 1.1 This paper outlines the hybrid Bill process and proposes the points to be included in a petition against the High Speed Rail (London – West Midlands) Bill (“the HS2 Bill”).
- 1.2 The proposed route will not pass under any homes within the Royal Borough. As it only passes under Kensal Green Cemetery at a depth of around 20 metres the petitioning points are concerned with regeneration opportunities and benefits to residents that will not be realised as a result of the proposals set out in the HS2 Bill.

#### **2. BACKGROUND**

- 2.1 The HS2 Bill, submitted to Parliament on 25 November 2013, will secure the powers needed to construct and maintain Phase One of HS2 between London and the West Midlands, and its associated works, including planning permission for the works. The HS2 Bill is referred to as ‘hybrid’ because it contains both public and private considerations.
- 2.2 The HS2 Bill will grant powers to:
  - compulsorily acquire interests in the land required;
  - affect or change rights of way, including the stopping-up or diversion of highways and waterways (permanently or temporarily);

- modify infrastructure belonging to statutory undertakers (e.g. utility companies);
  - carry out work on listed buildings and demolish buildings in Conservation Areas; and
  - carry out protective works to buildings and third-party infrastructure.
- 2.3 The HS2 Bill was given its first reading on Monday 25 November 2013. The HS2 Bill, the Environmental Statement and supporting documents are available at <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill>.
- 2.4 Parliamentary Standing Orders require an eight week public consultation on the formal Environmental Statement. This consultation has been extended until 27 February 2014 because some pages were omitted from the document. Officers are producing a response to this consultation. Environmental Health colleagues have indicated they have no concerns about noise or vibration impacts because the line would be wholly in a tunnel through the Royal Borough. However, the response to the Environmental Statement will raise concerns about potential ground borne noise from tunnelling and the impact of increased traffic during the construction phase. The Royal Borough's response will follow the same points as detailed for petitioning in Section 3 below.
- 2.5 The principles of the Bill will be debated at Second Reading. The earliest date for this is expected to be late April, but could be as late as June. A special Select Committee of MPs will be established at this stage to hear objections or 'petitions' against details of the scheme by those directly affected by its proposals. The Select Committee can recommend changes to the scheme based on petitioner concerns.
- 2.6 The petitioning period, during which the Council must submit the points it intends to petition upon, will be fixed at the time of the Second Reading, and is usually only three weeks. In order to petition against the Bill, a resolution of the full Council must be passed. The Bill will then receive its Third Reading and be passed to the House of Lords for amendment. The Bill returns to the Commons for consideration of amendments made in the Lords and following this receives Royal Assent. There will be a further opportunity to petition against the Bill in the House of Lords.

### **3 NEED**

- 3.1 Although HS2 would run underground through the Royal Borough there are seven issues arising from the construction of Phase One of HS2 on which the Council may decide to include in a petition against the Bill. These concern significant regeneration opportunities and

benefits to residents that would be lost if some of the proposals in the Bill were implemented.

3.2 The proposed petitioning points would be as follows.

### **1. Releasing North Pole Depot to regenerate North Kensington**

The HS2 Bill provides that the Heathrow Express Depot, currently located at Old Oak Common in Hammersmith & Fulham, will be relocated to North Pole Depot. The North Pole Depot straddles Hammersmith & Fulham and the Royal Borough to the south of the Great Western Mainline railway line.

Both Councils were notified of the need to relocate this depot last autumn. Before this the North Pole Depot had been identified for disposal by its then owners, British Rail Board Residuary, and transfer to the Department of Transport's development arm, London and Continental Railways.

This site is integral to regeneration of the 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 the development capacity of this 16 hectare brownfield site would be reduced from 2500-3000 homes to around 600 homes.

The North Pole Depot itself could accommodate 1500 homes (900 in the Royal Borough, the remainder in Hammersmith & Fulham) and it is the only possible location for a direct road connection that would allow residents and businesses in north Kensington to benefit from the HS2/Crossrail station at Old Oak Common.

Network Rail is undertaking work to establish if there is any other feasible location for the Heathrow Express Depot. The concern is that this is being determined purely on railway operational grounds without considering the huge opportunity cost.

The petitioning points would be:

- a) That an alternative location for the Heathrow Express Depot should be found so that North Pole Depot can be released for development, bringing a capital receipt to the Department for Transport and allowing optimum development of the Kensal Gasworks strategic site.
- b) If an alternative location cannot be found for the Heathrow Express then the opportunity cost of failing to achieve optimal regeneration of Kensal Gasworks as a direct result of HS2, which would produce GVA £690m, should be included in the Cost Benefit Ratio of HS2.

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

The Council has presented evidence to Crossrail to show that it will be very difficult to run enough Crossrail trains to manage the demand at Old Oak Common, using just the rail infrastructure that is currently planned.

The Council has proposed a solution: to provide additional railway tracks between Ladbroke Grove Bridge and Old Oak Common. This would make it easier to design a workable Crossrail timetable with sufficient numbers of trains to meet the forecast demand. It would also provide greater resilience for Crossrail services allowing them to accommodate service perturbations and maintenance work.

It would also allow provision of a skip stop service that would enable a new Kensal Portobello Crossrail station to be served by 4-6 trains an hour. This is because the additional tracks would allow the trains calling at Kensal Portobello to run on separate tracks from those used by the non-stopping services. The Council has indicated it is willing to contribute towards provision of these extra lines via planning contributions.

The petition would seek a requirement for Network Rail to work with the Council to deliver additional railway tracks that would improve Crossrail services and deliver the Council's ambition for a Crossrail Station.

## **3. Improvements to Strategic Road Network**

Fifty thousand of the 250,000 people who will use Old Oak Common station daily are expected to leave the station, but the HS2 Bill treats Old Oak Common simply as an interchange between HS2 and Crossrail and Great Western services (to Wales and the South-West).

HS2's proposed road improvements are inadequate. Old Oak Common station is accessible by road only from the west which would put considerable pressure onto Old Oak Common Lane and Victoria Road (in Hammersmith and Fulham and Ealing). It would also make access to this station from the Royal Borough very difficult.

The petition would seek improved east-west road connections and bridge links over the Grand Union Canal in Old Oak Common.

#### **4. Early Delivery of Crossrail at Old Oak Common**

The HS2 Bill proposes that the station at Old Oak Common would not open until HS2 services commence in 2026. Opening the station in 2019 when Crossrail services start would unlock development of some sites in Hammersmith and Fulham in advance of HS2. It would also present new job opportunities and new travel connections to residents of North Kensington, provided there was a rail link to Old Oak Common.

The petition will seek a requirement that the Crossrail station at Old Oak Common opens in 2019.

#### **5. Inclusion of an Overground station on West London Line at the Old Oak Common hub**

HS2 Ltd's proposals for Old Oak Common station do not currently include connections to the London Overground network which runs in close proximity. The North London Line runs to the west, connecting Richmond to Willesden Junction and on to Stratford. The West London Line runs to the east and connects Clapham Junction to Willesden Junction; many Royal Borough residents are served by one or more of four existing West London Line stations that lie on or close to the boundary with Hammersmith and Fulham.

LB Hammersmith & Fulham are proposing there should also be an Overground station at Old Oak Common, subject to this having a minimal impact on Wormwood Scrubs. This would improve transport options for Royal Borough residents, providing access to a broader jobs market.

The petition would seek the provision of an Overground station at Old Oak Common.

#### **6. Noise from tunnelling and construction traffic impact**

There is concern about potential ground borne noise from tunnelling and the impact of increased traffic during the construction phase.

Petitioning would seek assurances that these impacts would be mitigated.

#### **7. Confirmation that the existing undertaking giving passive provision for a Kensal Portobello station will not be rescinded**

There are 55,000 pages in the Bill and supporting documents so it is possible somewhere within the document there is a clause

rescinding the undertaking for plain lining given at the time of the Crossrail Act, which provides passive provision for Kensal Portobello station.

Petitioning would seek confirmation that the existing undertaking giving passive provision for a Kensal Portobello station will not be rescinded.

## **4 CONSULTATIONS**

- 4.1 Proposals to regenerate Kensal Gasworks Strategic Site will be the subject of a Supplementary Planning Document. This was put out to initial issues and options consultation in summer 2012. There was across the board support for Crossrail and an acknowledgement that a new station would not only improve opportunities on site but provided an opportunity to regenerate the wider area.
- 4.2 The London Boroughs of Brent, Ealing and Hammersmith and Fulham in partnership with the Mayor of London and TfL consulted upon a vision for Old Oak Common in 2013. Hammersmith and Fulham report over 500 people responded. The majority were in support of the principle of regeneration at Old Oak, but concerns were raised regarding the impact of development on Wormwood Scrubs and the pressure on the transport network.

## **5 OPTIONS**

- 5.1 The options available to the Committee are to:
1. Decide to recommend full Council to petition against the HS2 Bill on the grounds set out in this report;
  2. Decide to recommend full Council to petition against the HS2 Bill on other grounds
  3. Decide not to recommend full Council to petition against the HS2 Bill

## **6. FINANCIAL AND PROPERTY, LEGAL, SUSTAINABILITY, RISK, HR AND/OR EQUALITIES IMPLICATIONS**

### **6.1 FINANCIAL AND PROPERTY**

£50,000 has been allocated to pay for consultancy services required to support petitioning with Planning and Transport contributing 50/50. This is expected to cover in house and external legal fees and additional evidence studies needed to support petitioning points (contributions to a GDV study of Kensal and North Pole Depot and Overground connectivity that would be commissioned with LB Hammersmith & Fulham).

## 6.2 **LEGAL**

Parliamentary Agents Sharpe Pritchard have been instructed to advise and represent the Royal Borough and Hammersmith and Fulham during the petitioning process and in order to reduce risks associated with non-compliance with or breaches of legislation and Parliamentary procedure.

Section 239 of the Local Government Act 1972 provides that the decision to petition against the HS2 Bill must be taken by a majority of all the members of the Council. Ten clear days notice of the meeting and the proposed decision to petition against the HS2 Bill must be given by way of a notice in a local newspaper.

[Legal implications verified by LeVerne Parker, Chief Solicitor and Head of Regeneration, Bi-Borough Legal Services]

## 6.3 **SUSTAINABILITY**

The petitioning points identified are concerned with requesting changes to the HS2 Bill that would improve connectivity to public transport and increase the development capacity of a brownfield site.

## 6.4 **PARTNERSHIPS**

Petitioning is being co-ordinated with LB Hammersmith and Fulham. They are seeking to petition on the same points with the exception of point 2 which is this Council's initiative. It is not clear at this stage if the GLA will be petitioning, as this is a decision for the Mayor, but petitioning points are being coordinated.

## 6.5 **POLICY**

Ensuring future benefits from Crossrail is one of the Bi-borough strategic improvement indicators.

## 6.8 **EQUALITIES IMPLICATIONS**

North Kensington contains some of the most deprived wards in London. Residents of these wards have much to gain in terms of improved job prospects as a result of the improved public transport connectivity the proposed petitioning points would deliver. These benefits were identified in the **Economic Impact Assessment** of a Station in North Kensington

[http://www.rbkc.gov.uk/pdf/crossrail\\_note\\_on\\_results2.pdf](http://www.rbkc.gov.uk/pdf/crossrail_note_on_results2.pdf)

## **7. RECOMMENDATION(S)**

7.1 The Administration Committee is recommended to recommend the Council to resolve.

- (a) That in the judgment of the Council of the Royal Borough of Kensington and Chelsea it is expedient for the Council to oppose the High Speed Rail (London – West Midlands) Bill introduced in the Session of Parliament 2013-14 and;
- (b) That the Executive Director of Planning and Borough Development take all necessary steps to carry the foregoing Resolution into effect, that the Common Seal be affixed to any necessary documents and that confirmation be given that Sharpe Pritchard (Parliamentary Agents) be authorised to sign the Petition of the Council against the Bill.

Jonathan Bore  
**Executive Director of Planning and Borough Development**

### **Background papers: Response to HS2 Task Force**

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