

## 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 26<sup>th</sup> 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