

**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 LUCY BRITTON**

**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.

### **Your Petitioner**

7. I live with my husband and two children in a three storey maisonette on Mornington Terrace directly overlooking the tracks in the Camden Cutting that lead to Euston. The property is quiet and remarkably tranquil given its central London location. We can listen to the gibbons call from the Zoo and the robins in the back gardens, and along with this we accept the intermittent daytime noise from the trains. We have lived here since 1998. We like our flat and our neighbourhood, our children are settled at school, and we have no desire to move from our home.
8. Your Petitioner and her interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

### **How my family and property are Directly and Specially affected by HS2**

9. I could throw a coin out of our bedroom window onto the tracks where work will start in 2015, yet unlike people in rural areas, who live up to 120 metres from the tracks, we are not eligible for 'Voluntary Purchase Offer' compensation and will have our lives seriously disrupted by HS2 construction for ten or more years.
10. I am not petitioning about the noise of the HS2 trains; I am petitioning about ten or more years of serious construction noise and vibration that will make regular life impossible for my family.
11. Starting in 2015 ten years of heavy civil engineering will take place, including 24 hour working for long periods. The work is described in the HS2 Environmental Statement and includes seven continuous years of construction 2015 to 2021 plus three continuous years of construction 2023 to 2025. The main work outside our property will be:
  - Demolition of the 12 metre high Park Village East (PVE) retaining walls
  - Reconstruction of PVE retaining walls to a height of 35 metres above HS2 track level plus 15 metres below track level
  - Deep excavation and construction of retaining walls in the Cutting
  - Construction of the high speed dive under
  - Demolition and reconstruction of Mornington Street Bridge

- Works on the classic railway tracks, signalling and other systems
  - Installation of new tracks, gantries, signals etc
  - Building and operation of a construction compound on our street
  - Demolition of the central retaining wall at the Parkway portal
  - Utility works in our street
  - Movement of construction traffic on our street
12. There is no barrier between our property and all of the works listed above. There are no intervening buildings.
  13. I would be happy to provide the Committee with photographs and drawings illustrating the nature of the works and how close they are to my family home.
  14. HS2 have published a draft Code of Construction Practice which offers almost no mitigation for us. Most of the works listed above are exempted from the 'Core Working Hours' and will be allowed to take place 24 hours a day, seven days a week.
  15. During the years 2015-2026 our children will be doing GCSEs and A Levels and I am very concerned about the effect that years of disturbed days and nights will have on them.
  16. If life turns out to be untenable during this decade we will not be able to afford to move to a similar home near our children's schools because our property will have lost much of its value, either for sale or to rent out.
  17. Our property may recover its value when the construction is complete, but we cannot wait twelve years (or twenty years if David Higgins' proposals for a Canary Wharf style development are pursued); it will be far too late for our family life.
  18. The HS2 Environmental Statement describes the works listed above and concludes that for dwellings in Mornington Terrace 'The mitigation measures, including noise insulation where necessary, will reduce noise inside all dwellings to a level where it should not significantly affect residents.' The idea that secondary glazing will mitigate against the scale, duration and immediacy of the proposed works is not believable.

### **The Relief Sought by your Petitioner**

19. For the reasons given in this petition, your Petitioner respectfully asks that the proposed scheme be varied in the following respects and that appropriate amendments to the Bill be made accordingly:
  - Fair compensation must be provided for our property.
  - Working Hours in the Camden Cutting should follow the 'Core Working Hours' in the HS2 Code of Construction Practice.

- Noise and Vibration thresholds should be more reasonable (i.e. lower) than that proposed by HS2.
- The design of the approach to Euston Station should consider the effects on the neighbourhood the line goes through, not just the engineering and financial needs of HS2.
- A tunnelled approach from Parkway to Euston Station should be considered.
- A construction compound should not be located on Mornington Terrace.
- Construction lorries must be restricted to 5mph on Mornington Terrace and other neighbourhood streets.
- If all the above fails and secondary glazing or temporary rehousing is necessary a cash payment should be offered so that I can choose the most appropriate way to mitigate the impact of HS2 construction.

Each of these points is described more fully below.

### **Compensation**

20. It is unfair that we are not eligible for the compensation schemes offered to rural areas. Ten years of construction is not a temporary matter and the impact of the construction work will be greater on us than on most people near HS2. Our property will have lost much of its value, either to sell or to rent out.
21. We do not want to move or to sell our property, but if we were eligible for the Voluntary Purchase Offer we would be able to move if HS2 construction made our life intolerable.
22. The only compensation which may be available to us is the Need to Sell Scheme (NTSS). The NTSS is inadequate and unreasonable because:
  - First we need to convince a panel that HS2 has affected the value of our property. This will be difficult to prove to a panel whose remit will certainly be to reduce costs for HS2; to think otherwise is naive.
  - Then we need to prove a 'hardship' case (recently rebranded 'need to sell' but with no changes in the operation of the scheme) that is acceptable to a panel; we can't just move for our own reasons like anyone else. I strongly object to being required to prove 'hardship' or 'need to sell' to a panel if we want to move.
  - In rural areas people living within 120 metres of HS2 have no need to prove 'hardship' or 'need to sell' but we have to and we live only 10 metres from the works!
  - Even if we were ultimately successful, it will likely take six months for the property to be purchased by the Government. In central London properties often sell quicker than

this, and if you want or need to move, waiting six months with no certainty that you will qualify in the end is no help at all. With a process like this hanging over our heads it would be impossible for us to buy another property in a typical London 'chain'.

- The rules of the NTTS mean that we could lose 15% of the unblighted value of our property!
  - We will be paying for the consequences of HS2. If HS2 is a worthwhile project, the burden should be shared, not inequitably suffered physically, emotionally and financially by those who happen to live nearby.
23. I request that we are made eligible for the same compensation as offered to rural areas by the Voluntary Purchase Offer in the Rural Support Zone.

### **Working Hours**

24. As described in the Draft Code of Construction Practice, most of the construction activities taking place in the Camden Cutting will be allowed 24 hours a day, 7 days a week. The work will be noisy, disruptive and go on for 10 years without respite. This is unacceptable in a densely populated neighbourhood.
25. I request that HS2 justify to the local authority on a case by case basis all work outside of the normal working hours. Where a justification can not be made to the satisfaction of the local authority, the work must take place during normal working hours.
26. I request that some rail services are diverted to Marylebone or other stations during the construction of HS2 in order to allow more construction during normal working hours in the approach to Euston.

### **Noise**

27. I request that the noise thresholds for rehousing should be lower than the limits in the CoCP. These limits are based on BS5228 and are used for typical construction projects where disturbance is temporary, NOT TEN YEARS. Normal life can not go on during ten years of excessive noise. Normal life includes sleeping, doing homework or revision, socialising, working or just being at home.
28. Mornington Terrace is quiet with only local traffic and limited intermittent train noise that does not continue through the night; ten years of heavy civil engineering will alter the environment radically for the worse.
29. World Health Organisation guidelines state that night-time noise should not exceed 40 db and where it exceeds 55 db "the situation is considered increasingly dangerous to public health" [World Health Organisation Europe, Night Noise Guidelines for Europe]. HS2 propose that my family should live with much greater noise, night and day, for long periods of time over a period of 10 years.

30. I request that given the exceptional nature and duration of the HS2 construction project, the limits for rehousing are lower in each category listed in Table I of the ES Vol 5 Draft Code of Construction Practice CT-003-000 and Information paper E23. I request that the limits for temporary rehousing are:
- 70 dB during the day 0800-1800 on weekdays (instead of 85 dB)
  - 65 dB during the day 0700-2200 Sunday (instead of 75 dB)
  - 55 dB at night 2200-0700 (instead of 65) dB
  - 70 dB at other times (instead of 75-80 dB)
31. HS2 propose that the daytime limit for rehousing is 85 dB; this is like a very busy road with heavy lorries one metre from your house. The Health and Safety Executive requires ear defenders to be worn in a place of work which has this level of noise.
32. The ES Vol 5 Draft Code of Construction Practice CT-003-000 requires that the trigger levels are applied when the noise levels predicted or measured by the contractor exceeds the limit in for ten days in any fifteen consecutive days or for 40 days in any six month period. TEN DAYS IN A ROW OF 85 DB NOISE IS COMPLETELY UNACCEPTABLE. HS2 workers (who will be wearing ear defenders) can go home at the end of their 8 hour shift; we could experience intolerable noise for ten days continuously and be told that it is within the limits of the construction code of practice. And after a five day break it could start all over again.
33. I request that these trigger levels are applied when the noise level predicted by the contractors exceeds the limit for five days in any fifteen consecutive days or 20 days in any six month period.
34. I request that sound monitoring equipment be placed at our bedroom windows.
35. Information Paper E23 describes the conditions under which secondary glazing, blinds and mechanical ventilation will be offered. Our property is Grade II listed and has ten foot high sash windows with splayed reveals; secondary glazing and mechanical ventilation would be difficult to install and we have no desire to live in a sealed box with mechanical ventilation for ten years. E23 suggests that blinds are fitted behind the secondary glazed windows to reduce heat gain and says that HS2 will not take responsibility for rooms overheating if the blinds are not installed. We quite like living in a house with windows we can see out of and reject the idea that blinds, secondary glazing and mechanical ventilation are acceptable for ten years. We also like being able to open our windows. The noise insulation offered by HS2 is not an appropriate mitigation measure and cannot be considered a solution to noise impacts.
36. With more reasonable noise limits for rehousing, HS2 will be motivated to choose construction techniques that produce more reasonable noise impacts.

## **Vibration**

37. The CoCP refers to British Standards for acceptable vibration thresholds, but offers no commitment to survey or protect all properties adjacent to the Camden Cutting from vibration. The houses in Mornington Terrace are circa 175 years old, have no proper foundations and are of uncertain structural properties. They shake when dust carts hit the speed bumps in the road and may not survive ten years of heavy construction by HS2.
38. I request that all properties in Mornington Terrace are given structural surveys before construction commences to assess their vulnerability for damage from the proposed works and that they are actively monitored during the construction works.

## **Tunnelled approach to Euston Station**

39. A tunnelled approach to Euston could significantly reduce the construction impacts to our neighbourhood, much as tunnels in rural areas reduce the impact on the countryside. I request that HS2 prepare a feasibility study and costing of this possibility and that it is verified by an independent consultant.

## **No high speed dive-under in the Euston approach**

40. An alternative track layout without a high speed dive under would reduce the amount of construction impact on properties in our neighbourhood significantly. I request that HS2 prepare a feasibility study and costing of this possibility and that it is verified by an independent consultant.

## **No demolition of the Park Village East Retaining Wall**

41. HS2 propose to demolish and rebuild the 12 metre high, 3 metre thick brick retaining wall along Park Village East that forms the western side of the Camden Cutting. The scale and elegance of this wall contribute positively to the character of the neighbourhood. Demolition of this wall and construction of its replacement will cause severe noise and disruption. We are completely exposed to this work across the open Cutting. There is no realistic way to screen our property from the noise.
42. At a community meeting with HS2 the demolition of this wall was described as 'a real bastard of a job' by one of the senior HS2 engineers. I feel the same way about it.
43. I understand from community meetings with HS2 that the proposed track layout can be realigned to allow the wall to remain in place and that such a realignment will increase travel times in the approach by only 4 to 6 seconds.
44. I request that the track layout is revised to allow the Park Village East retaining wall to remain in place.

## **No demolition of the Central Retaining Wall at Parkway**

45. HS2 propose the demolition of the 1830s Central Retaining Wall at the Parkway portal and describe the demolition as 'high impact and high adverse effect' in the ES.

Demolition will cause noise and disruption, mostly at night, for residents like us that face the works. I understand from community meetings with HS2 that the proposed track layout can be realigned to allow the wall to remain in place.

46. I request that the track layout is revised to allow the Central Retaining Wall to remain in place.

### **Satellite Construction Compound in Mornington Terrace**

47. There is a satellite construction compound proposed on Mornington Terrace. This will block the pavement on one side of the street, reduce the width of the roadway, attract construction traffic and change the quiet residential nature of the street.
48. I request that instead of building this compound, use is made of the main compounds at the Temperance Hospital site or Euston, or that the compound is located at track level and accessed at track level.

### **Construction Traffic**

49. Construction lorry routes are proposed by HS2 on Mornington Terrace and other neighbourhood streets. This will cause air pollution and noise & vibration to adjacent properties (especially on streets with speed bumps) and increased danger to pedestrians and cyclists.
50. I request that HS2 trains all lorry drivers in safe driving techniques and requires them to drive at very low speeds (maximum 5 mph) on residential streets. This is for safety and to reduce noise and vibration.
51. I request that there is no transport of materials or waste at night.
52. I request that fines be levied and that vehicles be stopped immediately if they break the above conditions.

### **Payment for Mitigation**

53. If secondary glazing or temporary rehousing is necessary, I request that a cash payment is offered as an alternative to HS2 doing works to our property or arranging accommodation. This will allow our family to choose the most appropriate means of mitigation. Following a similar principle to this, in 1999 Railtrack made a cash payment to us as compensation for one weekend of noisy work on the tracks.

## **Conclusion**

53. or 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.
54. 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.
55. YOUR PETITIONER THEREFORE HUMBLY PRAYS 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 such of the clauses and provisions of the Bill as affect the property, rights and interests of your Petitioner 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 Petitioner will ever pray, &c

Signed

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