

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the bill – On Mertis - 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 FIONA MCGUIRE AND JONATHAN DUNCAN OF
9 MORNINGTON TERRACE, CAMDEN, LONDON

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the bill”) has been introduced and is now pending in your honourable House intituled “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 a married couple who have lived on the quiet residential street of Mornington Terrace, Camden since 1999 and have two young boys currently aged two and four years. Your Petitioners are the owners of a house on the street, which is divided into two flats, the upper three floors in which we live and the ground floor/ basement flat, which is rented out to paying tenants on long leases. Your Petitioners' property is located directly opposite to and within 100 metres of the proposed HS2 station approach into Euston (beneath Park Village East), with a direct view of the planned construction work, including the demolition of the 12 metre high, 3 metre thick retaining wall running the length of Park Village East, which is anticipated to take 12 months. Your petitioners live approximately 40 metres from the listed Mornington Street bridge, which is due to be demolished and, prior to being rebuilt, will require a temporary bridge to be constructed directly in front of Your Petitioners' property and secured using 'ground anchors' under such Petitioners' property.
- 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 **Introduction. How Your Petitioners are directly and specially affected by both the construction and operational phases of HS2:**
Your Petitioners strongly object to the proposal to site the terminus of HS2 at Euston station, due to the scale of disruption this will cause to Camden and the immediate vicinity of their property. The local area is an extremely quiet neighbourhood, which is surprising given its densely populated urban setting. There is very little road traffic on Mornington Terrace and minimal noise, especially during the evenings. Train noise is not currently problematic and never so in the evening, as the existing train services do not run through the night.
- 10 The construction of HS2 will have a devastating effect on the lives of Your Petitioners and their children, due to massive increases in road traffic, including hundreds of HGV's a day and resulting congestion; loss of local green/ open spaces and children's play areas; increased pollution levels, both air and noise/ vibration and the erosion of the local community, due to the compulsory purchase and demolition of housing and amenities.
- 11 Your Petitioners would like to propose that given the current level of over crowding at Euston and the fact that it has no link to International travel networks via any London Airports, that further consideration is given to making Old Oak Common the terminus for HS2 which, with Crossrail, will make onward journeys into London and beyond faster than from Euston and will spare Camden from becoming a construction site for a minimum of ten years.
- 12 Should it be upheld that HS2 must terminate at Euston rather than Old Oak Common, then Your Petitioners would ask that HS2 undertake a comprehensive feasibility study of an alternative design involving a 0.5 mile long tunnel from the Parkway portal to Euston station. According to HS2 representatives who have spoken to local groups, this design is feasible and

by vastly reducing the construction works required locally, it would spare the area a decade of misery and blight.

13 **Construction Traffic:**

Your Petitioners are extremely concerned that the construction work, including tunnelling, which will take place within 100 metres of the Petitioners' property, combined with the location of numerous satellite construction compounds in the immediate area (including one on the Petitioners' street adjacent to their property), will result in unprecedented amounts of traffic on the Borough's roads, both construction vehicles (including huge numbers of HGV's) day and night and other traffic diverted onto local roads, through primarily residential areas. This traffic congestion will not only rob Your Petitioners and their children of the basic human right of quiet enjoyment of their property, but will increase air pollution in the Camden area and make once quiet local roads unsafe for both cyclists and pedestrians. As dedicated cycling commuters and parents of school age children who walk and cycle to school, this is a terrifying prospect.

14 Your Petitioners ask that construction traffic be minimised by the use of rail haulage as an alternative to supply and service the needs of the construction sites. Any Construction vehicles required to be used, be confined to major roads in the Borough, using only minor roads where absolutely necessary and avoiding residential roads, to minimise the disturbance to local residents. Your Petitioners also request that there be no HGV construction traffic at night.

15 Your Petitioners ask that Drivers of HGV and other construction vehicles be trained in road safety, be required to drive at low speeds and construction vehicles be fitted with up-to-date safety devices, to minimise the likelihood of road traffic accidents, particularly at busy junctions and on roads without dedicated cycle lanes.

16 In addition, Your Petitioners ask that arrangements be put into place to protect cyclists and pedestrians from construction traffic, including the provision of additional cycle paths and pedestrian walkways within the Camden area.

17 **Air Pollution:**

During both the construction and operational phases of HS2 there will be an increase in pollution within Camden. The tunnelling work beneath Park Village East, the demolition of both Mornington Street Bridge and the 12m high retaining wall at Park Village East will produce masses of dust pollution, which could at worst be harmful to health and at best detrimentally impact on the quality of life of Your Petitioners and their children. The massive increase in road traffic, including huge numbers of HGVs (anticipated to be up to 470 per day on local roads) will also adversely affect local air quality. Children have a larger lung surface area to body weight ratio than adults. Their lungs, immune system and brain develop through early childhood and are much more susceptible to the effects of air pollution, they also spend more time outdoors both during and after school, so they have greater exposure to air pollution.

18 As parents of school age children, Your Petitioners ask that the following measures are put into place to mitigate the risks posed to the local community by worsening air pollution.

- A) Construction traffic is routed away from residential roads, local schools, children's centres and play areas.
- B) Construction vehicles to be low, or zero emission.
- C) Pollution monitoring to be undertaken throughout the Borough during both the construction and operational phases of HS2.
- D) Air filtration systems be provided for those properties affected by air pollution, including residential properties, schools and children's centres.
- E) i) Planted hoardings to be used wherever possible to combat air pollution.
 ii) The existing trees that run along the entire length of Mornington Terrace on the side of the road adjacent to the existing railway lines, should be retained to preserve as much green space as possible, to offset air pollution during the construction and operational phases of HS2.
 iii) Consideration should also be given to the proposal to create a 'living walkway' above the Camden cutting to offset some of the air pollution caused by the High Speed trains, to replace some of the Borough's green open spaces permanently lost to the construction of HS2 and to improve the landscape character and view of the much wider cutting resulting from the construction work.

19 **Noise Pollution, Vibration and Night-time working:**

As previously stated, Your Petitioners live within 100 metres of the proposed HS2 deep cutting route beneath Park Village East through to Euston and a few metres from the existing Mornington Street Bridge, which is due to be demolished and rebuilt during the construction phase of the HS2 project and which is to be replaced by a temporary bridge immediately in front of Your Petitioners' property, which is due to be constructed and subsequently demolished during the construction phase. Much of this construction work requires heavy machinery, which is inherently noisy. The work will result in huge amounts of construction traffic and diverted traffic on local roads. The cumulative effect of the construction work – tunnelling, excavation, bridge construction and demolition and the resulting haulage, will be a significant increase to local noise levels and the subterranean vibration experienced in the area. The proposed bill indicates that much of this work can be undertaken outside of core working hours, which given the relatively tranquil environment in which Your Petitioners and their children live, will greatly impact on their quality of life and rob them of the fundamental right to quiet enjoyment of Your Petitioners' property.

- 20 As stated previously, currently Your Petitioners do not experience any disturbance from local trains through the night, as the current train services do not run 24 hours a day. The only disturbance currently suffered is during rare periods of track maintenance, which for operational reasons are always undertaken during the night, using heavy machinery operated and supported by teams of rail track staff. Your Petitioners' local area is usually extremely quiet but the railway cutting is of such a shape and design, that noise generated reverberates up and down Mornington Terrace and results in broken sleep for Your Petitioners' entire family on every such occasion. The duration of the work and levels of noise and vibration experienced when maintaining the existing rail track are insignificant compared to what Your Petitioners will be exposed to during the construction phase of HS2. Given the nature, duration and permitted operating hours of the planned HS2 construction work in Your Petitioners immediate area, it is highly likely that Your Petitioners' family will suffer regular broken sleep for the duration of the construction phase, which will have a devastating effect on Your Petitioners' family life and careers and an even more profound and long lasting effect on your Petitioners' children, including their academic development.

- 21 In order to mitigate this potentially devastating effect on Your Petitioners' lives, they request that the following measures be applied to the operating procedures of HS2.
- A) No noisy work be undertaken outside of core working hours in residential areas such as Mornington Terrace and Park Village East.
 - B) Current levels of noise and vibration i.e. the 'usual' noise levels during periods when no maintenance work is taking place on existing tracks, should be recorded to provide baseline data against which the impact of HS2, both during construction and once operational, can be measured.
 - C) Noise levels during the construction phase to be kept to an absolute minimum and be monitored throughout the construction and operational phases of HS2.
 - D) All contractors working on the project be subject to financial penalties if maximum noise levels and/ or authorised hours of working are breached.
 - E) Suitable noise insulation and acoustic screening should be put in place at the cost of HS2, to protect local residents and schools from noise pollution, including double or triple glazing where necessary to shield properties from noise which would affect their usual day to day activities, including studying at home or at school and sleeping.
 - F) Where significant increases to noise pollution and vibration are anticipated which would materially impact on the quality of life, including sleep disturbance, e.g. during the demolition of the Mornington Street Bridge and the Park Village East retaining wall, Your Petitioners ask that local residents be awarded personal mitigation funds well in advance of commencement of the specific works, in order to, for example, find alternative rental accommodation for the duration of the planned works.
 - G) Establish a formal process through which local complaints of disturbance can be addressed in real time, independent of the contractors undertaking the construction work, as Your Petitioners anticipate that Camden Council's Noise Abatement Department will have no day to day jurisdiction over the HS2 operational policies and procedures.
 - H) Temporarily re-route a proportion of the current train services away from Euston to other rail stations, in order to allow much of the construction work due to take place in this residential area to be undertaken during core working hours, to minimise the levels of disturbance to local residents.
- 22 During the operational phase of HS2 Your Petitioners are concerned that they will continue to suffer the effects of increased noise pollution and subterranean vibration caused by the speed, frequency and design of the high-speed trains. Your Petitioners request that suitable barriers to noise and subterranean vibration be incorporated into the design of the trains, tracks and architecture of the site, in order to protect local residents from the potential permanent adverse affects of locating the High Speed network within an open cutting in a high density residential area.
- 23 **Compensation:**
 South Camden and Euston are densely populated urban areas which will be subjected to the most devastating effects of the HS2 project – loss or devaluation of local residential property; reduced amenities for the community including children's services and open spaces; huge increases in traffic with resulting road congestion and pollution, in addition to the negative impact on local public transport. Yet the community and local residents directly and materially affected by the project have been offered a compensation package which is grossly inferior to that offered to rural communities along the route of

HS2, effectively leaving the majority of people without any compensation.

- 24 Your Petitioners will suffer material financial hardship as a result of the HS2 project and yet despite Your Petitioners' property directly facing the planned construction site which is 100 metres away, unlike those living considerably further from the planned works in rural communities, Your Petitioners do not qualify for any form of compensation, be that specific payments during a period of highly disruptive work (including the placing of ground anchors directly beneath their property); a grant to cover the cost of double or triple glazing; or the purchase of Your Petitioners' property by the Government for its full pre-HS2 market value.
- 25 Your Petitioners' property will be severely devalued by the construction work being undertaken locally. Should Your Petitioners' quality of life be sufficiently eroded to require them to vacate the property, it will be an enormous challenge to find a buyer and if lucky enough to do so, it is unlikely that any buyer will be willing to pay full market value for the home which Your Petitioners have spent years and many thousands of pounds refurbishing and hoped to live in for the rest of their lives and ultimately pass on to their children.
- 26 Your Petitioners also own the residential property which occupies the bottom two floors of the same house. Since purchasing this property as a long-term investment, Your Petitioners have used a local letting agent to rent the property to professional tenants on long leases. The letting agent has advised Your Petitioners that it is highly likely that the rental value of the property will be severely diminished, if not entirely eroded by the proximity of the construction required by the HS2 project. Your Petitioners will be unable to cover the mortgage payments on the rental property without some element of rental income. Should Your Petitioners be forced to sell this property as a result of long-term loss of rental income, it is highly likely that the property will not attain pre-HS2 market value. The net result will be material financial loss for Your Petitioners.
- 27 Given all of the issues detailed in this petition, Your Petitioners request that the current compensation proposals offered to those affected by the HS2 project are amended to ensure that they do not discriminate against urban citizens and that all parties affected by the project, be they in an urban or rural environment and be they owner occupiers, tenants or landlords, be assessed on equal terms and treated fairly.
- 28 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.
- 29 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 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 Petitioners in the premises as Your Honourable House shall deem meet.

AND Your Petitioners will ever pray, &c.

Signed

Fiona McGuire

Jonathan Duncan

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