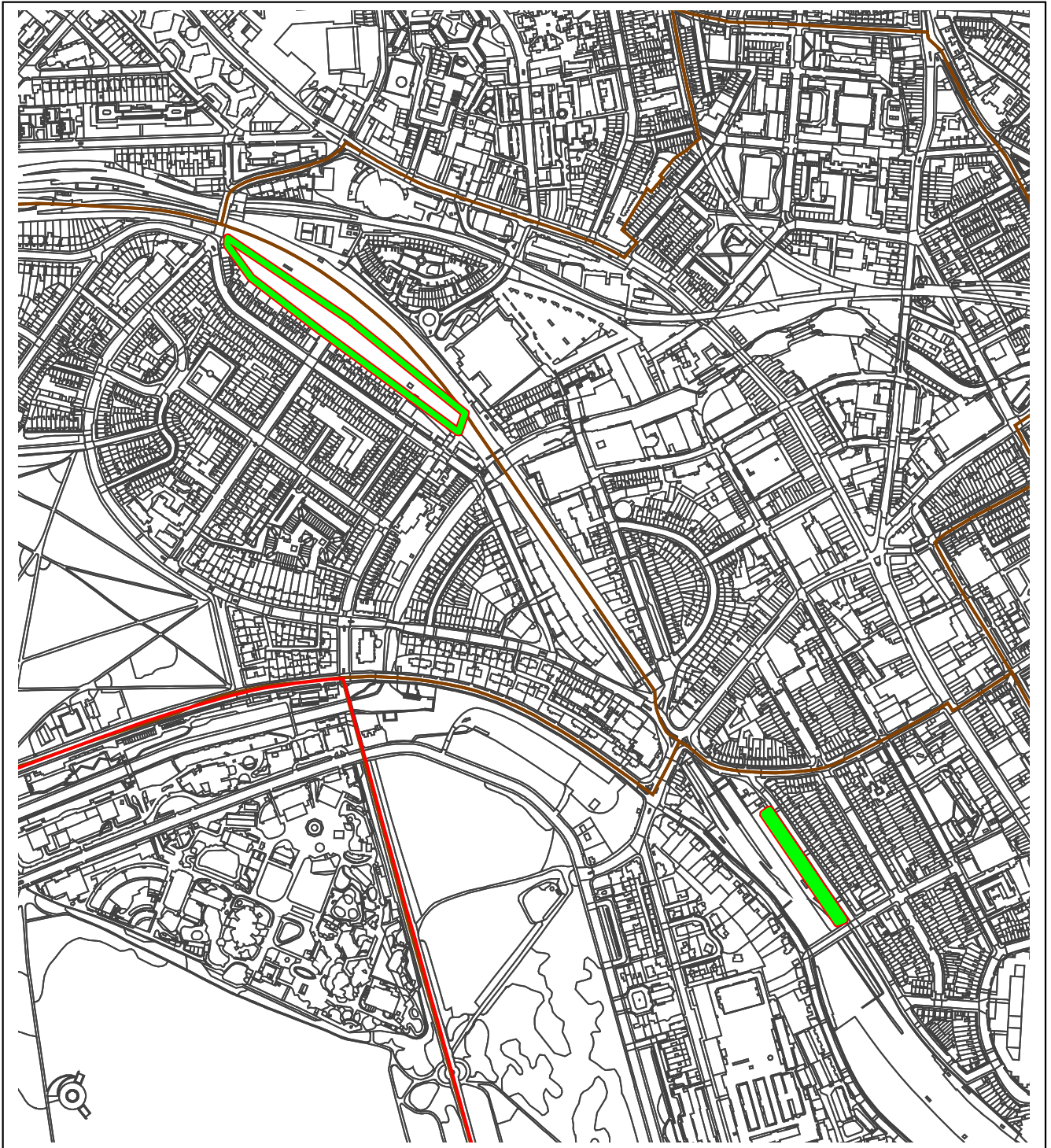


2020/1681/HS2 & 2020/1686/HS2 –  
Railway Sidings West of Mornington Terrace / Railway Sidings North  
East of Gloucester Avenue /



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<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>10/06/2020</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>29/06/2020</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Kate Henry				2020/1681/HS2			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Railway Sidings West of Mornington Terrace London NW1 7RT and;  Railway Sidings North East of Gloucester Avenue London NW1 7AU				Refer to draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Retrospective 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							
<b>Recommendation(s):</b>		Grant consent					
<b>Application Type:</b>		Schedule 17 - Conditions of Deemed Planning Permission – Plans and Specs					

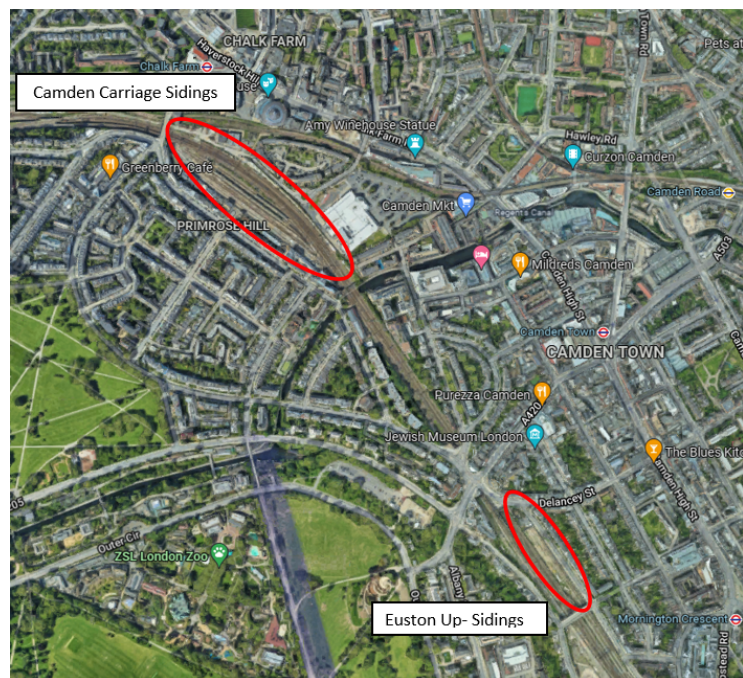
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	1	No. of objections	1
Summary of consultation responses:	<p>Site notices were displayed on 05/06/2020 (consultation expiry date 29/06/2020) and a notice was placed in the local press on 28/05/2020 (consultation expiry date 21/06/2020).</p> <p>An objection has been received from 52A Mornington Crescent, summarised as follows:</p> <ul style="list-style-type: none"><li>• Procedurally incorrect to seek permission under Schedule 17</li><li>• Retrospective as some works already undertaken</li><li>• Noise impacts thus far</li></ul> <p><b>Officer comment</b></p> <p><i>Officers in the Planning department have consulted with officers in the Council's Legal department to ensure that application references 2020/1681/HS2 and 2020/1686/HS2 have been submitted and assessed properly in accordance with the relevant legislation. The Council's Legal officers are satisfied that the Council should determine the applications under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 ("the Act").</i></p> <p><i>The supporting documents submitted with the application acknowledge that the works are retrospective.</i></p> <p><i>The impact of the proposed works is assessed in the Officer's Report and is considered to be acceptable. (see section 4, para. 4.3 - 4.12)</i></p>					
Primrose Hill CAAC	<p><b>Object</b>, on the following grounds:</p> <ul style="list-style-type: none"><li>• 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.</li></ul> <p><b>Officer comment</b></p> <p><i>The Council's Environmental Health Officer has reviewed the submitted documents and the lighting assessment and is satisfied with the proposal in terms of the impact on the local area / residents.</i></p>					

## Site Description

The application site comprises of the railway sidings to the west of Mornington Terrace (“Euston Up-sidings”) and the railway sidings to the north-east of Gloucester Avenue (“Camden Carriage Sidings”). (see image below)

The sites themselves are not located within a conservation area (they form part of the railway corridor); however, Mornington Terrace is in the Camden Town Conservation Area and Gloucester Avenue is in the Primrose Hill Conservation Area. Furthermore, the Parkway tunnel and cutting are Grade II listed, and so is the Edinboro Castle PH (both adjacent to the Euston Up-sidings).

The areas surrounding the two sites are predominantly residential in character with traditional London terraced housing.



## Relevant History

### Land adjacent to 58 Mornington Terrace

**2018/5928/P:** Prior Approval under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) for the installation of external staircase leading from ground level to track level, with associated insertion of access door to side elevation of existing track access building. **Approval Given 9<sup>th</sup> April 2019**

Works were carried out to implement this approval after the 2018 application was determined to erect the staircase and access door and before the current applications were submitted.

**2020/1686/HS2:** Bringing into Use of railway sidings as specified in Scheduled Work No. 1/17 and 1/27 of the High Speed Rail (London to West Midlands) Act 2017. **Pending determination.**

## Relevant policies

### The HS2 Act

- High Speed Rail (London - West Midlands) Act 2017, in particular Schedule 17 paragraphs 2 and 3

### Statutory Guidance

- High Speed Rail (London - West Midlands) Act 2017 - Schedule 17 Statutory Guidance



- High Speed Rail (London - West Midlands) Act 2017 - Schedule 17 Statutory Guidance Draft 09-Nov-2020

### **Environmental Minimum Requirements and related documents**

- High Speed Rail (London - West Midlands) Environmental Minimum Requirements (the EMRs) General Principles February 2017
- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 1: Code of Construction Practice
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- High Speed Rail (London-West Midlands) Environmental Minimum Requirements Annex 4: Environmental Memorandum
- HS2 Context Report October 2017
- London - West Midlands Environmental Statement 2013
- Supplementary Environmental Statement 4 and Additional Provision 5 (Supplementary Environmental Information) 2015
- HS2 Phase One information papers: environment (series E)
- Local Environmental Management Plan London Borough of Camden (LEMP) December 2017
- Camden Local Traffic Management Plan
- High Speed Two Phase One: Route-wide Traffic Management Plan

## **Assessment**

### **1. Background**

#### Legislation and policy context

- 1.1. Phase One of High Speed 2 (HS2) is the first phase of a new high-speed railway network proposed by the Government to connect major cities in Britain.
- 1.2. On 23rd February 2017, Royal Assent was granted, namely the High Speed (London-West Midlands) Act 2017 ("the HS2 Act"), for Phase One of HS2. The HS2 Act provides powers for the construction and operation of Phase One of HS2.
- 1.3. High Speed Two (HS2) Limited is the company responsible for developing and promoting the UK's new high-speed rail network. It is funded by grant-in-aid from the government.
- 1.4. Section 20 of the HS2 Act grants deemed planning permission for HS2 Phase One and associated works ("the Works") between London and the West Midlands, but some of the detailed design and construction are subject to further approval. Schedule 17 of the HS2 Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred, in this case, HS2 Ltd.) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.
- 1.5. Schedule 17 sets out the approvals required to be obtained by HS2 Ltd. These approvals are:
  - Plans and specifications of certain works;
  - Matters ancillary to development ("construction arrangements");
  - Road transport (lorry routes);
  - Bringing into use; and
  - Site restoration schemes

- 1.6. This application seeks approval of “plans and specifications”.
- 1.7. The Council can only consider the application within the constraints of the HS2 Act, rather than planning policies set out in the Development Plan. The grounds for determination under the HS2 Act which the Council can base its decision to approve the application and attach reasonable conditions, or to refuse the application, are set out under Schedule 17 of the Act. In relation to this application, the Council may only refuse to approve plans or specifications on the grounds that:
- (a) the design or external appearance of the building works ought to be modified -*
- (i) to preserve the local environment or local amenity;*  
*(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or*  
*(iii) to preserve a site of archaeological or historic interest or nature conservation value,*
- and is reasonably capable of being so modified, or*
- (b) the development ought to, and could reasonably, be carried out elsewhere within the development’s permitted limits. [Schedule 17, Part 1, (2) (5)]*
- 1.8. Any representations received from the public or third parties will be considered by the Council but within the context of the HS2 Act.
- 1.9. It is important to note that the HS2 Act states that all applications must be determined within eight weeks of submission (unless the Council and the Nominated Undertaker agree an extension of time for determination), or the application is deemed to have been refused.

#### Additional environmental and community protection measures

- 1.10. The HS2 Phase One Environmental Statement (ES) was produced to accompany the HS2 Act. The ES includes the *likely* significant environmental impacts along the route along with the measures to manage and reduce these impacts. In order to ensure that the environmental effects of the project do not significantly exceed those assessed in the ES, Environmental Minimum Requirements (EMRs) (a group of documents setting out measures to be adopted to reduce adverse environmental impacts), sit alongside the statutory environmental controls included in the HS2 Act. Throughout the construction and operation of Phase One of the project, HS2 Ltd. and its contractors will be required to comply with both the EMRs and those statutory environmental controls. HS2 Ltd. is also required, in addition to the EMR’s, to use reasonable endeavours to adopt measures that will further reduce adverse environmental impacts.
- 1.11. The Code of Construction Practice (CoCP) is Annex 1 of the EMRs. It sets out specific details and working practices in relation to site preparation (including site investigation and remediation, where appropriate), demolition, material delivery, excavated material disposal, waste removal and all related engineering and construction activities. The CoCP sets out the measures that the nominated undertaker and contractors are required to implement in order to limit disturbance from construction activities, as far as reasonably practicable, including traffic and transport.
- 1.12. Local Environmental Management Plans (LEMPs) have been prepared for each local authority area which set out site specific control measures to be adopted by HS2 Ltd.’s Contractors.
- 1.13. In considering plans and specifications applications, Camden as a qualifying authority should have due regard to the system of controls available under the HS2 Act and shall not therefore seek to duplicate controls that the EMRs already contain.
- 1.14. There would be specific and significant impacts from HS2 Ltd. and its construction on Camden, Camden Council, petitioners and affected parties, such as Camden Cutting Group. The

Council has therefore sought to secure additional assurances on key measures such as amenity controls and community working groups that will help protect the lives and livelihoods of its residents and businesses. Assurance is the term used to describe any other commitments. These are unilateral commitments given directly to petitioners or affected parties, which do not have the status of legally binding contracts enforceable by the courts, but are made binding on the project and ultimately enforced through contempt of Parliament proceedings.

## **2. The proposal**

- 2.1. The request for approval of plans and specifications has been made under paragraphs 2 and 3 of Schedule 17 of the HS2 Act.
- 2.2. The works submitted for approval and their ground for approval under the HS2 Act include:
- Euston Up-sidings
    - Extended walkway lighting
    - A re-locatable equipment building
    - Construction of metal staircase
  - Camden Carriage Sidings
    - Provision of walkway lighting
- 2.3. A separate “Bringing into Use” application accompanies this application (reference 2021/1686/HS2) for both locations.

## **3. Revisions**

- 3.1. A lighting survey and report were submitted during the course of the application.

## **4. Assessment**

- 4.1. The main considerations in relation to this proposal are:
- Impact on local environment / local amenity;
  - Impact on road safety / the free flow of traffic;
  - Impact on archaeological, historic or nature conservation value.
- 4.2. Normally, when determining a planning application, regard must be had to the development plan and to other material considerations and the determination must be made in accordance with the development plan unless material considerations indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). However, the current application is not made under the TCPA, but under Schedule 17 of the HS2 Act and therefore the statutory duties imposed by the 1990 and 2004 Acts do not apply. Nevertheless, the policies of the development plan set out the Council’s general approach to dealing with matters of design, conservation, archaeology, amenity and transport and are a helpful reference point in terms of making an assessment of an application of this nature.

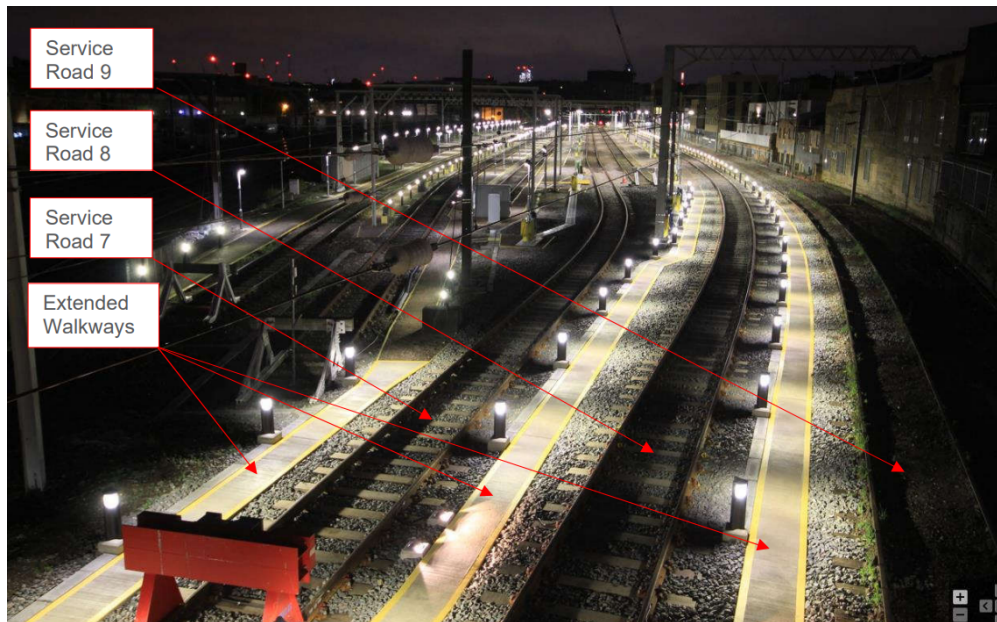
### **Impact on local environment / local amenity**

- 4.3. The proposed (retrospective) works include walkway lighting at both locations and a re-locatable equipment building and the construction of a metal staircase at the Euston Up-Sidings site.

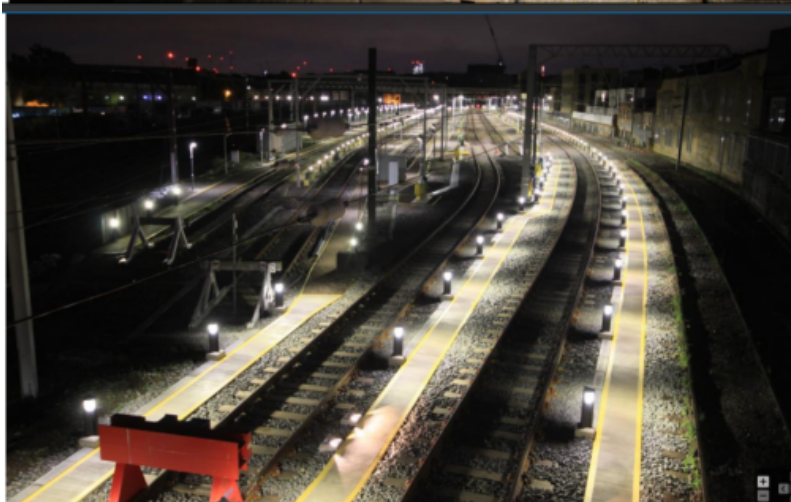
### **Walkway lighting**

- 4.4. The walkway lighting is required for safety purposes for railway personnel accessing the

sidings from Mornington Terrace and from Gloucester Avenue. The image below shows the completed works at Camden Carriage Sidings.



- 4.5. The extended walkway lighting at Camden Carriage Sidings was undertaken under the prior approval process, and the Schedule 17 application was then submitted as the area falls within the HS2 area. The following images show the before (top) and after (bottom) pictures of the lighting in question.



- 4.6. A lighting assessment has been submitted for the extended walkway lighting at Camden Carriage Sidings, to assess the impact on adjacent buildings. Two cases are considered: the baseline scenario with the existing lighting columns; and the baseline scenario with the proposed new bollard and ground mounted luminaries to illuminate the extended walkways.



The baseline scenario shows that 7 out of the 8 buildings assessed are already above the permitted obtrusive lighting level (5 lux). Only one building (No. 2) is marginally below the permitted obtrusive lighting level.

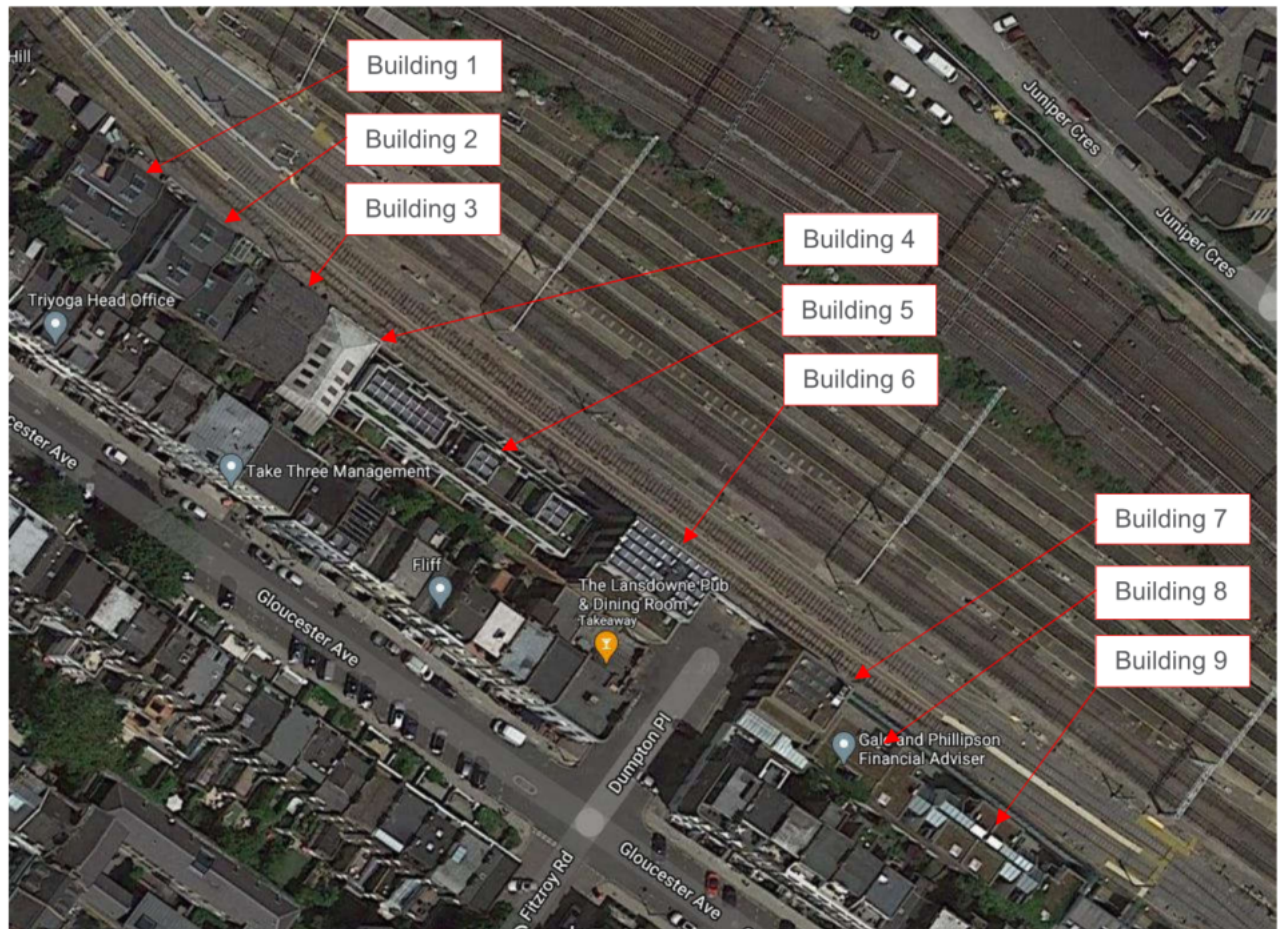


Figure 5-1 - Adjoining properties assessed for obtrusive lighting

- 4.7. The Council's Environmental Health Officer is satisfied that the change is small enough to be unnoticeable for Buildings 3 to 9 and whilst the change to Building 2 might be noticeable, the impact would not be so significant so as to warrant a refusal of the application on this basis.

#### Re-locatable equipment building

- 4.8. The re-locatable equipment building is a grey containerised building to house signalling equipment. The building is contained within the existing rail corridor and is not be visible from the public realm. As such, the impact on the local environment / local amenity is considered to be acceptable.

#### Metal staircase

- 4.9. The metal staircase has been erected to allow access to the sidings from street level. It is screened from public view by the existing boundary wall. Whilst it is visible from the railway side, it is functional in appearance. Overall, the impact on the local environment / local amenity is considered to be acceptable.
- 4.10. To conclude this section, given the nature and siting of the proposed works, the development is not considered to have a detrimental impact on neighbouring residential amenity in terms of loss of light, privacy, outlook, overlooking or a sense of enclosure.
- 4.11. Concerns have been raised about noise; however, as noted above, noise impacts have been considered as part of the Environmental Statement and cannot be considered as part of this assessment.
- 4.12. It is noted that there are a number of regulatory controls to mitigate impacts to residential

amenity. These include those under the EMRs, CoCPs, LTMPs, LEMPs, and the assurances specific to Camden alongside the other statutory environmental controls included in the HS2 Act and the assurance that HS2 Ltd. Therefore, there are no outstanding additional issues with regards to the local environment or amenity, which would warrant grounds for refusal on this matter.

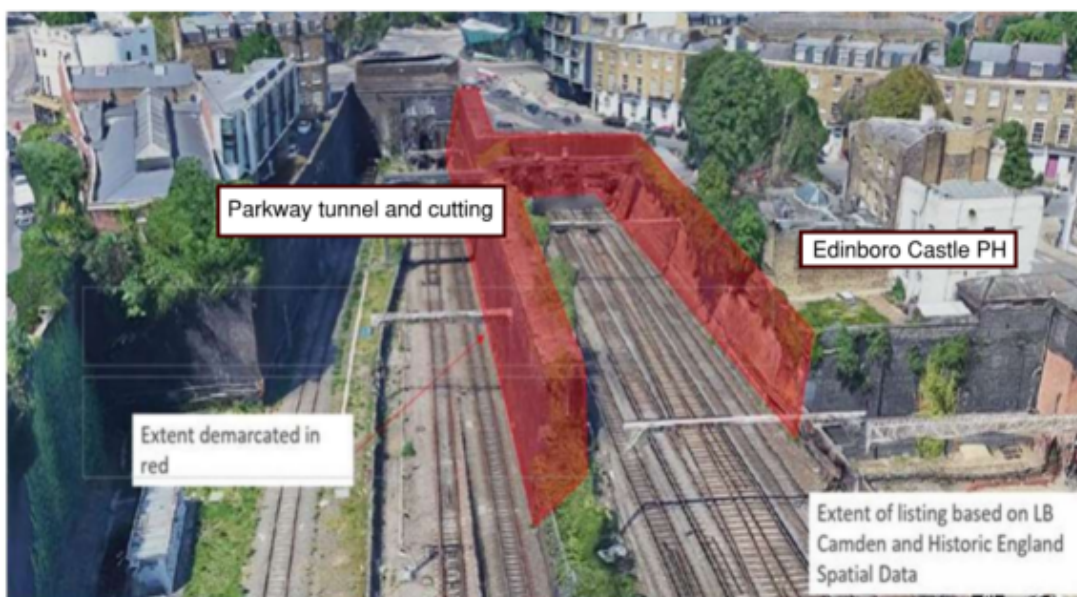
#### **Impact on road safety / the free flow of traffic**

4.13. The Council's Highways department raises no objection.

4.14. TfL were consulted and raise no objection.

#### **Impact on archaeological, historic or nature conservation value**

- 4.15. The sites are not located within areas of archaeological interest, and as such, the proposed development is not considered to result in harm to the archaeological interest of the site. However, with regard to cultural heritage (including archaeological or historic interest), it is noted that control measures are outlined within the Code of Construction Practice (CoCP) (Section 8), E8: Archaeology. This is in addition to the HS2 Phase One Heritage Memorandum within the EMRs.
- 4.16. In a similar vein to paragraphs 189 - 192 (Proposals affecting heritage assets) of the National Planning Policy Framework, a route-wide Generic Written Scheme of Investigation: Historic Environment Research and Delivery Strategy (GWSI:HERDS) has been prepared which sets out the general principles for design, evaluation, mitigation, analysis, reporting and archive deposition which is to be adopted for the design development and construction of the HS2 scheme.
- 4.17. Whilst the sites themselves are not located within a conservation area, the Euston Up Sidings site is located within close proximity of the Camden Town Conservation Area and the Camden Carriage Sidings site is within close proximity of the Primrose Hill Conservation Area.
- 4.18. Furthermore, the Parkway tunnel and cutting are Grade II listed, and so is the Edinboro Castle PH (see image below).



- 4.19. It is not considered that the proposal would harm either the setting of the listed buildings / structures or the setting of the adjacent conservation areas. This is due to the limited visual impact afforded from both public and private vantage points. The proposed works would be read as part of the wider railway infrastructure.
- 4.20. It is not considered that the proposed works would impact on nature conservation value either,

given the nature of the sites.

**Recommendation:** Approval of plans and specifications pursuant to paragraphs 2 and 3 of Schedule 17 of the HS2 Act.

*The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25<sup>th</sup> April 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.*

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>10/06/2020</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	<b>05/07/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Kate Henry			2020/1686/HS2		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Railway Sidings West of Mornington Terrace London NW1 7RT and;  Railway Sidings North East of Gloucester Avenue London NW1 7AU			Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Bringing into Use of railway sidings as specified in Scheduled Work No. 1/17 and 1/27 of the High Speed Rail (London to West Midlands) Act 2017					
<b>Recommendation(s):</b>		Grant consent			
<b>Application Type:</b>		Schedule 17 - Conditions of Deemed Planning Permission			



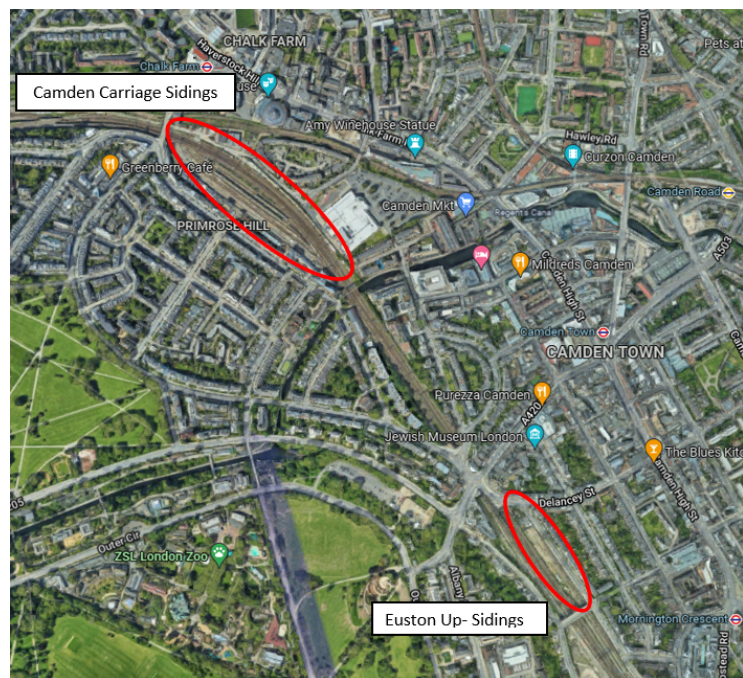
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Summary of consultation responses:	<p>Site notices were displayed on 05/06/2020 (consultation expiry date 29/06/2020) and a notice was placed in the local press on 11/06/2020 (consultation expiry date 05/07/2020).</p> <p>An objection has been received from 52A Mornington Crescent, summarised as follows:</p> <ul style="list-style-type: none"><li>• Procedurally incorrect to seek permission under Schedule 17</li><li>• Retrospective as some works already undertaken</li><li>• Noise impacts of trains using sidings</li><li>• Air quality impact (diesel trains using sidings; ancillary equipment)</li><li>• Impacts not properly assessed through Environmental Statement (ES) therefore a separate Environmental Impact Assessment is required</li></ul> <p><b>Officer comment:</b></p> <p><i>Officers in the Planning department have consulted with officers in the Council's Legal department to ensure that application references 2020/1681/HS2 and 2020/1686/HS2 have been submitted and assessed properly in accordance with the relevant legislation. The Council's Legal officers are satisfied that the Council should determine the applications under Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017 ("the Act"). (See para. 1.16 – 1.22 for further comment on validity and assessment of this application. It is the Council's view that the bringing into use of railway sidings is authorised by the HS2 Act and have been (and are being) undertaken in accordance with the Act and the EMRs and therefore do not require a further EIA or planning permission.)</i></p> <p><i>The supporting documents submitted with the application acknowledge that the works are retrospective.</i></p> <p><i>The impact of the proposed works is assessed in the Officer's Report and is considered to be acceptable. (see section 3, para. 3.4 – 3.10)</i></p>					
Primrose Hill CAAC	No objection, subject to the use of the sidings remaining as set out in the application.					

## Site Description

The application site comprises of the railway sidings to the west of Mornington Terrace (“Euston Up-sidings”) and the railway sidings to the north-east of Gloucester Avenue (“Camden Carriage Sidings”). (see image below)

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Works were carried out to implement this approval after the 2018 application was determined to erect the staircase and access door and before the current applications were submitted.

**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. **Pending determination.**

## Relevant policies

### The HS2 Act

- High Speed Rail (London - West Midlands) Act 2017, in particular Schedule 17 paragraph 9

### Statutory Guidance

- High Speed Rail (London - West Midlands) Act 2017 - Schedule 17 Statutory Guidance

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## Assessment

### 1. Background

#### Legislation and policy context

- 1.1. Phase One of High Speed 2 (HS2) is the first phase of a new high-speed railway network proposed by the Government to connect major cities in Britain.
- 1.2. On 23rd February 2017, Royal Assent was granted, namely the High Speed (London-West Midlands) Act 2017 ("the HS2 Act"), for Phase One of HS2. The HS2 Act provides powers for the construction and operation of Phase One of HS2.
- 1.3. High Speed Two (HS2) Limited is the company responsible for developing and promoting the UK's new high-speed rail network. It is funded by grant-in-aid from the government.
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  - Plans and specifications of certain works;

- Matters ancillary to development (“construction arrangements”);
- Road transport (lorry routes);
- Bringing into use; and
- Site restoration schemes

- 1.6. This application relates to a request for the “bringing into use” of Scheduled Works.
- 1.7. The Council can only consider the application within the constraints of the HS2 Act, rather than planning policies set out in the Development Plan. The grounds for determination under the HS2 Act which the Council can base its decision to approve the application and attach reasonable conditions, or to refuse the application, are set out under paragraph 9(4) of Part 1, Schedule 17 of the Act. This paragraph states that *the Council must grant approval for the purposes of this paragraph if—*
- (a) *it considers that there are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity, or*
- (b) *it has approved, at the request of the nominated undertaker, a scheme consisting of provision with respect to the taking of measures for that purpose.*
- 1.8. Under paragraph 9(5) of Part 1 Schedule 17 of the Act *the Council may not refuse to approve, or impose conditions on the approval of, a scheme submitted for the purposes of sub-paragraph (4)(b) unless it is satisfied that it is expedient to do so on the ground that the scheme ought to be modified—*
- (a) *to preserve the local environment or local amenity,*
- (b) *to preserve a site of archaeological or historic interest, or*
- (c) *in the interests of nature conservation,*
- and that the scheme is reasonably capable of being so modified.*
- 1.9. Any representations received from the public or third parties will be considered by the Council but within the context of the HS2 Act.
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and transport.

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- 1.14. In considering bringing into use applications, Camden as a qualifying authority should have due regard to the system of controls available under the HS2 Act and shall not therefore seek to duplicate controls that the EMRs already contain.
- 1.15. There would be specific and significant impacts from HS2 Ltd. and its construction on Camden, Camden Council, petitioners and affected parties, such as Camden Cutting Group. The Council has therefore sought to secure additional assurances on key measures such as amenity controls and community working groups that will help protect the lives and livelihoods of its residents and businesses. Assurance is the term used to describe any other commitments. These are unilateral commitments given directly to petitioners or affected parties, which do not have the status of legally binding contracts enforceable by the courts, but are made binding on the project and ultimately enforced through contempt of Parliament proceedings.

#### Note on the validity and assessment of the application

- 1.16. The HS2 Act 2017 granted deemed planning permission similar to an outline development consent, for the development authorised by the Act. Section 1 of the Act authorises the construction of the specific works listed in Schedule 1 to the Act, known as scheduled works. The schedule contains only a brief description of the work, and is in broad terms. For example, these applications are submitted under scheduled works described as follows: Work No. 1/17 and Work No. 1/27 (please see paragraph 2.2 below).
- 1.17. The scheduled works comprise the railway works, highway works, bridges, watercourse diversions and major utility works. The centrelines of the scheduled works are shown on the Plans and Sections together with limits of deviation. The Act authorises the works to be constructed anywhere within these limits. They are broadly described as it would not be reasonable or possible for a national project of this scale and nature to describe in detail every single work that is required to construct the railway. There is flexibility built into the description to allow the Nominated Undertaker doing the works the ability to construct the scheme as required, but within the external limits prescribed and as long as the EMRs are complied with.
- 1.18. In any event, the HS2 Act allows for further works to be carried out other than the scheduled works that are required for the railway. Section 2 of the Act gives powers to carry out ancillary works within the Act limits required in connection with the scheduled works. Such works include environmental mitigation works, drainage works, works to watercourses, roads, railways and other infrastructure.
- 1.19. For development that is not part of the scheduled works, planning permission is deemed to be granted only where it is:
  - not likely to have significant effects on the environment;
  - exempt development under the Environmental Impact Assessment Regulations; or
  - covered by the HS2 Environmental Statement
- 1.20. Officers are satisfied that the application submitted is within the broad description of the scheduled works. However, even if that were incorrect, the proposed works would be come under the definition of Section 2 as being ancillary works required in connection with the scheduled works which would not be likely to have significant effects on the environment. Therefore the proposed works would remain within the deemed consent granted by the Act in any event.
- 1.21. The Environmental Statement (ES) is part of the Environmental Minimum Requirements

(EMRs) and identified the likely significant effects that would arise from the construction and operation of the HS2 scheme, and a range of mitigation measures that could be used to reduce or eliminate those effects. It is based on assumptions about construction practices which may change when actual construction takes place. This does not mean that the Nominated Undertaker will be able to change the design and work practices at will, without any control. The EMRs are in place to ensure that the impacts which have been assessed in the ES will not be exceeded and, any new impact in excess of those assessed in the ES would not be likely to be environmentally significant.

- 1.22. In addition, the Council in assessing the applications is able to consider the specific environmental impacts arising from the works and the proposals to mitigate those. (See section 3 below).

## 2. The proposal

- 2.1. The request for approval of Bringing into Use of Scheduled Works has been made under paragraph 9 of Schedule 17 of the HS2 Act. Schedule 1 to the Act sets out the 'Scheduled Works' the nominated undertaker is authorised to construct and maintain for Phase One of High Speed 2.

- 2.2. The works to which this application relates are as follows:

**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. [Euston Up-sidings]



**Work No. 1/27:** A railway siding (0.89 kilometres in length), partly in tunnel, commencing by a junction with carriage siding and the West Coast Main Line at a point 22 metres south-east of the junction of Gloucester Avenue with Parkway and terminating at a point 44 metres east of the junction of King Henry's Road with Regent's Park Road. [Camden Carriage Sidings]



- 2.3. The scheduled work is required to be brought into use so it can be used by West Coast Mainline services. The sidings are operated by Network Rail and will not be used by HS2 services.
- 2.4. A separate “Plans and Specifications” application accompanies this application (reference 2021/1681/HS2).

### 3. Assessment

- 3.1. The main considerations in relation to this proposal are:
- Necessary mitigation
  - Impact on local environment / local amenity;
  - Impact on archaeological or historic interest
  - Impact on nature conservation
- 3.2. Normally, when determining a planning application, regard must be had to the development plan and to other material considerations and the determination must be made in accordance with the development plan unless material considerations indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). However, the current application is not made under the TCPA, but under Schedule 17 of the HS2 Act and therefore the statutory duties imposed by the 1990 and 2004 Acts do not apply. Nevertheless, the policies of the development plan set out the Council’s general approach to dealing with matters of design, conservation, archaeology, amenity etc. are a helpful reference point in terms of making an assessment of an application of this nature.

#### **Necessary mitigation**

- 3.3. The accompanying cover letter notes that there are no specific mitigation measures proposed as appropriate mitigation has been incorporated into the design.

#### **Impact on local environment / local amenity**

- 3.4. The proposed works involve the bringing into use of two railway sidings.
- 3.5. Within the Euston Up-sidings, two existing stabling lines required extending to accommodate trains operated by the Train Operating Companies. The length of the extensions required was approximately 10 metres. This was to accommodate 12-car Class 350 trains that were previously stabled at Platforms 17 and 18 of Euston station and which have been taken out of use in preparation for HS2 works.
- 3.6. Within the Camden Carriage Sidings, two existing stabling lines required extending to

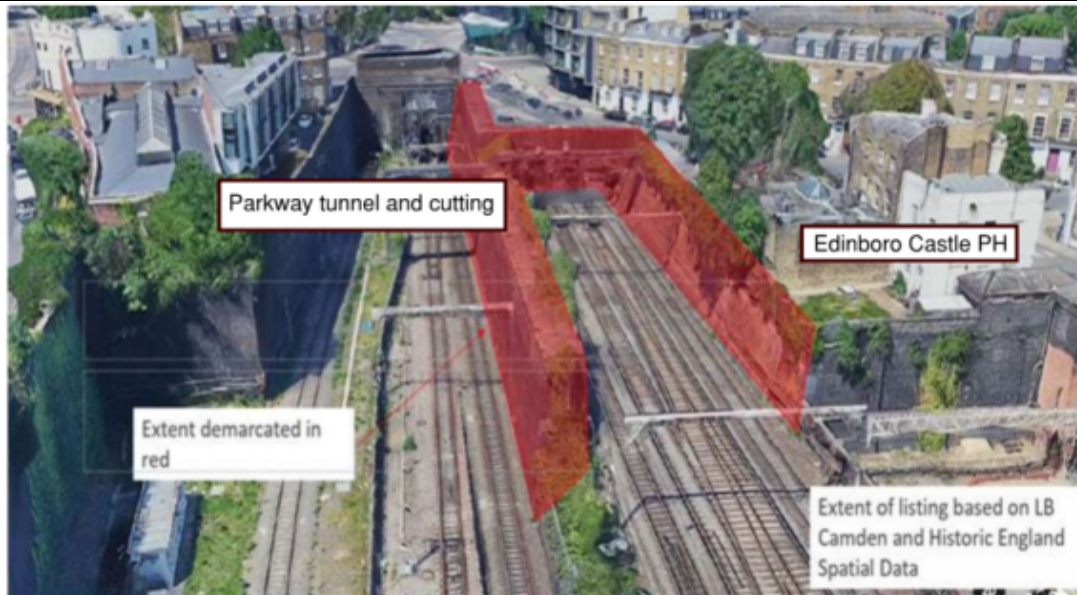
accommodate trains operated by the Train Operating Companies. The length of the extensions required was approximately 30 metres. This was to accommodate 12-car Class 350 trains that were previously stabled at Platforms 17 and 18 of Euston station and which have been taken out of use in preparation for HS2.

- 3.7. Noise Impact Assessments have been submitted for each site. The assessments consider the noise generated through the operation of the extensions to these stabling lines and not potential noise impact through construction works. With regards to both extended sidings it is noted that since the extensions are the sections of track immediately adjoining the buffer stops, the speed of trains within them will be very low. This means that noise from the wheel/rail interface, vibration, and noise from traction equipment will be minimal. The predominant noise source will be from auxiliary plant on stationary EMUs in 'sleeping mode'. Noise levels at nearby sensitive receptors identified in the ES have been predicted and compared to the night time (lowest) LOAEL value given in E20. The LOAEL value is not exceeded at any receptor. Therefore, incorporating specific mitigation within the design of the siding extensions to control operational noise is not required.
- 3.8. The Council's Environmental Health Officer is satisfied that, from an operational point of view, there would be no impact from the use of the staircase, sufficient to warrant a refusal of the application. Any noise from signalling equipment would have to comply with HS2's fixed plant criteria.
- 3.9. Concern has been raised about air quality impacts as a result of diesel trains using the sidings. This already occurred prior to the works that are the subject of this application. Furthermore, railway business is not something that can be considered as part of this application.
- 3.10. There are no reasonably practicable measures which need to be taken for the purpose of mitigating the effect of the work or its operation on the local environment or local amenity.

#### **Impact on archaeological, historic or nature conservation value**

- 3.11. The site is not located within an area of archaeological interest, and as such, the proposed development is not considered to result in harm to the archaeological interest of the site. However, with regard to cultural heritage (including archaeological or historic interest), it is noted that control measures are outlined within the Code of Construction Practice (CoCP) (Section 8), E8: Archaeology. This is in addition to the HS2 Phase One Heritage Memorandum within the EMRs.
- 3.12. In a similar vein to paragraphs 189 - 192 (Proposals affecting heritage assets) of the National Planning Policy Framework, a route-wide Generic Written Scheme of Investigation: Historic Environment Research and Delivery Strategy (GWSI:HERDS) has been prepared which sets out the general principles for design, evaluation, mitigation, analysis, reporting and archive deposition which is to be adopted for the design development and construction of the HS2 scheme.
- 3.13. Whilst the sites themselves are not located within a conservation area, the Euston Up Sidings site is located within close proximity of the Camden Town Conservation Area and the Camden Carriage Sidings site is within close proximity of the Primrose Hill Conservation Area.
- 3.14. Furthermore, the Parkway tunnel and cutting are Grade II listed, and so is the Edinboro Castle PH (see image below).





- 3.15. It is not considered that the bringing into use of the railway sidings would impact on archaeological or historic interest.
- 3.16. It is not considered that the bringing into use of the railway sidings would impact on nature conservation value, given the nature of the sites.

**Recommendation:** Approval of bringing into use Scheduled Works pursuant to paragraph 9 of Schedule 17 of the HS2 Act.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 25th April 2022, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2020/1681/HS2  
Contact: Kate Henry  
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Date: 20 April 2022

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Network Rail Infrastructure Limited.  
6th Floor (High Speed Rail Team)  
24 Eversholt Street  
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NW1 1AD

# DRAFT

Dear Sir/Madam

## DECISION

### High Speed Rail (London - West Midlands) Act 2017

#### Schedule 17 - Conditions of Deemed Planning Permission Approval

Address:

**Railway Sidings West of Mornington Terrace  
London  
NW1 7RT and;  
Railway Sidings North East of Gloucester Avenue  
London  
NW1 7AU**

# DECISION

Proposal: Retrospective 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

Drawing Nos: Euston Up-sidings Mornington Terrace (1:1250); Camden Carriage Sidings Gloucester Avenue (1:1250); Lux Level Test Results, dated 07/05/2019; DIALux - Euston Enabling Works, dated 09/02/2018; HS2\_157496-3817-LEC1-00-DDR-C-000109 Rev C01; HS2\_157926-3125-LEC1-ZN19-DDR-E-030101 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030102 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030103 Rev C02; HS2\_158085-3125-LEC1-ZN18-DDR-C-150005 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150006 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150007 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150008 Rev P01; HS2\_157924-3125-LEC1-ZN18-DDR-E-130003 Rev C01; Plans & Specifications Proforma (158157-NWR-FRM-LEP-000001); Schedule 17 Plans and Specifications Written Statement for Information (158157-NWR-STM-LEP-000001); Lighting Assessment Technical Note, dated 30/09/2021

The Council as the Local Planning Authority & Qualifying Authority within the meaning of the above Act has **granted** permission subject to the following condition(s) and informative(s) listed below:

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Euston Up-sidings Mornington Terrace (1:1250); Camden Carriage Sidings Gloucester Avenue (1:1250); Lux Level Test Results, dated 07/05/2019; DIALux - Euston Enabling Works, dated 09/02/2018; HS2\_157496-3817-LEC1-00-DDR-C-000109 Rev C01; HS2\_157926-3125-LEC1-ZN19-DDR-E-030101 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030102 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030103 Rev C02; HS2\_158085-3125-LEC1-ZN18-DDR-C-150005 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150006 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150007 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150008 Rev P01; HS2\_157924-3125-LEC1-ZN18-DDR-E-130003 Rev C01; Plans & Specifications Proforma (158157-NWR-FRM-LEP-000001); Schedule 17 Plans and Specifications Written Statement for Information (158157-NWR-STM-LEP-000001); Lighting Assessment Technical Note, dated 30/09/2021.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 In accordance with assurances given by the Secretary of State, the applicant is reminded that HS2 Phase 1 Environmental Minimum Requirements must at all times be fully complied within undertaking the works.
- 2 In accordance with the Phase 1 Code of Construction Practice, the applicant must adhere to the control measures set out in the HS2 Phase 1 Route-wide Traffic Management Plan and the Camden Local Traffic Management Plan. The measures contained in the Local Traffic Management Plan must be kept under review during the execution of the works, in consultation with TfL, London Borough of Camden and other relevant stakeholders.

Yours faithfully

Chief Planning Officer

Application ref: 2020/1686/HS2  
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# DRAFT

Dear Sir/Madam

## DECISION

### High Speed Rail (London - West Midlands) Act 2017

#### Schedule 17 - Conditions of Deemed Planning Permission Approval

Address:

**Railway Sidings West of Mornington Terrace  
London  
NW1 7RT and;  
Railway Sidings North East of Gloucester Avenue  
London  
NW1 7AU**

# DECISION

Proposal: Bringing into Use of railway sidings as specified in Scheduled Work No. 1/17 and 1/27 of the High Speed Rail (London to West Midlands) Act 2017

Drawing Nos: Euston Up-sidings Mornington Terrace (1:1250); Camden Carriage Sidings Gloucester Avenue (1:1250); Written Statement in support of the Schedule 17 Application (Camden Carriage Sidings) NR Submission Ref: SRL/ED/42906/CCS V3; Written Statement in support of the Schedule 17 Application (Up Sidings section of the Euston approach) NR Submission Ref: SRL/ED/42906/UPS V3 ; Lux Level Test Results, dated 07/05/2019; DIALux - Euston Enabling Works, dated 09/02/2018; HS2\_157496-3817-LEC1-00-DDR-C-000109 Rev C01; HS2\_157926-3125-LEC1-ZN19-DDR-E-030101 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030102 Rev C02; HS2\_158085-3125-LEC1-ZN18-DDR-C-150006 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150007 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150008 Rev P01; HS2\_157924-3125-LEC1-ZN18-DDR-E-130003 Rev C01.



The Council as the Local Planning Authority & Qualifying Authority within the meaning of the above Act has **granted** permission subject to the following condition(s) and informative(s) listed below:

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Euston Up-sidings Mornington Terrace (1:1250); Camden Carriage Sidings Gloucester Avenue (1:1250); Written Statement in support of the Schedule 17 Application (Camden Carriage Sidings) NR Submission Ref: SRL/ED/42906/CCS V3; Written Statement in support of the Schedule 17 Application (Up Sidings section of the Euston approach) NR Submission Ref: SRL/ED/42906/UPS V3 ; Lux Level Test Results, dated 07/05/2019; DIALux - Euston Enabling Works, dated 09/02/2018; HS2\_157496-3817-LEC1-00-DDR-C-000109 Rev C01; HS2\_157926-3125-LEC1-ZN19-DDR-E-030101 Rev C02; HS2\_157926-3125-LEC1-ZN19-DDR-E-030102 Rev C02; HS2\_158085-3125-LEC1-ZN18-DDR-C-150006 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150007 Rev P01; HS2\_158085-3125-LEC1-ZN18-DDR-C-150008 Rev P01; HS2\_157924-3125-LEC1-ZN18-DDR-E-130003 Rev C01.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 In accordance with assurances given by the Secretary of State, the applicant is reminded that HS2 Phase 1 Environmental Minimum Requirements must at all times be fully complied within undertaking the works.
- 2 In accordance with the Phase 1 Code of Construction Practice, the applicant must adhere to the control measures set out in the HS2 Phase 1 Route-wide Traffic Management Plan and the Camden Local Traffic Management Plan. The measures contained in the Local Traffic Management Plan must be kept under review during the execution of the works, in consultation with TfL, London Borough of Camden and other relevant stakeholders.

Yours faithfully

Chief Planning Officer