

REQUEST FOR DIRECTOR'S DECISION – DD1224

Title: High Speed Rail (London to West Midlands) Bill: consent to TfL's petition against the Bill

Executive Summary:

The High Speed Rail (London to West Midlands) Bill ("HS2 Bill") secured its Second Reading in the House of Commons on 28 April 2014. All those directly or specially affected by the first phase of HS2, from London to the West Midlands, were able to submit petitions (objections) against the Bill. The petitioning period for Local Authorities ended on 16 May 2014. The Mayor and Transport for London (TfL) submitted separate but complementary Petitions opposing the HS2 Bill on 16 May. Section 167 of the Greater London Authority Act 1999 (as amended) ("GLA Act") permits TfL to deposit a petition and then seek the Mayor's written consent to TfL opposing the Bill within 30 days of the date the petition was deposited. The London Assembly must be consulted before such consent is given. The London Assembly have been consulted and this Form asks the Executive Director, acting under the Mayoral Scheme of Delegation, to consider whether to give consent to TfL to oppose the HS2 Bill.

Decision:

That the Executive Director of Development, Enterprise & Environment approves the giving of consent to Transport for London to oppose the High Speed Rail (London to West Midlands) Bill under section 167 of the Greater London Authority Act 1999.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.
It has my approval.

Name: Fiona Fletcher-Smith

Position: Executive Director of Development,
Enterprise & Environment

Signature:

Date: 11 June 2014

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 High Speed 2 (HS2) is a national high speed rail network linking Birmingham, Manchester, Leeds and London. The primary purpose of the High Speed Rail (London–West Midlands) Bill is to secure the powers required to construct and operate Phase One of HS2.
- 1.2 The First Reading of the HS2 Bill was on 25 November 2013, and the Bill secured its Second Reading in the House of Commons on 28 April 2014. All those directly or specially affected by the first phase of HS2, from London to the West Midlands, were able to submit petitions (objections) against the Bill. The petitioning period for Local Authorities was 29 April to 16 May. Such petitions had to be presented in the specific format required by Parliament.
- 1.3 A Select Committee will consider petitions made against the HS2 Bill, and can recommend changes to the Bill based on petitioner concerns. It is anticipated that London issues will be considered sometime in early 2015, the date of which is yet to be determined.
- 1.4 The Mayor supports the principle of a new High Speed 2 rail line with new stations at Old Oak Common and Euston, but has raised a number of matters that would need to be addressed to ensure the delivery of a scheme that best secures a quality outcome for London. On 16 May 2014, the Mayor and TfL deposited separate but complementary Petitions against the HS2 Bill. The Mayor's Petition (DD1211 High Speed Rail Bill - submission of Mayor's petition against the Bill) focused on development and regeneration, while the TfL Petition is more closely concerned with the transport matters summarised in Section 2 of this Form below.
- 1.5 The GLA Act requires that the Mayor gives his consent to TfL opposing the HS2 Bill within 30 days of the date it deposited its petition. Before giving such consent the Mayor must consult the London Assembly, and this consultation took place between 23rd May and 4th June 2014. A report was submitted to the Assembly Transport Committee summarising TfL's Petition on 4th June and the response received on 9th June is at Appendix 2.

2. Objectives and expected outcomes

- 2.1 The expected outcome of petitioning is that changes to the HS2 Bill may be recommended by the Select Committee. A copy of TfL's Petition is at Appendix 1 and its objections are summarised below:
 - Inadequacy of connections to the local road and rail network at and around Old Oak Common.
 - Unacceptably adverse impacts at Euston station and its environs.
 - Disproportionately negative effects on London's transport network during construction of HS2 and the deficiency of planned mitigation measures.
 - Missing provisions for a future HS1-HS2 link.

3. Equality comments

- 3.1 The approval recommended in this decision form will enable TfL to petition for changes to the HS2 Bill in Greater London.
- 3.2 TfL is subject to public sector equality duties, and the changes they are seeking are consistent with the Mayor's strategies and plans, including those identified at para 4.2 below with associated equality impact assessments. Overall, no adverse impacts are identified; and it is expected that positive contributions to equality will be incorporated into any new transport services that become constructed and operated, and through any improved mitigation of construction and other impacts that may arise, as a result of the Executive Director granting consent for TfL to petition.

4. Other considerations

- 4.1 *Key risks and issues:* The outcome of the petition is uncertain; there is a risk that some or all of the changes to the HS2 Bill that it proposes are not forthcoming. The Mayor and TfL would therefore need to continue to lobby the Department for Transport as sponsors of the scheme, as well as the Secretary of State for Transport, to ensure the delivery of a scheme that best secures a quality outcome for London.
- 4.2 *Links to Mayoral strategies and priorities:* TfL's Petition is linked to 'The London Plan, 2011' (and 'Draft Further Alterations to the London Plan, 2014') – and to associated documents, including 'Old Oak: a vision for the future, June 2013' and the Euston Area Plan. The former will be an Opportunity Area Planning Framework (OAPF), and the latter will be an Area Action Plan to be adopted as part of Camden's Local Development Framework (LDF) and Supplementary Planning Guidance to the London Plan in the form of an Opportunity Area Planning Framework (OAPF). In addition, there are links to the Mayor's other strategies including 'The Economic Development Strategy, 2010' and 'The Transport Strategy, 2010', and to the Mayor's priority to establish a Mayoral Development Corporation (MDC) at Old Oak Common (subject to consultation).
- 4.3 *Impact assessments and consultations:* Impact assessments have been undertaken for the Mayor's strategies. Consultation has been undertaken with the London Assembly and its response is at Appendix 2. The Assembly considers that TfL should be permitted to continue with its petition against the HS2 Bill, noting that it has already been consulted on the Mayor's own draft petition, and TfL's petition is intended to be complementary in content.

5. Financial comments

- 5.1 In respect of the High Speed Rail (London to West Midlands) Bill, Directorial approval is being sought to consent to TfL opposing the Bill and its deposit of TfL's Petition.
- 5.2 There will be no direct financial implications for the GLA arising from TfL's Petition.
- 5.3 The Transport team within the Development, Enterprise & Environment will be responsible for liaising with TfL in relation to its petition.

6. Legal comments

- 6.1 Under Section 167(1)(b) of the GLA Act, TfL may oppose any local Bill in Parliament. The HS2 Bill is such a Bill. The GLA Act permits TfL to deposit a petition opposing the HS2 Bill by means of the deposit of its petition and then to seek the Mayor's consent to oppose the HS2 Bill within 30 days. Before the Mayor can give consent he must consult the London Assembly. That consultation has taken place and the Director has had regard to the Assembly's response at Appendix 2. If the Mayor decides not to give consent then TfL must take all necessary steps for the withdrawal of the petition.
- 6.2 Under the Mayoral Scheme of Delegation, the Executive Director of Development, Enterprise and Environment may exercise any statutory power (Mayoral Power) exercisable by the Mayor, including any power exercisable by him on the Authority's behalf, which has not been reserved to be personally exercised by him under the terms of the Scheme. The power to give consent to TfL to oppose the HS2 Bill under section 167(6) and (7) of the GLA Act is one that the Scheme authorises the Executive Director to exercise.
- 6.3 The Executive Director is asked to give consent to TfL to oppose the HS2 Bill, which it did by means of the deposit of a Petition by its parliamentary agents Pinsent Masons LLP on 16 May 2014.

7. Planned delivery approach and next steps

- 7.1 A summary of the parliamentary process for the High Speed Rail (London to West Midlands) Bill is available at <http://www.hs2.org.uk/developing-hs2/hybrid-bill/the-parliamentary-process> .
- 7.2 The various stages for passage of a Bill starting in the House of Commons are set out at <http://www.parliament.uk/about/how/laws/passage-bill/> .
- 7.3 This process includes the following steps:

Activity	Timeline
Presentation of petition by TfL	by 16 May 2014
Submission of petition	by 16 May 2014
Consideration by Select Committee (requiring provision of further details)	early 2015 (date tbc)

Appendices and supporting papers:

- Appendix 1: Copy of TfL's Petition against the HS2 Bill (as deposited)
- Appendix 2: Consultation response from the Assembly

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer:

David Solman has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Tim Steer has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date