

Wormwood Scrubs Charitable Trust Committee Agenda

Tuesday 3 August 2021

6.30 pm

Online/Virtual

MEMBERSHIP

Administration
Councillor Alexandra Sanderson (Chair) Councillor Helen Rowbottom Councillor Belinda Donovan
Co-optees
Miriam Shea Stephen Waley-Cohen

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<https://youtu.be/K3kvlerlqK0>

UPDATED: 30 July 2021

Wormwood Scrubs Charitable Trust Committee

Agenda - 3 August 2021

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
3. MINUTES OF THE LAST MEETING	3 - 10
<p>To approve as an accurate record, the minutes of the meeting held on 23rd June 2021.</p>	
4. REPORT ON HS2`S INTENSION TO COMPULSORY PURCHASE THE STANFORD BROOK SEWER AND UTX COMPOUND SITES TO COMPLETE THEIR WORKS	11 - 19

Wormwood Scrubs Charitable Trust Committee Minutes

Wednesday 23 June 2021

PRESENT

Committee members: Councillors Alexandra Sanderson (Chair) Helen Rowbottom and Belinda Donovan

Co-opted Members: Stephen Waley-Cohen and Miriam Shea

Advisors to the Trust: Stephen Hollingworth, Richard Gill, Carmen Lomotey, Heather Marsh

Amrita White (Clerk)

This meeting was held remotely. A recording of the meeting can be found at:
<https://youtu.be/YzirtBlkUN>

1. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Alexandra Sanderson was unanimously agreed as Chair of the Committee for the municipal year 2021-22.

2. APPOINTMENT OF CO-OPTED MEMBERS

RESOLVED:

Sir Stephen Waley-Cohen and Miriam Shea, representatives of the Friends of Wormwood Scrubs, were unanimously agreed as co-opted members of the Committee for the municipal year 2021-22.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Matt Rumble

4. ROLL CALL AND DECLARATIONS OF INTEREST

The Chair carried out a roll call to confirm attendance. There were no declarations of interest.

5. MINUTES OF THE LAST MEETING

RESOLVED:

That the minutes of the meeting held on 24th March 2021 were approved.

Members asked for the following amendments to be made to the minutes:

Grounds Maintenance and site management update

Members discussed the pricing difference between 2 and 5 years for the recovery of the roadway providing vehicle access from Scrubs Lane to the Linford Christie Stadium, the Pony Centre, Council depot and to the temporary site for Kensington Aldridge Academy.

Stephen Waley-Cohen (Co-opted member) requested that a sub-group be set up for the ground's maintenance contract and Emma Ranson *and Miriam Shea (Co-opted member)* be invited to join.

Treatment of rental income for the pony centre

In response to a question asked by Stephen Waley-Cohen (Co-opted member), Officers noted that a formal report relating to the treatment of the rental income for the pony centre would be brought to the next meeting.

Action: Chris Harris

6. MANAGER'S REPORT

Steve Hollingworth, Advisor to the Trust, presented the report.

Update on Kensington Dragons Lease, Grant Agreement and Service Level Agreement

Steve noted that the lease, grant agreement and service level agreement were now all agreed and ready to be executed. Although the Trust delegated authority to officers to complete the terms of the lease and the service level agreement, it did not delegate authority to officers to complete the terms of the grant agreement. Therefore, to execute all documents, the Trust were further asked to delegate authority to officers to: -

Complete the funding agreement between the Wormwood Scrubs Charitable Trust and Kensington Dragons Football Club Limited, to award grant funding of £250,000 to the Club to contribute to the delivery of upgrading and providing new sports pitches and circulation areas on the Trust's property at the Linford Christie Stadium.

The Committee unanimously agreed this recommendation.

HS2 Bill Alternative Ecological Mitigation -Master Plan

Steve noted since the consultation began in the autumn of 2019, there had been a noticeable increase in residents using the Scrubs during lockdown and continuing to enjoy the area as lock down was released. There had been greater interest and engagement from schools with the natural world and therefore the Council was keen to capitalise on this increased interest and engage much more with the wider community and the educational sector. Steve noted that a suggested way forward would be to develop a more inclusive community engagement strategy and work in co-production with residents on the Master Plan. To ensure that wider community engagement was achieved before signing it off.

To achieve this, it was proposed to appoint specialist community engagement consults to develop the vision with residents, the educational sector, and key stakeholders before moving forward further.

The Chair explained that given the interest at the Scrubs over the last few months, it would be useful to broaden the consultation to the community to develop a more inclusive community engagement strategy and feed that input into the Master Plan.

Stephen Waley-Cohen (Co-opted member) explained that whilst he understood the need for a wider consultation, it was equally as important to proceed with the implementation of the project without any major delays. He asked for further clarification to be provided on the timeline for implementation. In response Steve noted that the latest timeline would be circulated to Committee members when this was available.

Action: Steve Hollingworth

Councillor Helen Rowbottom noted that she was in favour of extending the consultation period. She requested that additional signage be added so that the public were able to register their interest and provide feedback.

The Committee unanimously agreed this recommendation.

HS2 Update

Steve noted that HS2 were now working to secure access to the Stamford Brook Sewer compound from Old Oak Common (OOC) Lane. The access had been delayed due to the need to carry out investigate works, to identify the location of utilities under OOC Lane. An update was provided on the current timetable for works and to complete works on the UTX site.

Protesters

Steve noted that the HS2 protesters remained on the Scrubs within Chats Paddock to the east of the Stamford Brook sewer compound. Meetings between the Police, HS2 security and Council officers were continuing on a fortnightly basis to monitor the situation. Steve explained that he last visited the protestors on site with the fire brigade on the 17th June 2021 and no major concerns came to light.

Miriam Shea (Co-opted member) noted that there were ongoing concerns amongst the Friends of the Scrubs regarding the vegetation clearance works. She queried if Council officers were still monitoring the works carried out by HS2 for the vegetation clearance and if they were complying with the agreed method statements within their compounds and around the edges. In response Steve noted that officers had been on site on a weekly basis to check that the agreed method of working was being followed. In addition, HS2 were maintaining the vegetation that was growing back.

Steve commented that he would request a statement from HS2 on the works that were currently being carried out and how these were being executed for the vegetation clearance.

Action: Steve Hollingworth

Park Lodge

Heather Marsh, Advisor to the Trust introduced the item and noted that at the previous meeting The Trust approved funding to explore options for the future of Park Lodge. A summary of which was included as Appendix 1.

Miriam Shea (Co-opted member) felt that option 3 (redevelopment as two new built maisonettes) did not fit the remit and ethos of the Wormwood Scrubs Charitable Trust and that the costs for option 4 (redevelopment as a new build community facility) were high compared to the other options. It was noted that she was in favour of option 5 (demolish and return to green space). Miriam Shea felt that the Linford Christie Stadium was a more suitable location for community type facilities i.e. cafe, toilets and an ecology centre.

The Chair commented that she had received several emails from local residents proposing the need for a café and a community centre on the Scrubs. She noted that it would be useful to carry out a consultation to engage with the public so that further feedback can be provided on the options for the future of Park Lodge.

Councillor Belinda Donovan commented that she was in favour of exploring options for after school clubs or a community building.

Councillor Helen Rowbottom noted that she was in favour of a community/residential space that would benefit the Scrubs and the users as much as possible.

The Chair requested that revised costs for the options discussed at the meeting be circulated to Committee members.

Action: Steve Hollingworth

Catering Concession

Steve noted that the proposal for a mobile van selling refreshment from the Wormwood Scrubs car park is under consideration. However, all concessions in the Council's parks are currently under review until all legal lockdown restrictions were relaxed.

Stephen Waley-Cohen (co-opted member) raised some concerns around the risk of additional litter as a result of the mobile van. He also commented that there was already a catering facility available on the Northern side of the Linford Christie Stadium, very close to where the van would be situated. In response the Chair explained that the mobile van would be operated by a local resident, who was very passionate about running a community focused coffee van. In addition, it was noted that this was a trial and options on how litter would be managed were being reviewed.

Councillor Helen Rowbottom suggested that litter could be mitigated by encouraging the public to bring in their own coffee cups in return for a discount and using eco-friendly material in line with the ethos and vision of the Scrubs.

Implementing Strategic Governance Review recommendations

Steve noted that the Trust Committee approved a budget allocation of £75K a year for two years (£150,000 in total), to fund an appropriate project manager role to support the implementation of the review recommendations and provide wider support to the Trust. Candidates were interviewed on 21st May, but none were successful. Before re- advertising the position, officers were updating the job description to make it more outward facing with more focus on community development and engagement.

The person specification was also being reviewed to ensure candidates had relevant knowledge of ecological issues.

Councillor Helen Rowbottom said that she was keen to support Officers in redrafting the job description and person specification should this be required.

Community Safety Update

Steve noted that in April 2021 the Council commenced employment of its new Law Enforcement Team (LET). The LET comprised of 72 staff creating one of the biggest environmental enforcement teams in the country. The team were responsible for providing high visibility presence in our parks and green spaces, housing estates, commercial areas and residential roads.

Each ward would have an allocated officer who would ensure they know all the key partners in that ward and they too, know them. Neil Thurlow had been requested for the Scrubs. Officers would continue to provide a presence on the Scrubs and engage with everyone using this space. Since coming into post Officers had been on the Scrubs daily undertaking patrols, responding to concerns and issues, undertaking welfare visits, working with the local police and undertaking the daily lock up duties.

The Chair requested that Neil Thurlow be invited to the next meeting to present the community safety statistics and introduce himself to the Committee.

The Chair requested that a breakdown be provided on the difference between the type of incidents that needed to be reported to the LET team and the Metropolitan Police.

Action: Steve Hollingworth

Ground Maintenance and site management update

Heather provided an update and noted that the Committee previously approved funding to repair the road providing vehicle access from Scrubs Lane to the Linford Christie Stadium, the Pony Centre, council depot and to the temporary site for Kensington Aldridge Academy (KAA). The main resurfacing work had been carried out. Further works were in hand to remove the defunct traffic management system near the junction of Scrubs Lane. Traffic management to the access road from Scrubs Lane had become more of an issue since the stadium had started to re-open and sports pitches were receiving greater use, with instances of inappropriate parking on the Scrubs and to the access road being reported. Hardware for the inoperative system would be removed as outlined above and proposals for a replacement system would be investigated and put forward for consideration at the next committee meeting.

Signage

The Committee previously approved funding for signage. The three existing large signs had been cleaned and repaired, and robust, temporary signage installed around the meadow area to deter users from disturbing wildlife during the bird nesting season.

In response to a question asked by members Heather Marsh explained that the permanent signage would be put in place alongside the timing of the Master Plan.

Notting Hill Carnival

Steve noted that the carnival had been cancelled therefore this item was no longer required for discussion.

Network Rail Depot

Heather explained that Network Rail had requested the use of part of North Pole open space as a compound for upcoming works to Mitre Bride embankment. This would potentially represent an extension of the noise and disruption to residents. Officers would obtain further information from Network Rail to aid a decision on the appropriateness of a new compound.

The Chair requested that further information be requested from Network Rail and provided to the Committee before a formal decision was made i.e. what the work would look like and the impact this would have on residents.

Action: Heather Marsh

Procurement of a new GM (Grounds Maintenance) contract

Steve noted that the procurement process was ongoing. Suppliers passing the qualification stage of the tender were invited to submit bids, and these had now been received and evaluated. The next stage involved negotiation with each bidder and members of a subgroup (Cllr Alex Sanderson, Emma Ranson and Miriam Shea) would be involved in this process. Key meetings would take place the e/c 5th July. Approval to appoint the winning tenderer(s) was timetabled for October.

Members requested that any bid submission documents be circulated to the Committee ahead of the meetings.

Play equipment Braybrook Street

Heather noted that the Items of play equipment were removed from Braybrook Street in 2020 due to health and safety concerns. HS2 held a fund for community projects and the Council were one of the boroughs invited to bid. It was recommended that the Committee, with the assistance of Parks Officers, submit a bid to HS2 for the supply and installation of new play equipment.

The Committee unanimously agreed this recommendation.

Weekend Parking charges

Steve noted that the introduction of weekend parking charges was in hand but had been slightly delayed. A traffic order had been drafted and was expected to be operational in around 6 weeks.

Events

Steve noted that no events were held at the Scrubs during the Covid-19 pandemic.

Audit and Accounts

Steve noted that it was recommended that the Trust re-appoint MHA Macintyre Hudson as external auditor for the financial year 2020-21. The proposed audit-fee for 2020-21 is £9,950 + VAT.

The Committee unanimously agreed this recommendation.

Financial Outturn 2020/21

Carmen Lomotey, Advisor to the Trust provided an overview of the 2020/21 financial outturn for the Trust. The budget for 2020/21 was set with an anticipated surplus of £103,864 to be added to the Trust's reserves. The actual 2020/21 surplus for the year was £49,439. Although this outturn was £54,425 worse, it was £17,852, better than forecasted at March 2021.

Income 2020/21

Carmen noted that the income budget was set at £975,164. The actual income at £897,590 was £77,574 below budget. Pre-Covid-19 lockdown income from pay and display and parking meters was fairly consistent, particularly since the introduction of cashless parking.

Governance costs 2020/21

Carmen noted that the indirect costs of managing the Wormwood Scrubs (governance costs – i.e. legal charges, audit fees and Central Finance support costs) were apportioned to expenditure based on value.

Expenditure 2020/21

Carmen noted that at £848,151 (£825,671 plus £22,480 governance costs), 2020/21 expenditure was £23,149 below the £871,299 expenditure budget.

Financial Budget 2021/22 (Updated)

Carmen noted that the proposed budget for the Trust for 2021/22, a surplus of £31,595, was approved at the last meeting (held on 24th March 2021). Approval was also given for this budget to be updated with the financial items approved at that meeting. Carmen provided a summary of the changes.

Income Budget 2021/22

Carmen noted that the 2021/22 income budget was unchanged at £991,433. This was £93,843 more than the 2020/21 outturn, and slightly less than the 2019/20 outturn.

Expenditure Budget 2021/22

Carmen noted that the 2021/22 expenditure budget had increased from £959,839 to £1,105,109, due to the approved changes noted above. Reapportioned governance costs (£28,000) was the reason for the budget revisions of Grounds Maintenance and Linford Christie Stadium contribution.

Councillor Helen Rowbottom asked how the shortfall would be factored into the budget going forward and requested that this be noted as an action. In response Carmen explained that this budget was set fairly cautiously, and it didn't factor in any additional costs for weekend parking. In addition, the parking charges received for March 2021 was £27,000, which was £10,000 more than what was originally projected.

Action: Carmen Lomotey

Any other business

Miriam Shea (Co-opted member) noted that the Friends had requested improved communication with the Council officers on matters relating to the Scrubs going forward .

Action: Heather Marsh

The Chair noted that HS2 had indicated that they were considering enforcing a compulsory purchase order which would enable them to acquire certain sites on the Scrubs for their works. HS2 had advised officers that as a result of the delays their works would not be completed before the 23rd February 2020. Once the works were finished the land would be returned to the Trust. Officers were seeking legal advice and the options available on this matter and would update the Committee as soon as possible.

RESOLVED:

The Committee:

- Approved that the Trust delegate authority to officers to: - Complete the funding agreement between the Wormwood Scrubs Charitable Trust and Kensington Dragons Football Club Limited, to award grant funding of £250,000 to the Club to contribute to the delivery of upgrading and providing new sports pitches and circulation areas on the Trust `s property at the Linford Christie Stadium.
- Agreed to develop a more inclusive community engagement strategy and work in co-production with residents on the Master Plan to ensure that wider community ownership was achieved before signing it off.
- considered the options report on the future of Park Lodge
- Approved access across WSCT land for the Met police as part of policing arrangements for Notting Hill carnival
- Approved the development and submission of a bid to HS2's community fund for new play equipment
- Approve the re-appointment of MHA Macintyre Hudson as the Trust's external auditor for the financial year 2020-21 as set out in section 16
- noted the 2020/21 Financial Outturn as set out in section 17
- noted the 2021/22 Financial Budget as set out in section 18
- noted all other matters in the report.

Meeting started: 6:30pm
Meeting ended: 8:00pm

Chair

Clerk: Amrita Gill
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MANAGERS REPORT	
Report to Wormwood Scrubs Charitable Trust Committee 3 August 2021	
Report Author: Stephen Hollingworth	Contact Details: Stephen.hollingworth@lbhf.gov.uk

Report on HS2`s intension to compulsory purchase the Stanford Brook Sewer and UTX compound sites to complete their works.

1. Summary

HS2 has indicated that it intends to exercise its power under section 4 of the High-Speed Rail (London-West Midlands) Act 2017 (the HS2 Act) to compulsorily purchase parts of Wormwood Scrubs. This intention has been most recently set out in a public meeting on 26 July 2021.

HS2 have stated that the need for the compulsory purchase order is to enable HS2 to complete the construction works and grant rights to utilities providers to carry out works.

The plots which HS2 propose to compulsorily purchase are shown in the plan included at Appendix 1.

2. Background

The HS2 Act gives HS2 powers carry out the works to divert the Stamford Brook sewer and other utilities on Wormwood Scrubs. These statutory powers expire in February 2022 .

To avoid the risks to its programme, HS2 intend to exercise their powers under the HS2 Act to compulsorily purchase two areas of the Scrubs as shown on Plan 1.

HS2 are currently negotiating with the various statutory undertakers to facilitate the diversion works. This includes granting to the utility providers the necessary land rights by way of agreements which will allow the utility apparatus to be diverted and for the sewer to be put in place.

HS2 have told us that they are concerned that the necessary agreements with the utility companies will not be in place before the HS2 Act expires next year. Not

having these agreements in place to divert utilities risks the delivery of the new Old Oak Common Station.

3. What agreements with the utility companies are needed?

- **Stamford Brook sewer site**

HS2 need to complete one agreement for the sewer site with Thames Water (TW). In reaching an agreement with TW, HS2 will also need to negotiate with Network Rail as the sewer also runs through land which Network Rail owns.

HS2 advises that it is likely that an agreement can be reached with TW but that this is unlikely to happen before February 2022. After the agreement has been signed, the works will then need to be undertaken and completed.

UTX site

HS2 need to complete different agreements with 13 separate statutory undertakers in respect of the UTX site.

HS2 advise that the apparatus for the statutory undertakers is not due to be diverted until 2023 at the earliest which is after the expiration of the HS2 Act.

HS2 believe that they need to acquire the land to be able to enter into agreements after February 2022.

The apparatus for all 13 statutory undertakers will be diverted into the Scrubs. It is now understood that apparatus from 6 of the statutory undertakers will be redirected back from the Scrubs to under the road at a later date (proposed date 2028-2029), with 7 remaining permanently on the Scrubs.

Work is ongoing between HS2 and the statutory undertakers to negotiate the various agreements.

4. What would compulsory purchase involve?

There are two different legal processes available to HS2 to enable it acquire land compulsorily. The main difference between both processes is the date that ownership of the land is legally transferred from the Trust to HS2:

1. General Vesting Declaration (GVD).

With this option, HS2 will serve notice on the Trust and execute a general vesting declaration.

The title of the land included within the notice will vest automatically to HS2 on the date specified in the GVD. HS2 will then have the right to enter and take possession of the land.

This is the more common and preferred route by HS2 and has been used with other London boroughs such as Camden, Brent, Ealing and Hillingdon. This was as result of delays experienced in their programme.

HS2 have indicated that they wished to use the GVD procedure for the UTX works.

Compensation is assessed at the 'vesting date' and interest on the compensation also accrues from this date until the date of payment, even if possession is not taken for some time after the vesting date.

The purposes for which HS2 advise that they intend to compulsory acquire the land are permitted by the HS2 Act.

2. Notice to Treat (NTT) and Notice of Entry (NoE).

The NTT (the purpose of which to inform the interested party of the intention of the acquiring party to proceed to exercise its powers of compulsory purchase) is served first. The Trust or any other party would have 6 weeks to legally challenge the notice.

The NoE is the second stage, in which HS2 sets a date to enter the land and take possession (and for the valuation of the land). The NoE can be served up to 3 years after the NTT.

Ownership of the land will not be transferred to HS2 until the compensation is agreed between the parties. If compensation cannot be agreed then this can be referred to the Upper Tribunal (Lands Chamber) to determine.

This route would leave the title of the land with the Council for a maximum period of three years whilst allowing HS2 time to finalise the agreements with the statutory undertakers and complete the works.

LBHF have been lobbying HS2 to use the NTT/NOE route instead of the GVD route for the Scrubs, especially for the SBS site.

HS2 advised in a public meeting on 26 July that they will use the Notice to Treat option for the Stamford Brook Sewer site.

5. Question and Answers

A list of questions has been sent to the Chair of the Trust from various parties and the answers are provided in Appendix A of this report.

Answers to questions raised

Questions A-E forwarded from Cllr Sanderson

Q- A) exactly which bits of land are they trying to CPO. Maps needed. Again.

Answer: There are two plots of land which are shown on the attached plans
Plot 75: which is land adjacent to, and east of Old Oak Common Lane.
Plot AP4-2 which is the location of the proposed sewer works on Wormwood Scrubs

Q- B) why are they trying to CPO land when they could just extend lease for UTX & SBS sites with LBHF?

Answer: The Trust has granted a licence (and not a lease) to HS2 to enable them to enter and occupy parts of the Scrubs to undertake preliminary works.

The HS2 Act permits HS2 to occupy certain parts of the Scrubs to undertake works until February 2022 for a period of five years from 2017 .

LBHF have asked if we can lease the land to HS2 but have been told that CPO is the only option they are willing to consider.

HS2 believe that a CPO is required to enable HS2 to occupy the land and complete the HS2 Works after the Act comes to an end and grant the relevant rights to the utility providers as permitted under the HS2 Act.

Q - C) what is the legal guarantee / basis that the land *must* be returned to LBHF upon completion of works. Could they sell it to a developer instead?

Answer: We have raised this concern with HS2 and they advised that they can provide legal binding assurance that the land will be returned as soon as the works have been finished, which we await.

Q - D) Is there any loophole in the wording of the CPO where HS2 could claim they "require the land to enable completion of the station" for some *new undisclosed purpose* other than the sewer & UTX works – i.e: might they be attempting to deceive LBHF yet again and need additional land for an access road or some other station component.. what legal powers exist to stop them changing their intended purpose for CPO the land - when there is apparently no Government oversight of HS2 LTD.. What is to stop them CPO the land and doing whatever they like with it in a couple of years, claiming they own the land and LBHF are powerless to stop them - *this is my main concern.*

Answer: The Act only permits the acquisition of land for the purposes set out within the Act. If the land is acquired and is then not used for the permitted purposes, then action can be taken.

An application could be made for judicial review if the Secretary of State for Transport or HS2 sought to rely on the power of compulsory acquisition for a different (i.e. collateral) purpose to that for which the power was conferred.

Q - E) what options exist for LBHF? Take hs2 to court for a Judicial review is an obvious route - but are there any grounds could they win a legal case against HS2? Do we have any lawyers in the house? As far as I'm aware - The powers of the hs2 act of Parliament trump the wormwood scrubs act of 1879... so what options do we have to fight them? Does anyone here have info on the details of the court case & settlement that Camden council won in Euston? DM me if so.

Given that LBHF entered into a contractual agreement to work with HS2 in good faith back in 2015 - to turn around at this stage and issue a compulsory purchase order is a disgusting abuse of trust, once again.

And there does not seem to be any obvious reason for needing to *own* land on the scrubs when the option to extend the lease exists... HS2 Ltd have already demonstrated their contracted word is worth nothing and they treat communities with total disdain, so I think a thorough analysis of all possible agendas should be undertaken with utmost detail and scrutiny, before LBHF make any decisions... my sense is that we do not have all the info and something does not add up.

Answer: LBHF are extremely dismayed at this latest development.

The ability of any party to object to HS2 using the CPO powers which are included in the HS2 Act was at the HS2 petitioning bill stage. This is the stage before the Bill became an Act.

The powers available to the Council/Trust would be to make an application for judicial review of the decision by HS2. Any grounds for challenge will be determined at the time that notice of the CPO is served

Questions 1-11 below forwarded from The Friends of Wormwood Scrubs

If it is premature to provide full answers, please confirm that these are all matters under consideration by LBHF:

- Was the notice of intention to use CPO served on LBHF or WSCT, and if on LBHF was it in its capacity as Trustee of WSCT?

A: No notice to CPO has been served yet. This was communicated to officers and in a public meeting on 26 July 2021.

- Do you know why this was done by HS2 head office without consultation with their local management?

A: This is for HS2 to respond to.

- Has the Ministry of Defence been consulted, given their over-riding rights over the Scrubs?

A: We are not aware that they have been consulted.

- Is LBHF taking specialist legal advice?

A: Yes

- Is LBHF intending to argue against the use of CPO and make formal objection?

A: See response to question D/E above.

- Will LBHF share the main conclusions of this advice, and tell us how they intend to respond to HS2?

A: Whilst the legal advice will be privileged, the Trust and LBHF will endeavour to keep Trust Co-opted members informed.

Please tell us, in respect of the prospective CPOs for both the UTX land and the sewer diversion land?

1. Does HS2 give any reason for intending to use CPO?

Answer: See response to question B above.

2. Does HS2 confirm that they have explored and exhausted all other alternatives to retain the land for their works?

Answer: HS2 confirmed that they considered extending by statutory order the power under section 10(2) of the HS2 for a further 5 years from the expiry of the power in 2022. A full review of the option to extend powers, implications, costs, timings and alternatives was undertaken and they decided not to exercise the power. They do not intend to revisit this decision now.

3. Does HS2 give a timetable for issuing formal CPO notices, and indeed a timeline generally?

Answer: HS2 intend to serve notice of the CPO after October 2021

4. Have HS2 specified exactly which portions of land are included within their CPO? Given HS2's history of deliberately withholding OS maps from the public domain - we would like to request that LBHF publish maps as a matter of urgency so that members of the public may understand exactly which areas of land are under discussion. In due course GPS plotted boundaries and exact measurements will be needed. We hope that the areas subject to CPO are identical to those already occupied by HS2.

Answer: Please refer to the plans appended to the report

5. Does HS2 state specifically for how long they intend to retain the land for their works? The sewer works are due to be completed by April 2022; and the UTX works are due to be completed in April 2024; would the land be therefore returned to LBHF in April 2022 and April 2024 respectively or would HS2 retain 'ownership' and occupy the land until the station is completed?

Answer: HS2 has advised that they will require the two parcels of land until 2028/29. However once work has been completed on the Stamford brook Sewer site, the Council will expect the land to be returned.

6. Does HS2 Ltd give legally binding commitments to return the land promptly after completing their works? This is the most important and concerning issue. Are LBHF satisfied that such commitments cannot be changed by HS2?

Answer: We have raised this concern with HS2 and they advised that they can provide legal binding assurances that the land would be returned which we await

7. Does a CPO alter HS2's obligation to undertake, or pay for, restitution of the land to the condition in which they originally occupied it?

Answer: The obligations will continue to apply after completion of the works.

8. Will the prospect of a CPO mean that the ecological masterplan needs to be delayed or amended, e.g. to exclude the portions of land under CPO?

Answer: Part of the masterplan will need to be delayed on the UTX site until the utilities have been redirected.

9. If the land is to be subject to a compulsory purchase; at what rate would the land be valued?

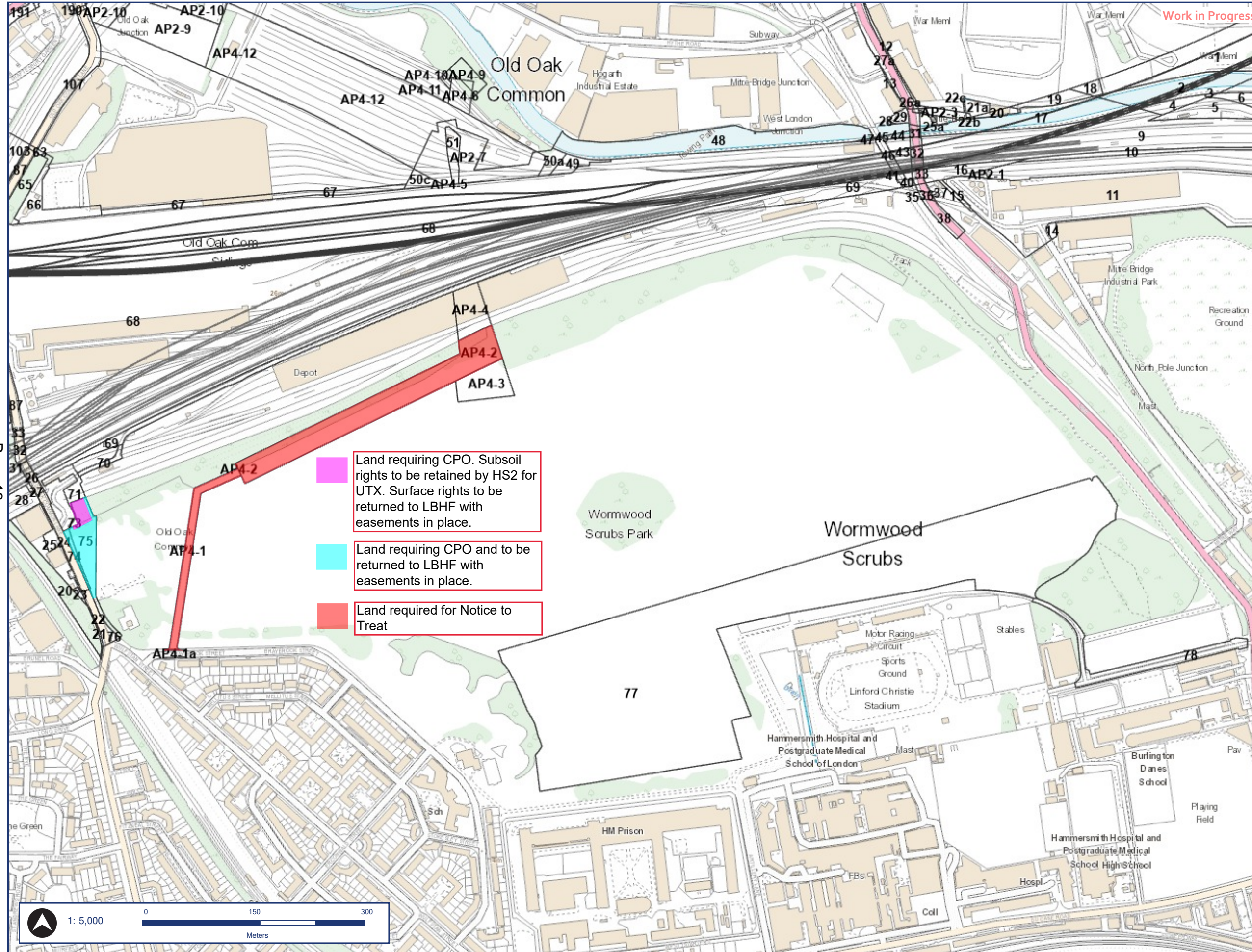
Answer : At market value (independently assessed)

10. Would LBHF be required to 'buy back' the land from HS2? If so, would the sale price be subject to increase?

Answer: HS2 advised in a public meeting in the evening of 26th July that the land will be transferred back to the Trust at no cost (this needs to be confirmed).

11. If the answers to 9 and 10 are 'yes', could a possible scenario arise in which LBHF did not have funds available to buy back the land, and could the areas under CPO then be sold to developers or retained by HS2 for development (e.g. to build a car park, access roads etc for the station)?

Answer: See response to question 10



Land requiring CPO. Subsoil rights to be retained by HS2 for UTX. Surface rights to be returned to LBHF with easements in place.

Land requiring CPO and to be returned to LBHF with easements in place.

Land required for Notice to Treat

- Phase 1 High Speed route design element
- Bored Tunnel
 - Cutting
 - Embankment
 - Green Tunnel
 - Retaining Wall
 - Station
 - Tunnel Portal
 - Viaduct
- Phase 2a High Speed route design element
- At Grade
 - Bored Tunnel
 - Cutting
 - Embankment
 - Tunnel Portal
 - Viaduct
- Phase 2b High Speed route design element
- At Grade
 - Bored Tunnel
 - Cut and Cover Tunnel
 - Cutting
 - Depot
 - Embankment
 - Retaining Wall
 - Station
 - Tunnel Portal
 - Underground Box
 - Viaduct
- Phase 1 Standard Main Line track centreline
- Phase 2a Standard Main Line track centreline
- Phase 1 High Speed route track centreline
- Phase 2a High Speed route track centreline
- Phase 2b High Speed route track centreline

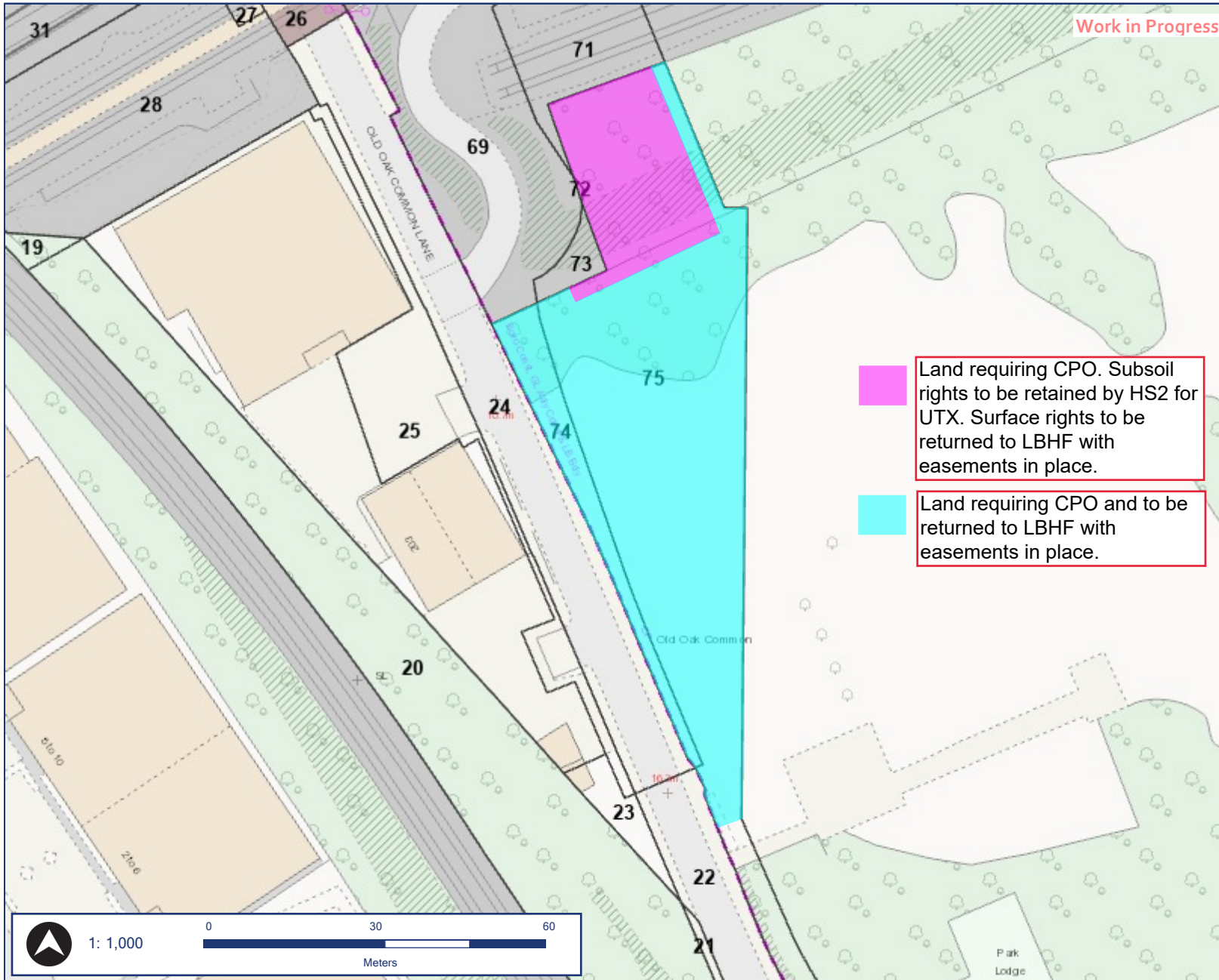
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Land requiring CPO. Subsoil rights to be retained by HS2 for UTX. Surface rights to be returned to LBHF with easements in place.

Land requiring CPO and to be returned to LBHF with easements in place.

- Phase 1a High Speed route design elements**
- Bored Tunnel
- Cutting
- Embankment
- Green Tunnel
- Retaining Wall
- Station
- Tunnel Portal
- Viaduct
- Phase 2a High Speed route design elements**
- At Grade
- Bored Tunnel
- Cutting
- Embankment
- Tunnel Portal
- Viaduct
- Phase 2b High Speed route design elements**
- At Grade
- Bored Tunnel
- Cut and Cover Tunnel
- Cutting

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