

**To The House of Lords
Session 2015–16**

PETITION against the

High Speed Rail (London – West Midlands) Bill

PETITION OF THE HS2 EUSTON ACTION GROUP

Declares that:

1. The Petitioner's members and their property, rights and interests in the area of Euston would be injuriously and directly affected by the whole Bill. The adverse impact of the current proposals in the Bill for Euston Station, which were introduced in September 2015 as Additional Provision 3 ("AP3"), is much greater than in the original Bill.

Your Petitioner

2. Your Petitioner, the HS2 Euston Action Group ("the Action Group"), is an unincorporated association which was established at a Public Meeting chaired by Frank Dobson MP on 11 February 2014. Frank Dobson is now the President of the Action Group. Sir Kier Starmer QC MP is a member of our Steering Group. The Objectives of the Action Group are to: (i) coordinate the lobbying and petitioning by community groups and individuals who live or work in the Euston area and who are specially and directly affected by HS2; (ii) empower all members of the diverse communities in the Euston area who are specially and directly affected by the HS2 scheme to lobby and petition against the Bill; and (iii) share information and ideas with all those specially and directly affected by HS2 whether in the Euston area, Camden or elsewhere up the line.

3. Membership of the Action Group is open to any community group or individuals who are specially or directly affected by HS2 in the Euston Area. The area covered by the Action Group is the same as that covered by the HS2 Euston Community Forum (the "Community Forum"), namely "CFA1". The membership of the Action Group currently consists of 26 community groups and 345 individuals. The Action Group has cross-party support, the four political parties represented on Camden Council being members, namely the Camden Labour, Conservative, Liberal Democrat and Green Parties. Many of our members will be lodging their own petitions.

4. The following community groups are member of the Action Group: Ampthill Square TRA; Camden Cutting; Camden Civic Society; Camden Peoples Theatre, Camden Town DMC; Christ Church & St Mary Magdelene; Churchway TRA; Cumberland Market TRA; Delancey Street Residents Association; Drummond Street Mosque; Drummond Street Traders Association; Drummond Street TRA; New Horizon Youth Centre; Netley Primary Governing Body; Ossulston TRA; Oakshot Court TRA; Park Village and Environs Residents Association; Park Village East Heritage Group; Regents Park TRA; Regents Park CAAVC; Royal Asiatic Society; St Pancras Church PPC; Silsoe House Residents Association; Somers Town Community Association; Third Age Project; West Euston Partnership and West Euston Time Bank.

5. Many of our members will be petitioning the Select Community focussing on their local concerns. This petition rather focuses on the Euston-wide issues. This petition is written from the perspective of those whose homes or businesses will be adversely affected by HS2. For most of our members, the significant concern is about the impact of the construction works, as opposed to the operation of the scheme when completed.

Introduction

6. Your Petitioner urges the Select Committee to hold a preliminary hearing at which directions can be given as to how petitions can be determined in a proportionate and fair manner. We discuss the proposed directions at paragraphs 86 – 91.

7. Your Petitioner supports the proposal made by Lord Berkeley at the Second Reading that the Select Committee should appoint a special adviser on technical and railway matters. Your Petitioner is concerned that the House of Commons Select Committee (“HCSC”) had undue deference to the expert evidence adduced by the Promoter. A special advisor would ensure greater equality of arms. This is a matter of particular concern to your Petitioner given the unsatisfactory nature of the current proposals for Euston station and the alternatives that should be investigated.

8. Your Petitioner contends that the Promoter’s current plans for the London terminus at Euston are not currently fit for purpose. The Promoter is no longer able to deliver a London terminus at Euston by 2026. The current proposal delivers half a station by 2033, the Promoter having abandoned plans for a new station which integrates the existing classic platforms. The Promoter has not addressed the immense practical problems of upgrading the remaining classic services into the new station at Euston after the HS2 side of the station has been completed. Neither does the current proposal provide an integrated transport system with links to HS1, Heathrow or Crossrail 2. Crossrail 2 must be integrated into plans for a comprehensive redevelopment of Euston Station. The relationship between the London termini at Euston and Old Oak Common (“OOC”) still requires further consideration.

9. The current plans for the London terminus at Euston are unacceptable for the following reasons:

(i) The exceptionally high cost;

(ii) The immense damage and disruption to Camden, its residents and passengers using Euston over the coming decades, not only as a result of the construction of HS2 but the redevelopments of the classic platforms and the construction of the Crossrail 2 station;

(iii) The failure to deliver a new integrated station at Euston fit for the C21.

10. The Promoter’s approach at Euston has been to deliver HS2 platforms whilst seeking to minimise the impact on rail passengers using the classic services during the construction period. This has determined its approach in AP3 which extends the end of the construction

period from 2006 to 2033. This approach has overridden its stated approach to mitigation in the Supplementary Environmental Statement (“SES”) which is stated to be based on the following hierarchy:

- (i) Avoiding the adverse impact: A new station at Euston could, and should, be constructed within the footprint of the existing station.
- (ii) Where this is not possible, reducing the adverse impact: The failure to devise and provide funding for an integrated station at Euston will extend the adverse impact of the construction works to 2033 and well beyond.
- (iii) Abating the adverse impact: The Promoter has given no adequate consideration to moving spoil by rail rather than road. This is currently “work in progress”.
- (iv) Restoring or reinstating a feature after the adverse effects have occurred: The Promoter has failed to engage with the local community on how it will replace the public open spaces and mature trees in the Euston area.
- (v) When none of these options mitigate the adverse impact, to compensate for the loss or damage caused: The Promoter is offering no compensation for the unprecedented adverse impact of the construction works on those living adjacent to the construction site in Euston.

11. Your Petitioner’s members feel particularly aggrieved by two matters:

- (i) The Promoter has adopted the approach that they do not need to engage with local residents on mitigation matters. It is rather a matter that they can agree with the London Borough of Camden (“Camden Council”). This is particularly relevant to the issue of noise insulation. In their report (at [256]), the House of Commons Select Committee (“HCSC”) recognised that many of the issues brought before them, could be better addressed by detailed communications between the parties. In Camden, there has been no such engagement with community groups.
- (ii) Many of the impacts of HS2 cannot be mitigated, largely because of the Promoter’s decision to put the interests of existing rail users over residents during the construction period. Despite this, the government has refused to consider proposals for fair compensation. The reality seems to be that whilst the costs of constructing the HS2 platforms at Euston has increased, no adequate funds have been made available for mitigation and compensation.

12. The HCSC (at [255]) concluded its section on the Camden petitions in these terms:

“The AP3 Euston scheme has advantages for existing rail users. The effects of its longer duration must be recognised and addressed. A coherent plan for Euston station is needed to meet the expectations of rail users, underground travellers, businesses, local residents and the country’s capital.”

13. The Promoter has yet to devise or secure funding for such a coherent plan. Your Petitioner therefore seeks an undertaking that the construction works will not commence on the proposed HS2 station at Euston until the Promoter has obtained the necessary powers and funding for the comprehensive development of a station at Euston that embraces HS2, the classic services and Crossrail 2.

The Need for an Integrated Transport System

14. Your Petitioners support a modern integrated transport system in which a rail network plays an increasingly significant role. That transport system must withstand the challenge of Climate Change. Your Petitioners question whether the emphasis on high speed travel, with its greater carbon foot print, is consistent with this objective. Further, Britain is a small island and the priority should rather be to link all the major cities.

15. The scheme now proposed by the Promoter in AP3 does not meet the objective of an integrated transport system:

(i) On 17 March 2014¹, the Promoter abandoned his plans for a link between HS2 and HS1 along the North London line. In the view of Your Petitioners, this decision was inevitable. Sir David Higgins has described the link as “an imperfect compromise”². You Petitioner always saw this proposal as a non-starter. It is one which had been rejected some 25 years earlier when HS1 was being planned. No alternative has been proposed³. A proper link is not only required to provide direct links from Birmingham to the Continent, but also to facilitate cross-London connections to East London and towards Kent. The SES contemplates that passengers wishing to connect from HS2 to HS1 should walk 800m through Somers Town!

(ii) On 12 January 2012, the Promoters deferred their plans for a link to Heathrow Airport until Phase 2⁴. On 10 March 2015, the Promoter ruled out any link between HS2 and Heathrow before 2033.

(iii) When Phase 2 of HS2 is brought into Euston, the Station will not be able to cope with the additional footfall without Crossrail 2 which will cost a further £33bn. In March 2015, a Safeguarding Directive was made⁵. The current plan is start construction in the early 2020s. A single Crossrail 2 station is to serve Euston, St Pancras and King’s Cross with below surface connections to all three. The construction of such a station will cause immense additional damage to those living in Somers Town because it is not currently possible to integrate it into a redeveloped station at Euston because funding is not currently available for this. The entrance to the new station must therefore be sited to the east of Eversholt Street. The SES makes no reference to the impact of these works, even though they will be executed at the same time.

¹ See [link](#)

² A view shared by TfL – see [16] and [19] of Petition: AP2:163

³ TfL consider that such a link is essential, not only to provide a link with HS1 but also to facilitate

⁴ See [4.23] of “High Speed Rail: Investing in Britain’s Future – Decisions and Next Steps” (12.1.12)

⁵ See [Safeguarding Directive](#)

(iv) Euston is unable to cope with any increase in the number of taxis, buses and cars delivering customers to and from the new station. Emissions of NO₂ in Euston Road are already three times the EU standard. No increase in pollution levels is acceptable. The Promoters assess that there will be “substantial” increases in NO₂ during the construction period. The long term effects have not yet been assessed, but will inevitably impact upon the health and life expectancy of Euston residents.

Old Oak Common (“OOC”)

16. In April 2015, the Mayor of London established the Old Oak and Park Royal Development Corporation. By 2026, Old Oak Common could be the best connected station in the UK⁶ with a state of the art rail station at OOC, providing interchange between HS2, Crossrail, Network Rail, London Overground (the former North London Line) and the underground services⁷. This includes Transport for London’s proposal for two new London over-ground stations at OOC and Hythe Road allowing access to both the Clapham Junction to Stratford and Richmond to Stratford lines. Provision was made for this in AP2. This option serves two distinct catchment areas, maximising rail links across the proposed Old Oak and Park Royal Development Corporation site⁸.

17. On 18 March 2015, Your Lordships’ Economic Affairs Committee in their report “The Economics of HS2” recommended that the government should estimate the overall reduction of cost to HS2 of terminating the line at OOC, including any necessary redesign of the station at OOC to make this possible, and calculate the effect on the cost benefit analysis⁹. On 29 September, the Promoter responded in these terms: “HS2 Ltd have examined and consulted on a range options related to the scheme design, including terminating at OOC and have found that the reduction in benefits would outweigh the savings”¹⁰. This is illustrative of the dismissive manner in which the Promoter responds to objective appraisal of the scheme.

18. The Promoter continues to assert that the only onward travel from OOC is via Crossrail 1¹¹. He is not willing to improve the connectivity with the underground, North London Line and the other mainline services. In July 2011, the London Borough of Hammersmith & Fulham published “A Vision for Park Royal International”¹² in which Sir Terry Farrell, CBE, concluded that access could be gained to 90% of stations in London with just one change. It is a matter of regret that over the subsequent five years, the Promoter has not worked more closely with Network Rail and Transport for London to maximise the connectivity at OOC. Our concern is that it may now be too late to achieve the full potential of OOC. The same mistake should not be repeated at Euston.

⁶ Description by TfL in [Consultation \(2014\)](#)

⁷ In July 2011, the London Borough of Hammersmith & Fulham published “[A Vision for Park Royal International](#)” in which Sir Terry Farrell, CBE, states that access can be gained to 90% of stations in London with just one change.

⁸ See “[The Transport Strategy](#)” in the Old Oak and Park Royal “[OAPF Consultation](#)” (27.2.15).

⁹ See [31] of the [Report](#).

¹⁰ See [letter](#)

¹¹ See written answer to PQ11228,

¹² See [Link](#)

The “AP3” Station at Euston – a proposal that is not fit for purpose

19. Your petitioner has consistently argued that HS2 Ltd have underestimated the cost and practical difficulties of bringing HS2 into a densely populated, high value area such as Euston. We are now being offered just half a station, constructed at twice the original cost in twice the time.

20. The AP3 station that is proposed is unacceptable. Cllr Sarah Hayward, the Leader of Camden Council, has described it as a “lean-to bolted onto an inadequate station”. Euston Station must be redeveloped in a single unified package. The current proposal is equally unsatisfactory for (i) local residents and businesses, (ii) existing rail users and (iii) Camden Council as the local planning authority. The only solution is for OOC to be the temporary London terminus, whilst the Promoter devises acceptable plans for Euston which should now be deferred and included in Phase 2 of the scheme.

21. In September 2015, the government lodged Additional Provisions 3 (“AP3”), their current plans for Euston. The Promoter has suggested that AP3 is no more than a number of minor amendments to the Bill, the additional cost of which is a modest £97,890,000. The reality is quite different. The original Environmental Statement (ES) is now redundant and is replaced by a Supplementary Environmental Statement (SES) which extends to 4,294 pages of documentation.

22. The Promoter is now proposing to develop Euston in three phases:

- Stage A (to the west of the existing station) will involve the construction of the six platforms needed when Phase 1 of HS2 is completed. These will be constructed between 2017 and 2026. Works to the front of the station will provide London Underground enhancements.
- Stage B1 (within the existing station footprint) will provide the five further platforms needed by 2033 when Phase 2 is completed. Construction will take place between 2026 and 2033.
- Stage B2, the redevelopment of the existing station, is currently unfunded. We are told that Network Rail will be seeking funds “as part of future control periods”. No investigation has been carried out as to the feasibility of rebuilding and lowering the 11 remaining classic platforms once Stages A and B1 have been completed.

23. On 1 December 2015, Tim Mould QC (the Promoter’s Counsel) outlined the government’s current position to the HCSC:

- (i) a new integrated station at Euston is “not deliverable within appropriate funding constraints”. This is the assessment of “the government, the Chancellor, the Prime Minister”. There is no timetable for the government to come forward with funding to complete the final phase.

(ii) No additional statutory powers will be required by Network Rail to redevelop the station. Neither the HS2 Ltd nor Network Rail has yet made any estimate of the cost of completing the station. The best assistance that the HS2 Ltd was able to provide to the Committee was that the cost depends “on your piece of string”. The Spending Review and Autumn Statement 2015 includes no commitment to fund this.

(iii) The SES which was published to accompany AP3, is premised on Stage B2 starting after 2033.

(iv) Crossrail 2 will require a separate Hybrid Bill. On 8 January 2016, the consultation period ended on Transport for London’s latest Consultation on Crossrail 2. This is premised on a scheme constructed to the east of Eversholt Street, as it cannot currently be integrated into the existing station. As a result, 150 homes, the Travelodge Hotel and a number of businesses are at now risk. This would not be necessary, were Crossrail 2 to be integrated into the existing station.

Half a Station

24. In March 2010, the last Labour government published the white paper: “High Speed Rail”. Sir Terry Farrell described how Euston “could become one of the greatest stations in the world. The proposals include not only new platforms but also a remodelled and expanded tube station and dedicated bus and taxi interchanges providing direct and seamless access to the station concourse”. It was recognised that the existing Euston Station would need to be redeveloped within the timescale of HS2.

25. AP3 will now result in half a station, there being no proposals (or funding) for Stage B2. On 9 November 2015, the Select Committee visited Euston. They were asked to visualise the Spine Building that in 2033 will become a barrier to movement between the classic and the high speed platforms. The Committee were also told about the blank façades, the poor quality public realm, level changes and the poor quality of the buildings and the environment.

Twice the Cost

26. In March 2010, the cost of the new station was estimated at £1bn¹³. By March 2012, the cost of a new level deck station had increased to £1.2bn¹⁴. By April 2013, the estimated cost of the level deck option had risen to £2bn and HS2 Ltd devised Option 8 (the scheme in the Bill) at a reduced cost of £1.6bn¹⁵.

27. In March 2014, David Higgins, newly recruited with his proven track record at Network Rail, announced that Option 8 was “not ambitious enough” and proposed a brand-new station fit for the C21¹⁶. On 9 October 2014, HS2 Ltd

¹³ “High Speed Rail” DfT (March 2010)

¹⁴ “HS2 Cost and Risk Model Report” (March 2012)

¹⁵ See Hansard (11.7.13)

¹⁶ See [HS2 Plus](#) (17.3.14)

(Alison Munro) reported that his level deck scheme was “not fundable”¹⁷. The estimated cost of the downsized AP3 station at Euston is now £2.25bn¹⁸. This figure does not include the costs of land acquisition, mitigation or compensation.

Twice the Time

28. The Bill was premised on a new HS2 station being completed as part of Phase 1 by 2026. Whilst this was not explicitly stated in the Bill, this timetable was specified in both the ES (November 2013)¹⁹ and the Explanatory Note (28 May 2015)²⁰. A new station is now to be completed in three phases: Stage A (by 2026); Stage B1 (by 2033) and Stage B2 (which may commence before or after 2033, no funding yet having been identified).

29. The new timetable seems to have been devised to meet the requirements on HS2 Ltd to deliver six High Speed compatible platforms by 2026 and a further five by 2033. There has been no regard for the impact on residents. This will have a particular impact on two neighbourhoods, namely the Ampthill Square Estate and the Drummond Street area which will be surrounded by a construction site for the next 18 years. However the wider communities will also be affected by the construction traffic and the traffic gridlock for an additional 7 years.

Stage B2

30. The SES does not address the practical difficulties of completing Stage B2 as a level deck station after the High Speed platforms have been constructed. Your Petitioner suggests that the practical problems would be immense:

(i) This dysfunctional approach to the new station will cause unacceptable misery to local residents for a period closer to 25, rather than 18 years.

(ii) The development of the 11 remaining classic tracks in isolation will cause immense disruption to the rail users. The sad reality, as the upgrading at London Bridge has shown, is that such construction works have a much greater impact on the operation of a station than the planners predict. A level deck option would require the lowering of the existing classic lines and the removal of large quantities of spoil. It is doubtful whether this work could be executed without closing Euston station to classic train passengers.

(iii) The Euston area would be blighted for a generation. Camden Council would not be able to achieve the benefits of its EAP. To achieve the full benefits, including social housing and jobs for local people, there must be an integrated strategy for the redevelopment of Euston station within a realistic time frame.

¹⁷ See [minutes](#) of the Extraordinary Meeting of the Euston OAPF Strategic Board

¹⁸ See written answer to PQ 11002

¹⁹ [2.3.6] of the [CFA1 \(Nov 2013\)](#)

²⁰ See [10] of the [Explanatory Note](#)

Alternative Options

31. Your Petitioner believes that HS2 could be brought into Euston within the footprint of the existing station and without the widespread destruction of homes and businesses that AP3 entails. Three such schemes are being proposed, none of which have been subject to a proper appraisal:

(i) The Euston Express Scheme which is being promoted by Lord Berkeley and Jonathan Roberts. The current scheme (September 2015)²¹ would use classic compatible trains which could be built to achieve speeds of up to 360 kph, if the cost of achieving such speeds could be justified. Classic compatible trains could be operated on the last four miles of the WCML into Euston. Additional platforms could be provided within the footprint of the existing station where the existing platforms are excessively wide. The scheme would be quicker to build, cheaper and better for passengers. It would be fully integrated with Crossrail 2.

(ii) The Double Deck Down scheme for a fully integrated station on two levels within the existing station width. This would provide 11 platforms at ground level for traditional trains and 11 platforms below ground for HS trains.

(iii) High Speed UK provides a more radical proposal. This is a national scheme intended to provide a fully integrated national network with a core spine of four tracks between London and South Yorkshire, closely following the M1 from London to Leicester. HSUK proposes a 2km long surface connection at Old Oak Common to link Crossrail 1 to the West Coast Main Line and thus to enable most London Midland commuter flows to be diverted to Crossrail; this diversion could approximately halve the peak flow of commuter trains into Euston. HSUK does not require Euston station to be expanded and a far shorter construction programme is envisaged. Direct connections over existing lines are provided to St Pancras (for HS1) and to Heathrow.

32. If HS2 is to be brought into Euston, the Select Committee should set the following essential requirements which HS2 Ltd must undertake to meet:

(i) It must design a unified station fit for the C21st Century that integrates High Speed, classic services, and Crossrail 2.

(ii) The new station must be constructed within an acceptable time period. 7 to 10 years may be acceptable; 17 years or more is not.

(iii) The plan must be consistent with Camden's Euston Area Plan ("EAP"). The current proposal is not.

(iv) The scheme must include effective mitigation measures for those who live and work in the area. Where the adverse effects cannot be mitigated, compensation should be offered. A comprehensive Environmental Statement is required.

²¹ See [link](#)

33. Your Petitioner seeks the following undertakings from the Promoter:

(i) There should be a full comparative study of all the alternatives for Euston before any final decisions are taken and any deemed planning approvals are granted. This study should also address the interaction between OOC and Euston with a view to achieving the full potential of the terminus at OOC as an interchange.

(ii) Construction works will not commence on the proposed HS2 station at Euston until the Promoter has obtained the necessary powers and funding for the comprehensive development of the station at Euston. A prerequisite to this is a comprehensive environmental statement and an acceptable timetable for the completion of the project.

(iii) OOC will be the initial London terminus, whilst the Promoter devises acceptable plans for Euston.

The Impact of HS2 on Members of the Euston Action Group

34. Your Petitioner embraces a number of communities with their distinct identities:

(i) **Camden Cutting** – The area to the east and west of the existing line with Granby Terrace to the south and Parkway to the north. Mornington Terrace, Clarkson Row Mornington Crescent and Park Village East directly abut the railway line as it comes out of Euston station until it goes underground at the Parkway Portal. The 15 metre cutting in the Euston throat will be dropped by a further 35 metres. The retaining wall in Park Village East will be demolished and rebuilt, depriving residents of vehicle access to their homes. Park Village East will be closed during this period. Night time work will affect all the properties in the area. AP3 is much worse for local residents. The reinstatement of Line X will result in more work being done outside core working hours. There is now to be an additional satellite compound in Park Village East (North). Properties will be rendered uninhabitable.

(ii) **The Regents Park Estate** – This is the largest estate in Camden. It was constructed in the post-war years and is a diverse community that is at ease with itself. 193 dwellings are to be demolished. Another 250 flats may be rendered uninhabitable, particularly at Augustus House, Cartmel, Coniston, Langdale and the Tarns. There is a high level of overcrowding; the construction works will make life intolerable. Open space and play areas are particularly important for these families. Two playgrounds are to be lost and a number of open spaces. Significant areas of open space and play areas are to be lost. Construction traffic is to drive through the heart of the estate. This would not be necessary were spoil to be moved by rail. The AP3 plan to raise Hampstead Road Bridge by 4.8m will destroy the environment of neighbouring tenants. Tenants will have no access to a bus stop on Hampstead Road (currently in front of Eskdale) during the constructions works and subsequently. There will be gridlock on Hampstead Road Bridge whilst is rebuilt between 2016 and 2023. The tenants' hall in Silverdale is to be demolished; HS2 Ltd does not propose to replace it. Tenants are particularly concerned

about the lack of access to social housing. Land on the Regents Park Estate which could be used for new social housing, is rather being used for replacement HS2 housing.

(iii) **The Amptill Square Estate** – The Amptill Square Estate lies to the north of Euston Station. Gillfoot tower block looks directly down onto the station. The plans used by HS2 Ltd in the Environmental Statement are 10 years out of date. Five years ago, the estate was modernised at a cost of some £20m. A secure area was developed which has successfully addressed the past problems of drug abuse and anti-social behaviour, a fact not reflected in the Environmental Statement. A range of utility works are to be executed within the estate between 2016 and 2022. A construction compound is proposed in the Estate car park which will involve the stopping up of Barnaby Street. APS will extend the time that the Estate will be affected from 2026 until 2033 and beyond. 85% of the dwellings in Amptill Square are now affected, there being a 48% increase taking into account the number of dwellings affected and the length of time over which they will be affected. The increase in night time noise (58%) is even greater.

(iv) **The Drummond Street area** – the triangle surrounded by Hampstead Road, Eversholt Street and Euston Road. Drummond Street has a well preserved grid of historic regency terraces, containing a mix of residential and commercial uses within a tight-knit historic urban grain. It has a vibrant, distinctive character, and Drummond Street itself is recognised for its specialist ethnic shops and restaurants. To the north of the Drummond Street area, St James's Gardens is a historic open space that contains the Grade II listed structures that relate to its history as a burial ground and the National Temperance Hospital which has local heritage value. Most of this area will be destroyed by AP3. It could be preserved were the new HS2 platforms to be constructed within the footprint of the existing station. The Maria Fidelis School will be forced to move. The communities that remain will now live in the midst of a construction site for a minimum of an additional 7 years (the timescale extended from 2026 to 2033 and beyond). Any benefits that might otherwise arise from the EAP will be deferred by a similar period. Local businesses will struggle to survive. Residents in Cobourg Street will live within 5m of the construction works. No assessment has been made as to whether their homes will remain fit for habitation. Some of the residents affected are old and infirm. No compensation is offered.

(v) **The Somers Town area** to the east of the existing station. The length of time that this area will be affected by construction works is now extended from 2026 to 2033 and beyond. This area will also be affected by construction of Crossrail 2 (2020 to 2030). 150 additional homes are at risk if the new Crossrail 2 station is not integrated with the new station. At some uncertain date, Phase B2 will be constructed (rebuilding the remaining classic lines). Utility diversion works will have an adverse effect on this area, particularly in Chalton Street which will impact upon the Chalton Street Market. The works in Evesholt Street will now take 58% longer. The following locations will have significant residual adverse effects from N02 between 2016-2026: Eversholt St; Euston Rd; Polygon Rd; Phoenix Rd; Ossulston St; and Charlton St. The community play area on the Churchway Estate at the east end of Lancing Street is to be seized for use of a construction compound.

35. The impact of HS2 on these communities is unique, both with regard to the period of time over which the works will be executed, and the impact of the works on the local community. Many of these difficulties arise from the decision of the Promoters to bring HS2 into Euston, a densely populated area with high land values. The Action Group highlights the following factors:

(i) Euston is not a brown field site (unlike the former situation at King's Cross or Stratford). It is a quiet, inclusive, residential area with some 2,986 people living within 60m of the construction works; a further 3,186 within 120m; and 11,414 within 300m (a total of some 17,586 people). It includes areas of high deprivation with a number of elderly, infirm and disabled people. However, it is a stable and inclusive community, at ease with itself.

(ii) 220 dwellings are to be demolished (now 5 higher because of the new development at Granby House). Whilst the 136 secure tenants are to be rehoused in the area, the lessees (many of whom are Right to Buy applicants) are being forced to move out of the area. Crossrail 2 now threatens the loss of a further 150 homes in Somers Town (to the east of the station). This is only necessary because Crossrail 2 cannot currently be integrated into the redevelopment of the east side of the classic station. This is a total of 370 homes affecting some 1,600 people.

(iii) In the SES, the Promoter assessed 1,025 dwellings as experiencing noise higher than the noise insulation trigger. Measures are already in place to assess some 850 additional homes for sound insulation measures. This is a total of 1,875 homes affecting some 7,000 people.

(iv) Construction works will be executed within 3m of the front doors of properties in Cobourg Street²² where a Berlin wall is to be constructed; within 10m to 15m of properties in Park Village East²³; and within 20m of blocks on the Regents Park and Amptill Square Estates. Petitioners will suggest that the trigger level is too high and that more properties will be rendered uninhabitable. A single loud noise at night is sufficient to disturb sleep.

(v) Extensive works will be executed outside normal working hours, HS2 Ltd having taken an informed decision that disruption to minimise the impact on existing rail passengers, at the expense of local residents and businesses. Works will be executed at night, over weekends and during holiday periods – just the periods when everyone is entitled to quiet enjoyment of their homes. Construction noise is inherently disturbing to sleep patterns and to health. Whilst Network Rail is obliged to pay compensation to the train operating companies for any disruption to their services, there is no such requirement for HS2 Ltd to compensate local residents and businesses. The Promoter is therefore going for the cheapest option, regardless of the basic principle that the “polluter should pay”.

²² Not mentioned in the SES

²³ [12.4.86] and [12.4.89] of CFA1 (2015)

(vi) Many occupants will feel compelled to leave the area. We believe that the promoters have significantly underestimated the cost of compensating those who are unable to sell their homes. Since March 2010, property values in Camden have increased 59%²⁴. Property values are high, ranging from £435k for a one bedroom council flat on the Regents Park Estate; to £845k for a private two bedroom in Mornington Terrace; and £7.95m for a 5 bedroom Grade II* Nash house in Park Village East²⁵. Even a parking space can cost as much as £75k. Some property owners in Darwin Court and Park Village East have been unable to sell their homes and have had to resort to the **discretionary** Need to Sell scheme. Elsewhere, there is little evidence of blight given the excited state of the property market in London. Blight will take hold as the likely consequences of the construction works become apparent. This will then continue until 2033 and beyond, when the construction works are finally completed.

(vii) The amount of spoil that must be removed has increased from 2.8m to 3.5m tons (a 22% increase)²⁶. This is equivalent to the waste generated by 26 miles of tunnelling for Crossrail. The SES was premised upon the Promoter removing all spoil and transporting all construction materials by road. Much of this will be transported through quiet residential areas.

(x) Whilst the two main compounds remain under AP3, the compound at the Podium has increased in size by 37% (an increase from 11,800 sqm to 16,200 sqm). The size of the National Temperance compound, which will entail the removal of 30 mature trees from St James' Gardens, is now 4,400 sqm (an increase of 45%).

(x) The number of satellite compounds within the Euston area has increased from 12 to 17. Access to two of these compounds is through the heart of the Regents Park Estate. Three of the additional satellite compounds are at Park Village East (north), Cobourg Street and Melton Street.

(xi) The Euston Square Garden is now to be used as a construction site for 18 years. They are protected by the London Squares Preservation Act 1931, an enactment to protect London squares. This Act was specifically passed in the light of the developments which were occurring in the area on public open spaces, namely two of a quartet of squares at Endsleigh Gardens which disappeared beneath Friends House and the gardens of Mornington Crescent upon which the Art Deco Carreras Building was built.

(xii) The number of locations in the Euston area where there will be significant residual adverse effects from N02 between 2016-2026 has increased from four (Eversholt St; Amptill Sq; Euston Rd; Hampstead Rd) to 23 (Euston Rd; Albany St, Augustus St; Hampstead Rd; Robert St; Varndell St; Park Village West; Stanhope St; North Gower St; Park Square East; Eversholt St, Polygon Rd; Phoenix Rd; Ossulston St;

²⁴ In February 2016, the average price of a property (including flats) in Camden was £858k. Data taken from the Land Registry house price indices.

²⁵ Information taken from zoopla

²⁶ p.53 CFA1 (2013); p.105 CFA (2015).

Charlton St; Mornington Crescent; Harrington Sq; Barnby St; Parkway; Delancey St; Bayham Street; Arlington Rd)²⁷. Again, this is simply unacceptable. The following locations will now also face significant adverse effects from NO2 between 2026 and 2033: Eversholt St; Amptill Sq; Euston Rd; and Hampstead Rd²⁸.

36. There are two main reasons why AP3 not only extends the length of the blight but also the intensity of the impact between 2016 and 2026:

(i) HS2 Ltd has chosen to reschedule the works in order to reduce the impact on existing WCML passengers. This includes the reinstatement of Line X. They have done this at the expense of local residents.

(ii) HS2 Ltd has identified the need for a larger service and logistics basement in the station for which vehicular access is required. The proposed plan will involve raising Hampstead Road Bridge by 4.8m, blighting the landscape of those who live in the area. Residents on the north part of the Regents Park Estate will be denied access to the bus stop outside Eskdale. This will also impact upon the streetscape, creating a massive barrier between the Regents Park Estate and Somers Town communities.

37. The Promoter has stated that “by concentrating construction on certain locations at a time, disruption to the area as a whole at any one time will be reduced and easier to mitigate. Construction of the original hybrid Bill proposal would have meant a far more intense period of disruption for the community”²⁹. It is impossible to reconcile this rhetoric with the reality of the AP3 scheme now described in the SES.

The Euston Area Plan (“EAP”)

38. The Promoter has described the plans outlined in AP3 as being “essential for the local community”³⁰. The new scheme is intended to be “compatible with” and to “facilitate” the delivery of the wider vision of the EAP³¹. No one in the local area sees the AP3 station as compatible with the EAP. The No.1 Objective of the EAP is “Prioritising local people’s needs: To ensure that new development meets local needs by ensuring homes, jobs, businesses, schools, community facilities and open space lost or affected by HS2, should it go ahead, are re-provided in the Euston area”³². HS2 rather see the redevelopment of the Euston area as a cash cow to subsidise the construction costs of the new station.

39. Your Petitioner highlights the following features:

(i) The area has been blighted since plans for HS2 were announced in 2010, particularly along Hampstead Road (the derelict garage site and the National Temperance Hospital). These sites would have been developed by now pursuant to

²⁷ p.144 CFA1 (2013); p.145-5 CFA1 (2015)

²⁸ [7.5.12] CFA (2015)

²⁹ Written answer to PQ11141

³⁰ Patrick McLoughlin in [Press Release](#) (8.9.15)

³¹ See [1.1.2] of CFA1 (2015)

³² See p4 of the [Euston Area Plan](#)

“Euston: A Framework for Change – Supplementary Planning Document” which was approved by Camden Council in 2009. Any benefits to local people will be deferred from 2026 to 2033 and beyond as a result of the phasing of the new AP3 station.

(ii) The Regents Park Estate is the largest estate in Camden. It is an essential source of affordable housing for the key workers essential to the running of any capital city. 220 dwellings are to be demolished³³, over 95% of which are low cost homes. The promoter is only intending to replace 136 of these, namely those occupied by “secure” tenants and which are to be provided on existing open spaces within the Regents Park Estate. The Promoter accepts that this loss of homes will be a major adverse effect on the local community, but makes no proposal to mitigate this³⁴.

(iii) A number of publicly owned sites have been acquired by the Promoter, namely land owned by Camden Council on the Regents Park Estate, the Drummond Street area and the Amptill Square Estate, the National Temperance Hospital, and the Maria Fidelis School. Most of this is only required during the construction works.

(iv) The Promoter is also acquiring St James Gardens which we understand is owned by the St Pancras Church PPC. This is to be used as a construction site.

(v) The EAP makes provision for a new High Speed Station at Euston constructed within the footprint of the existing station. That is our desired option.

(vi) The EAP makes provision for the provision of replacement open space above the existing lines in the Camden Cutting to the north of Mornington Street Bridge³⁵. AP3 makes no provision for this. If it is not viable to provide open space in this area, full reparation must be made for any lost public open space to the south of the site.

40. The Action Group seeks the following undertakings from the Promoter:

(i) All public land which has been acquired by the promoter and which is only required during the construction period, will be returned into public use after the works have been completed (at the cost, adjusted for inflation, of acquisition). There must be full reinstatement to Camden Council of any land which is currently used for social housing.

(ii) Full reinstatement will be made for St James Gardens which should be returned to St Pancras PPC. These gardens are on the site of the C18 and C19 St James Burial Ground and former St James’ Chapel and contain Grade II listed monuments and over 50,000 bodies. St James’ Garden should be reinstated like-for-like within the remaining portion of St James’ Gardens that remains after the construction works

³³ The number of dwellings to be demolished has increased by 5 at Granby House. The Promoter declined to acquire this site before it was developed (estimated value: £1.7m in 2013). The acquisition costs have now increased to c. £6m.

³⁴ [8.4.25] CFA1 (2015)

³⁵ See p.17 of the [Euston Area Plan](#)

have been completed with additional land made available to make reparation for any land that is lost.

(iii) There will be full reinstatement of any lost open spaces. These must all be public open spaces and not private land controlled by a developer.

Clause 47

41. Your Petitioner does not consider that this power is required. It should be removed from the Bill. We believe that the power is both unnecessary and undesirable. Local people fear abuse of power by any public authority. Local authorities already have sufficient powers and this power has not been considered necessary in previous similar Acts.

The Promoter's Failure to engage with Community Groups

42. The Action Group is a successor to the Community Forum which had been established by HS2 Ltd on 8 November 2012. The Objectives of the Forum were to (i) inform the local community about HS2 Ltd's proposals and consultations; (ii) highlight local priorities for the route design; (iii) provide information from HS2 Ltd or DfT in a timely and transparent manner to enable members to make an informed response to the issues raised; (iv) provide for public participation in all aspects of the project which impact upon Euston; (v) identify and discuss local preferences for avoiding, managing or mitigating the impacts of the project during construction and operation; and (vi) identify local community benefits and activities which could be linked to the project. On 16 December 2013, the Community Forum had its last meeting. The community members on the Forum found the consultation process to be extremely frustrating. They were unable to identify any effective outcomes.

43. Our experience was not unique. At least one CFA passed a vote of no confidence in the consultation process. On 6 November 2013, the Chairs of a number of CFAs wrote to HS2's chief Executive complaining of HS2's failure to formulate any adequate mitigation measures.

44. The Community Forum responded to the following consultations: "Property and Compensation" and "Safeguarding" (31.1.13); "Draft Environmental Statement" (11.7.13); "Design Refinement" (11.7.13); "Property Compensation" (4.12.13); and Environmental Statement (27.2.14). Your Petitioner responded to the "Property Consultation 2014" (30.9.14) and the Supplementary Environmental Statement (6.11.15). Your Petitioner has seen no evidence that the Promoter has had any adequate regard to the responses made by the Community Forum, the Action Group or the other local community groups.

45. On 17 September 2013, HS2 Ltd issued a press release stating that they were abandoning CFAs to be replaced by a different type of engagement "more suited to the needs of petitioners". On 18 May 2015, HS2 Ltd finally established the Euston Community Representation Group. We were promised a new style of engagement. In reality, this has been a one way process, HS2 Ltd informing the local community what they intended to do, rather than giving any weight to concerns that we have raised. We had asked that there be key performance indicators to assess the outcomes which we were able to secure through

engagement. These never materialised as HS2 Ltd were more concerned with outputs, namely the number of meetings and walkabouts.

46. This Group last met on 15 September 2015. A meeting has now been set for 27 April, after the deadline for the submission of petitions.

47. Over the last four years, the Community Forum and the Action Group have asked HS2 to fund a community resource, so that engagement can be structured to meet the needs of the local community and independent advice is available to those adversely affected by HS2. Camden Council have supported these demands, but the Council have stated that they are unable to fund this resource.

48. Your Petitioner submitted evidence to the Public Administration and Constitutional Affairs Committee. We endorse the conclusion that HS2's communication and engagement with residents has fallen far below the standards of a public authority that should be committed to upholding the highest standards of public administration. The Aarhus Convention on "Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters" emphasises the importance of the twin "pillars" of (i) access to relevant environmental information and (ii) public participation in decision making. The Action Group has seen no evidence that HS2 is committed to these principles.

49. Your Petitioner has the following asks:

(i) HS2 Ltd should establish an engagement programme that is real and effective, rather than theoretical and illusory. This must recognise the principles behind the Aarhus Convention.

(ii) To achieve this, HS2 Ltd must establish clear Terms of Reference setting out the objectives of the engagement programme and Key Performance Indicators which focus on "outcomes" (what the community has secured through the engagement programme) rather than "outputs" (the number of meetings that the community are required to attend).

(iii) There should be an independent chair.

(iv) HS2 Ltd should fund a community support and advice service which is accountable to and has the confidence of local people.

Mitigation – Air Quality (AQ)

50. The impact on Air Quality (AQ) of the construction of HS2 is the subject of the widest community concern, as shown by the large numbers of Petitions to the HC Select Committee asking for AQ mitigation measures. Your Petitioner's primary concern is for the health effects on residents arising from the construction of the HS2 station at Euston, impacting for at least 17 years.

51. Local AQ is of exceptional importance to more than 6,000 Euston residents living within 120 metres of HS2. They already live with some of the very worst pollution in the UK. Euston is exceptional and warrants being treated as such. The local streets are extremely polluted and, for Nitrogen Dioxide, in long-term breach of EU law with no prospect of compliance for years to come – even without the additional pollution arising from the construction of HS2.

52. In the last 18 months, the science into the health consequences of air pollution has advanced greatly, particularly with regard Nitrogen Dioxide. The findings have become steadily more alarming. Pollution is now linked to asthma, cancer, impaired lung development, cardio-vascular disease, chronic obstructive pulmonary disease (COPD) and diabetes.

53. In July 2015, King's College concluded that Nitrogen Dioxide was responsible for 22,500 premature deaths pa in the UK. London is the largest and worst example, with circa 9,500 deaths annually associated with pollution³⁶.

54. The primary villain is diesel engines. Even the cleanest diesel engines (Euro 6) emit Nitrogen Oxides and black carbon Particulates. Whilst these are small, unfortunately it is the smallest particulates that can penetrate the blood stream with long-term health consequences. HS2's construction will entail extensive use of diesel engines, be they HGVs, white vans, non-road mobile machinery (NRMM) or diesel engine freight trains removing spoil.

55. Because of sharpened interest, provoked by the VW diesel "defeat software" expose in September 2015 and the Mayoral election to be held on 5th May, public awareness and concerns about AQ has risen enormously in the last nine months. The London Standard (13 April, 2016) reported that a majority of Londoners "would like a ban on diesel vehicles in central London".

56. The most detrimental to health factors to Euston's community are:

(i) black carbon emissions from HGVs, diesel-engined white vans under 3.5 tonnes and NRMMs (non-road mobile machinery).

(ii) particulates from massive demolition and construction.

(iii) the loss of literally dozens of mature pollution-eating trees in St James's Gardens, those along Hampstead Road and in Euston Square.

57. Whilst the proposed Euro 6 standard for all HS2's HGVs is welcomed, these diesel engines do emit Nitrogen Oxides and Particulates - albeit very small. But it is the smallest black carbon particulates that damage health by entering the blood stream. The standards

³⁶ See (<http://www.theguardian.com/environment/2015/jul/15/nearly-9500-people-die-each-year-in-london-because-of-air-pollution-study>).

proposed by HS2 Ltd for most of the medium-term NRMM machinery is, in the main, alarmingly only to a Euro 3B standard.

AQ - The political background

58. Air Quality should be viewed in the context of the HCSC Report (at [232]): “We want monitoring of air quality to feed into an assessment of whether rehousing should occur in cases where air quality deteriorates. This should keep in mind an aspiration of improving the baseline air quality in Camden. The current position is clearly unsatisfactory.”

59. There is a regrettable disconnect between HS2 Ltd and the residents of Camden; this because HS2 Ltd has deliberately negotiated only with Camden Council whilst paying lip-service to public engagement. The AQ “assurances” which have been agreed with Camden Council are vague and fall short of the specific air quality mitigation measures sought in dozens of Camden Petitions to the HCSC. Along with the study on rail transport, the detailed proposals on AQ monitoring and baseline have been delayed by HS2 until late May, resulting in residents “flying blind”.

60. Camden Council has had government funding hugely reduced in the last few years and its future funding stream is decreasing. The Council is now inadequately resourced to provide the necessary expertise and vigilance in either negotiating or enforcing AQ measures.

AQ - Flawed HS2 methodology, based on the Defra “toolkit”

61. At present there is only one “Automatic” AQ station near to Euston’s Safeguarded Zone and that is the one on the Euston Road opposite the fire station. HS2’s data is modelled and extrapolated from remote AQ monitoring stations. The Defra toolkit applied in the SES is known to be flawed and is discredited.

62. The methodology in the SES is fatally flawed. Plausibly, it depends on Defra and its “toolkit”. Defra itself has for the past five years been highly suspect on the issue of London’s AQ pollution. Instead of seeking and funding remedies it focussed on seeking waivers and delays in the date of AQ Directive compliance, particularly on Nitrogen Dioxide. Its forecasts have been consistently over-optimistic and it has concealed serious health incidents. Deplorably on AQ, Defra the ministry responsible, has been a consistently under-performing ignored backwater. In 2015 the Supreme Court ruled against its AQ plan and a second mediocre plan was published in the Autumn, proposing delayed compliance on Nitrogen Dioxide until 2025 for London. That report is the subject to a second referral to the Supreme Court.

63. The central issue is that AQ is very local. AP3’s SES Appendix AQ-001-001 admits at [2.17]: “..modelling is less robust than monitoring data and may not fully take into account local characteristics that influence pollution levels”.

64. Canyons, for example such as Putney High Street (eg Eversholt St, Delancey St, etc), trap pollution. HS2’s modelling is based on roadside monitors miles away to establish falsely high modelled baselines which would be the trigger for interventions. Only REAL monitoring will

do. The choice of monitoring station locations and the proposed AQ measuring methodology are at present secrets only to HS2 Ltd. The Community should have the opportunity, along with Camden Council, to specify the monitoring locations. Many Camden side streets are currently destined to be ignored by HS2 Ltd, despite the likelihood of additional HGVs and displaced traffic flows arising from HS2 works creating raised pollution and damaging health.

65. King's College, the UK's recognised experts who operate the London-wide real-time monitoring information network LAQN, state that ideally there is a need for a full 12-month AQ baseline measurement, to establish seasonal variations.

AQ - Mitigation Asks

66. Your Petitioner has the following mitigation "asks"

(i) The biggest single measure to help mitigate air quality (AQ) is for the maximum spoil and construction material to be transported by rail. A target of at least 80% by rail should be set.

(ii) The appointment of an independent adjudicator to be tasked with overseeing air quality, investigation of breaches and empowered where appropriate to stop demolition/construction and ensure that suitable remedies are implemented.

(iii) Establishment of accurate AQ baseline and continuous data from multiple new "automatic" monitoring stations, at locations to be jointly agreed by Community groups, Camden Council and HS2 Ltd. Euston needs a number of "reference stations" to provide real-time accurate local AQ data, publicly accessible to the residents online.

(iv) The Promoter to fund a dedicated Camden Council AQ Enforcement Officer for Euston.

(v) Diesel-engined trucks and vans under 3.5 tonnes should be required to meet Euro 6 standards and not granted exception status.

(vi) Camden's resident groups and schools/businesses to be accorded a formal interface with HS2 Ltd, in addition to Camden Council, over the location of AQ monitoring stations, which should include residential locations where there is both a predicted significant residual impact on AQ and other locations where there is not - to address the possibility that the AQ modeling undertaken is not accurate.

(vii) No HS2 HGVs on Regent's Park Outer Circle road.

Compensation

67. The HCSC (at [237]) recognised that Camden is "exceptional and needs special treatment". It is a matter of regret that the government has not recognised this. Whilst the Promoter has recognised the need to introduce a number of measures to supplement the

National Compensation Scheme in rural areas, these do not extend to Euston. Since the Bill was introduced in the Commons on 25 November 2013, the impact on those with homes or businesses has become progressively worse. As the cost of the new station has increased, it is apparent that there has been less money available for either mitigation in Euston or to compensate where the adverse effect cannot be mitigated.

68. In their interim report, the HCSC identified a primary aim of compensation as being to give “residents the confidence to stay, ensuring continuity and coherence within their communities”³⁷. We endorse this principle. Your Petitioner accepts that once the construction works have been completed, there will be no significant long term impact on property prices for most properties in the Euston area.

69. However, what is unprecedented is the duration and impact of the construction works. A child now aged 10, will be 28 by the time that the construction works are completed; a pensioner now aged 70, will be 88. Over this extensive period, the personal circumstances of all homeowners will change. They need to be reassured that they will be able to sell their properties without incurring substantial prejudice because of the construction works.

70. There are some properties on which the Promoter accepts that the operation of the scheme will have a major adverse effect on the amenities of residents which will be permanent and significant. Properties at Coniston, Langdale and Augustus House are identified³⁸. No compensation is proposed.

71. The Promoter has recognised the developing European jurisprudence in the area of property rights a view endorsed by Sir Keir Starmer, QC, MP, who has advised the Action Group that the compensation package currently on offer is not compatible with the European Convention on Human Rights.

72. The Promoter has recognised the need to introduce a number of measures to supplement the National Compensation Scheme. However, only the “**Need to Sell**” scheme extends to urban areas. Whilst the “**Express Purchase**” scheme also applies to urban areas, the safeguarding area has been drawn more restrictively within urban areas. In rural areas, it extends to properties up to 60m from the midpoint of the new line. In Euston, some 2,986 people live within 60m of the construction works. Only those who own the 220 dwellings which are to be demolished are eligible to claim. Residents who live within 5m (Cobourg St); 10m (Park Village East); and 20m (Langdale, Augustus House, Coniston and Cartmel) of the construction works are being offered no compensation.

73. The other schemes, namely “**Voluntary Purchase**”, “**Cash Offer**” and “**Homeowner**” are restricted to rural areas. The Promoter has suggested a number of reasons for the disparate treatment of urban properties:

(i) The Euston area will benefit economically from the new railway³⁹. No evidence is adduced to support this proposition. The Euston area is already a high value area,

³⁷ See [134] of the [First Special Report](#).

³⁸ [8.5.4] and [8.5.8] of CFA1 (2015)

³⁹ see [3.1.1] of “Property Consultation 2014.”

close to Central London and with excellent transport links. The reality is that most residents in the area will not see the completion of the scheme. The area will continue to be blighted until the scheme is completed.

(ii) Those living in the area are used to noise from the railway: Euston is a quiet residential area. It is not the noise from the railway that it is the problem; it is rather the construction works.

(iii) Those living in urban areas are used to construction works: These works are of a unprecedented length and intensity.

74. The following principles should underpin any compensation package:

(i) The compensation that falls to be assessed and paid as a result of the HS2 scheme must be fair and proportionate and arrived at by a process which gives proper weight to the interests of all those affected by the scheme. The Promoter has confirmed that he has not revisited the compensation to be offered to residents and businesses in the light of the greater impact of AP3⁴⁰.

(ii) Compensation should not only be grounded in property rights. It must reflect the wider human rights which are undoubtedly affected the HS2 scheme. Long established communities will be destroyed, family and private life will be severely disrupted and every conceivable type of pollution will affect the environment for many years.

(iii) there should be equity between those living in rural and urban areas. Any disparate treatment must be objectively justified.

75. These principles are consistent with those outlined by the Secretary of State in his 2013 consultation⁴¹, namely: (i) Fairness; (ii) Value for Money; (iii) Community Cohesion; (iv) Feasibility, Efficiency and Comprehensibility; (v) Functioning of the Housing Market; (vi) The Best Balance between these Criteria.

76. One of the stated reasons for the “**Alternative Cash Offer**” is to encourage people to remain in their communities so that communities can ‘thrive’. This logic applies to urban as much as rural communities. In the Euston area, we have a number of distinctive and vibrant communities. It is very much an area at ease with itself. Those communities now face a unique threat.

Our Compensation “Asks”

77. We asks for an Independent and impartial HS2 Compensation Commission:

(i) to draw up a fair compensation scheme;

⁴⁰ See written answer to PQ11141

⁴¹ See “Property Compensation” Consultation (2013)

(ii) to administer and determine applications for compensation.

78. This would permit the scope of the scheme to be decided on the basis of area of direct/indirect impact of the construction works, rather than arbitrary distances from the line. This is more relevant in urban areas where construction sites will be very close to homes and businesses. The impact may not necessarily depend on the distance of the property from the works, as some properties will be shielded by other properties.

79. The desired objective of Your Petitioner is to bind our diverse and vibrant community together through some 10-25 years of unique disruption. We do not want residents to be forced to move away from the area which would fracture the social cohesion of our vibrant and diverse communities. To date, the Promoters of the Bill have been deaf to our pleas for a compensation scheme that will achieve this. There is evidence that our community is starting to fragment. Some of our members have felt compelled to sell their homes before the construction works commence and both their lives and homes become blighted. Right to Buy tenants whose homes are to be demolished have felt compelled to move out of the area because the compensation offered under the express purchase scheme is inadequate to enable them to secure alternative accommodation in the area. The number of those choosing to leave the area will accelerate when the construction works commence.

80. All forms of compensation available to residents should be made available to businesses, irrespective of their rateable value. This should involve compensation for commercial tenants for loss of trade and for commercial landlords for loss of rent if they can demonstrate that this has occurred as a result of the HS2 scheme. HS2 poses additional costs to businesses, for example in delays caused by reduced accessibility, managing amenity impacts such as poorer working/trading conditions and costs attached to the uncertainty created by the scheme. Businesses are forced to buy in additional resources and professional expertise to manage these factors and the risk posed at their own expense. It is unfair that these hidden costs of the scheme are borne by individual businesses and the compensation offer to businesses should be adapted to reflect this. Businesses should also be compensated for loss of custom, where this is directly linked to the construction works. Many businesses in Drummond Street will be forced to close if a proper package of compensation is not put in place. This street could lose its unique character.

81. The Secretary of State acknowledge that the nuisance caused by the works is going to be such as to require HS2 Ltd to offer some 1,875 homes affecting some 7,000 residents a range of mitigation measures, including acoustic insulation and temporary rehousing. Many residents will not find additional glazing to be an acceptable solution whether because it is not practical (Georgian and Victorian listed properties with internal shutters) or because they are unwilling to live in hermetically sealed environments. Residents want to exercise control over their lives and will not accept offers of temporary accommodation in a hotel in some remote part of London. This has been a demand of many of the Euston petitioners. They wish to make their own informed choices as to how they would wish to mitigate the impact of HS2 on their lives.

82. In any event, the Promoter should be required to relax four of the five conditions that must be satisfied for the “**Need to Sell**” scheme:

(i) No prior knowledge – applicants must have bought their property before 11 March 2010

This rule must be relaxed given the uncertainty and the Petitioner’s changing plans for Euston. This rule will have a much greater impact on urban, rather than rural areas, given the greater turnover of properties. Many people have bought properties in the area since 11 March 2010. Currently, HS2 only seems to have blighted the top range of the local property market. Blight will take hold when construction works commence. This will continue until 2033 and beyond, when the construction works are finally completed. This rule will merely “bake the blight”. When construction works start, purchasers will not only be deterred by impact of the works. They will also know that their ability to sell will be handicapped by their exclusion from this scheme.

Anyone who bought property between March 2010 and September 2015 would have reasonably understood that construction works would end in 2026. The blight will now extend to 2033 and beyond.

(ii) Effort to sell – applicants must have marketed their property without success for at least three months, with no offers within 15% of a realistic (unblighted) asking price

The average price of a property in the area is £1m. A homeowner of the average home will be expected to incur a loss of £150k, before they can benefit from the scheme. A homeowner may need to sell their home to fund their retirement. It is not reasonable to expect them to incur such a substantial loss.

Those entering the property market in Euston may have committed themselves to mortgages of up to 90% to fund their purchases. This rule could leave such homeowners with a negative equity.

(iii) Compelling reason to sell – a compelling reason to sell the property now, or that the applicant would be placed under an unreasonable burden if unable to sell their property in the next 3 years.

We agree with the Select Committee ([116] of their First Special Report) that this rule is too restrictive and should extend to anyone with a justifiable reason to move, including those motivated by their “age and stage” in life.

(iv) Property type – owner-occupier or ‘reluctant landlord’ - needing to rent the property as a result of HS2

The rateable value limit of £34,800 for businesses should be removed. The HCSC (at [283]-[284]) noted that the rateable value cap was not appropriate in the case of London businesses; too many would exceed the cap. This has a particular impact on Drummond Street where many of the double fronted business units have rateable

values of some £60,000. The Government responded that it would prefer to maintain the cap's "tried and tested" approach, applying a discretion in the case of hardship cases. However, it conceded that 33% would exceed the cap in the case of Drummond Street. That is too high. It would not be unfair if, illustratively, all the businesses in Drummond Street had the same scope for obtaining compensation. The Committee noted that the figure of £34,000 was set some time ago and would be reviewed in 2017. The Committee wanted a re-evaluation such that the proportion of London businesses falling within the cap is broadly the same as elsewhere. It asked the Department of Transport to liaise with other Departments to carry through a review as soon as possible, before the most potentially damaging aspects of construction work begin to affect businesses in London. Your Petitioner endorses this approach.

This scheme should extend to all property owners, including those who rent out their properties. For a number of local residents, this is their pension pot. Rents are likely to slump as a consequence of the construction works. Many landlords have purchased properties to fund their retirement and with the assistance of a mortgage. The slump in rents could result in the rental income being insufficient to service the mortgage. Property blight could preclude the landlord from selling.

(v) Location – no fixed outer boundary, but of HS2 must be established.

We have no recommendations to make in respect of this fifth condition.

83. Insofar as the compensation schemes are to be modelled on those for rural area, the Promoter should be required to give the following undertakings:

(i) The "**Express Purchase**" scheme should be extended to the Euston area in respect of all properties in locations where there are "predicted unmitigated significant adverse residual in-combination effects". Such a decision would not necessarily be a costly one, given the long-term value of the assets that the government might acquire.

(ii) The "**Voluntary Purchase**" and "**Homeowner Payment**" and "**Cash Offer**" schemes should be extended to the Euston area. Your Petitioners can see no rational justification for excluding those who live in urban areas from these schemes.

(iii) The "**Cash Offer**" payment should be extended to the Euston area. It should not be capped at 10% (£100k) is inappropriate given the current (and increasing) level of property values in the Euston area. The average value of a property in the Euston area is now some £1m.

(iv) If the "**Homeowner Payment**" and the "**Cash Offer**" schemes should be extended to the Euston area, we can see no rational justification for restricting it to home owners. Many social tenants see their properties as homes for life and have family, friends and community support networks in the area. Some assured shorthold tenants, the only private tenancy currently granted in the area, have occupied their homes for many years.

(v) The compensation under the Land Compensation Act 1973 offered to Right to Buy lessees whose homes are to be demolished has proved insufficient to enable them to secure suitable alternative accommodation in the area and within their existing communities. It is a matter of regret that those who followed Mrs Thatcher's advice to buy their homes have been forced to move away from the communities in which they have lived for most of their lives. It is now too late to lure them back.

(vi) Compensation for Businesses in the Euston area, particularly in Drummond Street: The priority should be on mitigating the impact of the construction works on businesses. To the extent that this is not possible, fair and proportionate compensation will compensate them for any loss.

(vii) **Personal Mitigation Budgets:** The Promoters acknowledge that the nuisance caused by the works is going to be such as to require HS2 Ltd to offer residents a range of mitigation measures, including secondary/tertiary glazing or temporary rehousing. Many residents will not find additional glazing to be an acceptable solution whether because it is not practical (Georgian and Victorian listed properties with internal shutters) or because they are unwilling to live in hermetically sealed environments. Residents want to exercise control over their lives and will not accept offers of temporary accommodation in a hotel in some remote part of London. Many of Your Petitioners will be urging that the promoters make available personal budgets which will enable residents to make their own informed choices as to how they would wish to mitigate the impact of HS2 on their lives.

(viii) Any scheme should extend to all home owners who suffer loss as a result of the construction of HS2. This will include those who have let out their properties as part of their pension pots or have bought properties to fund their future pensions. They should be compensated for any loss in rental income caused as a consequence of HS2.

(ix) The Promoters will establish procedures for determining claims for compensation which comply with Article 6 of European Convention. Applications for compensation must be determined and payments made promptly. Strict time limits must be imposed. Applications should be determined by an independent and impartial body. A panel including a member of HS2 Ltd is not acceptable. Such an independent and impartial decision-making body already exists, namely the First-Tier Tribunal (Property Chamber).

Community & Environment and Business & Local Economy Funds

84. The Promoter is proposing a Community & Environment Fund and Business and Local Economy Fund which will have a combined budget of £30m for the period to 2026. Your Petitioners ask that there be specific funds earmarked for Camden throughout the period of the construction work, namely from 2017 to 2033 with separate funds for businesses and community groups of, say, £500k per annum for each fund.

85. The HCSC (at [350]) recommended that the funding envelope of both funds should be substantially increased. It suspected that the Government is aware that the amounts are too low. The Committee wanted to see specific allocations to certain communities to avoid bidding wars. In its response (at [99] – [101]), the government has agreed to increase the funding to £40m. It is proposing indicative allocations and proposes to publish them before the end of the Lords’ Select Committee hearings.

86. The Select Committee (at [237]) recognised that Camden is “exceptional and needs special treatment”. It is a matter of regret that the government has not recognised this.

The Enforcement of Undertakings and Assurances

87. Your Petitioner supports the case for the creation of an Independent Adjudicator. The Adjudicator should have responsibility to deal with all matters arising from the construction of HS2, including ensuring that the nominated undertaker complies with any undertaking and assurances. The current suggestion that local residents and businesses should have to escalate their concerns through their local authority is not going to be workable. Neither is it satisfactory that recourse should then be through the Secretary of State and thereafter to Parliament.

The Request for a Directions Hearing

88. The HCSC sat over 159 days to hear more than 1,500 petitions. We suggest that much of the time of the Committee would have been saved had effective case management been exercised encouraging the parties to identify the issues in dispute and to enter into meaningful negotiations to resolve those issues without the need to resort to the Committee. The Promoter failed to engage with the Camden community petitioners, apparently taking the view that they could negotiate with Camden Council on their behalf. They failed to recognise that whilst Camden Council and local petitioners had much in common, each had their own agenda.

89. Your Petitioner therefore asks for the following directions to be made:

(i) There should be full disclosure made by the Promoter of the research, if any, on the alternative options for the London terminus⁴².

(ii) The Promoter Response Documents (PRDs) should set out specific offers to the petitioners rather than vague responses to issues raised by petitioners.

(ii) There should be a clear structure and timetable for negotiations, with the potential for the Select Committee or an independent body to require that offers of assurances are made to petitioners within a given timescale;

(iii) HS2 should take a more collaborative, and less commercial, approach to negotiations, with a greater commitment to sharing information and working

⁴² The proposal made by Lord Turnbull at the Second Reading

towards common objectives and outcomes, rather than a narrow focus on engineering considerations;

(iv) The Promoter should ensure that senior officials or those with decision making authority are involved earlier in negotiations, so that decisions are not delayed unnecessarily.

90. In the House of Commons, the Camden petitions were heard last because of the Promoter's failure to formulate viable plans for Euston station. Your Petitioner's members felt that they were seriously prejudiced by the late stage at which their petitions were heard. Having been informed of the assurances that the Promoter had given to the Camden Council, the HCSC were perceived to have little interest in any additional "asks" from community groups. Some felt that they had almost given up as they came to the end of their ordeal, on one occasion sitting from 09.30 to 21.50.

91. Your Petitioners would also ask the Select Committee to visit Camden. The House of Commons has recognised that devising a coherent plan for Euston station is the most difficult part of the scheme. To date, the promoter has failed to do so.

The Prayer

92. Your Petitioner therefore asks the House of Lords that it, or someone representing it, in accordance with the rules and Standing Orders of the House, be given an opportunity to give evidence on all or some of the issues raised in this petition to the Select Committee which considers this Bill.

AND the Petitioner remains, etc

Signed:

Robert Latham on behalf of the HS2 Euston Community Action Group

18 April 2016