

Lord Rodgers of Quarry Bank:

I greatly welcome my noble friend's Bill and join in the opportunity to discuss a growing environmental problem. The significance of the matter was drawn to my attention by the Highgate Society, of which I am a member. Highgate is part of postal district N6, about six miles north of Trafalgar Square. The society is outstanding, going from pursuing abuses such as demolishing fine ancient trees to presenting evidence on the Localism Bill and on the National Planning Policy Framework. My noble friend the Minister will be pleased to know that three weeks ago, the society called a meeting of representatives from local organisations and observers to discuss setting up a Highgate neighbourhood forum under the Localism Act 2011. This week there has been a public inquiry into appeals against the refusal of Haringey Council to approve planning applications to build three luxury houses on the much loved garden centre which I have regularly used. The society has been campaigning and has submitted a statement of objection.

A civic society can become a defender of the status quo, but the Highgate Society fully accepts change and can welcome it. It is cross-party and of no party, serving the community. I live in a ward run by Liberal Democrat councillors and in a Liberal Democrat parliamentary constituency, but adjoining there are Green and Labour councillors on Labour-run Camden council, while my own councillors in Highgate Village sit in the Labour-run Haringey Borough Council. It is commonplace and inevitable that there is friction from time to time between voluntary bodies and elected members and their officials but the society often works together with them, although it is ready to oppose what are seen to be unwise or damaging policies and decisions-or the lack of them.

It is right for me to set down the context of my interest and the particular area relevant to my noble friend's Bill. I am fully aware that nationwide, but especially in London, there has been a variety of problems arising from building works below ground level. Building underneath for a garage in a modest house can have serious consequences for a neighbour. A major development can adversely affect too many others. My noble friend has reminded us that there are serious subterranean problems in a number of west London boroughs, but I am talking only about my own bailiwick. I need not declare an interest as I am not a "victim", if I can use that description, and I do not expect to be one. I live less than 10 minutes' walk from Hampstead Heath. The river Fleet rises near Kenwood House and flows beneath on either side of Parliament Hill to the Thames. It is not surprising that there should be a variety of potential hydrological problems.

Last Saturday, I walked around the streets that fall towards Hampstead Heath. For the most part they were covered by large Victorian and early 20th-century houses with substantial gardens, but increasingly these are being demolished-a snowball effect, as Architects' Journal put it-sometimes replaced by even larger ones, or they are being modernised with more parking spaces, additional rooms and even swimming pools. The contractors dig deep, perhaps four metres below the existing surface and sometimes very much deeper. As a result, they can disrupt the water table and drainage and can cause serious damage to nearby properties. Within a quarter square mile there must be a dozen significant residential building sites. Last Saturday I saw a huge site with a crane above it that may have been six or seven metres deep. A local resident drew attention to new cracks in his house that have emerged since the subterranean building works began.

On this occasion we are discussing the principles of the policy behind the Bill. If it reaches a Committee stage, there are a number of matters that I will wish to pursue. The Bill provides for the

regulation of subterranean development work and establishes a code of practice, but it is not wholly clear about the practical applications in dealing with structural damage. My noble friend says that such building works can be very disruptive of daily life and cause excessive disturbance and distress, but the Bill does not mention compensation for damage, how long it might be before the damage becomes evident and how it can be assessed and paid out. There is no mention of building control or inspection beyond normal party-wall procedures.

In paragraph 1(h) of Schedule 1, the code of practice includes the,

"protection of the subsoil environment including hydrological and hydrogeological conditions".

Schedule 2 describes the building owner responsibilities and refers to, among others, water conditions below ground and calls for "suitable studies". That is fine, but not enough.

In his Explanatory Notes to the Bill, my noble friend comments on "underground conditions". I wonder whether there are enough planning officers who are competent to deal with the complex subterranean problems and interested enough to arrange a hydrological study in sensitive areas as has been done by the London Borough of Camden but not by Haringey. In addition, there should be a hydrological survey by an independent professional paid by the owner or developer ahead of an application for planning permission.

In Highgate, the problem that I have described has emerged within the last two or three years and it is accelerating. Local authorities can be slow in catching up with a new development opportunity and fashion. It remains to be seen whether a Private Member's Bill can achieve my noble friend's purpose, which I applaud. Something should be done, though, and quickly. I hope that the Minister will share the concern of the House and point in the direction of the necessary solutions.