

## EUSTON AREA PLAN EXAMINATION 1<sup>ST</sup> AND 2<sup>ND</sup> JULY 2014

### HIGH SPEED TWO (HS2) LTD STATEMENT

#### MATTER 7 – ENVIRONMENT, OPEN SPACE AND PUBLIC REALM

1. Subject to the changes agreed with Camden Council and set out in the HS2 Ltd/Camden Council Statement of Common Ground HS2 Ltd is not seeking any changes to the Euston Area Plan (EAP) related to the matters set out below. The intent of this statement is to assist the Inspector with his consideration of the EAP. The focus of this statement is the relationship between the EAP and the works that will be authorised by the Bill.

#### How will the Plan deliver the principles contained in Strategic Principle EAP4 in the context of the overall Development Strategy and the planning regime for the construction of HS2?

2. The High Speed Rail (London - West Midlands) Bill (henceforth 'the Bill') seeks the powers necessary to construct and operate phase 1 of High Speed Two (HS2). The Bill will, when enacted, grant deemed planning permission for the works authorised by it subject to provisions of clause 19. The planning authority for HS2 is therefore Parliament. Royal Assent for the Bill will establish the principle of the development and grant deemed planning permission within the relevant Bill limits of deviation or limits of land to be acquired and used.
3. The deemed planning permission granted by the Bill will be subject to the conditions imposed on it by Schedule 16 to the Bill, 'Conditions of Deemed Planning Permission'<sup>1</sup>. Paragraph 2 of Schedule 16 requires that plans and specifications for buildings will be subject to approval by

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<sup>1</sup> See HS2 Information Paper B1: THE MAIN PROVISIONS OF THE PLANNING REGIME ([http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/B1-Main%20Provisions%20of%20the%20Planning.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/B1-Main%20Provisions%20of%20the%20Planning.pdf)) and HS2 Information Paper B2: LIMITS ON PARLIAMENTARY PLANS ([http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/B2-Limits%20on%20Parliamentary%20Plans.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/B2-Limits%20on%20Parliamentary%20Plans.pdf))

the relevant planning authority, in the case of Euston Station that being Camden Council. The Bill provides that , where a local planning authority is required to consider a request for the approval of plans and specifications for building works it may only refuse to approve those details:

(a) (in a case where the local planning authority has opted to be a qualifying authority under Part 2 of the Schedule) on the grounds set out in Paragraph 2(5) of the Schedule ; or

(b) (where it has not opted to be a qualifying authority) on the grounds set out in Paragraph 2(6) of the Schedule

4. The grounds in paragraph 2(5) are

*If the relevant planning authority is a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—*

*(a) the design or external appearance of the building works ought to be modified—*

*(i) to preserve the local environment or local amenity,*

*(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or*

*(iii) to preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or*

*(b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.*

5. The grounds in paragraph 2(6) are:

*If the relevant planning authority is not a qualifying authority, it may only refuse to approve plans or specifications for the purposes of this paragraph on the ground that—*

*(a) the design or external appearance of the building works ought to be modified to preserve the local environment or local amenity and is reasonably capable of being so modified, or*

*(b) the development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.*

6. The policy in the EAP in general, and in Strategic Principle EAP<sub>3</sub> and Development Principle EAP<sub>1</sub> in particular, will be material to the consideration of requests for approval insofar as they relate to the matter for approval and set out in the relevant paragraph of the Schedule..
7. The policy in the EAP in general, and in Strategic Principle EAP<sub>4</sub> will be relevant to the consideration of requests for approval insofar as they relate to the matter for approval and the grounds as set out in the relevant paragraph of Schedule 16.
8. It should also be noted when considering the policy in the plan and the prescriptions it makes in relation to works authorised by the HS2 Bill that as there are other mechanisms that will be put in place to control the environmental effects of the project and ensure that the environment is taken into account in the design of the project. These controls are summarised in HS2 Information Paper E1 Control of Environmental Impacts.<sup>2</sup>
9. With regard to surface water flood risk the most relevant controls and requirements are contained in section 4.10 of the draft HS2 Environmental Memorandum<sup>3</sup> and Part 5 of the Schedule 31 to the HS2 Bill. HS2 Information Paper E4 Water Resources and Flood Risk provides further information.<sup>4</sup>
10. Similarly there are appropriate controls and requirements placed on the project on other issues addressed in the EAP 4. HS2 Information Paper E2 addresses ecological (biodiversity) impacts

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<sup>2</sup> See HS2 Information Paper E1: CONTROL OF ENVIRONMENTAL IMPACTS

[http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/E1-Control%20of%20Environmental%20Impacts.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/E1-Control%20of%20Environmental%20Impacts.pdf)

<sup>3</sup> [http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/Draft%20Environmental%20Memorandum\\_o.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/Draft%20Environmental%20Memorandum_o.pdf)

<sup>4</sup> [http://www.hs2.org.uk/sites/default/files/hb\\_pdf/E4-Water%20Resources%20and%20Flood%20Risk.pdf](http://www.hs2.org.uk/sites/default/files/hb_pdf/E4-Water%20Resources%20and%20Flood%20Risk.pdf)

of HS2<sup>5</sup>. The controls and requirements relating to noise are set out in HS2 Information Papers E20 Control of airborne noise from altered roads and the operational railway<sup>6</sup>, E21 Control of ground-borne noise and vibration from the operation of temporary and permanent railways<sup>7</sup>, E22 Control of noise from the operation of stationary systems<sup>8</sup>, and E23 - Control of construction noise and vibration<sup>9</sup>.

11. In light of the above controls on HS2, and the fact that it is Parliament which will authorise the scheme and grant planning permission for the HS2 scheme, the level of guidance in Strategic Principle EAP 4 for HS2 is correct. It does not seek to impose controls on the project which are beyond the remit of an area action plan in relation to a project authorised by a hybrid Bill. It will assist with the delivery of HS2's requirements in relation to environment and open space by creating a positive policy that will be material to the determination of requests for approval under the HS2 planning regime, insofar as it is material to the matter for approval and the relevant grounds set out in Schedule 16 to the Bill.

12. Strategic Principle EAP 4 provides the correct level of guidance to assist with the delivery of its aims through the consideration of planning applications for non-operational development.

How does the Plan address the significant permeability and public realm issues across the Plan area, and should the Plan set out a more conspicuous and cohesive Public Realm Strategy for the whole Plan area?

13. Paragraphs 2 to 6 above apply equally to this question. The Bill will, when enacted, provide the powers necessary to construct the HS2 works including Euston Station within the relevant Bill

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<sup>5</sup> [http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/E2-Ecological%20Impact.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/E2-Ecological%20Impact.pdf)

<sup>6</sup> [http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/E20%20-%20Control%20of%20airborne%20noise.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/E20%20-%20Control%20of%20airborne%20noise.pdf)

<sup>7</sup> [http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/E21%20-%20Control%20of%20ground-borne%20noise%20and%20vibration%20from%20the%20operation%20of%20temporary%20and%20permanent%20railways.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/E21%20-%20Control%20of%20ground-borne%20noise%20and%20vibration%20from%20the%20operation%20of%20temporary%20and%20permanent%20railways.pdf)

<sup>8</sup> [http://assets.hs2.org.uk/sites/default/files/hb\\_pdf/E22%20-%20Control%20of%20noise%20from%20the%20operation%20of%20stationary%20systems.pdf](http://assets.hs2.org.uk/sites/default/files/hb_pdf/E22%20-%20Control%20of%20noise%20from%20the%20operation%20of%20stationary%20systems.pdf)

<sup>9</sup> [http://www.hs2.org.uk/sites/default/files/hb\\_pdf/E23%20-%20Control%20of%20construction%20noise%20and%20vibration.pdf](http://www.hs2.org.uk/sites/default/files/hb_pdf/E23%20-%20Control%20of%20construction%20noise%20and%20vibration.pdf)

limits. The guidance in section 4.1 of the EAP provides guidance to those who will be undertaking the detailed design of the bus station. The EAP will be material to the development management process for requests for approval under Schedule 16 to the Bill insofar as it relates to the matter for approval and the relevant grounds.

14. HS2 Ltd believes that guidance in the EAP is sufficiently clear with regard to permeability and public realm. It will provide clear guidance to those undertaking the design of HS2 and will be material to the development management process for requests for approval under Schedule 16 to the HS2 Bill insofar as it relates to the ground in the relevant paragraph.

15. The question could be asked whether a greater degree of guidance could productively be given at this stage? HS2 Ltd considers that, at this stage, the answer is no. As set out above the Bill will, when enacted, establish the principle of development with the relevant Bill limits. Detailed design of the scheme has not yet begun and it would not be practicable to provide more detailed guidance in advance of that as the detailed operational and structural requirements have not yet been fully identified.

How will the Plan deliver the significant pedestrian, cycle and green link improvements illustrated on Figures 3.5 and 3.6?

16. Paragraphs 2 to 6 above apply equally to this question. The design of the HS2 works at Euston will require approval under the planning regime established by Schedule 16 to the HS2 Bill. It will provide clear guidance to those undertaking the design of HS2 and will be material to the development management process for requests for approval under Schedule 16 to the Bill insofar as it relates to the ground in the relevant paragraph.

Is the proposed Euston Station Ultra Low Emission Zone (ULEZ) supported by all key stakeholders?

17. HS2 Ltd has no comment to make on this question.

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6 June 2014