

**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 HELEN BRYAN**

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.

**Clauses of the Bill**

3. Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use

watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.

4. Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

5. Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.

6. Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.

7. Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

8. 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 to the Bill and other works, which are described in clause 2 of and Schedules 2 and 3 to the Bill.

## **Your Petitioner**

9. Your Petitioner is **Helen Bryan**, Joint Long Leaseholder of the **Property at 30 Park Village East (PVE)** a Grade II\* Listed building built by John Nash in 1822. She has lived at the Property since 1980. This Petition is supplementary to the Humble Petition of the **Park Village East Heritage Group (PVEHG)** of which the Petitioner is a member. Your Petitioner endorses the Petition of the PVEHG in its entirety, and makes this further Petition to illustrate how the works in the Bill will directly and specifically affect her rights, interests, health and property, for which no adequate provision has been made to protect or compensate your Petitioner.

10. Your Petitioner is a sixty-eight year old woman, a wife, mother, grandmother and successful author who writes from her home and is the principal bread-winner of the family. She is a carer for her three young grandchildren on weekday afternoons as the children's parents work and is on call in case the children are ill. As the grandchildren's parents all travel abroad for work, the children often stay with the Petitioner where they have their own room and nursery and can play in the garden. The Petitioner suffers from asthma which is badly exacerbated by dust and pollution from road works, fumes from tar and asphalt and engines left running .

## **THE PROPERTY**

11. The Petitioner's Property lies within meters of the Euston railway cutting. The centre of the proposed HS2 tracks is approximately 35 metres from her front door and less to her property boundary. The proposed works and their effects on PVE are set out more fully in the PVEHG Petition but the Petitioner notes that PVE will be turned into a construction site immediately at her front gate. .

12. In particular, your Petitioner is concerned about the impacts of associated works in the Bill on her and her Property in terms of noise, pollution, and lack of access all of which will have a devastating effect on her health and daily life, her family, her work and her income, as well as the cumulative effect on the stability and value of her Property.

13. The Petitioner can quantify the value of the Property and the impact on her working life in financial terms, but respectfully draws the attention of this Honourable

House to the fact that the Property is a family home. Although the Petitioner's children have homes and families of their own, the Petitioner's Property has been at the heart of her extended family life for thirty-four years. Aside from the fact her grandchildren are frequently at the Property, the Property is where family holiday celebrations, such as Thanksgiving, Christmas, and Fourth of July, as well as family birthday parties, take place. At Easter the children hunt for Easter eggs in the garden. Relatives and friends from the United States come to stay. In summer there are barbeques and the children make camps and play badminton in the garden. Insofar as the proposed works will have an impact on the Property, they will have a devastating effect on the amenity of the Petitioner's home.

## **NOISE**

13. The Bill's promoters who publicly asserted that London residents need not be compensated because they are "accustomed to living with a higher degree of noise" must be unfamiliar with Park Village East. It is a quiet residential neighbourhood. There are no buses and traffic calming road "humps" mean there is no fast traffic. Inside the Property there is relatively little disturbance from traffic even with the windows open in summer. Although PVE runs alongside the existing railway line into Euston, the railway cutting is deep and PVE residents are barely aware of the trains. All the properties on PVE have large, peaceful gardens, where ambient noise levels are so low that it is possible to hear children playing three or four gardens away.

14. Given the proximity of the Property to the street, the Petitioner knows from experience that the noise of road works/utility works on the street can make it impossible for the Petitioner to work or even speak on the telephone. However, the Petitioner's experience of the last thirty-four years is that such road works are of short duration, lasting perhaps a few hours on several occasions a year. In the event that Petitioner's driveway has been blocked by works vehicles, workmen have always been accommodating about moving to allow the Petitioner access. In all the time the Petitioner has lived at the property, she has suffered minimal inconvenience from road/utility work noise in the normal course of events, despite living in a city.

15. The noise level of construction of HS2 and associated works has been identified by HS2 in their Environmental Statement (ES) at decibel levels both during and outside normal working hours so far beyond what is "normal" on PVE, or even bearable, that the Petitioner would be unable to work, sleep, or care for grandchildren. It would render the Property uninhabitable by the Petitioner and unsellable to anyone else.

### **POLLUTION**

16. The Petitioner is concerned that PVE will become a part of the larger construction site and construction lorry park for a considerable period of time, as these works are due to commence 2Q2015 and not finish until the Phase I trains are actually running, optimistically 2026. This means a period of eleven years of traffic fumes, disruption, heavy goods vehicles, dust, noise and pollution that will render the Petitioner's Property uninhabitable.

17. Given the historic nature of the property, the single-glazed and drafty historic sash windows allow dust and fumes to drift into the house. Since the Petitioner's house contains original Georgian glass in some windows and no alterations are allowed to the frames or the glass, your Petitioner would not be permitted to install double or triple glazing, even were it possible to do so. However, it is not possible to install double or triple glazing as the windows have shutters, and in any event, double glazing would make the house unbearably hot in summer when windows into the garden must be open.

### **LOSS OF INCOME**

18. The Petitioner makes a yearly six figure income from her writing. Being unable to work as a result of noise and pollution will deprive the Petitioner of this income on which the Petitioner depends and occasion considerable financial hardship.

### **STABILITY OF THE PROPERTY**

19. The Petitioner is concerned about the likely impact of heavy construction vehicles and associated vibration of plant and machinery in close proximity to her property. She understands that these proposed works involve gigantic rigs being placed on the roadside immediately adjacent to her property.

20. These rigs will cut trenches to a depth of about 100 feet under the road immediately adjacent to the Petitioner's house. As described more fully in the Petition of PVEHG, a steel / reinforced concrete cantilevered structure will be constructed under PVE to allow high speed trains to run beneath the road..

21. The Petitioner's Property rests on footings, not foundations, and sits on a kind of "ridge" between the deep railway cutting the length of PVE at the front , and her garden at the rear sloping down to what was an arm of the Regents Park Canal , filled in with bomb rubble during World War II.

22. The Petitioner's Property has suffered severely from subsidence in the past, to the extent that the Property ultimately required complete underpinning with a concrete raft and pilings to a depth of fifteen metres in 2004-2005. The cost of reinstatement was approximately £800,000.00. Your Petitioner understands that no investigative work has been carried out by HS2 or its engineers to establish how susceptible her Property may be to damage from the works included in the Bill, your Petitioner notes that the roadway and pavement on PVE already suffer visibly from subsidence.

#### **LACK OF ACCESS TO PROPERTY**

23. The Petitioner is concerned that road closure on PVE , the lack of access for residents' vehicles, combined with the closure of Mornington Bridge will delay or deny access to emergency vehicles such as ambulances and fire engines trying to reach properties on PVE in an emergency, a highly dangerous situation. There are also access requirements to the individual properties for rubbish collection and delivery vehicles.

24. The Petitioner depends on car access to her driveway in order to care for her grandchildren, as well as for her own transport for shopping and errands and medical appointments. She frequently transports up to three young children, including a baby, scooters, together shopping, baby equipment, baby carrier, school bags, etc. HS2 Ltd have suggested that PVE residents could park in the car park of the London Zoo. In practical terms, this is an unworkable and a nonsensical solution, although indicative of the extent to which HS2 Ltd. has attempted to address any of residents' concerns.

The Zoo car park is half a mile away, nearly a fifteen minute walk, across a dangerous intersection at Prince Albert Road and Parkway. Carrying a baby in a carrier, baby bag and shopping while holding the hands of two small children on scooters to cross the intersection, would be physically impossible for the sixty- eight-year old Petitioner.

The alternative would be leaving the baby and shopping in the Zoo car park while taking the older two home on scooters, to leave them there alone while the Petitioner returned to the Zoo, half an hour later ( two fifteen minutes trips to and from the Petitioner's Property) to collect the baby and carrier, carry the baby and his carrier back to the Property, then leave the children and baby on their own at the Property for a further half-hour while the Petitioner returns to the Zoo car park for the shopping, children's school bags and gym kit. The Petitioner believes it goes without saying that this would be highly irresponsible, dangerous, and not a realistic alternative.

25. Your Petitioner has attended public meetings held by HS2 Ltd., during which she and other residents of Park Village East sought to engage with HS2 Ltd. concerning the nature of the street, the historic properties and ways in which she and other residents will be directly and specially affected by the works set out in this Bill. On these occasions HS2 Ltd. limited their "engagement with local residents" to outlining HS2 Ltd.'s plans, and failed to engage with the Petitioner and other local residents about residents' concerns, save to suggest the alternative parking plan at the Zoo and the possibility of double glazing to deal with noise. HS2 Ltd. ignored every point the Petitioner and other residents tried to make about the inadequacy of such measures.

## **THE PETITIONER SEEKS THE FOLLOWING RELIEF:**

26. Your Petitioner believes that full consideration has not been given to the cumulative effects of the proposed works, and alleges that she and her Property, rights and interests in her area would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form. To the extent that there is the adverse impact which the Petitioner anticipates, the Petitioner respectfully asks that HS2 Ltd be required to take remedial action. To the extent that they are unable to do so, HS2 Ltd should compensate and/ or rehouse the Petitioner.

27. Your Petitioner respectfully asks this Honourable House to require the Promoters to implement the following mitigation measures, compensation measures, and temporary rehousing, together with all necessary reinstatement of the Petitioner's property.

## **MITIGATION MEASURES**

28. The Code of Construction Practice is inadequate to address the impacts the Petitioner has identified above, as in practice the Code can be set aside by a contractor for reasons of the contractor's convenience. Any party affected by this has little recourse. Your Petitioner respectfully asks this Honourable House to impose the following mitigation measures :

- (i) Direct access to the Petitioner's Property will be retained at all times;
- (ii) PVE will not be used for construction traffic;
- (iii) In so far as is practical, only rail will be used for the delivery of materials and the removal of waste;
- (iv) The street will be kept clean.
- (v) There will be no increase in noise or pollution levels as a result of the construction works. Specified limits will be imposed to reduce the nuisance whether with regard to noise, pollution, dust, traffic control, hours of work, and the time within which work will be completed. If these conditions are broken, compensation will be paid to the Petitioner without delay.
- (vi) A full structural survey be carried out in advance of the commencement of any works to assess the likely impact of such works on the structure of the Property.

## **COMPENSATION MEASURES**

29. Your Petitioner respectfully asks that the compensation arrangements that apply to properties north of the M 25 that are affected by HS2 be extended generally to apply equally to properties south of the M 25, and in particular to the Petitioner's Property.

30. Your Petitioner respectfully also asks that a schedule of compensation for disruption and loss of residential amenity be imposed on HS2Ltd, on a scale commensurate with the loss to the Petitioner and other residents.

## **REHOUSING**

31. Your Petitioner also respectfully asks that she be given the option of rehousing for the duration of the HS2 works likely to impact her property, as set out above and as those impacts and their duration are set out in the Petition of the PVEHG. The Petitioner asks that the property in which she is rehoused is a comparable one to her present Property and in the same vicinity, with the rent and all associated fees and moving costs to be paid by HS2 Ltd. The Petitioner would note that on the occasion of her Property being underpinned in 2004-2005 she was required to move out of the property together with all the household contents, and finding a suitable temporary rental property and organizing the move took several months, so that were the Petitioner to exercise an option of rehousing, she would need to have adequate notice and adequate time to prepare for the move.

31. As part of the costs associated with rehousing HS2 Ltd, should be required to maintain the garden of the Petitioner's property in the Petitioner's absence, as well as insurance on the vacant property.

32. Prior to the Petitioner's return to the property HS2 should be required to carry out all necessary reinstatement, as the Petitioner anticipates that her presently immaculately kept Property will be filled with construction dirt and require complete redecoration.

**YOUR PETITIONER** therefore humbly prays 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 in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of Your Petitioner 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 Petitioners will ever pray, &c.**

Signed:



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**THE PETITIONER HELEN BRYAN**

IN PARLIAMENT  
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HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITION OF HELEN BRYAN

AGAINST, By Counsel, &c.

