

IN PARLIAMENT

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 COLIN AND ANNA LUDLOW

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. Your Petitioners are the owners of a Basement Flat in Gloucester Avenue, London NW1. This property is within the HS2 safeguarded zone, near the proposed tunnel entrance/exit at Euston. The flat itself is 4-5 metres below ground level, and the line will run within approximately 50 metres of their dwelling at a depth of less than 17 metres. Your Petitioners have lived at this address for 22 years, during which both have suffered major health problems. Each of them has had bowel cancer and one of your petitioners has also been treated for throat cancer. He has been unable to work for the past 11 years and spends much of his time at home. The other is a freelance lecturer and writer who works from home much of the time as well.
8. Your Petitioners and their 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 in the vicinity of your Petitioners' home 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 that will directly affect their health and standard of life. Re-routing sewers during construction work for the proposed railway means that your Petitioners' street will be partially closed for a time with drilling taking place immediately outside their home. Night and weekend work are planned during 2016-17 in the Camden Carriage sidings with construction vehicle access through a Network Rail entrance nearby on Gloucester Avenue.

10. The proposed construction works also involve complete road closures near your Petitioners' home, and all their local bus services from Camden Town into central London (where one of them does most of her teaching) will be seriously disrupted. Pedestrian traffic routes in the streets adjacent to their home – Regent's Park Road, Parkway and Oval Road – will also be affected.
11. The prospect of all this disruption and having to live for a decade under "siege conditions" is inevitably affecting property sales in your Petitioners' neighbourhood. People putting their homes on the market report the vast majority of prospective buyers "disappearing" when it is discovered that the house falls within the HS2 safeguarded zone. Yet despite this blight, there is currently no compensation being offered to your Petitioners and their neighbours since the line nearby is (just) subsurface. Claims will only be considered once the line has been open for a year (ie more than 10 years away) – and possibly not even then.
12. Your Petitioners submit that this is grossly unfair and that they will be directly and harmfully affected by the Bill in consequence. As residents of a single-storey dwelling below ground level, the noise and vibration caused by building and running the line will be inescapable – they cannot simply move their bedroom or living space to a higher, less affected level. With their children having now left school and retirement age approaching, they plan to sell their home and move to a cheaper property within the next few years. Since ill health for the past 13 years has drastically curtailed their pension saving, they shall need to do so in order to fund their old age. However, the Bill means that they will be denied the full, unblighted value of their property and their lives will be diminished in consequence. The Exceptional Hardship Scheme, which is intended to address such cases, has proved to be woefully inadequate, cumbersome and demeaning for people such as your Petitioners, with a series of complicated, arbitrary and unjust qualifying criteria that seem designed to prevent paying proper compensation rather than assist it.
13. Your petitioners consider that the problems which they and many others in their community face as a result of the Bill derive from the combination of the immense cost of the project and the determination to terminate the line at Euston. The implications of taking HS2 into central London, with its devastating consequences for the densely-populated areas through which it must run, have not been properly addressed. They therefore submit that it should terminate at Old Oak Common. This would eliminate the huge cost of tunnelling from there to Camden Town and also prevent the disgrace of residents of Euston and Camden being inadequately compensated for the reduction in value (or in many cases complete loss) of their homes and businesses as a result of the construction and tunnelling work.

14. However, should your Honourable House decide that HS2 must terminate at an existing main line station in central London, your Petitioners aver that this should be at Paddington, since that station is only a short distance from Old Oak Common. This will be less costly and create fewer and less severe community impacts than at Euston, where the ongoing transport connections are already stretched to breaking point.

15. Wherever the line terminates, however, your Petitioners aver that fair and proportionate compensation should be paid to those whose lives, property and employment are adversely affected by it. The current compensation arrangements under the Bill do not provide for this. Your Petitioners therefore submit that they should be amended to ensure social justice, even if this means breaking with the National Compensation Code which, in this instance, seems unfit for purpose.

16. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the clauses in the Bill relating to the terminus at Euston, so far affecting your Petitioners, are amended as proposed above, then the Bill should not be allowed to pass into law.

17. 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 Colin Ludlow

Signed Anna Ludlow

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