

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

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 CHRISTOPHER AND YVONNE BYNG-MADDICK

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 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 lands, 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, provision 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 Christopher and Yvonne Byng-Maddick, the owners of the property at 39, Mornington Terrace, NW1 7RS (hereinafter referred to as "the Property"), in the London Borough of Camden, affected directly by the work in Schedule 1 to the Bill listed as Work Nos. 1/1, 1/2, 1/12D, 1/15, 1/16, 1/17, 1/19 and 1/19A and indirectly by changes to traffic flows and bus services caused by other work. The Property forms part of a Grade II listed terrace. Your Petitioners have lived in the Property as their primary residence since 1982. Your Petitioners are both pensioners, and Yvonne is the sole carer for her husband Christopher, who, following a stroke in 2004 suffers from a loss of cognitive functions, some physical disabilities and now has mild dementia. Presently there is no plan to demolish (as part of any of the aforementioned works) the Property as part of the Bill, but it is located within 20 metres of and overlooks the Camden Cutting (hereinafter referred to as "the Cutting"), the location of work listed in Schedule 1 to the Bill as Work Nos. 1/1, 1/2, 1/15, 1/16 and 1/17; within 60 metres of the work to the bridge in Work No. 1/19 (and with that bridge moved further away as part of Work No. 1/19A); and potentially within fewer than 10 metres from work to re-route sewers specified as Work No. 1/12D. Your Petitioners also understand that the residential road on which the Property is situated is likely to be used for construction traffic during construction of the Scheme. The physical and mental disabilities of your Petitioners necessitates easy access to public transport services, pedestrian and vehicle access and the opportunity/peace/freedom to sleep undisturbed, so it is easy to see how quality of life and independence will be impacted by the proposed plans as transport services (particularly buses) are re-routed around works for the Scheme, and the overnight working authorised by the Bill and proposed by the plans for the Scheme adds higher noise and light levels overnight for an extended period of time (possibly as long as a decade under proposed plans).
8. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker, and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State, and/or the Nominated Undertaker must review the construction strategy for the Scheme and its related works by considering their cumulative impacts on communities. Some such impacts are referenced below.

Noise, disturbance and light and air pollution

10. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works and for roads to be indiscriminately used for traffic associated with the Scheme. The works for the Scheme are estimated to take as much as 10 years, with the potential for 24 hours per day, 7 days per week working, cited as being necessary "for operational reasons". Your Petitioners submit that these works and the resulting proposed construction traffic on the roads will create filth, noise, vibration, air pollution and where work is carried out overnight, light pollution. Under current legislation, the Grade II listing of the Property and other buildings within Mornington Terrace prohibit and prevent noise and vibration attenuation measures such as double or triple glazing. Your Petitioners suggest that overnight work be minimised and mitigation steps (such as using rail rather than road for the construction materials, tooling and waste) be used wherever possible. Your Petitioners are concerned that the Bill provides neither for a proper Traffic Management Scheme, nor any directive or provision that minimises road use.
11. Your Petitioners understand that the levels of pollution in Camden are in excess of the levels set by the European Union directives, and believe that it is important to make sure that the pollution, noise, vibration and light levels are monitored carefully during the course of work carried out for the Scheme, and respectfully submit that works for the Scheme should not be exempt from any limits for acceptable levels of noise, vibration, light and air pollution as

determined by Camden Council, Her Majesty's Government or the European Union Parliament, and that sanctions and fines may be imposed by these bodies as appropriate.

Carbon emissions and safety

12. Your Petitioners submit that the use of lorries, particularly on residential roads in London carries extra safety risks for many of the children, pensioners, pedestrians and cyclists who use these roads (often in preference to the main roads). This use of lorries potentially increases the local carbon content and nitrous emissions. Your Petitioners therefore suggest that where possible, use of lorries is minimised and that they use main roads rather than residential streets, and that, where necessary, all appropriate safety features be mandated, and that drivers should have appropriate training and drive at low speeds to deal with the increased risk on these streets. Should carbon and nitrous emissions exceed agreed levels air filtration should be provided for affected properties.

Pests

13. The currently proposed plans by HS2 Limited to construct the new railway lines in the Cutting necessitate the demolition and rebuild of the cutting retaining walls (originally constructed in 1901) and the currently Grade I listed Parkway Tunnel. Your Petitioners believe that this work is likely to increase the risk of rat or other vermin infestations in the local area where they cannot currently get through the brick. Your Petitioners suggest that all reasonable measures should be mandated to minimise the risks and effects of such an infestation.

Work on bridges

14. The current plan for the bridge across the railway at Hampstead Road (Work No. 1/11 in Schedule 1 to the Bill, as well as the temporary measures; 1/11A, 1/11B and 1/11C) proposes to raise the bridge by 6 metres and widen the span by 8 metres. These are substantial works, with a necessarily long approach (given the height change), resulting in massive disruption for a major arterial road into Central London (including multiple day and night bus routes). As such, it is very likely that it will cause traffic to back up through Camden, increasing the already high pollution levels mentioned above, as well as causing significant impact in increase of traffic to Camden residents. Your Petitioners believe that the net result of this 6 metre height change will be a feature which will be on a higher level than many features around it, and have a negative visual and aesthetic impact on the surrounding area.

Railway Approach to Euston Station

15. Your Petitioners believe that HS2 Limited have rejected without due consideration some options for the Cutting and the railway approach into Euston Station that could minimise the long-term disruption for the residents whose homes are due to be lost and for some of the Regent's Park and other green amenities. These options include tunnelling for the railway approach into Euston Station or a bridged or similar multi-level system such as Double Deck Down 2. Your Petitioners respectfully submit that a working party including HS2 Limited, Camden Borough Council, the Mayor of London, Transport for London and local residential groups be enabled (such a group already exists) to properly investigate this.

Development at Euston Station

16. Your Petitioners believe that the consultation process for the Scheme at Euston Station as run by HS2 Limited was undertaken hastily and has not completely investigated all of the options for the development of Euston Station, in particular ones that minimise disruption and effects to neighbouring communities. Your Petitioners understand that the use of techniques such as Double Deck Down Two or other multi-level rail service (such as that at London St. Pancras)

would help ensure cohesion in the community around Euston Station, which in turn affects the rest of Camden. Your Petitioners respectfully submit that a working party such as the one mentioned above properly investigate this.

Regeneration and reconstruction

17. The Bill contains provisions to allow the Secretary of State and the Nominated Undertaker to carry out regeneration works in clauses 47 and 48. Clause 59 of the Bill details the modifications to the Environmental Impact regulatory framework. Clause 7 of Schedule 2 to the Bill details the work that may be done and access to trees during the course of the work to the Scheme. None of the specified work in Schedule 1 to the Bill relates to open or green spaces affected by the work to the Scheme.
18. Your Petitioners believe that green open spaces and trees are vital to the London Borough of Camden and that ensuring the replacement planting of semi-mature trees during and after the work for the Scheme will mitigate some of the potential negative effects described above of this work taking place. In addition, your Petitioners respectfully submit that replacing children's playgrounds and green open spaces after construction of the Scheme is something that should be explicitly mandated rather than left as a discretionary choice with Compulsory Purchase by the Nominated Undertaker.
19. Your Petitioners note that the proposed plans for the Cutting and the work for the Scheme are likely to generate dust and dirt which will affect the Property and the terrace within which it resides and believe that measures which encourage HS2 Limited to commit to assisting with the repainting of the Grade II listed terrace following such works would be appropriate.

Compensation for affected parties

20. The cumulative and individual effects described above resulting both from the construction of the Scheme and the ultimate railway service that is the end goal of the Bill will affect quality of life for a community and property prices beyond those directly affected. There has been no precedent for any community to be subjected to such levels of disturbance for such a long sustained period. This extended period of construction and inherent high levels of disturbance are a violation of the human rights of residents in the Camden area. The Bill, as specified leaves much compensation as discretionary beyond the provisions of the Compulsory Purchase Act 1965 and the Acquisition of Land Act 1981. Your Petitioners believe that compensation policies for London suggested by HS2 Limited have been inadequate for the effect that the construction works and traffic, in particular, are expected to have on London residents.
21. Your Petitioners respectfully submit that an individual mitigation budget according to need of the individuals should be made available to pay for glazing or rehousing of those affected.
22. In addition, your Petitioners believe that much of the negative effect of the work for the Scheme on local property prices caused by the Scheme could be mitigated with a Property Bond by HS2 Limited, the Nominated Undertaker or the Secretary of State, or a similar scheme as the best option.
23. Your Petitioners believe that they have special requirements due to age and physical and mental disability that could, before completion of the works for the Scheme as currently planned, cause them to be unable to remain in the Property and to be forced to relocate to supported housing or residential care. As a result, your Petitioners humbly request that consideration be given, in the case that a Property Bond is not available, for their inclusion on some other discretionary compensation framework. Such other frameworks of discretionary compensation might include eligibility for the Express Purchase Scheme or a lease of the

Property to HS2 Limited or the Nominated Undertaker with the option to annul the lease on completion of the works for the Scheme affecting the London Borough of Camden.

24. Your Petitioners also note that a previous railway construction project, carried out for 72 continuous hours over a Christmas holiday period to upgrade a part of the West Coast Main Line in the Cutting resulted in a compensatory payment by Railtrack Limited of £300 per household. No equivalent or similar compensation has, as yet, been proposed by HS2 Limited for London.
25. 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 protections, or 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

...Yvonne Susan Byng-Maddick

Signed.....

..... Christopher Richard Byng-Maddick