

EUSTON AREA PLAN EXAMINATION 1ST AND 2ND JULY 2014

HIGH SPEED TWO (HS2) LTD STATEMENT

HS2 UPDATE AND OVERVIEW

1. The Inspector has requested an update from HS2 Ltd on High Speed Two (HS2) and the proposals at Euston. This note sets out the position at 6th June 2014 and is intended to assist the Inspector with his consideration of the Euston Area Plan (EAP). The note covers:
 - a. the station scheme at Euston following the publication of the HS2 Plus report;
 - b. the HS2 Growth Task Force;
 - c. progress of the HS2 Bill; and
 - d. Parliament's role as planning authority for HS2.

Euston Station Scheme – Status and the HS2 Plus

2. The High Speed Rail (London - West Midlands) Bill (henceforth 'the Bill') was deposited on 25th November 2013. The Bill seeks the powers necessary to construct and operate phase one of HS2.
3. The Bill limits and powers at Euston will allow for the construction of a station scheme referred to as the 'Bill Scheme'. In broad terms the Bill Scheme involves: building new sub-surface high speed platforms to the west of the existing Network Rail Euston Station; modernising the concourse of the existing Network Rail Station and integrating it with the new high speed station; upgrading Euston London Underground Station; a new east-west pedestrian and cycle bridge to the north of the station; and the provision of a new linear bus station to the front of the station. The Bill Scheme was assessed in the HS2 Environmental Statement that formed part of the Bill submission. The Bill Scheme also includes provisions for the construction of structures over the high speed platforms that will facilitate subsequent non-operational

development above the platforms (often referred to as “over-site development” (OSD)). This scheme was assessed in the environmental assessment that formed part of the Bill submission. However, any OSD itself would not be authorised by the Bill and planning permission for the OSD will require separate planning permission through the normal Town and Country Planning Act process. It will also require its own environmental assessment as part of that process.

4. The HS2 Plus¹ report by Sir David Higgins proposed that a more ambitious scheme could be considered for Euston Station. It stated “...an alternative proposal that the Government could consider is a level deck design, which would enable access from one side of the station to the other, better connecting the station to the local area and the community. It could also create the potential for considerable over-site development...”. In response to this the Government issued a remit letter to HS2 Ltd on 11th April 2014 asking that HS2 Ltd work with Network Rail to explore “A more comprehensive solution at Euston, working with the rail industry and the local community, with the aim of reaching a decision that would allow introduction of an additional provision to the hybrid Bill by December 2014”.²
5. Hs2 Ltd, along with Network Rail, recognises the potential opportunities that the ‘level deck scheme’ could bring and are working in response to the remit letter from the Government. However, until a decision is made by the Secretary of State to adopt the level deck scheme and introduce an Additional Provision to the Bill (i.e. the change to Bill powers needed to build an alternative scheme) the scheme in the Bill as deposited – the Bill Scheme – remains current.
6. It is not for the EAP, or the examination of the EAP, to seek to decide which station option should be adopted. This is outside the remit of an area action plan. Rather it is for the

¹ HS2 Plus - A Report by David Higgins,

<http://assets.hs2.org.uk/sites/default/files/inserts/Higgins%20Report%20-%20HS2%20Plus.pdf>

² Remit Letter from DfT to HS2 Ltd, 11 April 2014,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305559/remit-letter-hs2-hs1-link.pdf

Secretary of State to decide whether to adopt and introduce an Additional Provision for the level deck scheme and for Parliament to consider the proposal. On this basis the discussion at the examination should be focused on the contents of the EAP and such a discussion does not necessitate a discussion of the relative merits of the different station options. Given that the EAP policies, as currently drafted, provide flexibility to accommodate potential changes to the Bill Scheme, Parliament's decision on the station scheme will not have implications for the adoption of the EAP.

The HS2 Growth Task Force

7. The HS2 Growth Task Force reported in March 2014 advising the Government on how to maximise the return from the investment from HS2.³ Part of this report addressed what cities need to do to maximise the economic and social benefits of HS2.

8. The recommendations in this respect were:
 - a. Recommendation 1: For each HS2 station an 'HS2 Growth Strategy' needs to be established by the end of 2014 to explain how high speed rail will generate local jobs, growth and regeneration.
 - b. Recommendation 2: To deliver these HS2 Growth Strategies local authorities need to establish a locally led delivery body by the end of 2014. The Government should support them in bringing forward regeneration.
 - c. Recommendation 3: The Government should partner local authorities in the development and delivery of HS2 Growth Strategies. The Government should also establish a central delivery body to provide coordination and support nationally.

³ High Speed 2 : Get Ready A report to the Government by the HS2 Growth Taskforce
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294851/hs2-get-ready.pdf

9. The Secretary of State responded to the Growth Taskforce's report on 24 March 2014 welcoming the report and "...asking HS2 Ltd, and London and Continental Railways ...to come forward with proposals for a regeneration company that will respond to the growth taskforce's recommendations on regeneration." HS2 Ltd and London and Continental Railways (LCR) are now preparing these proposals.
10. While these proposals will clearly affect the delivery of the development and regeneration at Euston HS2 Ltd does not believe that there is anything in the Growth Task Force report or the proposals being prepared by HS2 Ltd and LCR that are material to the consideration of the EAP.
11. It should be noted that alongside the Growth Taskforce Report a consultant's report was published looking at how the regeneration effects of HS2 could be maximised: *Maximising the Growth & Regeneration Benefits of HS2 Final Report*.⁴ This document reported the views of the various stakeholders along the route including those of Camden Council as stated in the Council's and the Mayor of London in their submissions to the Growth Task Force. The inclusion of statements in the case studies in the report is not an acceptance that they are correct or will be implemented.

The HS2 Bill – Progress

12. Information on the Parliamentary process for the HS2 Bill can be found on Parliament's website.⁵ This includes information on the stages the Bill must go through in order to receive Royal Assent. The Bill received its Second Reading in the Commons in April 2014 which means the principle of HS2 phase 1 has been approved.

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294663/maximising-benefits-of-hs2.pdf

⁵ <http://services.parliament.uk/bills/2013-14/highspeedraillondonwestmidlands.html>

13. The next stage of the process is the House of Commons Select Committee which will consider petitions deposited against the Bill. The programme for the Select Committee has not yet been confirmed but it is expected that it will begin its hearings in July 2014. HS2 has through the HS2 Environmental Statement and other mechanisms such as the project's Environmental Minimum Requirements set out its position regarding mitigation. Petitioners against the Bill will be able set out their case for mitigation before Select Committee.

Parliament's Role as Planning Authority

14. HS2 Ltd considers it important that the EAP recognises that planning permission for HS2 and associated works is being sought through a hybrid Bill and that the planning permissions for the scheme will be granted by Parliament under the Bill, when it is enacted . Therefore matters such as the principle for the railway works, their limits, and matters of principle relating to mitigation will be determined through the Parliamentary process rather than the normal Town and Country Planning Act process. On the other hand, Camden Council will be responsible for subsequently giving approvals to plans and arrangements in respect of certain details of the scheme under certain conditions that the Bill will impose on the deemed planning permission.
15. 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'⁶ . Paragraph 2 of Schedule 16 requires that plans and specifications for buildings will be subject to approval by 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:

⁶ 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) 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)

(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.

16. 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.

17. 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.

18. If the Plan does not recognise the respective roles of Parliament and Camden Council in the approval of HS2 it is unsound as it will not have a clear and effective delivery process for certain aims in the plan. The Plan will be relevant to the determination of requests for approval made to Camden Council under the special planning regime insofar as it is relevant to the matter for approval and the grounds for determination.

19. On this basis HS2 Ltd believes that matters of principle around the station, such as which station option is best, are not appropriate matters to be considered at the examination of the EAP as they will be considered by Parliament. Ultimately the examination is of the EAP policies rather than the HS2 proposals.

20. Permission for any non-railway development over, under or adjoining the HS2 works will not be subject to the deemed planning permission granted by the HS2 Bill and permission for this will be sought through the normal Town and Country Planning Act process.

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6 June 2014