

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 MICHAEL DOWD*

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SHEWETH as follows:-

1. A Bill (heinafter 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 Secretary Patrick 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, Mr Robert Goodwill.
3. The Bill is divided into two volumes. Volume I contains the Clauses to the Bill and Schedules 1 to 4. Volume 2 contains the remaining Schedules to the Bill (Schedules 5 to 31).

## ***Petitioner***

4. Your Petitioner is Michael Dowd (hereinafter referred to as the Petitioner). The Bill would authorise the construction and operation of a High Speed rail system and its associated development through Camden and the Petitioner objects to the part of the works outlined below.

5. Objection is taken to the works proposed to be undertaken in Camden between Mornington Street bridge in the south up to Parkway tunnel in the North. Those works include the demolition of a historic Listed retaining wall separating the West Coast mainline trains on the West side of the wall from the Classic trains on the East side of the wall.

6. The Petitioner is the owner and occupier of a property to the west side of this wall and in close proximity of the wall. His rights and interests are injuriously affected by the Bill.

7. The Petitioner does not object in principle to the decision to construct a High Speed train from Euston to Birmingham, but does object to the works proposed to be carried out as referred to above.

8. The Petitioner avers that it is not necessary to demolish this wall if the track alignment and associated portal positions are put back to the position they occupied in HS2 Post Consultation preferred route, published in the spring of 2012, following two years of consultation.

9. The Petitioner notes the assertion of the promoters of High Speed rail that this wall needs to be demolished to permit a straightening of the track in order to save several seconds on the journey time to Birmingham - high speed being the essence of the project. However, in a recent report to MPs, the Promoter of the Bill, in Spring 2014, states that speed is no longer the prime mover of this project, speed having been replaced by capacity as the more important. As a consequence the speed in the Cutting up to Parkway could be reduced. The Petitioner understands that the track could now be positioned as originally proposed in the Post Consultation document of Spring 2012 whilst still allowing for an acceptable train speed in the Cutting.

***Particular damage caused to the Petitioner by the bill includes unacceptable harm from construction and operation of the track re-alignment at Parkway, Bill V(olume 11)Schedule 17 - Listed building. Parkway tunnel and Cutting grade II.***

10. Heritage

The promoter states in the spring 2013 Environmental Report that the central retaining wall is of limited heritage value. However, subsequent to the issue of the Environmental Report, it has now been acknowledged both by the Promoter and by English Heritage that

this wall forms an important section of the original Camden cutting retaining wall built by Robert Stephenson in 1836, the original architect of the Birmingham to Euston railway. The Promoter admits that they were not made aware by their Archaeological & Heritage advisor nor their engineering consultants of the existence of this wall, and were unaware of the wall until made aware by your humble Petitioner in a report made available to the Promoter in August 2013, namely after the Environmental Report was circulated for consultation.

English Heritage have now confirmed that the retaining wall forms part of the current grade II Parkway tunnel and cutting Listing. English heritage further re-affirm in their email to you humble Petitioner on May 9 2014 "We'll be treating this as part demolition of a listed building if plans to remove the western retaining wall are not revised - and I strongly hope that they will be revised".

#### 11. Noise and Disturbance

The petitioner avers that there will be substantial interference from noise, vibration and increased activity in the vicinity of the wall to be demolished. The promoter states that owing to the continued running of electric trains during the works on the adjacent WCML tracks, there will be electric trains in the vicinity of the demolition work to the wall and as a consequence work will have to be carried out at nighttime in 4 hour slots resulting in a protracted time for undertaking the demolition. HS2 estimated time for demolishing the wall is 8 months. Your Petitioners considers that the noise and general disturbance will have serious effects on his and his families living conditions for this length of time and is unacceptable, especially given the fact that the demolition of the wall is no longer considered of the essence.

#### 12. Light Pollution.

It is also averred that there will be serious disturbance from light used to illuminate the works. The residents of 117 Parkway include four children under 5 years of age. This continuous light pollution would cause serious nuisance to their life pattern and would be an infringement of their human rights.

#### 13. Safety.

Electric power lines to existing and future high speed trains are currently supported by this wall. The removal of this wall, both temporary and permanent, will cause serious disruption to the existing west Coast Mainline trains and Classic trains and will be a source of serious safety concern.

### ***Form of relief sought by petitioner***

14. The Petitioner asks that the track be re-sited to the position it occupied in the preliminary engineers study of 2012, that is, sited approximately 2 metres further West which would avoid the need to demolish the retaining wall. Further the petitioner asks that in addition to this track re-siting, the associated Up-line train Portal be sited approximately 30

metres further towards Euston to avoid impinging on the wall, all as per the original 2012 HS2 engineers feasibility study

15. Inadequate consultation

The proposed track realignment involving the demolition of the wall was announced by HS2 too late for comment in the Design Refinement consultation and has not in consequence been subject to normal scrutiny and public consultation. Your Petitioner is concerned that as recently as May 2013 the promotor admitted that it is likely that the track alignment could be still further modified. As a result of this High Speed rail intends to produce technical revisions after the closing date for the submission of Petitions. The Petitioner also submits that the level of consultation by High Speed train has been inadequate and inconsistent throughout the process to date.

In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the High Speed train 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.

For the foregoing and connected reasons your petitioners respectfully submit that, unless those clauses of the Bill referring to the proposed demolition of the Central retaining wall are removed or amended, then the Bill should not be allowed to pass into law.

There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, (including their human rights) interests and property and for which no provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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. and your Petitioner will ever pray, &c

BACKSHEET:

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