
From: jeff travers [REDACTED]
Sent: 26 February 2024 17:25
To: Planning
Subject: Re: 2024/0309/HS2 Schedule 17 Planning Application for the Extension of Hampstead Road Bridge

[EXTERNAL EMAIL] Beware – This email originated outside Camden Council and may be malicious Please take extra care with any links, attachments, requests to take action or for you to verify your password etc.

Following my discussions today, with Community Representatives and Solicitors expert in Schedule 17, would you please substitute the entire revised comments email text below for my previous comments text about Application ref 2024/0309/HS2 (about the Schedule 17 Planning Application for the Extension of Hampstead Road Bridge).

I have highlighted the revisions in yellow.

Jeff Travers

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On Sun, 25 Feb 2024, 22:43 jeff travers, [REDACTED] wrote:

I have four comments regarding the above Schedule 17 planning application...

Comment 1 The Government change to the rail engineering function of "the station and surrounding area"

There is insufficient information in the application for Camden to determine the application following the major change of rail engineering function announced by the Government in October for Euston Station. This change reduced the number of HS2 platforms within the proposed station from 10 to 6. As a result of this change, the bridge extension proposed in the application is 50% longer than the new rail engineering function requires (the six platforms being well south of the reduced length bridge). This Government change of engineering function is not documented in the application even though the west end of the bridge extension is shown on the application drawings as part of the station because it forms the roof over one platform end. The stated intention behind the Government's change of function (to minimize cost) implies that this platform (and adjacent platforms) will in reality be relocated further east.

The Government's change needs to be documented in the planning application documents and further pre-application meetings are needed to explore and agree the implications of this on the proposals. I expand this comment below... and cite Government advice about Schedule 17 to support my above conclusion.

I have just been advised by expert solicitors that, as well as requiring extra information, Schedule 17 authorises Camden to reject the application but they need to provide a design drawing to demonstrate that, to reduce unnecessary impact on Camden, it is viable for the six approach tracks serving the six platforms to be spanned by a shorter bridge.

The community will be happy to supply Camden with the appropriate drawing at no cost should Camden be unable to obtain this themselves.

Comment 2 Parapet demountability

There needs to be confirmation that sections of the west parapet will be removable so that Camden's proposed "mixed use development (mostly housing)" behind the parapet shown on Euston Area Plan can be connected to the street (to provide a living street).. otherwise the bridge will not be a pedestrian friendly environment. Therefore vertical panel joints and fixing details for the west parapet panels should be shown on the application drawings.

Comment 3 Parapet visual permeability

The proposal would be greatly improved if at least one viewing window each side could look out with a view of the railways (east and west) through both the parapet and any site hoarding along pedestrian pavements prior to the installation of the parapet. Permeability (in this case visual) is supported by the Euston Area Plan. The applicant (ie the contractor) has also told me that such windows are a key concern of the HS2 Construction Commissioner. Such windows also help to create living streets. It's essential they are wide enough to permit groups of people to look at the trains without blocking the pavement (and short lengths of local kerbside guardrails at the windows would be needed to prevent pedestrians stepping into the road).

Nb (precedent) I note that during the Adelaide Road Headhouse pre-application meetings, Camden successfully negotiated the replacement of some solid roof parapet facing the street with structural glazing it reduce the visual impact of the parapet.

It is not acceptable to have this length of totally unrelieved solid continuous concrete combined bridge parapet.

Comment 4 Inadequate application documentation of pre-application consultations.

Table 6 of the application Written Statement does not comply with Camden's requirements for the "report summarising the key consultation etc" contained in Camden's 'Statement of Community Involvement 2016' in para 3.11.

3.11 Where pre-application is carried out, applicants should prepare a report summarising the key consultation carried out, the key issues raised, and how the scheme addresses these issues. This report should be submitted with any subsequent planning application.

The reported information in the Written Statement also falls well short of the documentation for Schedule 17 pre-application consultation with LA's recommended by Buckles Solicitors LLP. I quote their (selected) specific recommendations for reference as an appendix (in red text) at the end of this email.

Nb (precedent) I made the same point to the Case Officer regarding the Schedule 17 application for Adelaide Road Headhouse and requested a "log" be published. As a result Camden reset the Application 'Comments Deadline' and published the minutes of the pre-application meetings and email correspondence. The publication of minutes and emails is clearly the appropriate action now for the above bridge extension application and this will create a precedent for the future pre-application meetings required re point 1) above ie recording and publishing Camden's subsequent consultation dialogue about the Government's October change to the rail engineering (that must determine the bridge design) and the design options the change presents for the bridge extension.

The application's Written Statement records in Table 6 that the first pre-application meeting occurred on 7/3/18 and the insufficient quality of information that the table documents is exemplified by the last two entries as follows....

18/10/22 Page turn of the application documents and drawings. LBC provided comments and queries on the submission.

24/8/23 SCS provided an update on design progression and the final submission programme.

Notes on my comment 1) above (Camden's need for more information justifying the bridge design in terms of the governments engineering change and further preapplication meetings before determining the application).

DfT explained in writing last week that the station and surrounding area will be simplified and descoped to minimize the cost of a 6 platform station and its approach tunnels. This major change is not documented or referred to in the application. But it appears the applicant has recognised that a change to the engineering function of the bridge has occurred since the last preapplication meeting... because (without annotation or explanation and with total inconsistency) on Section 2 of the application drawing 'Sections_1MC03-

SCJ_SDH-AR-DSE-SS01_SL12-010021_C01_APPROVAL' the applicants have merely replaced 8 double tracks (of the previous 10 railway tracks passing under the bridge) with 4 single tracks represented by 4 trains (in the centre of each bridge span) without changing the bridge design at all. Whereas, in complete contradiction, the plan (Section 4) still shows 10 tracks passing under the bridge (with a track on each side within each of the above 4 bridge spans).

This cannot be the drawing shown previously to Camden because the planning application records that the last pre-application meeting occurred on August 24th 2023... ie over a month before the Government announced the fundamental change to the engineering function of the station (and therefore the bridge extension). The application records that the purpose of this last pre-application meeting was to finalise the application programme and review the "design progression" following the LBC comments on the "page-turn" of the application documents and drawings at the penultimate meeting almost a year before. Had the Government's change occurred prior to 24th August 2023 it would have clearly been part of the final review of the application documents and drawings.

Subsequently both HS2 and its contractor have repeated publicly that the Government's fundamental engineering change in October was a complete surprise to them when it was announced.. so there is no possibility that Camden was informed about the change before its announcement at the beginning of October (to enable Camden to request the necessary extra information to be included in the application.. or mitigation or design modification). If it was discussed since the announcement in October, it was not documented in Table 6 of the Written Statement.. But if the change was discussed since the announcement in October, Table 6 needs to be amended within a resubmission.. and the discussion properly documented.

Had there been a meeting since October, Camden would obviously have queried the impact of the Government's engineering change on the bridge design and requested at least its reference within the application.

Schedule 17 advice makes clear that such a change relevant to the bridge extension requires the local authority to ask for this information.

Paragraph 27 of the Government's Schedule 17 guidance states

Through pre-application discussions planning authorities should identify to the nominated undertaker any such additional information. The nominated undertaker will provide such information as is reasonably required for that purpose or explain why such information is not considered necessary to the determination. Where further information is requested, it must be clearly and directly related to the grounds as well as proportionate in nature.

The information that Camden should have requested would have shown that the drawing change that has appeared since October to the tracks on the application drawings was merely a misleading hasty expedient to avoid identifying the necessary engineering change to the bridge.

The resulting mitigation / modification that Camden undoubtedly would have requested would have been to reduce the length of the bridge extension by 50%. Regarding Camden's legal responsibility to minimise the visual impact of the bridge parapets, this would have enabled 50% of the visual impact of the bridge parapets to be removed enabled by a 40% reduction in station width.

Paragraph 53 of the Government Guidance

53. Where a planning authority seeks a modification to a submitted scheme it may only refuse to approve plans or specifications if it can justify that the submitted scheme ought to and could reasonably be modified in relation to the relevant grounds.

And Paragraph 52 states that this modification can be to reduce its size. The purpose of the modification would be to reduce the length of the bridge to tailor it to the operational width of the railway station.

52. ...if the requested change was reasonably capable of being made without affecting the operation of the railway then its design could be modified through the Schedule 17 process to reduce its size.

This paragraph uses the example of a request to modify the size of a vent shaft.

Nb (precedent) Camden made exactly such a request to the applicant at pre-application meetings for the Adelaide Road Headhouse and Vent Shaft.. and the applicant provided engineering information that proved reduction was not possible. A request to reduce the bridge extension length would follow the same principle.

The Hillingdon Appeal Court ruling explains that the Authority should not refuse an application if the required information is lacking. Instead they should **not determine** the application until sufficient information had been received.

The ruling states that

"the duty of care to perform an assessment of impact and possible mitigation and modification measures under Schedule 17 has been imposed by Parliament squarely and exclusively upon the local authority.... We conclude that the authority is under no duty to process a request for approval from HS2 Ltd unless it is accompanied by evidence and information adequate and sufficient to enable the authority to perform its statutory duty"

Notwithstanding this (as noted above) since submitting my comments last night, I have been advised by expert solicitors that Camden can successfully refuse the application design regarding the length of the bridge extension providing their refusal is accompanied by a design drawing that demonstrates that a shorter bridge extension to that authorised by the HS2 Act is feasible.

A Camden officer has told me that the application's unaltered bridge extension length (to suit the width of the scrapped 10 platform station) makes it "future-proof".. but this idea should be dismissed because the bridge length of the application beyond that needed for a 6 platform station width cannot be functional for HS2 because...

1 the land to the west of the 6 platform station will inevitably be developed for non-rail uses to enable private finance of the station and tunnels thus blocking further future platforms.

2 the Government's stated intention behind the reduction of platforms to six was to reduce the cost of the station approach engineering by avoiding the grade separation in the Cutting north of the bridge. This cannot be retrofitted so the 10 platform long bridge will be redundant beyond 6 platforms.

The application's bridge extension also could never be adapted to serve the NR station because the bridge extension headroom is much too low for NR level tracks... particularly at the west end.

And even the clearance of the existing bridge is below current standards (despite its thin deck with parapets that serve structurally as upstand beams). In contrast, the proposed bridge extension has a deep support structure with downstand beams and its deck (Hampstead Road) slopes down to the south.

It is understood that the only purpose behind building this bridge extension as planned is to avoid the inevitable financial claim that the contractor would make if the work was stopped further or the design changed.

Regardless of this, it seems reasonable for Camden to approve a bridge extension to span over the 6 most easterly tracks of the previous 10 track bridge extension design. But this should follow the inclusion of information that explains the relevance the government's station engineering change to such a bridge redesign (in a revised application after further pre-application meetings).

As a postscript ... it would be ridiculous if Schedule 17 was interpreted as requiring Camden to approve the impactful aesthetics of the currently proposed bridge extension, 50% of whose impact will inevitably be unnecessary because 50% of the bridge would be redundant from day one because 40% of the station width has been scrapped.

And it would be appalling (and possibly unlawful) if Camden approval occurred without this fact (or its inevitability/probability and its cause) being documented in the Written Statement of the planning application as being the result of the Government's fundamental rail engineering change to the station... and without an alternative design drawing of a shorter bridge being evaluated

My Credentials

I am an architect and was the deputy in charge of British Rail's privatised architects department. The projects I ran ranged from parts of HS1 to terminuses (like Liverpool Street phase 2). I was also project manager of a large part of Railtrack's enormous Backlog Maintenance Project from an office on the roof of Euston Station (facing Hampstead Road Bridge). Prior to that, I was a project architect on the Jubilee Line for Waterloo and Westminster (which tunnelled under Big Ben advised by the same tunnelling engineer who advised HS2 for the current Euston approach design). I also designed an alternative HS2 Euston station for the community from my office over the Bree Louise Pub on Cobourg Street (subsequently CPOed and demolished by HS2). I developed the Double Deck Down concept that was shortlisted by HS2. My solution

which was based on the original construction drawings of Euston Station was subsequently appraised by Camden (via a series of Working Group meetings chaired by the deputy mayor of London) and initially supported as an option in the Euston Area Plan. This design solution required Hampstead Road Bridge to be slightly extended (by an extra bay). For this I carried out a technical analysis of the existing bridge using archived construction drawings and advice from a number of specialist engineers and Camden officers.

I live very close to HS2's proposed tunnels in Primrose Hill and am also Company Secretary of Adelaide Community Garden Club which faces the applicant's Adelaide Vent Shaft Headhouse. Because of its impact on the Club and its members and neighbours, I am in regular conversation with the applicant. I also attend Euston Community Representative Group (ECRG) meetings and am a member of Camden HS2 Association of Representative Groups for Engagement (CHARGE).

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Appendix

Buckles Solicitors LLP's advice to Local Planning Authorities regarding comment 4 above...

"High Speed 2 - Determining Schedule 17 Applications for Plans and Specifications"

Recommended action re Pre-application meetings...

- *From the outset, keeping a Design Log/Issues Log which contains the following:*
- *List each element of the proposals which are Scheduled Works, and which will be subject to the consent process*
- *List other elements of the proposals that are not Scheduled Works under the Act but are ancillary works, or temporary works so that all aspects of the proposals are clearly identified, relevant statutory position identified and understood – proceeding on misunderstandings or assumptions can be very difficult and the earlier all this is sorted out the better*
- *Mitigation proposed with each element*

- *Council response to each of the above*
- *Dates of meetings*
- *HS2 response to council concerns/proposals/changes sought and*
- *Next steps*
- *The Log is also a very useful tool for reporting to members and community groups on the pre-application discussions in due course.*
- *Community engagement – whilst the pre-applications discussions are confidential, Phase 1 has shown all stakeholders that it is of critical importance to keep the community informed and engaged throughout the process. Whilst HS2 does not remunerate local authorities for any community engagement work, experience has shown this has been handled best by all stakeholders presenting together to community focus groups, action groups, parish councils and wider community. A community that is engaged and part of the process tends to engage constructively and this reduces the risk of challenges to decisions later on. Such an approach avoids delays once the applications come in and issues are raised afresh, and the confidentiality issue is dealt with by agreeing with the contractors those elements that need wider input throughout the pre-application stage and which can be shared".*