

**IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14**

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 MAYOR OF LONDON acting on behalf of THE GREATER LONDON AUTHORITY

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced 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 (referred to in this Petition as the "the Promoter"), 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.

CLAUSES OF THE BILL

3. Clauses 1 to 23 of the Bill together with Schedules 1 to 16 make provision for the construction and maintenance of the proposed works including the 'Scheduled Works' set out in Schedule 1 (references in this Petition to 'Scheduled Work No.' are

references to those proposed works contained in Schedule 1). Provision is included to confer powers for various building and engineering operations, for compulsory acquisition and the temporary use of and entry upon land, for the extinction and exclusion of certain rights over land, and for the grant of planning permission and other consents.

4. Clauses 24 to 36 of the Bill together with Schedules 17 to 26 make provision for the disapplication or modification of certain controls such as those relating to heritage, trees, commons and open spaces, street works and noise.
5. Clauses 37 to 42 of the Bill together with Schedules 27 to 28 make provision for railway matters such as the application (with modifications) and disapplication in part of the existing railways regulatory regime. In particular, they provide for the inclusion of the proposals in the objectives of the Office of Rail Regulation, the disapplication of certain licensing requirements, the disapplication of railway closure requirements, as well as the application (or disapplication) of other railway legislation. Provision is also included to enable agreements between the nominated undertaker and controllers of railway assets and to provide for the transfer of statutory powers in relation to railway assets.
6. Clauses 43 to 65 of the Bill together with Schedules 29 to 31 contain general and miscellaneous provisions. Particularly, these provide for the designation of nominated undertakers, the making of transfer schemes, the power to carry out regeneration and reinstatement works, the application of certain powers in the Bill to future high speed rail works, the treatment of Crown Land, the effect of the Environmental Impact Assessment Regulations and the application of arbitration.

YOUR PETITIONER

7. Your Petitioner is the Mayor of London ("the Mayor") acting on behalf of the Greater London Authority (hereinafter called "the Authority") as established under the Greater London Authority Act 1999 ("the Act"). The Authority comprises the Mayor of London and the London Assembly. The Act conferred significant powers and duties upon Your Petitioner, and subsequent enactments have further increased the scope of these powers and duties, the majority of which are exercisable by the Mayor on his own behalf or by him on the Authority's behalf. The Authority is a strategic authority, with a strategic role in London's economy, housing and regeneration, policing, transport, planning, environment, culture and health improvement. Through the four functional bodies currently established under the Act, the Mayor has powers over the provision of transport, policing, economic development, and fire and emergency planning in Greater London generally.

8. The Mayor sets an overall vision for London and has a statutory duty to create strategies for the Capital covering planning and development, transport, housing, economic development and regeneration, culture, health inequalities and environmental issues including climate change, waste disposal and air quality.
9. In accordance with that duty, in July 2011 the Mayor published the replacement of the spatial development strategy for London – known as the London Plan. The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the Capital to 2031. The London Plan forms part of the development plan of all local planning authorities (i.e. the London Boroughs, the Corporation of London and any Mayoral Development Corporations) in Greater London under the Capital's two-tier planning system.
10. The local plans of London's local planning authorities need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by them and by the Mayor. The Mayor has a statutory strategic role in relation to planning applications of potential strategic importance ("PSI applications") which local planning authorities within London must refer to him in accordance with the Town and Country Planning (Mayor of London) Order 2008 ("the 2008 Order"). This is a two stage process whereby the Mayor is initially asked to express a view on whether he considers that the PSI application complies with the London Plan. Thereafter, the local planning authority must not determine the PSI application unless it has notified the Mayor of the decision that it proposes to make. At that stage the Mayor may decide that he is content for the local planning authority to determine the application itself. The Mayor also has powers, as provided for in the 2008 Order, to (i) direct a local planning authority to refuse a PSI application and (ii) to direct that he is to be the local planning authority for the PSI application. This latter power is not exercisable in respect of PSI applications relating to land within the area of a Mayoral development corporation.
11. On 11 October 2013, the Mayor published Revised Early Minor Alterations to the London Plan (REMA). From that date, the REMA are operative as formal alterations to the London Plan and form part of local planning authorities' development plans in Greater London.
12. On 15 January 2014, the Mayor published Draft Further Alterations to the London Plan ("FALP") for a twelve week period of public consultation. The FALP have been prepared primarily to address key housing and employment issues emerging from an analysis of census data released since the publication of the London Plan in July 2011, and which indicate a substantial increase in the Capital's population.

13. As part of the London Plan, the Mayor has adopted the Park Royal Opportunity Area Planning Framework which includes the area of Old Oak Common. An Opportunity Area Planning Framework is a non-statutory planning document which comprises supplementary planning guidance used as a material consideration when assessing planning applications. The Framework also provides guidance in the preparation and assessment of Local Development Frameworks by Boroughs and the Mayor.
14. Under section 77 of the Greater London Authority Act 1999 ("the Act"), the Authority has the power to oppose any local bill in Parliament which affects the inhabitants of, or any part of, Greater London. This Bill is such a bill.
15. The power of the Authority to oppose the Bill is exercisable by the Mayor acting on behalf of the Authority. Before opposing any such bill the Mayor must consult the London Assembly. Consultation with the London Assembly took place between 24 April 2014 and 8 May 2014 and the Mayor has taken into account the consultation responses received, which have been reflected in this Petition.

THE PETITION OF TRANSPORT FOR LONDON

16. Transport for London ("TfL") has also submitted a petition against the Bill to your Honourable House. The points made in this petition in relation to transport are made by Your Petitioner in Your Petitioner's strategic role and nothing in this petition should be taken to differ from the more detailed development of any of those points set out in TfL's petition.

THE PETITIONS OF THE LONDON BOROUGHES AND THE CORPORATION OF LONDON

17. Your Petitioner has a strategic role which is complemented by the role of the London Boroughs and the City of London Corporation. Your Petitioner is aware that many of the London Boroughs and the Corporation may be petitioning your Honourable House in respect of the Bill and Your Petitioner exhorts the Committee carefully to consider the various issues that they raise so as to ensure that the interests of all residents and workers in Greater London who are specially and directly affected by the Bill are protected.

YOUR PETITIONER'S CONCERNS

18. Your Petitioner is supportive, in principle, of the proposal to construct a new high speed railway between London and the West Midlands.
19. Your Petitioner is concerned, however, that the Bill in its current form, particularly those clauses referred to above, fails to address a number of issues which would have severe consequences on Your Petitioner, Greater London and its inhabitants.

20. Your Petitioner is therefore unable to support the Bill in its current form and Your Petitioner objects to the Bill for the reasons, among others, here stated. Your Petitioner's concerns can be broadly grouped within eight key issues. Your Petitioner respectfully submits that the Bill:
- 20.1 does not sufficiently maximise the regeneration and development proposals at Euston Station and its local environment, is not adequately integrated into its surroundings, and does not sufficiently safeguard future delivery of a Crossrail 2 railway line;
 - 20.2 does not preserve the possibility of a quality link between the high speed line constructed pursuant to the Channel Tunnel Rail Link Act 1996 (High Speed 1 ("HS1")) and High Speed 2 to be constructed under the Scheduled Works ("HS2");
 - 20.3 does not deliver a station development at Old Oak that meets the Mayor's planning and regeneration objectives and is sufficiently integrated into its surrounding highway, public transport and pedestrian and cycle networks;
 - 20.4 would have adverse impacts on the Colne Valley and its surroundings during both construction and operation of HS2;
 - 20.5 contains inadequate proposals to mitigate adverse impacts likely to arise during the construction of HS2;
 - 20.6 does not provide equitable and commensurate compensation for London residents and businesses adversely affected by the construction and operation of HS2 with those receiving compensation in other UK areas, namely rural areas;
 - 20.7 does not recognise the two tier nature of planning in Greater London generally, and specifically, the Mayor's own strategic statutory planning role; and
 - 20.8 ignores and excludes the planning functions of any current or future Mayoral development corporations exercising functions under Part 3 of the Town and Country Planning Act 1990 within whose areas there are Scheduled Works. In particular, the Bill fails to reflect the Mayor's proposals (subject to consultation) to establish such a body for Old Oak Common in April 2015, and the Bill will prevent the corporation from exercising functions in relation to the approval of matters under Part 2 of Schedule 16 at Old Oak, the location of the main HS2 station in London.
21. Each of these concerns is explained more fully below.

REGENERATION AND DEVELOPMENT PROPOSALS FOR EUSTON STATION

22. Your Petitioner submits that the Bill's proposals for Euston Station do not maximise the planning, regeneration, urban design, architectural and public realm benefits that could be achieved for Euston and the surrounding area.
23. The particular areas in relation to which Your Petitioner is of the opinion that the proposals do not maximise the benefits are: over station intensification; employment; and the creation of new homes. The Bill does not adequately integrate Euston station into its surroundings, improve the local environment, or provide sufficient onward travel for pedestrians and cyclists.
24. The FALP set out that the station airspace and adjacent areas are underused and have the potential for over station intensification, capitalising on the excellent transport accessibility and central London hub location as well as a central London gateway and railway terminus. Further, the FALP state that the Euston Opportunity Area has a potential employment capacity of 7,700 new jobs and a minimum of 2,800 new homes.
25. A draft 'Euston Area Plan' (EAP) for the area around Euston Station has been consulted upon. It has been submitted to the Planning Inspectorate for Examination. It has been produced jointly by Your Petitioner, the London Borough of Camden and Transport for London. This will help shape change in the area over the next 15-20 years and provide a framework for planning decisions.
26. The EAP states (on page six) that a comprehensive approach to station design which lowers the platforms and tracks and maximises the potential for new homes and jobs in a high quality environment above the station would best meet the EAP vision for Euston. This sub-surface comprehensive station development was the original HS2 design and is the favoured strategic option. Your Petitioner submits that the Promoter should undertake further work to consider the respective benefits of both 'level deck' and 'double deck down' options for Euston station against the objectives of the EAP and FALP.
27. The EAP amplifies the London Plan figures and sets out the potential for between 2,800 and approximately 3,800 additional homes and between 7,700 and 14,100 jobs. The jobs would encourage knowledge-based, research and creative uses to strengthen Euston's existing role as a knowledge and research hub.
28. The EAP states in relation to design that 'development should create an integrated, well connected and vibrant place of the highest urban design quality' and that a world class transport interchange should be created. Euston station should help to improve the local environment of the surrounding area and support improved connections to Kings Cross and St. Pancras stations.

29. Any redevelopment at Euston station will also need to take account of the need to safeguard the future delivery of a Crossrail 2 railway line through this station.
30. On behalf of Your Petitioner, it has been estimated that the Gross Value Added (GVA) of a full station redevelopment could be approximately £690 million in contrast to a GVA of £270 million for the current Bill proposal.
31. Your Petitioner contends that with such compelling economic and growth benefits, the Bill must be amended to provide for a full scale redevelopment of Euston Station as contemplated by the EAP to meet the requirements identified in the FALP for jobs and homes.

HS1 – HS2 LINK

32. Your Petitioner notes the Instruction to the Select Committee on the HS1 – HS2 link. Your Petitioner believes that the House should amend the Instruction to permit the Select Committee to hear arguments relating to facilitating alternatives to the link.
33. The Mayor wishes to influence the alternatives option study now underway and to secure the necessary minimum provision in the Bill for a segregated link to be delivered at a later date. Your Petitioner believes that such a link could benefit the wider London economy, including Stratford, the Lower Lea Valley and the Olympic Legacy Area.
34. In any event, as an absolute minimum, Your Petitioner submits that the Bill should ensure that the potential for a link between HS1 and HS2 is preserved by making appropriate passive provision in the Bill.

OLD OAK COMMON – INTEGRATION AND THE MAYOR'S PLANNING AND REGENERATION OBJECTIVES

35. Your Petitioner fully supports the proposed creation of a major new transport interchange at Old Oak. This would give rise to significant potential for economic development, economic growth and new homes.
36. Your Petitioner submits that the Mayor's plans for Old Oak Common, as set out in the FALP and in 'Old Oak – A Vision for the future, 2013', pave the way for significant transformation and the potential to deliver 24,000 new homes and 55,000 new jobs. Old Oak Common could supply between 1.25% and 2.5% of the Greater London housing requirement and between 9.5% and 13.8% of Greater London's employment need up to 2031. The resulting GVA is anticipated to be between £3.5 billion and £6.2 billion for the London economy.

37. Your Petitioner submits that the provision of significant transport infrastructure to support delivery is critical to the success of Old Oak. Connecting Old Oak Common Station into its surroundings, and the wider London area, is vitally important to the future success of the area and its ability to become a successful part of the Capital.
38. The eight issues identified below are critical in delivering the Mayor's long term regeneration objectives for Old Oak Common. Your Petitioner submits that the Bill should be amended to include measures to:
- 38.1 include delivery of new London Overground station(s) at Old Oak, along with new connection(s) from these Overground station(s) to the HS2 and Crossrail station building;
- 38.2 ensure that adequate provision is made for a future new rail connection between the West Coast Main Line (WCML) and the Crossrail network;
- 38.3 include delivery of a new eastern highway access route from Old Oak Common Station over the Grand Union Canal to the area north of the Canal;
- 38.4 include provision, within the proposed Old Oak Common Station, for the future development of a quality southern access route through the proposed Old Oak Common Station and onto Wormwood Scrubs for both the public and paying passengers;
- 38.5 include provision for a new pedestrian and cycle route from Old Oak Common Station to North Acton;
- 38.6 identify an alternative relocation site for the Heathrow Express Depot other than within Old Oak, Kensal and the North Pole sites;
- 38.7 include sufficient potential for over-station development or development over the HS2 station box at Old Oak, thereby preserving the opportunity to: create a quality new place; provide residential and employment space; and to realise the significant land value that could be unlocked in this area; and
- 38.8 reconsider the proposed location of a new Wetland Habitat on Wormwood Scrubs, which is currently at odds with the current and future function and purpose of the Scrubs and ensure that adequate provision is made to enhance green space.
39. These concerns are each explained in further detail below.

New London Overground station(s) with connection(s) to the Old Oak Common Station

40. Along with TfL, Your Petitioner has advised the Promoter that the Bill should include the delivery of a new London Overground station(s) to significantly improve local connectivity to employment, residential and leisure opportunities in the area and also to help relieve congestion at Euston.
41. Your Petitioner is concerned that the Bill fails to realise an important opportunity created by the relative proximity of a hugely successful orbital local railway network to the new high speed rail station at Old Oak Common. Your Petitioner submits that a new London Overground station or stations would give rise to a number of benefits which would also help to improve the overall business case of Phase 1 of HS2.
42. First, it would greatly improve local accessibility to the new high speed railway, by allowing direct rail access to Clapham Junction, Richmond and Stratford. Delivery of the Overground stations would bring an additional 250,000 people and 150,000 additional jobs within one hour's travel of Old Oak Common (and therefore HS2 services), making the new high speed railway far more accessible to north-west, west and south-west London, as well as to destinations on the South West mainline, towards Southampton and Portsmouth.
43. Secondly, the proposal would assist the Old Oak Common high speed rail station to realise one of its key objectives, namely to provide an attractive alternative to London Euston as a gateway to the wider London area, thereby relieving congestion at London Euston. Strong local connectivity is essential if passengers are to choose to interchange at Old Oak Common and the Bill in its current form fails to deliver this.
44. The Transport Assessment published as part of the Environmental Statement deposited with the Bill considered the benefits a connection with the London Overground at Old Oak Common would bring and the results are reported within sections 6.10.5 to 6.10.42 of that assessment. This clearly demonstrates that the inclusion of an Overground station would reduce pressure at London Euston through the removal of around 4,000 passengers in the morning peak period, equivalent to 10% of HS2 passenger traffic. This would help to alleviate the considerable pressures otherwise predicted to arise on the London Underground network at London Euston.
45. Thirdly, a new Overground station would help Old Oak Common to realise its potential as part of the wider Old Oak Opportunity Area, by providing the local transport links needed to support significant new development, thereby facilitating all of the benefits associated with that development. Studies commissioned by TfL suggest that an additional 20,000 jobs can be facilitated in the Old Oak Common area with an Overground station in place. Moreover, the inclusion of the connection to the

Overground network means that the site will not be solely reliant on the east-west Crossrail connection as a means of rail access; the Overground connection offers direct north-south rail links to the site, adding much needed resilience.

46. Fourthly, the Benefit Cost Ratio ("BCR") for the Overground station at Old Oak Common is higher than for the HS2 Phase 1 project, thereby improving the overall HS2 business case.
47. Your Petitioner also submits that the Bill should provide a sufficient western access route from the proposed HS2 Old Oak Common Station to the London Overground station that would be located approximately 300 metres to the west of the HS2 station (the exact location is still subject to further design).
48. This access would provide improved interchange capacity between HS2, Crossrail and the London Overground, shortening journey times and improving transport links across London. Transport for London has estimated that this Overground station would bring an additional 250,000 people and 150,000 additional jobs within one hour of Old Oak Common and the new Old Oak Common station.
49. For all of the above reasons, Your Petitioner submits that provision should be included within the Bill authorising and requiring the Promoter to construct a new Overground station or stations along with improved connections to the new HS2 / Crossrail Old Oak Common Station.

Further integration of West Coast Main Line at Old Oak to improve connectivity

50. Your Petitioner is concerned that the Bill fails to include any provision whatsoever for a much sought after new rail connection between the WCML and the Crossrail 1 network.
51. Your Petitioner submits that it is essential that the proposed Old Oak Common Station is designed and delivered to support delivery of this improved connection between the WCML and Crossrail 1. As set out in the findings in the Transport Assessment (referred to at paragraph 44 above), a WCML connection would substantially reduce the number of trains and passengers using London Euston with resultant benefits to the capacity of that mainline station and the Northern and Victoria Lines, mitigating the effect that the Bill would have on the number of passengers using London Euston.
52. In addition, such improved connections at Old Oak Common would enable passengers to use Old Oak Common Station as an interchange location for travel to all London locations and also for onward travel to Heathrow Airport.

Eastern highway access route from Old Oak Common

53. Your Petitioner submits that the Bill does not provide for sufficient highway access (by bus, vehicle, pedestrian and cycle) to and from the proposed Old Oak Common Station. The western access road on its own is insufficient and would lead to congestion and significant impacts on the highway network, in particular along Old Oak Common Lane.
54. An improved access route is critical to ensure people working and living around the area, and in particular to the north and east of the station, would be able to access the station. This improved connectivity is essential to unlocking the development potential of Old Oak Common. Without easy access to the station it is unlikely that the large scale regeneration of the area will be secured.
55. Your Petitioner submits that the Bill must include a provision for new highway access to the station at Old Oak Common which provides a direct link from the station to Hythe Road. This must provide a crossing over the Grand Union Canal that can accommodate buses, cycles, pedestrians and taxis and which does not adversely impact on the Crossrail depot operations.

Southern Access route through Old Oak Common onto Wormwood Scrubs

56. Your Petitioner submits that the Bill fails to ensure that the proposed station design will enable the delivery of a quality connection through the station to Wormwood Scrubs.
57. Provision of a quality link within the station building is important to ensure that the station building does not act as a barrier to north / south movement. This link to Wormwood Scrubs is critical to ensure the future residential population of the Old Oak Common Opportunity Area, which is likely to exceed 50,000 people, will have access to this large amenity space.
58. Your Petitioner is seeking to ensure that the Old Oak Common Station is designed to enable the long term delivery of a quality Southern Access route for both paying passengers and the public to be able to move through the new station and on towards Wormwood Scrubs, on a combined and direct route.
59. Within the station building this connection should be designed and delivered to the edge of the HS2 and Crossrail station and rail lines, with passive provision provided to allow delivery of the remainder of this route to the Scrubs in the future by third parties. The Bill should be amended accordingly.

Pedestrian and cycle route from Old Oak Common to North Acton

60. Your Petitioner submits that the Bill does not include sufficient provision to enable the long term delivery of a new pedestrian and cycle route from the new Old Oak Common station to the west and into North Acton. This route is important to ensure connectivity between North Acton and the proposed HS2 terminus.
61. Your Petitioner asks that the design of Old Oak Common Station should include provision to enable the delivery of this pedestrian and cycle route to North Acton in the future.

Relocation of the Heathrow Express depot

62. The Bill provides for the relocation of the Heathrow Express Depot to the North Pole East site, located on the eastern side of Scrubs Lane.
63. Your Petitioner contends that, in order to support the delivery of new homes and jobs on the North Pole East site, an alternative location for the Heathrow Express Depot should be found outside of the Old Oak Common and Kensal Opportunity Areas.
64. In addition, Your Petitioner submits that land on the North Pole site will be required to provide a new road connection into the Kensal Opportunity Area from Scrubs Lane so as to improve connectivity and support future development.

Over-station development and over-track development opportunities

65. Your Petitioner contends that the Bill does not include sufficient potential for over-station development or over-track development above the HS2 box at Old Oak Common. The Bill fails to recognise the potential value that could be generated as a result of enabling works to support such development which would have a significant impact on the ability to deliver a quality new London destination at this important arrival location. Delivering over-station development or over-track development in the future without having made passive provision now would incur additional costs and impacts on rail operation and may be frustrated altogether.
66. Your Petitioner asks the Promoter to commit to a design and construction methodology through which the HS2/ Crossrail station would allow for and make passive provision for significant over-station and over-track development.

Creation of Wetland Habitat on Wormwood Scrubs

67. Your Petitioner contends that the Promoter has given limited consideration to the impact of the proposed creation of a new Wetland Habitat on Wormwood Scrubs and submits that the proposal should be removed from the Bill.

68. Your Petitioner submits that the Wormwood Scrubs Act 1879 protects the Scrubs for 'the perpetual use for recreation and exercise for the inhabitants of the metropolis'. The creation of a Wetland Habitat is likely to reduce significantly the space open to users for these purposes and will also alter the character and nature of the Scrubs. The Promoter must devise an alternative solution to its ecological and environmental requirements that serves to protect and enhance the provision of green space. That solution should be devised in collaboration with Your Petitioner and any future Mayoral Development Corporation at Old Oak.

ADVERSE IMPACT OF HS2 ON THE COLNE VALLEY AND ITS SURROUNDINGS

69. The proposed route for the Scheduled Works is in tunnel between the eastern boundary of the London Borough of Hillingdon until it emerges at Ickenham High Road, West Ruislip. The route then continues at surface level as it travels through Ickenham westwards towards the Colne Valley, where, on a viaduct, the Scheduled Works cross the Grand Union Canal, Mid Colne Valley Site of Special Scientific Interest, the River Colne and a number of lakes in the valley, to eventually meet with the section of surface rail line located in Buckinghamshire County Council's area.

70. Your Petitioner contends that if the Scheduled Works between Ruislip and the M25 run at surface, they will have an adverse impact on the Colne Valley, Ickenham High Road and West Ruislip, both during construction and thereafter.

71. The current provisions in the Bill will give rise to a number of serious adverse environmental, economic and social impacts, including:

71.1 air quality;

71.2 impacts on the Green Belt;

71.3 noise;

71.4 ecology;

71.5 drainage and flooding;

71.6 visual impact;

71.7 impacts on existing residents and businesses; and

71.8 increased traffic congestion.

72. Your Petitioner submits that the Bill must contain sufficient mitigation measures to avoid such adverse impacts, which could be achieved by continuing the rail line in

tunnel from West Ruislip to the edge of the Colne Valley and Additional Provisions to that effect should be brought forward by the Promoter.

MITIGATION TO MINIMISE IMPACTS OF CONSTRUCTION ON LONDON'S ECONOMY, RESIDENTS AND TRANSPORT NETWORKS

73. Your Petitioner submits that the Bill does not include sufficient information on those measures that would be used to minimise impacts of construction on London's economy, residential population and transport networks. Your Petitioner asks that the Promoter puts into place a clear and robust Construction Code of Practice plan that considers London construction and operation mitigation plans to address issues of air quality, noise pollution and traffic congestion. The Mayor should be consulted during the preparation of these final plans.
74. The Bill should follow the good practice from other construction projects, such as Crossrail, in respect of the re-use of construction waste and promoting safe transport operations through water freight membership of TfL's Freight Operators Recognition Scheme (FORS).

COMPENSATION

75. Your Petitioner is concerned that, in relation to the Bill, the Promoter has proposed an extension to the Express Purchase Scheme that applies to properties blighted by the Bill proposals that makes greater provision for qualifying landowners in rural areas than in urban areas.
76. Under the Promoter's proposals qualifying landowners in rural areas can elect not to sell their property to the Promoter's subsidiary, HS2 Limited, but instead receive a percentage payment of their property's unblighted value. Your Petitioner submits that there is no objective reason why this ability should be confined to rural properties. Your Petitioner seeks an undertaking from the Promoter that London residents and businesses blighted by the Bill will receive treatment that is on a par with other areas.

THE MAYOR'S STRATEGIC PLANNING ROLE

77. Your Petitioner notes that the Bill does not recognise the Mayor of London's strategic statutory planning role. As mentioned at paragraphs 9 and 10 above, London has a two-tier planning system. At the first tier, London's local planning authorities comprise the 32 London Borough Councils, the City of London Corporation and any Mayoral Development Corporations established under the Localism Act 2011 with local plan and development control powers (such as the London Legacy Development Corporation). As more fully described in paragraph 10 above, the Mayor has a

statutory strategic role in relation to PSI applications which local planning authorities within London must refer to him in accordance with the 2008 Order.

78. Your Petitioner submits that it would be wholly wrong not to recognise the Mayor's strategic statutory planning role in relation to the Bill's proposals generally. There is presently no recognition of the Mayor's role in the Bill's provisions.
79. Clause 19 of the Bill would give deemed planning permission under Part 3 of the Town and Country Act 1990 for the Scheduled Works in Schedule 1 to the Bill, subject to the conditions laid out in Schedule 16. The conditions in that Schedule are to be discharged by the relevant planning authority as defined. Your Petitioner submits that the Mayor should be in the same position in relation to development under the Bill as he or she would be in relation to other development in London. Accordingly, Your Petitioner submits that the Bill should be amended so as to include in paragraph 18 of Schedule 16 to the Bill, a requirement that the Mayor be consulted on any approval of details under Schedule 16 in relation to development that is of a type that falls within Parts 1 or 2 of the Schedule to the Town and Country Planning (Mayor of London) Order 2008.

FUTURE MAYORAL DEVELOPMENT CORPORATIONS

80. Significant transformation and regeneration is planned for Old Oak Common, which is explained further at paragraph 36 onwards. Its development is of strategic London importance and in recognition the Mayor proposes (subject to consultation) to establish a Mayoral development corporation (MDC) for Old Oak Common under Part 9 of the Localism Act 2011 to secure that area's regeneration. The Localism Act 2011 confers significant powers on MDCs in relation to planning, development and infrastructure and business growth. They may only be established after extensive consultation with (amongst others) affected London boroughs and local elected representatives. It is intended that the proposed MDC for the Old Oak Common area will come into existence in April 2015 and will be the local planning authority with full local plan and development control powers, including functions under Part 3 of the Town and Country Planning Act 1990.
81. As set out above, clause 19 of the Bill would give deemed planning permission under Part 3 of the Town and Country Act 1990 for the Scheduled Works in Schedule 1 to the Bill, subject to the conditions laid out in Schedule 16. The conditions in that Schedule are to be discharged by the relevant planning authority as defined. That definition does not recognise the possibility of the creation of an MDC or of that body exercising powers under Part 3 of the Town and Country Planning Act 1990.

82. Your Petitioner submits that the Bill should be amended to recognise the potential creation by the Mayor of an MDC from April 2015. In particular, Schedule 16 should be amended to include any such MDC within the definition of 'relevant planning authority' in relation to the discharge of applicable conditions under the Schedule if the MDC exercises functions under Part 3 of the Town and Country Planning Act 1990.

CONCLUSION

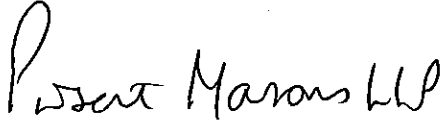
83. Your Petitioner submits that the Bill fails to safeguard and protect and so injuriously affects the interests of Your Petitioner, Greater London and its inhabitants.

84. For the foregoing and connected reasons Your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the Bill should not be allowed to pass into law.

85. Further, there are other clauses and provisions of the Bill which, if passed into law as they now stand, will injuriously affect Your Petitioner, Greater London, its inhabitants and their rights, interests and property and for which no adequate provision is made to protect Your Petitioner.

YOUR PETITIONER THEREFORE HUMBLY PRAYS your Honourable House that the Bill may not be allowed to pass into law as it now stands and that Your Petitioner may be heard by its 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 Petitioner and in support of such other clauses and provisions as may be necessary or expedient for Your Petitioner's protection, or that such other relief may be given to Your Petitioner as your Honourable House shall deem meet.

AND YOUR PETITIONER WILL EVER PRAY, &C.



PINCENT MASONS LLP
Parliamentary Agents

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

**HIGH SPEED RAIL (LONDON – WEST
MIDLANDS) BILL**

PETITION

of

**THE MAYOR OF LONDON on behalf of
THE GREATER LONDON AUTHORITY**

Against, the Bill – On Merits –

Praying to be heard by Counsel, &c.

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