

Robert Lester  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE



30<sup>th</sup> November 2016

Our ref: HS2-LBC-PE-014

**By Email**

Dear Mr. Lester

**App Ref: 2016/5344/P – Installation of 15 m high telecommunications antenna with associated equipment cabinets (56 day GPDO application) at: Land on the south side of Adelaide Road (East of Eton Road), Hampstead, London.**

Thank you for consulting High Speed Two (HS2) Ltd on the above application, we have the following comments to make on the proposals.

As you will be aware the Government has announced its intention to construct and operate Phase One of a high speed railway, known as High Speed Two (HS2), between London and Birmingham; and Phase Two between Birmingham and Manchester and Leeds. Powers to construct and operate HS2 are to be sought by promoting a hybrid Bill which was deposited in Parliament on 25<sup>th</sup> November 2013 and cleared its Third Reading stage on 23<sup>rd</sup> March 2016. Please see the dedicated hybrid Bill section on our website for further details: <http://www.hs2.org.uk/hs2-phase-one-hybrid-bill>.

You will also be aware that, on 9<sup>th</sup> July 2013, the Secretary of State for Transport announced that Safeguarding Directions had been issued for the majority of Phase One of HS2. On 24<sup>th</sup> October 2013, these directions were replaced with an updated set of directions which included two sections which had previously not been published. On 16<sup>th</sup> August 2016, these directions were again replaced with an updated set of safeguarding directions, which broadly reflect the land requirements set out in the hybrid Bill. Further details, guidance and maps are available at: <http://www.hs2.org.uk/safeguarding>.

In this case the application site is located entirely within the limits of land subject to the formal Safeguarding Directions and within the Limits of Land to be Acquired or Used (LLAU) for construction of the railway as identified on the Plans deposited to Parliament on 25<sup>th</sup> November 2013 (see Page 22 of Mapbook accompanying the proposed Bill design and formal Environmental Statement drawings at: [http://webarchive.nationalarchives.gov.uk/20140806172102/http://assets.dft.gov.uk/hs2-environmental-statement/volume-2/MB3\\_VOL2\\_CFA03\\_WATERMARKED.pdf](http://webarchive.nationalarchives.gov.uk/20140806172102/http://assets.dft.gov.uk/hs2-environmental-statement/volume-2/MB3_VOL2_CFA03_WATERMARKED.pdf)).

With reference to the above drawings the HS2 construction and delivery teams have identified a direct clash with the HS2 proposed Adelaide Road ventilation shaft main compound site entrance, which is required in order to construct the adjacent Adelaide Road ventilation shaft and headhouse from 1<sup>st</sup> March 2017 onwards.

At that point HS2 enabling works will start including environmental surveys, mitigation and demolition prior to handing over a cleared site to the Major Works Civils Contractor for use as a compound in June 2019. Based on the current construction programme the site will then be occupied until September 2022. See slide 4 in the enclosed presentation given to the House of Lords Select Committee for further details in respect of works on Adelaide Road.

In this case HS2 Ltd acknowledges that as this is not an application for planning permission the Safeguarding Direction is not engaged and there is no legal requirement on the Council to formally consult HS2 Ltd on the prior approval application. Furthermore, any representations that HS2 Ltd does make on the prior approval application, do not bind the Council or cause the application to be referred to the Secretary of State for Transport in the way that they would if it had been a planning application.

However, HS2 Ltd also acknowledges that telecommunications development falling within the category of permitted development under the GPDO must follow the prior approval procedure, under which the Council is given the opportunity to say whether it wishes to approve details of the 'siting' and 'appearance' of the proposed installation and no other factors can be considered by the Council for this type of application. Factors concerning 'siting' may involve, height of the site in relation to surrounding land, topography of the site and vegetation, openness and visibility of the site, *designated areas*, (my emphasis) the site in relation to existing masts, structures or buildings or proximity to residential property.

The applicant's supporting Site Specific Information document correctly acknowledges that the site is located in an area through which HS2 will pass in tunnel and in light of the above interaction with the formally designated safeguarded area for the proposed railway, HS2 Ltd cannot support the application for prior approval consent in its current form due to the direct conflict with plans to construct HS2, a nationally significant infrastructure project.

Accordingly both the Council and the applicant should be aware of the likely future impact of HS2 on this site in advance of determining the application and the proposed telecommunications mast will not be able to co-exist with planned HS2 works at its current location and would therefore need to be relocated.

For the reasons set out above HS2 Ltd cannot support the siting of the proposals in their current form and recommends that the London Borough of Camden refuses to approve consent for them. Whilst the Council are not bound by the obligations set out in the Safeguarding Direction when determining the application HS2 Ltd suggests the following wording for a reason for refusal in the event it is minded to do so:

**REASON FOR REFUSAL:**

'The siting of the proposed telecommunications development would directly conflict with the HS2 safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is an infrastructure project of national importance. The proposal is therefore contrary to Government Guidance contained in the National Planning Policy Framework (NPPF).

The proposal does not conform with the provisions of the NPPF and it is considered that the applicant is unable to overcome such principle concerns.'

HS2 Ltd would be happy to discuss the concerns raised in this response with the Council and/or the developer in person and if such a meeting would be beneficial then please contact me at: [Town.Planning@Hs2.org.uk](mailto:Town.Planning@Hs2.org.uk).

Yours sincerely,



**James Fox**  
**Safeguarding Planning Manager, HS2 Ltd**

Enc: House of Lords Select Committee presentation.