

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against the Bill - On Merits – Praying to be heard by Counsel, &c.

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF (1) MOHAMMED SALIQUE, (2) SULTANUR RAHMAN CHOUDHURY; (3) MOHAMMED ARMAN AHMED; (4) AHAD CHOWDHURY; (5) SYED ABDUL GANI; (6) REDOAN PASHA; (7) S.A.KHAN; (8) PASQUALE BRIZZI; (9) SHEMSI SHAQIRI; (10) ARSATCUMAR BAGUATY; (11) GULAM HUSSAIN MANGERA; (12) BAK KHADKA; (13) WALI UDDIN; (14) SHAIKH MUSTUFA KAMAL.

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “A Bill to make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes”.
2. The Bill is presented by Mr Secretary McLoughlin, supported by the Prime Minister, the Deputy Prime Minister, Mr Chancellor of the Exchequer, Secretary Theresa May, Secretary Vince Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edward Davey, and Mr Robert Goodwill.
3. Clauses 1 to 36 set out the Bill's objectives in relation to the construction and operation of the railway mentioned in paragraph 1 above. They include provision for the construction of works, highways and road traffic matters, the compulsory acquisition of land and other provisions relating to the use of land, planning permission, heritage issues, trees and noise. They include clauses which would disapply and modify various enactments relating to special categories of land including burial grounds, consecrated land, commons and open spaces, and other matters, including overhead lines, water, building regulations and party walls, street works and the use of lorries.
4. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.

5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.

6. The works proposed to be authorised by the Bill are specified in clauses 1 and 2 of and Schedules 1 and 2 to the Bill. They consist of scheduled works, which are described in Schedule 1 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.

7. Your Petitioners are individuals who trade in Drummond Street, London NW1 which runs west from the side of Euston Station. Drummond Street used to be much longer extending through to Doric Way to the east of Eversholt Street. This part was lost when Euston Station was rebuilt in 1961. Over the last 50 years, Drummond Street has developed as a unique area in Camden with a number of curry houses, shops and businesses. It has a strong British Bangladeshi identity. We employ local people. We live in the local area. Unlike Brick Lane in Tower Hamlets, we are local businesses and are not part of chains. Many of our customers started to come to us as students; they now return when they travel to Euston Station as commuters.

8. Your Petitioners were not the first Asian food outlets in the street. Ambala, now a chain of shops selling Indian sweets, opened in 1965 catering to immigrants from India and Bangladesh (then East Pakistan) who had started moving into the Victorian terraces in the area. Our arrival galvanised a district blighted by the steam trains thundering in and out of Euston Station. When the main line out of Euston Station was electrified in the mid 1960s, Drummond Street became the heart of the community. As diesel engines replaced steam, the area began to prosper. In the 1970s, we campaigned with local residents against a large property company, Stock Conversion, which wanted to build offices in the area. Tolmer's Square was lost, not to developers, but to Camden Council who developed the site for council housing. Determined action saved the area for a mixed community, with a thriving street culture of small shops and cheap restaurants.

9. Many of Your Petitioners were brought up in the area. In the 1980s, They had to confront racism and police brutality. Your Petitioners are now part of a vibrant and diverse community at ease with itself. They have a mosque in Starcross Street and Islamic Centre in North Gower Street. In Drummond Street, people are judged by their contribution to the local community.

10. Your Petitioners are:

- (i) Your First Petitioner, Mohammed Salique, runs Diwana Bhel Poori House at 121-123 Drummond Street. It is owned by Diwana Restaurant Ltd, of which Your Petitioner is a director. The premises are leased from a private landlord. Your Petitioner also has an interest in Chutneys at 124 Drummond Street. When Diwana

opened in 1970, it was one of the first vegetarian restaurants in London. It serves students, office workers and passengers from all parts of the country. Your Petitioner has lived in the locality since 1978. In 1982, whilst at school, he earned pocket money helping at Diwana. The senior members of his community worked at Ambala and the local restaurants; some worked at the Euston Station Bath. In the early years, Your Petitioner was confronted by the evil of racial violence. After years of hard work with the council, the police and community leaders, relationships started to settle down in the 1990s. In 1986, Your Petitioner started to work for Diwana. In 2005, his turning point came when he was able to acquire the businesses with three of his colleagues. After years of struggle, the British Bangladeshi community is now thriving in Drummond Street. Your Petitioner is concerned that HS2 will destroy not only his business, but also the cohesive community in Drummond Street. It is an area, close to his heart.

(ii) Your Second Petitioner, Sultanur Rahman Choudhury runs Ravi Shankar at 133-135 Drummond Street. It opened in 1980. Your Petitioner has been involved in the business since 2009. Over £100,000 has been invested in the business. The premises are rented from a private landlord. Customers come from local hotels, public houses, and from Euston Station. Your Petitioner has lived in the area since 1997. Other family members live in the area. It employs 10 people. Any reduction in business will inevitably lead to redundancies.

(iii) Your Third Petitioner, Mohammed Arman Ahmed runs Drummond Villa at 180 Drummond Street and has been the co-owner of Drummond Street Villa Ltd since 1998. He has invested his savings in the business. He has a private landlord. The restaurant offers traditional Indian curry and tandoori chicken. Many of his customers come from Euston Station. Your Petitioner employs between 12 and 15 people.

(iv) Your Fourth Petitioner, Ahad Chowdhury runs Sizzling Bombay at 132 Drummond Street. Your Petitioner has lived in Drummond Street for over 30 years. At the age of 4, he learnt to ride a bike in St James Gardens. The gardens have always been a refuge from the hectic life of Central London. Your Petitioner grew up in the 1980s and faced the challenges of racism and police brutality. The Drummond Street community has overcome these problems and now live together as an extended family. Sizzling Bombay opened in 1994. Your Petitioner was lucky enough to take over the business in 2003, and had not looked back until HS2 was proposed. The business employs 8 people.

(v) Your Fifth Petitioner, Syed Abdul Gani, runs Chutneys at 124 Drummond Street. He is a director of Chutneys Restaurant Ltd. Chutneys opened in 1987 and was one of the first restaurants in Drummond Street to offer an Indian vegetarian buffet alongside traditional Indian street food. Your Petitioner has worked in the restaurant since it opened. Most of the customers come from Euston Station or the underground stations at Euston Square and Warren Street. Tourists make return visits to the restaurant. Some customers rely on local parking. A recent example is a customer who celebrated her 90<sup>th</sup> birthday at Chutneys.

(vi) Your Sixth Petitioner, Redoan Pasha, runs the Taste of India at 126-130 Drummond Street. Your Petitioner has lived in North Gower Street for 20 years with his wife and five children. He has recently acquired Taste of India which is a second generation business and has invested £15,000 - £20,000. He has also been involved in Ravi Shankar since 1994.

(vii) Your Seventh Petitioner, S.A.Khan, runs Massala Hut at 161-163 Drummond Street. He was born and has always lived in the area. Your Petitioner is a co-owner of A.R.Massala Ltd. Your Petitioner started the business in October 2007. He has invested his savings in the business and borrowed money from family and friends. The business employs between 10-15 people.

(viii) Your Eighth Petitioner, Pasquale Brizzi, runs Brizzis at 131 Drummond Street. This is a coffee shop and Italian restaurant. This year, Your Petitioner celebrates the 30<sup>th</sup> anniversary of his business. He is concerned about his future.

(ix) Your Ninth Petitioner, Shemsi Shaqiri opened Cafe Nora at 120 Drummond Street on 14 January 2012, Your Petitioner has invested a lot of money in the business. He fears to invest more because of the uncertainties about the future of Drummond Street.

(x) Your Tenth Petitioner, Arsatcumar Baguaty, has a family business, Plentiful Foods Ltd which trades as The Indian Spice Shop at 115-119 Drummond Street. It specialises in Indian spices and groceries and has been a well established feature of Drummond Street for the last 50 years. Originally it was Patak's Spice Shop and it has been owned by his family for over 25 years. Today, it continues to serve the same customers and their families, as well as many new families. Currently, the shop employs 5 full time staff and serves not only as a specialist spice shop, but also as a local supermarket for residents and commuters from Euston station. The shop has also been recognised for its specialism in Indian spices and groceries with appearances on BBC news, The Apprentice and Nigel Slater's cookery programme. The Spice Shop is the main income for Your Petitioner's family – his immediate family, and the families of his brother and brother-in-law. It is an integral and vital part of our lives. Your Petitioner is concerned that HS2 will mean the end of his business as his customers will not be able to access the shop. Drummond Street will become a dead-end street.

(xi) Your Eleventh Petitioner, Gulam Hussain Mangera runs Savera Bakery and Sweets at 129 Drummond Street. His family came over to the UK in the mid 1970s. After a series of jobs, in 1976 his father obtained employment at Ambala in Drummond Street. In 1984 his family set up their own business and chose Drummond Street because of its central location and ease of access for their customers in both East and West London. "Savera Bakery" means "Morning Bakery". They now run two businesses from the site, Simply Chicken on the ground floor and Savera Bakery in the basement. Their particular concerns are congestion, pollution, noise, restricted access and parking.

(xii) Your Twelfth Petitioner, Bak Khadka runs the Bio Organix Health Store at 141-153 Drummond Street. He is Nepalese. This is a health food store which he has run for the last 4-5 years. He has a private landlord. It is a family business, mainly run by family members. The family has invested their life in their business. It is their only source of income. The business relies on the footfall from Euston Station.

(xiii) Your Thirteenth Petitioner, Wali Uddin, runs I-Optix at 96 Drummond Street, an eye care centre.

(xiv) Your Fourteenth Petitioner, Shaikh Mustufa Kamal, runs Amin Food Store at 134 Drummond Street. This is a family business established in 2009. Your Petitioner and his siblings have invested their savings in the business.

11. The businesses of Your Petitioners are going to be devastated by HS2. The area to the east of Cobourg Street is to be demolished. For a minimum of eleven years (stated to be 2016 to 2026), a "Berlin Wall" is to be erected down the centre of Cobourg Street whilst the new station is constructed. This will cut off our businesses from a large number of our customers from Euston Station. To date, HS2 Ltd has treated us with complete disdain. Their consultation process has been a sham. Blight is already apparent. We are reluctant to invest in our businesses given the uncertainties that we face.

12. HS2 Ltd has not accepted any obligations to ensure that our thriving business community survives. Their response to our suggestion that they have such positive duties under the Equality legislation is to assert that the impact would be the same whoever was running our businesses and that there is no disparate impact on British Bangladeshi community in Camden. We are advised that this approach is wrong.

13. Your Petitioners consider that their rights, interests and in some cases property are injuriously affected by the Bill, to which Your Petitioners object for reasons, amongst others, hereinafter appearing.

#### **The New Station at Euston**

14. Your Petitioners understand that the Hybrid Bill is premised on "Option 8" known locally as the "Cheapskate Station". Your Petitioners find this proposal unacceptable. It only emerged because HS2 Ltd had underestimated the cost of their Baseline Scheme (Option 1) by £800m (£2bn as opposed to their original estimate of £1.2bn). Option 8 causes the maximum damage to the Euston community, whilst offering least in terms of economic regeneration and community benefit. Neither does Option 8 cater for the needs of existing rail passengers. Your Petitioners understand that Option 8 is opposed not only by the local community, but also by Rt. Hon. Frank Dobson MP, Camden Council, the London Mayor, and Transport for London.

15. Your Petitioners now understand that Option 8 is not the station that the Promoters of this Hybrid Bill now intend to build; and that it is to be abandoned in favour of a "level deck option" as proposed by Sir David Higgins. Although Mr Secretary McLoughlin informed Your

Honourable House on 17 March 2014 that he had asked "HS2 Ltd and Network Rail to develop more comprehensive proposals for the redevelopment of Euston working with the rail industry and the local community", there has been no such engagement to date. Until Your Petitioners have a better idea of the alternative proposals, it is difficult for them to discern precisely what they should be petitioning against.

16. Your Petitioners further understand that Euston Station could only cater for the additional passengers arriving at Euston when Phase 2 is completed, if Crossrail 2 is constructed at a further cost of £15-£20bn and with unknown consequences for our local community. We urge Your Honourable House not to write a blank cheque for Crossrail 2 which will be the inevitable consequence of any decision to make Euston Station the major London terminus for HS2.

17 If the promoters of the Bill insist on Euston as the main London terminus for HS2, Your Petitioners ask this Honourable House to direct the Promoter to design a station that fits within the curtilage of the existing station. HS2 Ltd has failed to properly appraise such alternatives, including the double-deck down design put forward by local professional who have the necessary expertise.

18. The bulk of the space above the station should be devoted to local housing which local people can afford and to low-cost units to encourage local enterprise. The existing traders within Drummond Street should be fully integrated into the new station. Cobourg Street should not be used as a taxi collection point as currently proposed by the Promoters. Taxi-drop-off and collection points should be incorporated within the existing station, preferably underground. Drummond Street should retain its existing character. Local traffic should be able to circulate within the area, including via Cobourg Street.

19. To date, HS2 Ltd have grossly underestimated the cost and practical difficulties of bring HS2 into a densely populated high value area such as Euston. Neither Kings Cross nor Stratford, both of which were brown field sites, provide precedents. The Promoters have rightly abandoned their nonsensical plans for the HS2/HS1 link along the North London line. If there is to be a link between HS2 and HS1, the Promoters have failed to assess the most rational option, namely a tunnel from Old Oak Common to Stratford. In opting for Euston, the Promoters have failed to factor in the £15-£20bn cost of Crossrail 2. We are now told that HS2 Ltd's plans for a level deck option will not be completed until 2034, thus expanding the period of disruption from one to two decades. Given this highly unsatisfactory state of affairs, Your Petitioners urge this Honourable House to direct the Promoters to use Old Oak Common as the London terminus whether on a temporary or a permanent basis until properly costed and acceptable plans for an alternative London terminus have been devised.

#### **Mitigation Measures during the Construction Phase**

20. It is not realistic for Your Petitioners to relocate their businesses. Drummond Street has acquired its unique character over some 50 years. Every restaurant and shop is the outcome of individual endeavour. British Bangladeshi traders have excelled in this nation of shopkeepers. All the businesses complement each other. Many of our customers come to Drummond Street because of the reputation that we have acquired for our Curry Houses

which provide a range of high quality, but modestly priced, meals. Someone who eats in a restaurant may also buy their groceries and Indian sweets in neighbouring shops. Your Petitioners face a stark choice: either somehow to survive 10–18 years of immense disruption, or to close our businesses, eradicating the Drummond Street so many people know and love from the face of Camden.

21. Your Petitioners fear the massive extent of the disruption that they will face during the construction period. HS2 Ltd have signally failed to assess the cumulative impact of the construction works on our community: the noise, dust, vibration, ventilation, air pollution, loss of safe access routes, loss of amenity and daylight, the construction traffic, the bridge closures, and the congestion. A significant factor is the quantity of works which will be executed outside core working hours, premised on the principle that the disruption to existing rail passengers will be kept to a minimum regardless of both (i) the impact on our local community; and (ii) the period of time over which works will be executed. The Environmental Statement was premised on this being from 2016 to 2026. HS2 Ltd now suggests that this is more likely to be 2016 to 2034, with the implication of 18 years of severe disruption.

22. Your Petitioners ask this Honourable House to require the Promoters to adopt an evidence based approach to mitigation. We would welcome a survey of the current footfall to our businesses. There should be further surveys as the contraction works proceed. HS2 Ltd should assess the extent to which their activities are having a detrimental effect on our businesses. To the extent that there is the adverse impact which we anticipate, HS2 Ltd should be required to take remedial action. To the extent that they are unable to do so, HS2 Ltd should compensate us for our losses.

23. Your Petitioners ask this Honourable House to require the Promoters to monitor the current level of noise, air and dust pollution. The promoters should also survey Drummond Street and our premises to prepare a full condition survey. Your Petitioners are unaware of any such surveys to date. Throughout the construction phase, further surveys should be commissioned to monitor the adverse effects of the construction works. Your Petitioners would wish to be involved, together with Camden Council, in agreeing the methodology for these surveys.

24. Your Petitioners ask this Honourable House to require the Promoters to implement the following mitigation measures, all of which are essential if our businesses are to survive:

(i) Direct access will be retained at all times between the mainline station and at Drummond Street. Access to Drummond Street from the existing station will be signposted. Access via Euston Road is not acceptable; such a long uncertain detour will deter their existing customers.

(ii) A viewing platform will be provided along Cobourg Street, accessible both to passengers from the Station and the community in the Drummond Street Area. This is to help keep the existing links between the station and the local businesses in Drummond Street.

(iii) Traders will be compensated for any loss to their trade. One element is rent reductions. Many of Your Petitioners lease their premises from private landlords which tie them in to upwards only rent reviews.

(iv) Drummond Street will not be used for construction traffic.

(v) In so far as is practical, only rail will be used for the delivery of materials and the removal of waste.

(vi) HS2 Ltd will promote marketing initiatives to retain the existing customer base from the station and to attract new customers.

(vii) Hoardings will have murals to promote the businesses in Drummond Street

(viii) Drummond Street will be promoted to construction workers. HS2 Ltd suggest that this will happen in any event. We suggest that this is unlikely to happen without positive measures by the Promoters of the Bill. We draw this conclusion from the recent redevelopment of Triton Square which led to no perceptible increase in business.

(ix) A promotional voucher system will be offered to workers and passengers to encourage them to use Drummond Street.

(x) There will be a pop-up stall in the station to promote our businesses.

(xi) Throughout the construction period, vehicles making deliveries to our premises will be able to access and to park in Drummond Street.

(xii) There will be no loss of parking facilities. Parking is required to access our businesses, our mosque in Starcross Street and our Islamic Cultural Centre in North Gower Street.

(xiii) There will be a package of property modifications and shop front improvements which will protect businesses from the risk of subsidence and include triple glazing and sound proofing.

(xiv) Finance will be provided for shop front improvements to protect them from the adverse effects of the construction works.

(xv) There will be effective traffic control measures to ensure access for customers and supplies by road to the Drummond Street area.

(xvi) Disruptive works will be arranged outside our core opening times (12.00-15.00; 18.00 – 23.00)

(xvii) There will be effective pest control measures.

(xviii) The street will be kept clean.

(xix) There will be no increase in pollution levels whether as a result of the construction works or after the new station is opened. NO2 levels are already three times the EU maximum. This is unacceptable.

(xx) There will be a business advice and support service.

(xxi) There will also be employment, job brokerage and training support.

(xxii) There will be weekly Local Environmental Management Plan Meetings between contractors, residents and businesses.

(xxiii) Specified limits will be imposed to reduce the nuisance whether with regard to noise, pollution, dust, traffic control, hours of work, and the time within which work will be completed. If these conditions are broken, compensation will be paid to local businesses and residents without delay.

(xxiv) There will be a community benefit fund to ensure that traders are able to survive years of disruption. We were initially told that works would be executed between 2016-2026. HS2 Ltd now suggest that the "level deck option" will not be completed until 2034.

25. Your Petitioners hope that your Committee will hear evidence in Camden. We invite you visit Drummond Street and to explore our Curry Houses and shops. We hope to persuade you that we have established a diverse and vibrant community in Drummond Street which the Promoter of this Bill must be required to preserve.

26. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect Your Petitioners and their rights, interests and property and for which no adequate provision is made to protect Your Petitioners.

**YOUR PETITIONERS** therefore humbly pray Your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by themselves, their counsel, agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of Your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to Your Petitioner in the premises as Your Honourable House shall deem meet.

**AND Your Petitioners will ever pray, &c.**

Signed: \_\_\_\_\_

Mohammed Salique, the First Petitioner

Signed:

Sultanur Rahman Choudhury, the Second Petitioner

Signed:

Mohammed Arman Ahmed, the Third Petitioner

Signed:

Ahad Chowdhury, the Fourth Petitioner

Signed:

Syed Abdul Gani, the Fifth Petitioner

Signed:

Redoan Pasha, Sixth Petitioner

Signed:

S.A.Khan, the Seventh Petitioner

Signed:

Pasquale Brizzi, the Eighth Petitioner

Signed:

Shemsi Shaqiri, the Ninth Petitioner

Signed:

Arsatcumar Baguaty, the Tenth Petitioner

Signed:

Gulam Hussain Mangera, the Eleventh Petitioner

Signed:

Bak Khadka, the Twelfth Petitioner

Signed:

Wali Uddin, the Thirteenth Petitioner

Signed:

Shaikh Mustufa Kamal, the Fourteenth Petitioner