

**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 MR JACKSON TOMS-LIMB AND MISS LOUISE TIBBITTS

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 Petitioners

7. Your petitioners are Jackson Toms-Limb and Louise Tibbitts (hereinafter referred to as the Petitioners); we are owner-occupiers (owning both leasehold on our individual flat, as well as share of freehold for our building) of Flat 3, 1 Mornington Crescent.
8. Since moving into the property (as first-time buyers) in April 2010, your petitioners have enjoyed the unique qualities of the local area: benefiting from the close proximity to central London, with easy walking access into the central shopping district; as well as the local amenities of the Mornington Crescent area and of Camden more broadly; enjoying regular walks up to The Regents Park, passing alongside the railway cutting (hereinafter referred to as The Cutting) and often remarking on it's relative sense of peace, quiet, openness and light, not often found in central London.
9. Your petitioners' home is sited on the junction between Mornington Crescent and Hampstead Road, with the back garden directly looking onto the Cutting that forms the approach into Euston Station to the south. Indeed, the rear wall of the garden is actually the eastern retaining wall for the Cutting.
10. Built in 1780, 1 Mornington Crescent has stood on this site since before the railway first came into Euston Station, and was once occupied by George Cruikshank. This building is grade II* listed and forms the start of a terrace of 4-storey Georgian townhouses that became Mornington Crescent. This is very much in keeping with the rest of the Cutting area – with Conservation Areas on both sides of the Cutting, as well as listed heritage assets including the bridges across the Cutting and the Retaining Walls within.
11. We believe this sense of high-quality and heritage architecture, combined with the qualities of the local environment as described already above, would

normally make this property much-sought after were it not for the impacts of the High-Speed 2 (Hereinafter referred to as HS2) project on the immediate environs, and as such your Petitioners believe their rights and interests are injuriously affected by the Bill.

How Your Petitioners are Directly and Specially affected by HS2

The Construction Phase – 10 years of disruption

12. The plans for HS2 as included in the Bill, describe a number of works in immediate proximity to your Petitioners' home:
 1. To the immediate west, works in the Cutting for a duration of 10 years, including:
 - a. Demolition of the Cutting Carriage Shed
 - b. Demolition of the Park Village East Retaining Wall and rebuilding
 - c. Tunneling / Digging for the HS2 rail-lines (HS2 Cutting to be made 35m deep and new rail tracks to be laid
 2. To the immediate south:
 - a. North Hampstead Road Bridge Satellite Compound for 10 years
 - b. Demolition of Granby Terrace Bridge and rebuilding substantially closer to our property (to allow for new height and length of Hampstead Road Bridge)
 - c. Granby Terrace Satellite Compound for 10 years
 3. Further south (still within 200m) but directly visible and with no intervening buildings:
 - a. Demolition of 214 dwellings on Regent's Park Estate
 - b. Demolition of various buildings along length of Hampstead Road
 - c. Works at Euston Station, including bringing in the new railway and the regeneration of the Station and expansion of its footprint even closer towards us
 4. To the immediate east:
 - a. Partial-road closure, demolition and rebuilding (6m higher and length doubled to 220m) of Hampstead Road bridge over 6 years
 5. To the immediate north:
 - a. Mornington Crescent / Hampstead Road junction sealed off for works on Hampstead Road Bridge extension for 6 years
 - b. Mornington Crescent to be used as a construction traffic route for 10 years
 - c. Camden High Street, leading to Hampstead Road, to be used as a construction traffic route for 10 years
13. The works described above, effectively isolate your Petitioners, immediately surrounding them on all sides of their home with HS2 works.
14. The duration of the works described above, lasting between 6 and 10 years, is extraordinary, i.e. above that expected from other construction projects.

15. The nature of the works described above means that almost all of it will be exempt from normal working hours (simply to avoid disruption to National Rail), set out in the Code of Construction Practice (hereinafter referred to as CoCP), allowing the nominated undertaker to proceed with 24 hour working, 7 days a week.
16. The cumulative impacts of the works as described in the Environmental Statement (hereinafter referred to as ES) include noise, dust, vibration, and pollution.
17. The mitigation measures proposed (none of which are guaranteed) in the ES and CoCP, include secondary glazing or even temporary rehousing, but only once impacts reach dire levels: 85db for 40 days in a period of 6 months. The Health and Safety Executive requires ear defenders to be worn in a place of work which has this level of noise. We do not believe a pane of glass will be enough to counter what is effectively the equivalent of a motorway with constant heavy traffic running directly outside our home. Additionally we do not agree with having to aesthetically compromise and potentially damage our (Listed) property because HS2 cannot mitigate the impacts of construction any other way.
18. In highlighting this isolation; this extra-ordinary duration; and these cumulative impacts that will have a detrimental effect on our ability to live a normal life, on our health, and our safety; we join our neighbours in stating that the basic human right to the peaceful enjoyment of property is being removed by ten years of disruptive construction in the Camden Cutting without proper mitigation or compensation.

The Operational Phase – permanent negative impact

19. The ES describes some of the permanent detrimental effects HS2 will bring to the local area. Your petitioners have previously listed these out as copied from the ES, in their ES consultation responses in February 2014, so simply provide a summary here (but would be happy to provide further evidence in hearings with the Select Committee). These include (but are not limited to):
 1. a permanent increase in traffic on all surrounding streets
 2. the use of Hampstead Road as part of the taxi route to support the new station further increasing the likelihood of traffic jams
 3. the resulting increases in danger to pedestrians, noise and pollution this will cause
 4. the rebuilt Hampstead Road Bridge as a 6m higher eye-sore, designed more like an industrial zone structure than anything fitting for residential city-centre architecture

20. Your petitioners highlight these to demonstrate that the negative impact to our neighbourhood will not only be 'temporary' (if 10 years of disruption can count as such) but also permanent.
21. We do so as it appears, based on current Compensation schemes eligibility and supporting statements made in the press, that compensation is aimed at those areas where permanent changes will be seen (i.e. rural areas without a current railway) while those areas impacted by the construction phase are deemed to be covered by the mitigation measures described in CoCP and therefore not require compensation. We humbly state that as the impacts to our local environment will be both, that we should therefore be eligible for both (mitigation and compensation).

Inability to Understand the Impact on our lives, caused by Uncertainty

22. Due to the immediate proximity of the works, your petitioners' property is partially included within the Safeguarding Zone for the HS2 project, a fact recorded in the Land Registry record. As such our property is subject to statutory blight (unlike our neighbours who suffer from generalized blight from the same impacts, but not meeting the arbitrary distance criteria).
23. Blight is the recognition that the impacts of a project have a detrimental effect on the property prices of the afflicted area. This has been greatly increased and extended by the enormous uncertainty surrounding any details of the project – What will the final route be? What will be the actual impact on the neighbourhood? Will I be able to stand living here during construction? Will I be able to sell my house and move if not?
24. Indeed, as part of the local community, your Petitioners have attended meetings as members of the Camden Cutting Group, with HS2 in attendance, to hear repeated news of changes to the plans in the immediate area, all resulting in greater impact on the neighbourhood. And now this uncertainty is extended yet further by the Higgins' Report in April 2014 in which the plans for Euston Station and Approach (i.e. the Cutting) are to be reconsidered, with suggestions that a new 'Canary Wharf like complex' is to be built at Euston and decking over the Cutting up to Parkway to allow high-rise residential properties to be built replacing what is now a community asset providing light and space and air. This uncertainty has a significant impact on your Petitioners.
25. Properties within the safeguarding zone are eligible for the Express Purchase Scheme (hereinafter referred to as EP). This allows property owners to serve Blight notices "asking the Secretary of State for Transport to purchase their property. Eligible properties wholly within the surface safeguarded area would automatically be accepted under Express Purchase, with those part in and part

out of the safeguarded area assessed on a case by case basis.” (HS2 property compensation consultation 2013 for the London to West Midlands route: decision document, DfT and HS2 Ltd, 9th April 2014).

26. Despite the immediate proximity and isolating/surrounding nature of the works as described above, your Petitioners’ property only falls partially within the safeguarded zone, and as such is subject to a number of tests and reviews to determine eligibility for EP; this adds further uncertainty and delay to your petitioners’ ability to understand the impact of HS2 on their lives.
27. Your Petitioners are both in their early thirties, and as such are planning to start a family in the next few years. In a world without HS2 we would see no immediate need to move house to support this aim, and yet with our current understanding of the impacts HS2 will have on our lives and our local environment, we believe it would not be appropriate to raise a child here during the construction phase (2016 - 2026/2034 if including the new Euston plans). This leaves your Petitioners having to consider substantially changing their life plans, but with such uncertainty (as mentioned above) as to make this very difficult – should we move immediately (and earlier than required without HS2)? should we wait to see what the plans for Euston will be? If we wait, will we be able to sell our house still? If we *can* sell, will it be enough to buy somewhere equivalent elsewhere, given the rapid rising prices in London?

The Relief Sought by your Petitioners

28. Your Petitioners humbly request an undertaking from your Honourable House that should a Blight notice be served, per the EP Scheme, that this would be treated as if the property was wholly within the safeguarded zone.
29. In effect this would mean that our request to the Secretary of State for Transport would be guaranteed to be accepted, without further delay and uncertainty from the case by case reviews described where property is not wholly in the safeguarded zone.
30. This undertaking would provide your petitioners with the certainty they need to enable them to plan for the next stage in their lives, and recognize the impact the works will have due to their immediate proximity and extraordinary duration and cumulative impacts.
31. Further, your Petitioners are aware that the plans for Euston and the Approach are likely to undergo significant change, as highlighted by the Higgins’ Report earlier this year, that will only be described in sufficient detail to understand their impact after the closing date for petitions.

32. In light of the above, your Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

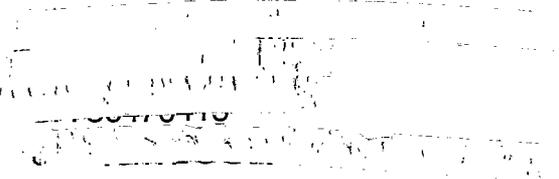
Conclusion

33. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended to avoid the impacts as described above, so far affecting your Petitioners, should not be allowed to pass into law.
34. 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.
35. 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 such of the clauses and provisions of the Bill as affect 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.
36. AND your Petitioner will ever pray, &c

37. Signed



JACKSON TOMS-LIMB & LOUISE TIBBITTS



BACKSHEET

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