

REQUEST FOR DIRECTOR DECISION – DD1211

Title: High Speed Rail (London to West Midlands) Bill – submission of Mayor's petition against the Bill

Executive Summary:

The High Speed Rail (London to West Midlands) Bill ("HS2 Bill") secured its Second Reading in the House of Commons on 28th April 2014. All those directly or specially affected by the first phase of HS2, from London to the West Midlands, are now able to submit petitions (objections) against the Bill. The petitioning period for Local Authorities is 29th April to 16th May. Such petitions must be presented in the specific format required by Parliament. The Executive Director, acting under the Mayoral Scheme of Delegation, is asked to give approval to the Authority opposing the HS2 Bill by its parliamentary agents submitting a Petition by the Mayor against its provisions reflecting the grounds summarised in this report and to confirm parliamentary agents' authority to act for the Mayor in relation to the Petition.

Decision:

That the Executive Director of Development, Enterprise & Environment approves:

1. The Authority opposing and making objections to the High Speed Rail (London to West Midlands) Bill ("HS2 Bill") through the submission of a Humble Petition of the Mayor by Pinsent Masons LLP, parliamentary agents, reflecting the grounds summarised in this report; and
2. The provision of a letter of authority to Pinsent Masons LLP, parliamentary agents to act in relation to the HS2 Bill (in the form at Appendix 2 and to be signed).

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.
It has my approval.

Name: Fiona Fletcher-Smith

Position: Executive Director of Development, Enterprise & Environment

Signature:



Date: 14.05.14

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 High Speed 2 (HS2) is a national high speed rail network linking Birmingham, Manchester, Leeds and London. The primary purpose of the High Speed Rail (London-West Midlands) Bill is to secure the powers required to construct and operate Phase One of HS2.
- 1.2 The First Reading of the HS2 Bill was on 25th November 2013, and the Bill secured its Second Reading in the House of Commons on 28th April 2014. All those directly or specially affected by the first phase of HS2, from London to the West Midlands, are now able to submit petitions (objections) against the Bill. The petitioning period for Local Authorities is 29th April to 16th May. Such petitions must be presented in the specific format required by Parliament.
- 1.3 A Select Committee will consider petitions made against the HS2 Bill, and can recommend changes to the Bill based on petitioner concerns. It is anticipated that London issues will be considered sometime in early 2015, the date of which is yet to be determined. At this stage, a letter must be deposited by May 16th 2014, setting out the grounds of Petition in the prescribed format, with further details to follow. To do this a letter of authority must be provided to confirm the parliamentary agents' authorisation (Pinsent Masons LLP) to act on the Mayor's behalf in this matter. A copy of this letter is at Appendix 2 and requires signature.
- 1.4 The Mayor supports the principle of a new High Speed 2 rail line with new stations at Old Oak Common and Euston, but has raised a number of matters that would need to be addressed to ensure the delivery of a scheme that best secures a quality outcome for London.
- 1.5 This report recommends that these matters be addressed by the Authority's parliamentary agents depositing a petition by the Mayor against the Bill on the Authority's behalf. Following legal advice, the Mayor and Transport for London (TfL) have drafted separate petitions. The Mayor's proposed petition focuses on development and regeneration, whilst the proposed TfL petition is more closely concerned with transport matters.
- 1.6 This report relates solely to approval of the proposed Mayoral petition. At a future date, the Mayor will be asked to consent to TfL petitioning on the HS2 Bill, following consultation with the Assembly, in accordance with the procedures that apply thereto.
- 1.7 The GLA Act requires that before the Mayor petitions against a Bill, he must consult the London Assembly, and this consultation took place between 25 April 2014 and 9 May 2014. A note setting out the principal points the Mayor of London intended to include in a petition against the HS2 Bill, was presented to the London Assembly (acting by the Chair under delegated authority) on 28 April 2014. A response was received on 08 May 2014 and is at Appendix 1. The proposed petition has been amended following this consultation to reflect the Assembly's comments.

2. Objectives and expected outcomes

- 2.1 The expected outcome of petitioning is that changes to the HS2 Bill may be recommended by the Select Committee. The objections in the proposed Petition will reflect the following matters, summarised below:

Euston

- The Euston Station proposal does not sufficiently maximise the regeneration and development potential for this important part of London and should be redesigned to; maximise the opportunity created by the significant rail enhancement; take account of the future delivery of Crossrail 2 through this station; and to deliver improvements to the local environment.

High Speed 2 – High Speed 1 Link

- Does not deliver a quality link between High Speed 2 and High Speed 1, nor does it ensure that the potential for such a link is preserved by appropriate passive provision.

Old Oak

- High Speed 2 proposals do not sufficiently support delivery of the Mayor of London's planning and regeneration objectives for Old Oak
- The HS2 Bill should be amended to;
 - Deliver an Eastern Access route to and from the Old Oak station
 - Ensure the Old Oak station design/layout enables future delivery of a quality Southern Access route through the station and on to Wormwood Scrubs
 - Relocate the Heathrow Express to a more appropriate location to ensure future residential and employment capacity at North Pole East is not undermined as a result
 - Deliver a new London Overground station at Old Oak
 - Deliver a Western Access route from the Old Oak station to a new London Overground station on the Overground rail line
 - Carry out enabling work to support the delivery of a pedestrian and cycle route from the Old Oak station to North Acton
 - Ensure the design and delivery of the High Speed 2 station and rail lines support delivery of a new connection between Crossrail and the West Coast Mainline
 - Ensure High Speed 2 proposals utilise Over Station/Track development opportunities
 - Remove the proposed creation of a new Wetland Habitat on Wormwood Scrubs

High Speed 2 construction impacts

- The Bill should be amended to ensure appropriate mitigation measures are in place to sufficiently minimise impacts during construction on London's economy, residents and transport networks, and for the Mayor of London to be consulted as part of preparing these plans.

Colne Valley and Surroundings

- Mitigate the impacts of High Speed 2 on the Colne Valley and its surroundings.

Recognise the Mayor's planning function in London

- The HS2 Bill fails to recognise the Mayor's strategic planning function in London. In particular, the HS2 Bill fails to recognise proposals to create (subject to consultation) a new Mayoral Development Corporation at Old Oak, encompassing the Old Oak Common area. The Bill should be amended to recognise both (1) the Mayor of London's strategic planning functions and role and (2) the future role of any Mayoral Development Corporation to act as the local planning authority with development control powers for the approval of any details related to the station building and associated works.

Ensure equitable and commensurate compensation for London residents and businesses

- The HS2 Bill does not propose compensation for those London residents and businesses adversely affected by the construction and operation of High Speed 2 that is on par with those receiving compensation in other UK areas, namely rural areas. The Bill should be amended to ensure that all compensation for those affected by HS2 should be equitable and commensurate.

The petition of Transport for London

- The Mayor of London supports the petitioning points raised by Transport for London.

The petition of the London Boroughs and City

- The Mayor of London requests that the Committee carefully consider the various issues raised by London Councils and the City of London Corporation in their individual petitions.

3. Other considerations

- 3.1 *Key risks and issues:* The outcome of the petition is uncertain; there is a risk that some or all of the changes to the HS2 Bill that it proposes are not forthcoming. The Mayor would therefore need to continue to lobby the Department for Transport as sponsors of the scheme, as well as the Secretary of State for Transport, to ensure the delivery of a scheme that best secures a quality outcome for London.
- 3.2 *Links to Mayoral strategies and priorities:* The petition is linked to 'The London Plan, 2011' (and 'Draft Further Alterations to the London Plan, 2014') – and to associated documents, including 'Old Oak: a vision for the future, June 2013' and the Euston Area Plan. The former will be Opportunity Area Planning Framework (OAPF), and the latter will be an Area Action Plan to be adopted as part of Camden's Local Development Framework (LDF) and Supplementary Planning Guidance to the London Plan in the form of an Opportunity Area Planning Framework (OAPF). In addition, there are links to the Mayor's other strategies including 'The Economic Development Strategy, 2010' and 'The Transport Strategy, 2010', and to the Mayor's priority to establish a Mayoral Development Corporation (MDC) at Old Oak Common.
- 3.3 *Impact assessments and consultations:* Impact assessments have been undertaken for the Mayor's strategies. Consultation has been undertaken with the London Assembly and the Assembly's response is at Appendix 1. The proposed petition has been amended following this consultation.

4. Financial comments

- 4.1 In respect of the High Speed Rail (London to West Midlands) Bill, Directorial approval is being sought to consent the Greater London Authority submitting the Humble Petition of the Mayor of London by 16th May 2014.
- 4.2 There will be no direct financial implications for the GLA arising from submitting the petition.
- 4.3 Any changes to this proposal will be subject to further approval via the Authority's decision-making process.
- 4.4 The Planning team within the Development, Enterprise & Environment will be responsible for managing the petition.

5. Legal comments

- 5.1 Under Section 77 of the GLA Act 1999 ("GLA Act 1999"), the Authority may oppose any local Bill in Parliament which affects any of the inhabitants of, or any part of, Greater London. The HS2 Bill is such a Bill and the power to oppose it is exercisable by the Mayor on the Authority's behalf. Before lodging the Humble Petition to oppose the HS2 Bill the Mayor must consult the London Assembly and have regard to their representations. That consultation has taken place and the Mayor has had regard to issues raised which have been included in the matters set out in section 2 of this report (above).
- 5.2 Under the Mayoral Scheme of Delegation the Executive Director of Development, Enterprise and Environment may exercise any statutory power (Mayoral Power) exercisable by the Mayor, including any power exercisable by him on the Authority's behalf, which has not been reserved to be personally exercised by him under the terms of the Scheme. The power to oppose a local Bill under section 77 of the GLA Act 1999 is one that the Scheme authorises the Executive Director to exercise.
- 5.3 The Executive Director is asked to give approval to the Authority opposing the HS2 Bill and to the deposit of a Humble Petition by the Mayor against the Bill by Pinsent Masons LLP, parliamentary agents, on the Mayor's behalf. The Executive Director is also asked to provide the letter of authority to Pinsent Masons LLP to act for the Mayor in relation to the Bill (in the form at Appendix 2 and to be signed). The deadline for the Petition's submission is 16th May 2014. This form and that letter authorises Pinsent Masons LLP to submit the Petition to Parliament reflecting the grounds set out in this report, and to settle the Petition's detailed content and final text.

6. Planned delivery approach and next steps

- 6.1 A summary of the parliamentary process for the High Speed Rail (London to West Midlands) Bill is available at <http://www.hs2.org.uk/developing-hs2/hybrid-bill/the-parliamentary-process>.
- 6.2 The various stages for passage of a Bill starting in the House of Commons are set out at <http://www.parliament.uk/about/how/laws/passage-bill/>.
- 6.3 This process includes the following steps:

Activity	Timeline
Presentation of petition to the Mayor of London	By 16 May 2014
Submission of petition	By 16 May 2014
Consideration by Select Committee (requiring provision of further details)	Early 2015 (date tbc)

Appendices and supporting papers:

Appendix 1: Consultation response from the Chair of the Assembly

Appendix 2: Letter of authority to Pinsent Masons LLP (to be signed)

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

Michael Mulhern has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Stewart Murray has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature


pp M. Clarke

Date

14 May 2014