

MANAGERS REPORT	
Report to Wormwood Scrubs Charitable Trust Committee 3 August 2021	
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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.