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To: aarhus.compliance
Date: 21/10/2016 16:58
Subject: HS2 compliance - proposed construction of the railway

To the Convention Compliance Committee

Dear Sir/Madam

Lack of planning:

The current over capacity on the Victoria line is very pertinent because we are told that the main reason for HS2 is not speed but capacity.

The over-capacity on the Victoria underground line is that people, for example in the morning, cannot get on the train, and may be will keep waiting for the next one* and they come one every minute), only to find that they cannot get on it, and must therefore push their way into the train.

HS2 will be bringing more people to the Victoria line, and in order to shop (it has been stated that 60% of HS2 use will be leisure).

The response given regarding this situation is only that Crossrail 2 will be built to alleviate this (going to Oxford Street to the nearby two other stations: Tottenham Court Road and Bond Street).

However, Crossrail 2 has not been agreed to yet* So this is highly presumptuous.

It seems likely that the 60% of use for leisure (I think HS2 themselves said) will likely be shopping and eg wealthy people paying a lot for a ticket and coming to Euston and getting on the Victoria line (or Crossrail 2) to go to Oxford St. (Some will come in the mornings - when it's completely crowded - if they have come down for the day).

The idea it seems is (I saw this said, just recently) that if the station is flattened (it currently has a flight of stairs to access it) then shoppers to the Station will also walk to the shops in the nearby street of Eversholt Street, where there would be new shops as well it seems.

This idea of flattening the station makes it a much longer construction eg 20 years, and disruptive eg in terms of pollution (but also it seems disruption to current commuters).

The plan then is for all these things to be happening simultaneously (especially because Camden is requesting a new station and this is said to be the regeneration idea behind the scheme - another reason) HS2 and a new Euston station, as well as Crossrail 2.

The pollution problem is being ignored or down played (and research shows that even tiny increases in NO2 can cause heart attacks in polluted areas, as well as damage to children's lungs and asthma):

<http://www.telegraph.co.uk/news/health/10169178/Tiny-increases-in-air-pollution-raise-risk-of-dying-from-heart-failure.html>

Residents in Somers Town are thought to have a life span 10 years shorter than in the North of Camden for this reason. Walton et al (KCL, 2015) estimate that each year London suffers 5,879 deaths from NO2 and PM2.5. That is a total of 9,416 additional deathspur each year.

To keep increasing over the already illegal limits e.g. for Drummond St there is about an increase of 6 for no2/nitrogen dioxide. Maybe a 20 %increase in pollution where it is already illegal.

Euston Road in the HS2 information has a level of 82 for NO2 and is modelled to go to 110!

This is without consideration of the impacts of Crossrail 2. It seems naive to say, as below, that they are not expecting /and are encouraging people not to taken vehicles eg taxis. Very many will jump in taxis, for example, to go to HS1 at Kings Cross station.

None of this is being looked at and modelled, except that severe pollution has already been shown regardless.

Moreover, EU law says that development should not be permitted where it will increase the pollution.**

Yours faithfully

Michelle Rispin

* (on the Crossrail 2 website currently under Q&As:)

Will a new station mean an increase in local traffic?

As we are in the very early stages of developing Crossrail 2, we have not yet developed detailed plans for vehicle movements. In all circumstances, we will seek to minimise the impact that the construction of Crossrail 2 has on local areas, including on the local road network.

Crossrail 2 seeks to provide door-to-door sustainable travel and passengers will be encouraged to access the station by foot, bicycle or public transport. It is therefore not expected to result in significant additional vehicle trips in the local area.

Consideration will be given to interchange requirements for an increased number of passengers at each Crossrail 2 station at an early stage of design. Bus routes and frequencies will be considered, along with connections for cyclists and pedestrians.

Pedestrian safety will be a key consideration at all design stages. A transport assessment setting out the results of this work along with any further mitigation measures which may be required, will be published when the application for powers to build and operate the scheme is submitted.

There are no plans for vehicle movements (or say the shaft, not far from the severely polluted Euston Road) and so no modelling has been done on anticipated pollution levels either.

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It would seem then that this is illegal according to QC McCracken's advice in terms of the EU (for Clean Air London via solicitors Harrison Grant):

"1. I am asked to advise on the approach which planning authorities should take to the Air Quality Directive 2000/50/EC and the extent to which they should take into account in their decision making present or future breaches thereof, and in particular:

(a) Whether it is lawful to grant consent for a development which would result in a breach of limit values in the immediate area.

(b) Whether it would be lawful to grant consent for a development which would worsen air quality in an area which is already in breach of limit values.

.....

2. Because of the admitted, serious, and ongoing breaches by the UK of the limit values of the Air Quality Directive 2008/50/EC planning authorities have a duty in their decision making to seek to achieve compliance with the Directive's limit values.

3. Where a development would cause a breach in the locality of the development they must refuse permission.

4. Where a development would in the locality either make significantly worse an existing breach or significantly delay the achievement of compliance with limit values it must be refused.

....

A directive shall be binding as the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

13. All emanations of the state, such as the courts, ... have a duty to use their powers to secure the implementation of EU law.

Lord Justice Glidewall, with whom Lord Justice Hoffman and Hobhouse agreed, observed:

‘.. the extent to which discharges from a proposed plan will necessarily, or probably, pollute the atmosphere and/or create an unacceptable risk of harm to human beings, animals or other organisms, is a material consideration to be taken into account when deciding to grant planning permission.....’

..it might be appropriate to refuse permission if it was inevitable that the only proper pollution control decision was to refuse a permit under the relevant pollution control regime.

Plans must be capable of achieving compliance with the Directive or remedying non compliance ‘as soon as possible.’ (art 23)

This suggests that the absence of an adequate air quality plan, or inadequate implementation or enforcement of an adequate, may lead to a duty to refuse consent for projects on the basis of their effect on compliance with the Air Quality Directive.

The PPG 2015 “Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor.