

IN PARLIAMENT

0627

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against – 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 MR IGNACIO RAMIREZ MAESTRE AND MR JAVIER ATXURRA GANDARA

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 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. Our names are Ignacio Ramirez Maestre and Javier Atxurra Gandara, we are a couple and we describe ourselves as "Your Petitioners". Your Petitioners' address is: 6a Mornington Crescent, London NW1 7RH. Your Petitioners share the freehold of the building with their neighbours from flat C, and Your Petitioners' property is a two-bedroom maisonette occupying the lower ground floor and the raised ground floor of the building. The property includes a courtyard and a garden, which is separated from the existing railway line by a wall. Your Petitioners have been living in the property since September 2010 and they are the only occupiers. In principle, Your Petitioners' property will not be demolished as a result of the Bill, but only a wall separates its garden from the line. Your Petitioners received a letter from HS2 Ltd in July 2013, saying that the property owned by them was within (or partly within) the safeguarded area for HS2. It seems that part of the garden in Your Petitioners' property may be required for construction purposes. Your Petitioners received another letter from HS2 Ltd in April 2014, saying that their property is in what is known as "surface safeguarded area" and that they may be able to sell their property to the Government, if they wish to do so. Your Petitioners' property is on a

residential road (Mornington Crescent) which will also be used by construction traffic during the construction of the Scheme. Other roads in the surrounding area (Hampstead Road, Granby Terrace, Lidlington Place, Harrington Square, Mornington Place, Park Village East, Camden High Street, Eversholt Street) will also be used by construction traffic during the construction of the Scheme.

8. Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which Your Petitioners object for reasons amongst others, hereinafter appearing.

9. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably have a harmful effect on Your Petitioners' health.

Your Petitioners' bedrooms are on the lower ground floor, at the very bottom of the building, and it is precisely there where the train vibrations are currently most felt and the noise arising from excavation and construction will be most loudly heard. The increased levels of noise will prevent Your Petitioners from sleeping, and this will have a negative effect on Your Petitioners' performance at work. It is very likely that, as a consequence of this, Your Petitioners will suffer from high levels of stress.

Your Petitioners have the right to rest at night and at weekends and consider that the working hours planned by HS2 Ltd are unreasonable, in particular the core working hours on Saturdays and the working hours scheduled for operational or safety reasons for nights, Saturday afternoons, Sundays and bank holidays.

According to the London Air Quality website (<http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&site=CD9&latid=&network=All&postcode=&MapType=Static&VenueCode=>), the levels of nitrogen dioxide in Your Petitioners' area are not within the Government's Air Quality Strategy Objectives in 2014 (to date). The lorry movements and the works will make this situation much worse. According to the World Health Organization, air pollution is a major environmental risk to health (<http://www.who.int/mediacentre/factsheets/fs313/en/>).

The high levels of dust caused by the construction works will also have a negative impact on Your Petitioners' health. One of Your Petitioners (Mr Atxurra Gandara) has respiratory problems and is allergic to dust.

Your Petitioners consider totally unacceptable that legal protection for safe mains water won't apply during construction and believe that drinking water standards must be maintained throughout construction.

The access of Your Petitioners to their property and the surrounding area will be severely affected by the construction works. Your Petitioners enjoy walking and cycling to work on a regular basis, which helps them to keep fit, and it is likely that they will have to abandon these practices altogether or improvise new routes as a consequence of having to cross blighted areas.

The option of using public transport as an alternative to walking or cycling for their daily commute to work will also be less appealing, since the bus services along Hampstead Road and Eversholt Street will be severely disrupted during the construction works and the underground will also be more crowded.

HS2 Ltd plans envision the excavation of millions of tons of spoil in Your Petitioners' area and thousands of lorry movements will be required over many years to move this waste around. However, HS2 Ltd does not comply with the law regarding this matter, which requires them to consider how such waste can be reused properly.

Your Petitioners believe that HS2 Ltd has not taken into account the cumulative impact of the disruptions caused by the Scheme regarding noise, dust, air and water quality, difficulty of access and waste which are described above.

Your Petitioners love their garden and have taken care of it lovingly since they purchased the property. They have planted many flowers, some trees and a variety of herbs and salads that they enjoy in their daily eating. All this will be destroyed if (as planned) HS2 Ltd claims the garden for the Scheme. If eventually that is not the case, the garden will equally suffer enormously as the high levels of dust and noise will make its care a deeply unpleasant and almost impossible task.

The described scenario horrifies Your Petitioners, who would like to sell their property and go to live somewhere else. However, the mentioned factors will make it impossible to sell the property at its unblighted market value, as the estate agents Hotblack Desiato confirmed to Your Petitioners in July 2013 after being contacted by them.

Your Petitioners also consider unfair and unjustifiable that the compensation and mitigation measures in the Camden area are inferior to those in the rural areas affected by HS2.

10. Your Petitioners think that this project will have a devastating impact in the area between Euston and Camden Town and ask for the Scheme to be abandoned. Failing that, they ask for HS2 to terminate at Old Oak Common. Failing that, Your Petitioners ask for the Double Deck Down design to be implemented for the new station in Euston. As the proposals for Euston station are currently unclear, Your Petitioners reserve the right to make further representations when those plans are known.

In any case, Your Petitioners ask for HS2 Ltd:

- 1) Not to carry out any construction works at night, weekends and bank holidays;
- 2) To monitor noise levels in order to comply with noise thresholds and stop construction and/or reduce train speeds if thresholds are breached;
- 3) To monitor air quality in order to comply with existing thresholds and stop construction if thresholds are breached till remedial action is taken;
- 4) To monitor drinking water quality in order to maintain standards and stop construction if thresholds are breached till remedial action is taken.
- 5) To use a much more rigorous approach for the management of waste.
- 6) To remove all spoil and bring in material by rail not road, to use main roads for lorry routes and not local residential roads and to retain safe and secure routes to schools and local services/facilities.

Your Petitioners request that the promoter be instructed to review the construction management arrangements and take full account of the cumulative impact of the construction arising from different sources.

Your Petitioners ask for fair compensation and mitigation measures that take into account the ten years or more of close proximity to demolition and construction sites. Faced with the prospect of a ten-year-blight, Your Petitioners ask the Government to buy their property at its unblighted market value and offer them reasonable compensation for the harm inflicted on them.

11. For the foregoing and connected reasons Your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting Your Petitioners, should not be allowed to pass into law.

12. There are other clauses and provisions of 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 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 Petitioners in the premises as your Honourable House shall deem meet.

AND Your Petitioners will ever pray, &c.

Signed

Ignacio Ramirez Maestre

Javier Atxurra Gandara

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Name: Ignacio Ramirez Maestre

Name: Javier Atxurra Gandara