

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 FABIJAN MATOSEVIC

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. I am Fabijan Matosevic (Your Petitioner), leaseholder and resident of flat 53 Gillfoot, Hampstead Road, London, NW1 2JP (the "Property"). The property was acquired by Your Petitioner and his parents Davor Matosevic and Ljubica Matosevic in an all-cash transaction which completed on 7 June 2006. The property is now held on a long leasehold basis expiring on 19 March 2114 at a rent of £10 per annum. Your petitioner invested in the refurbishment of the property including retiling of kitchen, bathroom, and WC, reflooring and repainting of two bedrooms, living room and hallway. Kitchen and toilet facilities were replaced including kitchen appliances, bath tub, sink, wash basin and toilet. The total estimated cost of the refurbishment is £25,000. The refurbishment was undertaken in two stages, the first in December 2007 and January 2008 and the second in July and August 2011.
8. Your petitioner has resided at the property permanently since 20 September 2013 and intermittently since January 2008. Actual residency schedule is as follows:
 - a. January 2008 – July 2008
 - b. October 2011 – January 2013
 - c. 20 September 2013 – Present
9. Your petitioner acquired the property on the date mentioned in article 7 above as a long-term residence and place of primary residential interest.
10. Your Petitioner and their interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
11. At the closest point the property is located within ten (10) metres from the wall separating the estate from the current Euston railway tracks which are part of the future HS2 route. Despite this, the property falls outside of the safeguarded Area as per Map 2 of the HS2 safeguarded area of 60 metres in the Central London / Euston area. In addition, a major HGV road to be used solely for the purposes of the development of HS2 will be located along the northern and eastern boundary of the Property. As identified as part of the HS2 Phase One Environmental Consultation, the Gillfoot block will be severely affected. The construction site adjacent to Gillfoot is a major cause for concern as it will disrupt your petitioners ability to reliably travel to

and from work and the leisure and social amenities available at Camden. Daily rest patterns will be disturbed and the development and environmental externalities will significantly affect quality of life. In addition a major reason for Your Petitioner's decision to reside at this location was the proximity and ease of access to Regent's Park and Primrose Hill Park due to the exercise amenities available at these parks. Access to exercise amenities is crucial due to Your Petitioner's elevated blood pressure and consequent need for regular physical activity. Current development plans propose the demolition of two bridges over the proposed railway tracks (Grandby Terrace and Mornington Terrace) which offer the two shortest routes between the parks and the Property. The proposed utility works in the areas immediately surrounding the Gillfoot block will further disrupt accessibility to and from the Property.

12. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works 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.
13. The threat to living standards caused by the works will reduce residential demand in the area just before and during the course of construction as many of the amenities that drive value will be removed, and some of those that reduce value will be exacerbated by the works. The former include egress from the property, and equivalently access to work and school and increase commute time to and from work. Access to exercise, health and leisure amenities at Regent's Park and Primrose Hill will also be adversely affected during construction. Negative externalities that will be exacerbated by the works include heightened noise pollution, reduced air quality and significantly greater visual pollution for Gillfoot residents. All these factors will reduce the residential attractiveness of the Property and will be reflected in its rental and capital values. Holding all else equal, construction will limit rental and capital value growth during the course of construction which will put the Property in a disadvantaged position relative to equivalent properties which will not be affected by the works on High Speed Rail. Your Petitioner is particularly concerned by their ability to market the property for sale or rental should the deterioration in quality of life caused by the development within and around the Gillfoot and Euston Station areas require Your Petitioner to move to an alternative location offering the same life quality and amenities as those available at the Property prior to commencement of any works on High Speed Rail and following the completion of the most recent works on Amptill Square estate. The limits on rental and capital value growth caused by the works will reduce Your Petitioner's ability to relocate and hence reduce their flexibility to move to maintain their standard of living. The impact of the works on the property's residential attractiveness and values during the construction of High Speed Rail is a unique externality that will directly negatively impact Your Petitioners' financial well being regardless of wider market conditions and trends in the local, regional and national property market. Your petitioner believes any positive effects on their property's value as a result of the completion of the proposed works will not be sufficient to compensate the negative impact caused by the construction process and hence have a permanent long-term negative effect on their property's value.

14. Your Petitioner considers that the provisions in the Bill relating to compensation for those who will be affected by the construction and the operation of the proposed works even though their land, lease or property is not acquired, is completely inadequate. It is with great regret that Your Petitioner notes that residents of rural communities are to be treated in a different, preferential way from residents in the London Borough of Camden (the "Borough"). Residents in rural areas will be able to claim the benefits of the promoters' voluntary purchase scheme and other measures, which are not available to residents of the Borough. Your Petitioner understands that the reason for this is that the promoters consider that residents of urban areas within the Borough are used to having to put up with the adverse effects of construction works and railway noise and therefore are in some way more immune to their effects. Your Petitioner considers this to be grossly unfair and therefore ask your honourable House to amend the Bill to ensure proper compensation will be payable not only to those in the Borough who will be badly affected by the works, and that at least the equivalent compensation products are available to residents of your Borough as are available to residents of rural areas.
15. Your Petitioner questions the criteria for defining the safeguarding zone as it appears the main criterion was minimising demolition costs and hence the proportion of development costs allocated to compensation of residents affected by the development.
16. 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 project and its related works by considering their cumulative impacts on communities, the health and financial well being of Your Petitioner and other residents and leaseholders at Gillfoot. And they need to suggest necessary changes from the results of that review before works, design and construction strategies have been finalised or construction contractors employed.
17. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.
18. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER 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 Petitioner(s) 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

FABIJAN MATOSEVIC

A rectangular area that has been redacted, obscuring the signature of Fabijan Matosevic. The redaction is represented by a solid black box.

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