

Date: 13 May 2014

Item 5: HS2 Hybrid Bill and Petitioning

This paper will be considered in public

1 Summary

- 1.1 The purpose of this paper is to describe to the Committee the progress that has been made with the Department for Transport (DfT) and HS2 Limited on agreement to protect TfL's assets from the impacts of HS2 which is currently being promoted in parliament through the High Speed Rail (London to West Midlands) Bill (the Bill).
- 1.2 Good progress has been made with the DfT over what are very complex interfaces between HS2 and TfL's assets in the form of draft protective provisions agreements (PPAs). Nevertheless, those agreements are not yet complete and there are a number of matters outstanding; it is possible that they may be completed shortly. It is proposed that authority be given for TfL to lodge petitions against the Bill as necessary to protect TfL's interests; the extent of the petition will depend upon whether or not the PPAs have been completed.

2 Recommendations

2.1 That the Committee:

- (a) **notes this paper, including that TfL is seeking protections through the proposed protective provisions agreements;**
- (b) **in accordance with authority delegated from the Board on 26 March 2014, authorises the TfL Officers defined in paragraph 2.2 authority to:**
- (i) **oppose any aspects of the High Speed Rail (London to West Midlands) Bill on behalf of Transport for London by lodging petitions against it;**
 - (ii) **obtain the written consent of the Greater London Authority to such petitions, as required by the Greater London Authority Act 1999;**
 - (iii) **finalise the terms of such petitions prior to being lodged; and**
 - (iv) **do all such other things they consider necessary or desirable to facilitate the satisfactory conclusion of the matters relating to protection of Transport for London's assets as described in this paper.**

- 2.2 **The following TfL Officers shall have delegated authority: the Commissioner, Managing Director Finance, Managing Director Planning and General Counsel.**

3 Background

- 3.1 TfL has expressed its support for HS2 in principle but, together with the Mayor, is seeking a better HS2 so as to enable the proposed railway to become a transformative project that changes the economic, social and environmental face of the UK. The opportunities for London arising from HS2 are significant but more can be done, as illustrated in the Government commissioned HS2 Growth Task Force report, published on 21 March 2014.
- 3.2 Over the past year, TfL has been successful in securing changes to the HS2 proposals which meet many TfL requirements and begin to address the revised proposals that have been sought. Positive changes include:
- (a) a direct link from Euston station to Euston Square Tube station;
 - (b) an increase in the size and quality of bus and cycle facilities at Euston and Old Oak Common (OOC);
 - (c) an additional length of tunnelling in west London through Northolt;
 - (d) acceptance of TfL functional requirements and protections for all TfL services; and
 - (e) the recent announcement by the Secretary of State for Transport that the highly disruptive HS2/HS1 link proposals will be withdrawn from the Bill.
- 3.3 The new chair of HS2 Limited, Sir David Higgins, published his report on 17 March (entitled HS2 Plus) which contained his initial conclusions regarding certain changes to the current HS2 Hybrid Bill proposals. The report is welcome and is broadly supportive of TfL and the Mayor's overall position, for example, by seeking a more ambitious solution at Euston. Further details on the report are set out in Section 4 below.
- 3.4 However, the scheme as deposited in the Bill does not reflect the changes outlined by Sir David Higgins in his report. Further work is necessary to determine the potential impact of these changes on the scheme in the Bill before any amendments can be articulated.
- 3.5 Failure to secure appropriate protections for TfL's assets, whether through PPAs or the petitioning process, will mean that TfL would have to consider what changes are likely to be required to its infrastructure and/or services to maintain them to current standards or improve them to align with demand created by HS2. A number of these changes will expose TfL to additional costs or risks that are not covered by the HS2 project.

- 3.6 Good progress has been made with the DfT on many issues and PPAs are developing well. DfT officers have indicated that they will seek to accelerate their internal processes for approval of those PPAs and, if that can be done before the date for petitioning the Bill, there will be no need to address those issues in the petition. If that is not the case, however, TfL will need to preserve its position by including those matters in its petition, together with other outstanding matters.
- 3.7 TfL will have two opportunities to petition the Bill and, by convention, should take the first opportunity as the second petitioning stage is generally used to address the conclusion of matters that have already been raised. The precise deadline for petitioning is subject to the parliamentary timetable but the first opportunity is likely to be 16 May 2014.

4 Key Issues Raised by the Higgins Report

- 4.1 While the Higgins HS2 Plus report is broadly aligned with TfL and Mayoral concerns, there are a number of issues on which further work is required to ensure that the proposals are robust. TfL's understanding of the possible changes to the HS2 Hybrid Bill and their impact on TfL assets and services is set out below.

Euston

- 4.2 The support for a larger more comprehensive redevelopment at Euston is welcome as this will create the opportunity to deliver a world class station that maximises the development potential of the surrounding area.
- 4.3 However, there are a number of important considerations to address further with the DfT/HS2 Limited including the proposals for constructing the station and the likely impact on diverting over a third of existing rail services including London Overground services. The current proposals are not supported by TfL and further work is required to consider alternative options.

Crossrail West Coast Main Line (WCML) Link

- 4.4 The view expressed by the DfT, HS2 Limited and Network Rail (NR) is that the emerging option to deliver a better, more integrated Euston station also depends on the construction of the Crossrail WCML link by 2024, so as to enable some of the existing train services to be removed from Euston station during construction of HS2.
- 4.5 TfL remains supportive of pursuing the Crossrail WCML link as wider connectivity will be vital to unlocking the future development of this area. Much more detailed work is now required to assess the feasibility of this to ensure it is fully compatible with the Crossrail project. This includes further work on the impact of the proposal on the operation, performance and resilience of future Crossrail services and the impact of the uplift in demand on Crossrail services and stations. TfL will seek assurance from the DfT that these issues (along with funding and programme implications) will be progressed sufficiently to ensure that a robust solution can be developed. TfL will be seeking to work jointly with the DfT, NR and HS2 Limited on the plans for both HS2 at Euston and the Crossrail WCML link.

Old Oak Common Overground Connection

- 4.6 The Higgins report supports the wider connectivity provided by an OOC Overground station, which is also critical to unlocking the development potential of the area. However, the report recommends that delivery of the project should be undertaken by TfL.
- 4.7 TfL and the GLA are investigating mechanisms by which this could be funded. Support from the Government including direct funding support will, however, be required if this scheme is to progress further.

HS2-HS1 Link

- 4.8 The announcement not to proceed with the HS2-HS1 link is welcomed by TfL. The Secretary of State has also committed to undertake a study of alternative options and TfL will work with the DfT/HS2 Limited to ensure a fully segregated tunnelled link is properly assessed.
- 4.9 However, it is understood that the Bill will be amended to remove the link in its entirety and it is not clear what provision will be retained within the Bill for delivering the recommended option from the study above at a later date. This may be a point where petitioning is needed to ensure the alternatives option study remit is appropriate and to secure the necessary minimum provision for a segregated link to be delivered at a later date.

5 Matters for Petitioning

- 5.1 While changes to the Bill will likely result from the Higgins report, the current scheme in the Bill as deposited does not reflect the changes outlined in his report. There remain a number of critical issues relating to the current Bill that are outstanding, for which TfL is preparing the information necessary to lodge a petition.
- 5.2 Table 1 provides a summary of the critical issues of concern that have been raised by the Mayor, including in response to the HS2 Command Paper in 2011 and the HS2 Environmental Statement consultation this year, for which petitions are being prepared and may be necessary:

Table 1

Issue	Original Requirement (as articulated by the Mayor)	Current Bill/ DfT Position	Potential change as a result of the Higgins Report	Proposed TfL Approach with the Bill
OOC Overground	Overground station is included within the Bill which, at a minimum, includes the construction of a critical pedestrian subway to link physically the Overground to the HS2 interchange.	<ul style="list-style-type: none"> • No provision currently in Bill for the Overground station. • The DfT stated that it would look unfavourably at inclusion of full link in Bill. • The DfT has outlined that it may agree to include the pedestrian subway link and possibly fund works. • The DfT proposal would require a Northern line extension funding model to be developed. 	<ul style="list-style-type: none"> • No change expected – Higgins Report is supportive but considers the links should be delivered and funded by the Mayor. 	<ul style="list-style-type: none"> • Petition Bill for station and link including a funding commitment to reflect the benefits to HS2 of having station.
Crossrail WCML link	Provision within the Bill for a future Crossrail extension to the WCML.	<ul style="list-style-type: none"> • No provision currently in Bill but this is under review. 	<ul style="list-style-type: none"> • Higgins review depends on the early construction of the Crossrail link in order to deliver better Euston – this may lead to changes with the current provisions with the Bill. 	<ul style="list-style-type: none"> • Work with HS2 Limited to ensure an appropriate form of link is proposed and petition the Bill for provision if not included.
Euston	<ul style="list-style-type: none"> • World class station. • New station delivers transport requirements. • Disruption during construction is minimised. • Provision for major development. 	<ul style="list-style-type: none"> • Bill scheme has a series of issues to do with construction and future quality. 	<ul style="list-style-type: none"> • Higgins review recommends changes that better integrates station with development and this will lead to changes to the Bill scheme. 	<ul style="list-style-type: none"> • Petition Bill on the basis the baseline scheme is not adequate. Work with HS2 Limited and NR to deliver optimum scheme at Euston. If there remain concerns with this revised scheme then progress petition.

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HS2/HS1 Link	<ul style="list-style-type: none"> Defer the Bill proposal to rebuild the North London Line and make provision for a fully segregated, tunnelled link. 	<ul style="list-style-type: none"> DfT announced they do not intend to proceed with the link. 	<ul style="list-style-type: none"> Link will be removed from the Bill. 	<ul style="list-style-type: none"> Work with HS2 Limited and the DfT on the alternatives study. Petition Bill to secure minimum provision for dedicated link.
Crossrail	Impacts on the Crossrail services and depot, including land take, rail/highway access, subsidence issues and impinging the depot throat.	<ul style="list-style-type: none"> Insufficient protection in the Bill, which is being addressed in the draft PPA. The DfT has recently agreed to establish an OOC enabling works group to prioritise the design and works necessary to reduce the potential impacts. 	<ul style="list-style-type: none"> No change. 	<ul style="list-style-type: none"> Petition Bill to protect TfL assets and services until a robust plan is developed and agreed.

5.3 In addition, there are a small number of other areas which may need to be addressed in TfL’s petition if adequate protection is not secured through the PPA process or otherwise. The unresolved issues include:

- (a) securing an undertaking to deliver more cycle parking at Euston and OOC than proposed in the Bill;
- (b) road enhancements around OOC;
- (c) protection for the Central line around Greenford during construction and in respect of West Ruislip depot; and
- (d) a higher degree of environmental protection and construction mitigation across the route as it affects London.

List of appendices to this report:

None

List of Background Papers:

HS2 Plus report by David Higgins

Contact Officer: Michele Dix, Managing Director Planning
Number: 020 3054 7099
Email: micheledix@tfl.gov.uk