



## Appeal Decision

Site visit made on 25 June 2020

Hearing held on 12 August 2020

**by Martin Whitehead LLB BSc(Hons) CEng MICE**

**an Inspector appointed by the Secretaries of State**

**Decision date: 25 August 2020**

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### Appeal Ref: APP/HS2/4

#### Euston Approaches Worksite and Adelaide Road Worksite

- The appeal is made under paragraph 22(1), Schedule 17 of the High Speed Rail (London to West Midlands) Act 2017 (the Act) against a failure to give notice within the prescribed period of a decision on an application to approve a submission.
  - The appeal is made by High Speed Two Limited (HS2 Ltd) against the Council of the London Borough of Camden.
  - The application Ref 2019/4700/HS2 is dated 16 September 2019.
  - The Submission is described as development authorised by the Act relating to arrangements for movements of Large Goods Vehicles (LGVs) to and from the Euston Approaches and Adelaide Road Worksites and in association with the following main works activities:
    - Construction of the Park Village East retaining wall, portal and high-speed dive unders including the installation of ground anchors, removal of excavated material from the station approach, tunnel portal and headhouse works, construction of the decks over the high-speed dive under and railway, south of Mornington Street Bridge.
    - Construction of the west and east side retaining wall around Hampstead Road Bridge, demolition and reconstruction of Hampstead Road Bridge as well as associated utilities and highway works.
    - Support the movement of plant and material down into the Euston approach railway cutting; and support the removal of excavated material generated in the railway cutting.
    - Construction of Adelaide Road vent shaft and single storey headhouse building.
    - And all other activities for the purposes and in connection with the scheduled and ancillary works.
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### Decision

1. The appeal is allowed and Submission Ref 2019/4700/HS2, dated 16 September 2019, is approved subject to the imposition of the conditions in the attached Schedule in Appendix 2.

### Procedural Matters

2. The appeal was made on the basis of the Council's failure to determine the Submission within the prescribed period. Paragraph 22(3) of Schedule 17 requires the planning authority to notify the nominated undertaker, in this case HS2 Ltd, of its decision on the application within the appropriate period. In failing to determine the Submission within this timeframe the Council is deemed to have refused the application.

3. I have been appointed, under paragraph 23(1) of Schedule 17, by the Secretaries of State for Transport and for Housing, Communities and Local Government to determine the appeal on their behalf.
4. The Council Officer's Report (OR) indicates that, had the application not been appealed for non-determination, the Council, as the 'Local Planning Authority & Qualifying Authority' within the meaning of the Act, would have refused to approve the arrangements proposed for the following reasons:

*'(1) The routes proposed for access to and egress from the Adelaide Road Worksite would give rise to prejudicial effects on road safety in Camden High Street, and the arrangements ought to be, and are reasonably capable of being, modified by adopting Route D in place of Route A.*

*(2) In the absence of a condition (11) on the attached list restricting the use of the Grafton Way gyratory, the routes proposed to access to and egress from the Euston Approaches Worksite would give rise to a prejudicial effect on the free flow of traffic in the local area.*

*(3) In the absence of conditions (1) to (4) inclusive on the attached list restricting the use of roads on the Regents Park Estate at particular times and for particular purposes, the routes proposed to access and egress the Euston Approaches Worksite would fail to preserve local amenity, and give rise to a prejudicial effect on road safety.*

*(4) In the absence of condition (5) on the attached list preventing LGVs from using Eversholt Street the routes proposed to access and egress the Euston Approaches Worksite would give rise to a prejudicial effect on road safety and on the free flow of traffic in the local area.*

*(5) In the absence of condition (6) on the attached list which provide that, in the event that a right turn is available from the Euston Approaches Worksite on to Hampstead Road, no LGV may use Harrington Square, the routes proposed to access and egress the Euston Approaches Worksite would fail to preserve local amenity.*

*(6) In the absence of condition (10) on the attached list use of the routes when the Worksites are not anticipated to be in use would fail to preserve local amenity and would have prejudicial effects on road safety and the free flow of traffic.'*

The Council has listed 16 conditions which are appended to the OR.

5. At the request of the Appellant, I held a hearing remotely using video conferencing (virtual hearing) on 12 August 2020. Those attending the virtual hearing are listed in Appendix 1. The virtual hearing was held to discuss conditions that I was minded to impose. It was also used to clarify points made by the parties following the recent Court of Appeal judgment<sup>1</sup>, which I have taken into account in my determination of this appeal.

### **Main Issues**

6. The main issues are whether the proposed arrangements ought to be modified and are reasonably capable of being so modified to preserve the local

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<sup>1</sup> London Borough of Hillingdon Council, R (on the application of) v High Speed Two (HS2) Ltd [2020] EWCA Civ 1005 (31 July 2020)

environment or local amenity and to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area.

### **Relevant Legislation and Guidance**

7. Under section 20(1) of the Act planning permission is deemed to be granted for the construction of Phase One (London to West Midlands section) of the High Speed Two (HS2) development as authorised by the Act. Section 20(3) specifies that Schedule 17 to the Act imposes conditions on that deemed planning permission.

8. Paragraph 6 of Schedule 17 relates to road transport and sub-paragraph 6(2) clarifies that the matters to which this paragraph applies are the routes by which anything is to be transported on a highway by LGV to:

*'(a) a working or storage site;*

*(b) a site where it will be re-used; or*

*(c) a waste disposal site.'*

9. In respect of these matters HS2 Ltd is required to submit details of the proposed lorry routes for the approval of the relevant planning authority if that authority is a Qualifying Authority. The Council has that status.

10. Schedule 17 Sub-paragraph 6(5) specifies that a relevant planning authority may only refuse to approve arrangements for the purposes of paragraph 6 on the grounds that:

*'(a) the arrangements relate to development which, for the purposes of regulating the matter in question, ought to and can reasonably be considered in conjunction with development which has deemed planning permission under section 20(1) and which is to be carried out in the authority's area, or*

*(b) the arrangements ought to be modified—*

*(i) to preserve the local environment or local amenity,*

*(ii) to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or*

*(iii) to preserve a site of archaeological or historic interest or nature conservation value and are reasonably capable of being so modified.'*

11. Schedule 17 Sub paragraph 6(6) states that the relevant planning authority may only impose conditions on approval for the purposes of this paragraph—

*'(a) with the agreement of the nominated undertaker, and*

*(b) on the ground referred to in sub-paragraph (5)(b).'*

12. Paragraph 18 of Schedule 17 is regarding consultation on requests for approval. Paragraph 18(1) applies where a planning authority considers that a request for approval under Part 1 of the Schedule relates to matters which may affect any of the following—

*'(a) nature conservation,*

- (b) the conservation of the natural beauty or amenity of the countryside,*
  - (c) the conservation of the natural beauty or amenity of inland or coastal waters or land associated with them,*
  - (d) the conservation of flora or fauna which are dependent on an aquatic environment,*
  - (e) the use of inland or coastal waters, or land associated with them, for recreational purposes, or*
  - (f) a site of archaeological or historic interest.'*
13. Paragraph 26(1) of Schedule 17 to the Act empowers the Secretary of State to give guidance to planning authorities in the exercise of their functions under that Schedule. Paragraph 26(2) states that a '*planning authority must have regard to that guidance*'. In exercise of this power, the Secretary of State published Guidance in February 2017 (the Guidance). Paragraph 4.4 of the Guidance states that: '*Planning authorities should not through the exercise of the Schedule seek to modify or replicate controls already in place, either specific to HS2 Phase One such as the Environmental Minimum Requirements, or existing legislation....*'.
14. Paragraph 10.5 of the Guidance provides that the requirements of paragraph 206 of the 2012 National Planning Policy Framework (NPPF) apply to the imposition of conditions under Schedule 17 of the Act. The 2012 NPPF has been superseded by the 2019 NPPF, in which paragraph 55 is now the relevant paragraph relating to planning conditions. This states that: '*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*'

## **Reasons**

15. The Council has indicated that it would only approve an alternative route to that proposed for access to and egress from the Adelaide Road Worksite and that a condition to modify the proposed route would not meet the statutory requirements. It has suggested conditions that may be imposed to allow the routes proposed for access to and egress from the Euston Approaches Worksite to be approved. With regard to the Council's list of suggested conditions, Conditions 12 to 16 are informative and so I find them to be unnecessary, as they would not have any legal effect under the provisions of the Act.
16. The Council has referred to case law<sup>2</sup> in support of its arguments regarding the imposition of conditions that would modify the route. However, the 2 cases referred to involve significantly different circumstances from those of this appeal. They are both regarding the Town and Country Planning Act, whereas this appeal is in relation to Schedule 17 of the Act. Also, the proposed conditions in the current appeal would not result in altering the scope of the development that has already been permitted. Therefore, no direct comparisons can be made between the case law cited and this appeal, which I have dealt with on its own individual merits in the light of Schedule 17 of the Act and the Guidance.

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<sup>2</sup> Cadogan v Secretary of State for the Environment (1992) 65 P & CR 410; and Newbury v. Secretary of State [1981] AC 578

### ***Euston Approaches Worksite***

17. The Environmental Statement (ES) refers to the Granby Terrace Overbridge, Carriage Shed and Park Village East Ramp and Park Village East (North) satellite compounds, which form the Euston Approaches Worksite. It has included an assessment of the impacts of LGVs on routes during construction. The Council has indicated that conditions could be imposed to mitigate adverse impacts, and that the proposed arrangements are reasonably capable of being modified by the conditions put forward or some variation on them.
18. The use of the roads, including Gower Street, Grafton Way, Tottenham Court Road, Robert Street, Stanhope Street and Park Village East, was assessed in the ES. The effects of this use on such things as road safety and traffic flow by a higher number of LGVs than those proposed in the Submission were considered by the Parliamentary Select Committee when Phase One was approved through the passage of the Act, which included the assurances and obligations in the Environmental Minimum Requirements (EMRs). I have therefore taken account of the conclusions of the ES that were considered when HS2 phase one was approved by Parliament in my consideration of the conditions suggested by the Council.
19. In terms of the use by LGVs of Robert Street and Stanhope Street on the Regents Park Estate, the Council has suggested that it would increase the risk of vehicles causing injury to pedestrians using those roads and thereby prejudice road safety. In addition, it has stated that it would cause harm to, and therefore not preserve, local amenity. However, it has not provided any substantive evidence to support these assertions or to show that any impact would be materially adverse.
20. The Council's suggested Condition 1, which would seek to limit the use of Access Point 1 to those times when alternative access would not be available, would duplicate the EMRs and is therefore not necessary. This is because the ES envisaged that the use of Robert Street and Stanhope Street to access the Euston Approaches Worksite would switch to Granby Terrace bridge once it is reopened.
21. Suggested Condition 4 provides that Robert Street would only be able to be used westbound. However, the Council has not explained how such an arrangement would reduce the impact of vehicles on that street, particularly as there would still be the same number of vehicles using it. It would also be likely to result in directing more LGVs onto the Osnaburgh Terrace loop, which would increase distances travelled and thereby costs.
22. With regard to the use of Park Village East, Robert Street and Stanhope Street, the Council and some local residents have expressed concerns that this would increase the risk of collisions with school children walking to and from Netley School and Primrose Hill Primary School, which would be prejudicial to road safety. The times that children from the Regents Park Estate and Peabody Estate use Park Village East to reach Primrose Hill Primary School have been stated by residents as being about 0800 hours in the morning and between 1530 and 1800 hours in the afternoon and evening. Also, concerns have been expressed by local residents about elderly people, some in mobility scooters, that use Park Village East as a route to Camden Town for shopping or going to Regents Park or Primrose Hill from the Regents Park Estate. However, no substantive evidence has been provided by the Council or local residents to

demonstrate what would actually be the impact. The impact has been assessed in the ES which formed part of the evidence submitted to the Select Committee.

23. The Council's suggested Condition 2, which seeks to alleviate its concerns by preventing the use of Stanhope Street and Robert Street at school pick up and drop off times, would conflict with existing mitigation incorporated into the Local Traffic Management Plan, which is an EMR. It would therefore be contrary to the Guidance in paragraph 4.4, which is against any use of conditions to replicate controls already in place, and in paragraph 10.3, which is against conditions which conflict with controls in the EMRs.
24. The Council's suggested Condition 3 seeks to restrict the use of Park Village East by LGVs at school pick up and drop off times other than by LGVs carrying concrete to the Worksite. If it only allows concrete LGVs to use that stretch of Park Village East and only during the hours specified, the Appellant has stated that it would constitute a significant imposition and would detrimentally affect the works programme, cause significant delay and increase costs. If it allows only concrete LGVs to use it at all times during the core working hours, but other LGVs to use it only within the identified periods, the Appellant has indicated that it would cause operational problems which would result in significant costs being incurred. Therefore, the suggested Condition appears to me to be imprecise and unreasonable. Also, given the assurances and obligations in the EMRs, I find that it is unnecessary.
25. The Council has expressed concern that the use of Harrington Square by LGVs would not preserve the local amenity of those living in and using the square. It has suggested Condition 6 to ensure that, if LGVs exiting the Worksite on to Hampstead Road would be allowed to turn right, the Harrington Square loop would not be used. The Appellant has not objected to this Condition. As such, I find that the Condition is necessary and reasonable to preserve local amenity.
26. The Council is concerned that the use of Eversholt Street would prejudice road safety and the free flow of traffic and has indicated that LGVs would be able to use Hampstead Road. It has therefore suggested Condition 5, which would prevent the use of Eversholt Street by LGVs accessing the Euston Approaches Worksite unless otherwise agreed by the Council or if directed to do so by temporary traffic diversions. However, it has not provided any evidence to demonstrate that Eversholt Street would be used to access the Euston Approaches Worksite other than in the circumstances that the Council has indicated would make it necessary, particularly as Eversholt Street was not included in the list of roads required for access. As such, the Condition has not been shown to be necessary.
27. The Council's suggested Condition 10 seeks to control LGV's access and egress to the sites when the works programmes have been completed. The Council's reason for this Condition is to preserve local amenity and prevent prejudicial effects on road safety and the free flow of traffic. However, it has not shown it to be necessary as, if the works were to be completed earlier than the date set there would be no purpose or reason to continue to use the route for LGVs and, if the construction programme were needed to be revised or there were to be a programme slippage, it would represent an unreasonable constraint on the construction programme.

28. The Council's suggested Condition 11 seeks to prevent the use of the Grafton Way loop by LGVs unless the Osnaburgh loop is closed to traffic. The reason given is to reduce prejudicial effects on the free flow of traffic. The number of LGVs envisaged in the Submission is lower than the level assessed in the ES. In order to comply with the Act, the Council must demonstrate that its proposed alternative is feasible and that the Submission is reasonably capable of being modified in that manner.
29. The Council has provided limited evidence to support its claims that the Grafton Way/Tottenham Court Road junction currently operates close to capacity or that the use of these roads by LGVs would take this junction over capacity or lead to a material increase in vehicle queuing along Grafton Way. It has also failed to show that the construction and Hospital A&E accesses on this road would be impeded as a result. If the use of Grafton Way were to be prohibited, the Appellant has demonstrated that it would result in increases in total road miles, fuel consumption, the time required for each journey, the number of LGVs required, pollution and overall costs, which would be made worse by the resulting additional LGV traffic that would use Osnaburgh Terrace. The Council has not provided any substantive evidence to show otherwise. Therefore, I find that suggested Condition 11 would be unreasonable.

### ***Adelaide Road Worksite***

30. The route proposed by the Appellant for LGVs to access the Adelaide Road Worksite includes the use of the northern part of Camden High Street. The Council has suggested that the use of Camden High Street by LGVs would increase the risk of vehicles colliding with pedestrians and thereby prejudice road safety. It has indicated that it would require the route to be modified from the proposed route, referred to as 'Route A' in its Report, to a route referred to as 'Route D', which would use Camden Street to avoid using part of Camden High Street.
31. Route D would use Castlehaven Road to take the LGVs in a southerly direction from Adelaide Road and Chalk Farm Road along Camden Street, removing the LGVs from Camden High Street between that junction and the junction with Oakley Square, to the south. Although I observed that this route is mainly residential with some on street parking and a school adjacent to it, it forms part of the Transport for London Road Network (TLRN) and is relatively wide, with 3 lanes along some of it and segregated cycle lanes along other parts.
32. With regard to Route A, the LGVs would use Camden High Street in a northerly direction from its junction with Hampstead Road to its junction with Chalk Farm Road. At my site visit I observed that this stretch of road has retail and restaurant premises along it and is widely used by pedestrians. From its junction with Parkway up to the canal bridge and its junction with Castlehaven Road, Camden High Street has the appearance of a pedestrian priority area with a narrower carriageway and wider footways. As such, I find that it would be unsuitable for use by a significant number of additional LGVs over a long period of time as proposed.
33. The Council has shown that in the 3-year period from 2016, there were 76 recorded casualties between the Hampstead Road/Harrington Square junction and the Camden High Street/Chalk Farm Road/Castlehaven Road, of which one was fatal and 10 were serious. In January 2020, survey information indicated that 164 LGVs used Camden High Street between 0800 hours and 1800 hours.

The Appellant has not disputed the Council's contention that use of the Adelaide Road Worksite would add 40 to 50 LGV movements per day to the section of Camden High Street. As such, the Council has calculated that it would represent an increase of approximately 27.5% in the number of LGVs.

34. Route D would avoid the relevant part of Camden High Street. I accept that the evidence that it would result in a reduction in any harm to road safety is inconclusive, as the 60 recorded collisions on this route for the same period does not demonstrate that the use of Route A by LGVs during the core working hours would have a prejudicial effect on road safety measured against the baseline given. The Appellant has shown that during these hours more collisions occurred on Route D than Route A, of which more were fatal or serious. However, I find that, for the reasons previously given, the use of Route D would be much more suitable as it is part of the TLRN and has significantly fewer pedestrians using it.
35. The Appellant has suggested that a general problem with all three of the Council's proposed alternative routes (referred to as B, C and D) is that they would reverse the flow of LGVs from that of Route A. Use of Route A would result in the LGVs travelling from east to west along Adelaide Road, allowing them to enter and leave the Worksite without the need to cross the path of traffic heading in the opposite direction. All of the Council's proposals would require LGVs entering and exiting the Worksite to cut across traffic lanes. Whilst this would increase the risk of conflict with other traffic, the Worksite is near to traffic signals at the Primrose Hill Road junction that allow right turning traffic onto Adelaide Road and there are measures to slow vehicle speeds along Adelaide Road. This, combined with the 20mph speed limit, would reduce any resulting risk to road safety. Furthermore, traffic marshals could be employed, which would potentially have been necessary if the LGVs had been travelling in the opposite direction, to ensure a safer egress and exit.
36. The Appellant has not demonstrated that Route A would be safer than Route D. Whereas, I find that the use of Route D, which would remove the LGVs from Camden High Street, would be better for the environment in that area where there are significant numbers of shops and restaurants which attract pedestrians and people standing or sitting outside. The use of Route A, which would add a significant number of additional LGVs to the Camden High Street area, would also increase the likelihood of a conflict between an LGV and a vulnerable road user, given the number of pedestrians and cyclists that use that area and cross the carriageway. Therefore, I conclude on this matter that any inconvenience, additional cost or potential increase in risk to road safety caused by using Route D would not be sufficient to outweigh the harm that using Route A would cause to the local environment, local amenity and road safety on Camden High Street.
37. The Appellant has referred to the temporary prohibition on left turns from Oakley Square into Eversholt Street, as imposed by Article 3(3) of a Transport for London Order under the Road Traffic Regulation Act 1984<sup>3</sup> (temporary TfL Order). Under this temporary TfL Order, if Hampstead Road were to be closed, LGVs egressing the Adelaide Road Worksite would have the option of using any temporary arrangements that would have to be put in place for all traffic.

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<sup>3</sup> The A400 GLA Roads and Side Roads (Hampstead Road, Oakley Square, Lidlington Place, Harrington Square, Tottenham Court Road, William Road and Mornington Crescent, London Borough of Camden) (Temporary Prohibition of Traffic and Stopping) Order 2020



Therefore, I am satisfied that such an event would not have a prejudicial effect on the routing of LGVs using Route D.

38. I find that Route A ought to be modified and is reasonably capable of being so modified by condition to Route D without further need for public consultation. I am satisfied that the modified route would be consistent with the description in the Submission and approval of the modified route would not by-pass or circumvent the consultation provisions in the Act. This is because the consultation requirements set out in paragraph 18 of Schedule 17 do not apply in the context of the present Submission and therefore no one needs to be consulted.
39. As I have decided that Route D should replace Route A and, following discussions at the virtual hearing, I find that a Condition to specify the sequence of use of, and direction of travel on, those roads to be used to access Adelaide Road Worksite would ensure that a route similar to Route D would be used. In addition, a condition similar to the Council's suggested Condition 7, which would prevent the use of Camden High Street and Camden Road other than in exceptional circumstances, would be necessary to ensure that these roads would not be used by LGVs.
40. The Council's suggested Condition 8 specifies the egress route and times. However, the times specified have not been justified and I am concerned that any long restrictions would cause a disproportionate and unacceptable delay to the Phase One works programme and affect costs. The Appellant has suggested that it would have a significant adverse impact on deliveries of concrete to the Worksite. It would also not coincide with all the reported times that school children might be expected to be present, given that it is intended to protect them. I find that this Condition is unreasonable and that, given the assurances and obligations in the EMRs, it is unnecessary.
41. The Appellant has indicated that, under the temporary TfL Order, as of 1 July 2020, the left turn from Oakley Square into Eversholt Street has been temporarily prohibited for all vehicles other than pedal cycles. This means that it is no longer possible to turn left at this junction until at least 10 December 2021. However, following discussions at the virtual hearing, the Council has agreed that its suggested Condition 9 to prevent Eversholt Street from being used by LGVs when Hampstead Road is available for use, is unnecessary as the Condition that I am imposing to specify those roads to be used to access the Adelaide Road Worksite does not include Eversholt Street.

### ***Third Party Concerns***

42. Concerns have been expressed by local residents that the use of Park Village East as a lorry route until at least 2026 would have an unacceptable impact on the residential amenity of the street. However, the impacts of the proposal in the Submission would be within the levels that Parliament envisaged when giving its consent to Phase One, having considered the use of Park Village East and Prince Albert Road as part of the LGV routes assessed in the ES. Insufficient evidence has been provided to demonstrate that the use of Park Village East, Prince Albert Road and Regal Lane as part of the LGV routes would have a significant adverse effect on the amenity of residents in these roads or on road safety or traffic flow on these roads. As such, it has not been demonstrated that the routes on these roads ought to be modified, as required by the statutory test.

43. Other concerns expressed have been regarding the impact of the lorry routes on the local environment, including hedgehogs, within Regent's Park Conservation Area and the vibration from the lorries on the Grade II Listed Nash houses on Park Village East. However, the Appellant has indicated that it would take appropriate measures to protect the environment, including hedgehogs. The impact on Nash houses was assessed in the ES. Furthermore, no evidence has been provided to demonstrate that there would be any additional specific impact on the local environment, Regal Lane retaining wall or on Nash houses due to the use of the routes or, if there would be, that this would be materially adverse so as to demonstrate that the routes ought to be modified.
44. A local resident has referred to the judicial review of HS2 Ltd's proposal to build Euston Approach tunnels (Three Tunnels Approach) to determine whether it constitutes a breach of human rights under Article 8 of the Human Rights Act. However, the judgement states that: *'It would have been a misuse of ... Schedule 17 to withhold approval because [the decision-maker] believed that the application was premature, as this is not a permissible ground for refusal.'* Therefore, this is not a valid ground for refusal or modification of the Submission pursuant to paragraph 6 of the Schedule.
45. An objector has argued that, as the 'Oakervee Review' indicated that the design for the HS2 station was 'not satisfactory' and should be reviewed by the Department for Transport, approving the application for lorry routes to service the works is open-ended. However, I consider that this is not relevant to the appeal, as the LGV routes would need to be in place whatever the design of the station.
46. Two objections have been made regarding the entrance to the proposed HS2 Vehicle Holding Area in Prince Albert Road. However, the location of this entrance is not relevant to this appeal, which deals with proposed LGV routes.

### **Other Matters**

47. At my site visit I observed that 'the 'A501 GLA Side Road (Churchway, London Borough of Camden) Banned Turn Traffic Order' (TRO) has been put into force, banning traffic turning left from Euston Road into Churchway, albeit using a temporary sign. HS2 Ltd has requested the Secretary of State for Transport to make a direction to revoke the TRO. In this respect, the routes of LGVs to and from the Euston Approaches and Adelaide Road Worksites that would be secured by the conditions that I am imposing would not include the use of Churchway as part of the approved route and, accordingly, the Council has agreed with the Appellant that there would not be any effect on them as a result of the TRO.

### **Conditions**

48. Following discussions at the virtual hearing regarding conditions that I intend to impose, the Appellant indicated that it would agree the Conditions that I attach to the approval of the Submission. I am satisfied that these Conditions are reasonable and necessary and meet the tests in the Framework.
49. Condition 1, controlling the use of Harrington Square gyratory, is necessary to preserve local amenity. I have considered the modifications to the Council's suggested Condition 6 proposed by the Appellant, but I agree with the Council

that the modified Condition would not prohibit use of the Harrington Square gyratory and would be difficult to enforce as it would not be possible to determine the intended direction of travel of the LGV at the time that it egressed from the Worksite. At the virtual hearing the Appellant stated that it would agree the Council's condition.

50. Condition 2, specifying those roads that LGVs would be permitted to use to access the Adelaide Road Worksite, and Condition 3, controlling the use of Camden High Street, are necessary to ensure that a route similar to Route D would be used in order to preserve the local environment and local amenity and reduce prejudicial effects on road safety in the local area. I have amended Condition 7 originally suggested by the Council as my Condition 3 to ensure that it includes a wider exception than that of the Highway Authority's temporary diversions.

### **Overall Conclusions**

51. Based on the above and the evidence provided, I find that, apart from the Council's suggested Conditions 6 and 7, the Conditions suggested by the Council fail to meet the requirements of paragraph 6(6)(b) of Schedule 17. This is because the Council has not demonstrated that they are necessary to preserve the local environment or local amenity, or to prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area.
52. For the reasons given above, and having considered all relevant matters, I conclude that the Submission should be allowed but the proposed arrangements ought to be modified and are reasonably capable of being so modified by applying Conditions 1 and 3 (based on the Council's suggested Conditions 6 and 7) and Condition 2 to ensure that the local environment and local amenity would be preserved and that any prejudicial effects on road safety in the local area would be reduced.

*M J Whitehead*

INSPECTOR

## **APPENDIX 1**

### **Attendance at the Virtual Hearing**

#### ***for the Appellant:***

Trevor Ivory	Spokesperson and DLA Piper Head of Planning
Tobias Shaw Paul	DLA Piper Associate Solicitor
Claire Beedle	Skanska, Costain and Strabag (SCS) Consents Manager
Aaron Renker	SCS Traffic and Highways Team Leader
Andrew McHugh	SCS Site Agent, Construction Management Adelaide Road
Matt Dormer	HS2 Ltd Town Planning Lead- Phase 1
Jim McAvan	HS2 Ltd Legal
Imraan Mirza,	HS2 Ltd Senior Project Manager Euston Approaches Worksite
Joyce Tang	HS2 Ltd Town Planning Manager
Julian Saunders	HS2 Ltd Senior Project Manager Adelaide Road Worksite

#### ***for the local planning authority:***

Neil Cameron QC	Spokesperson
Bethany Cullen	Head of Development Management for the Council of the London Borough of Camden
Adrian Malcolm	Principal Transport Planner (HS2) for the Council of the London Borough of Camden
John Nicholls	Senior Planner for the Council of the London Borough of Camden
Tatai Dewes	Principle Transport Planner for the Council of the London Borough of Camden
Louise McLaughlan	Senior Lawyer for the Council of the London Borough of Camden

## APPENDIX 2

### Schedule of Conditions

#### ***Euston Approaches Worksite***

- 1) The Harrington Square gyratory shall only be used by vehicles egressing the Euston Approaches Worksite in the eventuality that no right-hand turn is available to vehicles exiting the Worksite onto Hampstead Road. If a right-hand turn is available, Large Goods Vehicles egressing the Euston Approaches Worksite shall only travel southbound on Hampstead Road.

#### ***Adelaide Road Worksite***

- 2) Large Goods Vehicles accessing and egressing the Adelaide Road Worksite shall only use the following roads in the sequence shown in the table below, unless otherwise agreed in writing with the local planning authority or as directed by any road or traffic diversion:

<b>Road Name</b>	<b>Start Point (Junction with)</b>	<b>End Point (Junction with)</b>	<b>Authority</b>
Adelaide Road B509 (eastbound)	A41 Transport for London Road Network (TLRN)	Worksite	Camden
Adelaide Road B509 (eastbound)	Worksite	A502 Haverstock Hill	Camden
Haverstock Hill A502 (eastbound)	B509 Adelaide Road	A502 Chalk Farm Road	Camden
Chalk Farm Road A502 (eastbound)	A502 Haverstock Hill	A502 Castlehaven Road	Camden
Castlehaven Road A502 (northbound)	A502 Chalk Farm Road	A502 Hawley Road	Camden
Hawley Road A502 (eastbound)	A502 Castlehaven Road	A400 Camden Street	Camden
Camden Street A400 (southbound)	A502 Hawley Road	A400 TLRN	Camden
TLRN	Entire Length		Transport for London

- 3) No part of Camden High Street or Camden Road (west of its junction with Camden Street) shall be used by any Large Goods Vehicles, unless otherwise agreed in writing with the local planning authority or as directed by any road or traffic diversion.