

Application No:	Consultees Name:	Received:	Comment:	Response:
2020/1681/HS2	David Auger	29/06/2020 21:46:44	OBJ	Objection to Planning Application 2020/1681/HS2

Application for approval under Schedule 17 of High Speed Rail (London - West Midlands) Act 2017 relating to the construction of an external staircase, re-locatable equipment building and artificial walkway lighting at Mornington Terrace (Euston up Sidings) and artificial walkway lighting at Gloucester Avenue (Camden Carriage Sidings) all required in association with extended railway sidings.

The Objector lives at 52A Mornington Terrace, London NW1 7RT opposite the construction site. Under the Schedule 17 procedures it is intended that the applicant has complied with the previous requirements of the Planning Regime applicable and the requirements High Speed Rail (London - West Midlands) Act 2017. The Act notes only a number of specific circumstances where permission cannot be granted. However, the basis of this objection is that the controls and protections described in the Hybrid Bill and related documents have not operated as intended and therefore it is unreasonable for the application to seek permission under Schedule 17. Further under the same legislation, the local authority does not have the authority to approve such an application and effectively authorise the works that have not complied with the planning requirements.

The Covering letter attached to the application notes that it is accompanied by a bringing into use application. "A Schedule 17 'Bringing into Use' submission accompanies this application with 'Bringing into Use' approval sought for scheduled work no. 1/17 and 1/27." It should be noted that the majority of the construction work has already been completed with previous applications under alternative applications. This also implies that the works are separate to scheduled works No 1/17 which accompanied the Bill.

Network Rail has acknowledged that the works to the sidings and to the access building on Mornington Terrace with the addition of an external staircase are related to HS2. This only occurred after a significant number of complaints and unanswered queries. [see Network Rail letter dated 4 July 2019].

It is unclear whether the applied for works are included within Schedule 1 however in any case the sidings in scheduled works No 1/17 and described in this application were not described or the impacts assessed in the Environmental Impact Assessment that accompanied the hybrid bill. Consequently individuals impacted by the proposals have not had an opportunity to comment on them and for their comments to be considered by the decision maker. Further given the construction of the staircase has been completed in part this application is retroactive. Schedule 17 does not allow for consideration of comments in the manner described. An environmental impact assessment has not accompanied any of the planning documents. This objector has been significantly impacted by the construction of the staircase as well as the preparatory works for the staircase and the building. The Objector is also concerned that the access building and staircase appears to already be in use by Network Rail operatives working on other parts of the rail infrastructure. The disturbances caused have already been raised as formal complaints following the HS2 and Network Rail complaints procedures however substantive responses are still outstanding.

#### Planning Framework

It is a fundamental part of the planning regime that individuals impacted by development have an opportunity to comment on proposals, their construction and the environmental impacts that result which may impact them. This is enshrined in European Directives and Human Rights legislation. Under the Environmental Impact Assessment (EIA) Directive (92/2011/EU) ("the EIA Directive"), decision making bodies are required to consider the environmental effects of projects when deciding whether or not they should be allowed to

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proceed. The objective of the EIA Directive is to identify and assess the likely significant environmental effects of a project, with a view to informing the decision maker as part of the development consent process. In UK law this has been adopted within the planning regime with Part II of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999, No. 293), and so much of the information referred to in Part I of that Schedule as is reasonably required to assess the environmental effect of the works.

In the case of the HS2 Phase One Bill, the objectives of the EIA Directive, including that of supplying information, are achieved through the parliamentary process. Standing Order 27A requires that, when a Bill which authorises the carrying out of works is submitted for approval through the parliamentary process, it shall be accompanied by an Environmental Statement (ES) containing specified information. The ES is a document provided for the purpose of enabling Parliament to make an assessment of the likely impacts on the environment arising from the project. The ES also provides stakeholders and the public with a basis on which to make representations to Parliament, as appropriate, on the environmental impacts of the project. The rights to consultations are included with compliance with standing order 224A.

s20 of the Hybrid Bill grants deemed planning permission for the works authorised by it, which are described in Schedule 1 subject to the conditions set out in Schedule 17. Schedule 17 includes conditions requiring the following matters to be approved or agreed by local authority including Construction arrangements, plans and specifications and bringing into use requests.

Included in the wider controls to assist local authorities is a document to assist with planning entitled "HS2 context report" which includes a list of schedule 17 matters.

Application 2020/1681 details

The application is accompanied by a written statement prepared by HS2. Para 3.3 describes works for approval and details as follows:

"3.3.1 The relevant scheduled works as set out under Schedule 1 of the Act to which this Schedule 17 submission relates are:

- 'Work No. 1/17 - A railway siding (0.50 kilometres in length) commencing at a point 81 metres north-east of the junction of Stanhope Street with Granby Terrace passing north westwards and terminating at a point 60 metres south-east of the junction of Delancey Street with Mornington Terrace;"

There is no evidence that the works described in the application are actually included in works No 1/17.

The construction method per para 3.4 of the HS2 statement includes

3.4.1 The works subject to this request for approval of Plans and Specifications will be undertaken in accordance with the HS2 Code of Construction Practice and the Class Approval issued by the Secretary of State (March 2017).

3.4.3 A road closure of Mornington Terrace was required to allow a concrete pump to be utilised for the foundations of the access staircase. The road was closed for 4 days to allow for the concrete pump to be

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used.

Section 5 includes pre submission with the LPA and statutory consultees. Table 3 notes applications for TTRO and under part 18 GPDO.

Works not described in the Environmental Statement and during the Parliamentary Process

The works are not described in the Environmental Statement.

HS2 Information paper E1 notes in para 2.5 the impact of the controls described in the EMRs.

This will ensure that where EIA is legally required, works will not take place unless they have been assessed already as part of the ES or are subject to a further EIA and consent process.

HS2 has suggested the omission is due to the impacts not being significant.

The objector, on behalf of the Camden Cutting Group raised concerns on the Environmental Statement before the Examiners who reviewed compliance with standing orders as part of the Parliamentary Process on 20th October 2015.

It should be noted that the Agent for the Hybrid Bill on behalf of the Promoter, noted per the transcript para 208

MS GORLOV: The ES is indeed designed to reveal the environmental impact of proposed works. It must, therefore, reveal what the works are, assess their significance and report on those that are materially significant, and, in the case of the amendments, if they effect material changes.

Further Peter Miller the HS2 Environment Director noted on behalf of the Promoter per para 216

216. The Promoters' submission is that the supplementary environmental statement 2 (SES 2) and additional provision 3 environmental statement (AP3 ES) comply with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and Standing Order 27A and that none of the complaints made by the Camden Cutting Group is substantive.

It follows that even if the impacts were not significant, the works should still have been included possibly albeit briefly and they were not and therefore the works were not part of an Environmental Impact Assessment. Consequently permission under schedule 17 cannot be granted as to do so would breach the planning rules regarding environmental impact assessments, the reporting and the consultation.

During the Parliamentary process there was no reference to the works in the Petition Response Documents or the Promoter's exhibits before the Select Committees in both houses despite other works with similar impacts being included.

Issues and Complaints during construction

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During the construction, the objector and neighbours were disturbed on numerous occasions. Further for part of the works the noise monitors were located too far from the works, and considerably further away than residential properties to record the noise impacts in accordance with the Code of Construction Practice.

This was compounded by the failure to install secondary glazing on a timely basis as set out in the CoCP, Out of hours working, frequently outside the s61 constraints as well as inappropriate behaviour by Contractors causing a disturbance. This behaviour included excessive use of residential parking for contractors personal vehicles, revving personal car engines at antisocial hours waking residents.

The road closure and use of large machinery for periods of time also caused a significant impact.

Issues and Complaints in apparent operation

The works have been substantially complete relating to the staircase and access. They appear to already be in use by Network Rail contractors engaged in other activities on the rail network. This has been at antisocial hours, with shouting, slamming of both car doors on arrival and the steel door to the access building. Comprehensive responses to complaints to both HS2 and Network Rail are outstanding.

It is therefore not accepted that the omission from the Environmental Statement was as a result of impacts of construction or operation being insignificant.

Conclusion

The planning regime included in the Hybrid Bill has not been complied with. It does not appear the staircase, building and walkways are included as a Scheduled work under 1/17, the works are not described or assessed in the environmental statement and therefore a separate Environmental Impact Assessment on both construction and operation is required as part of any planning process. The application under Schedule 17 does not include this. Further the Environmental Impacts must be consulted on, and given they have not been described this has also not taken place. s20 of the Hybrid Bill has not been complied with and this application must be rejected since it is not within the powers of the Local Authority to waive the requirements. They also have an obligation to protect the rights of residents, which would be impacted if the application was approved.

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2020/1681/HS2	Richard Simpson for Primrose Hill CAAC	26/06/2020 15:46:35	OBJ	<p>ADVICE from Primrose Hill Conservation Area Advisory Committee 12A Manley Street, London NW1 8LT</p> <p>17 June 2020</p> <p>Railway Sidings NE Gloucester Avenue NW1 7AU      2020/1681/HS2 Artificial walkway lighting</p> <p>Objection.</p> <p>Any consent should be subject to effective prevention of light pollution harmful to residents. This should include the design of the lighting installation used, direction of light, shielding of light spread, intensity of light, limits on use of lighting only to times when walkways are in active use, efficiency of energy use, and effective monitoring and access phone numbers to allow residents feedback on the operation of the installation 24/7.</p> <p>Richard Simpson FSA Chair</p>

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