

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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:

FRANCA NILDA FUBINI

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.

*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.

*Your Petitioner*

- 8 Your Petitioner since 1986 is an owner of a studio flat at 28 Mornington Terrace, Camden Town, London, NW1 7RS, which fronts on to the limits of land to be acquired or used for the proposed railway and works and will be specially and directly affected by the proposals of the bill.
- 9 28 Mornington Terrace is a Georgian style, Grade II listed building and is part of the Camden Town Conservation Area. Mornington Terrace consists of approximately 90 properties set in a largely residential area with a coherent 19<sup>th</sup> Century streetscape and a significant view to Regents Park Conservation Area. Your Petitioner has been resident in the flat from 1986 until 2006 when work has brought her to Italy. The flat has been let since then and its income is part of her sustainment.
- 10 Your Petitioner and her rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

*Your Petitioner's concerns*

- 11 Your Petitioner is supportive of the Bill in principle, however, your Petitioner has serious and substantial concerns regarding the proposals to demolish and reconstruct Mornington Street Bridge (Work No. [1/19]) and the retaining wall between Park Village East and the proposed railway, excavations and removal of soil, the construction of the twin bored tunnel that will pass beneath the A4201 Parkway, between Mornington Terrace and Park Village East, utility trenching in the vicinity, and the creation and use of Mornington Street Sidings Satellite Compound

and Carriage Shed and Park Village East Satellite Compound all of which are in close proximity to 28 Mornington Terrace.

- 12 Your Petitioner believes that the proposals will adversely affect the amenity of the area both in the short term and long term and directly interfere with her enjoyment of her property.
- 13 It is your Petitioner's belief that the Proposed Scheme would be better served if the HS2 remained in a tunnel until it reached Euston Station, thereby considerably reducing the construction impact and disruption to residents and properties on Mornington Terrace and the surrounding area. In particular a wall proposed to be constructed in front of her property will shut out a significant proportion of the natural light it receives.
- 14 Your Petitioner believes a terminus at Old Oak Common would be a better alternative than the one currently proposed. A terminus at Old Oak Common would provide a better service to London and at the same time considerably reduce the environmental impacts so far envisaged. Your Petitioner asks the Promoter to investigate this option as a more cost effective and environmentally friendly alternative, and to clarify why a terminus at Euston is in any event required.

#### *Construction Activity*

- 15 Your Petitioner would be significantly and adversely affected by the construction activity consisting mainly of noise, vibration, pollution, traffic congestion, road and bridge closures that will last for a considerable period of time and for which there is proposed to be little relief during the construction period. Paragraphs 17-21 below set out in more detail the noise and vibration effects.
- 16 Throughout 2015-2017 and 2018-2019, your Petitioner will be in close proximity to frequent demolition activities that will adversely affect the enjoyment of her property.
- 17 Your Petitioner is concerned about dust and dirt produced during the proposed works and would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust and dirt, and to carry out additional mitigation if dust and dirt nonetheless continue to be a nuisance.

#### *Noise and Vibration*

- 18 Mornington Terrace is set in a surprisingly quiet area, and enjoys the tranquillity mostly associated with the rural areas. The Proposed Scheme is very likely to disturb the amenity of the area.

- 19 Mornington Terrace is forecast to experience noise levels higher than the noise insulation trigger levels as defined in the Draft Code., which will last throughout the construction phase to the operational phase. Volume 15 of the Environmental Statement explains that the level of noise during the day and night will be 3dB above the baseline. With the main source of noise impact to be demolitions close to Mornington Street Bridge, the demolition and construction of new bridge piers, and utility trenching.
- 20 Apart from the noise levels associated with the construction and operation of the railway and associated structures, the Mornington Terrace area will be affected by construction vibration and simultaneous airborne noise impacts. The construction of Mornington Street Bridge and of the new bridge piers will involve night time works and considerable vibration effects. Your Petitioner will be adversely affected by such works which will detrimentally affect their enjoyment of their Property.
- 21 Your Petitioner submits and is supported by the Environmental Statement that the change in noise levels are likely to affect the acoustic character of the area such that there is a perceived change in the quality of life. (4.4.8 Operational Assessment SV-004-001). Your Petitioner requests the installation of acoustic glazing to their property and if found to be ineffective requests to be re-housed and compensated during the construction periods.
- 22 Consequently, your Petitioner submits that the Promoter should be compelled to use best available techniques in the construction (and operation) of the railway and its associated works to ensure that the adverse effects caused by noise and vibration are minimised. Furthermore, your Petitioner wishes to see strict construction standards set to which the Promoter must be made to comply.

#### *Landscape and Visual*

- 23 The views from Mornington Terrace have been designated as key views by the Environmental Statement, Landscape and Visual Assessment, Landscape Report, whereby the Petitioner enjoys views to the Camden Town Conservation areas and views that have been described by the Report as illustrating the relationship between the city and green space. The Report admits that these views would be significantly affected by the construction works and will last with minor adverse effects up to at least the summer of 2086.
- 24 The Proposed Scheme will be only 10m away from your Petitioner's property and your Petitioner will have close and direct views of the construction works. To reduce the effect of these views the Environmental Statement proposes to plant trees and other plants to obscure the views. However, your Petitioner submits that visual impacts will not be adequately mitigated.
- 25 Your Petitioner submits the important and panoramic views she enjoys will be substituted with construction boards, cranes, and associated construction apparatus. This will result in a loss of amenity for which there are no mitigation options available.

## Access

- 26 Properties at the beginning and end of Mornington Terrace, namely 9-12 and 58 Mornington Terrace will be compulsorily purchased and consequently demolished. Consequently, access to Mornington Terrace may be affected. This will be very disruptive to your Petitioner, restricting her access to and from her home.
- 27 Furthermore, the Environmental Statement submits that sections of Mornington Terrace will be closed to facilitate the utility works and the sewer diversion (Work No. [1/12D]). Again, your Petitioner would be adversely affected by these road closures.
- 28 The demolition and reconstruction of the late 19<sup>th</sup> Century, partly Grade II Listed, Mornington Street Bridge also concern your Petitioner. Apart from the associated nuisance and disruption caused by the construction activity, which has already been mentioned, your Petitioner will be severely affected by the closure of the bridge and access route to the west for the duration of the works.
- 29 The demolition and reconstruction of the bridge will last for 2 years. Consequently, your Petitioner will not be able to gain vehicular access to and from the west for the duration of the bridge closure. The only access route to the west would be to head south, thus lengthening and inconveniencing your Petitioner.
- 30 Your Petitioner submits that the demolition and replacement of the Mornington Street Bridge will cause a major adverse effect on the Petitioner as well as the local community and interruptions to access should be kept to a minimum.
- 31 *Compensation*
- 32 Your Petitioner believes that there is an inherent inequity in the compensation schemes so far available, namely Advanced/Express Purchase Process and Long Term Hardship Scheme. Your Petitioner notes that two properties located a few metres away from one another yet within the same distance to the proposed works are treated differently and have different reliefs available to them.
- 33 There is also an inequity between properties in rural and urban areas. The Promoters have assumed that residents in urban areas are used to the adverse affects of construction works and railway noise and are constantly immune to the noise levels. However, this is not the case at Mornington Terrace. As discussed Mornington Terrace enjoys the same quality of life as rural areas.
- 34 Your Petitioner also notes that there are no adequate compensation schemes that cater for inconvenience caused during the construction activity.
- 35 Your Petitioner requests the Promoter to give full consideration to the effects of the Proposed Works and the pressures of construction activity on your Petitioner as well as the surrounding area and to ensure properties in the area are habitable during

construction and when the HS2 trains begin to operate. The assessment criteria should be clear and open to scrutiny. The assessment should aim to determine if re-housing on a temporary or permanent basis is necessary and if it is not to set up effective reliefs to combat the adverse affects of construction activity.

- 36 If 28 Mornington Terrace is found to be inhabitable and consequently unsalable or sellable at only a rate considerably less than the open market value would have been had it not been for the Proposed Scheme, your Petitioner requires the Promoter to fairly compensate her for the effects on the value of her property and to purchase her property at full market value including additional compensation.
- 37 Further, your Petitioner has noted that new purchasers will not be protected by the current compensation schemes. If new purchasers will not qualify for compensation in the event they become adversely affected by the Proposed Scheme, then they will be discouraged from buying properties on Mornington Terrace. Consequently if there are no potential buyers then your Petitioner will be unable to sell her property. Your Petitioner requests that new purchasers should be able to gain the same relief as herself.

### *Conclusions*

- 38 Your Petitioner believes that, without adequate protection and mitigation, the impact of the works will cause the property of your Petitioner unfit for occupation during the construction phase. Your petitioner believes that in case she will not be back to inhabit her property, there will be loss of rental income during the construction years and possibly even after the line is operational, if the noise is higher and the air quality worse : one of the Environmental Reports predicted up to 40% more traffic on Parkway, Delancey street, Park Village East and Mornington Street Protection and mitigation should be treated as a primary aim for the Promoter and a vital factor during the works.
- 39 Your Petitioner requests a scheme to be set up to be applicable throughout the construction phase, whereby persons specifically and directly affected by the construction works can be temporarily re-housed and financially supported if it becomes difficult to sell or release capital from their homes, with clear trigger criteria provided in advance.
- 40 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.

41 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 prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that she may be heard by her 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 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. SIGNATURE ABOVE PRINTED NAME



Franca Nilda Fubini

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**FRANCA NILDA FUBINI**

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**20th May 2014**