

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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 Mr Gerald Rosen and Mrs Rosalind Loretta Rosen

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 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 and Secretary Edward Davey and Mr Robert Goodwill.
- 3 We object to the following clauses of the Bill: 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 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 Your Petitioners are **Mr Gerald Rosen and Mrs Rosalind Loretta Rosen**, resident lessees of flat number 52, Darwin Court, Gloucester Avenue, London, NW1 7BQ, which the Bill may directly and specifically affect.

Your petitioners are 86 and 80 years of age respectively, and have been living quietly in Darwin Court since 2003. They have had the expectation of continuing their relaxation for the remainder of the time they remain active.

Darwin Court is very close to the portal at the Euston end of the railway, and is the first building above the proposed tunnels, at the position where the tunnels are at their shallowest. The complex comprises 104 flats, arranged as a row of five buildings labelled "A", "B", "C", "D" and "E" respectively. Block "C", therefore, is at the centre of the row, and is directly above the centre-line of the proposed "up" tunnel.

Flat 52 is a first floor flat, and with the adjacent flats, will be the one many affected by the likely noise and vibration of both the construction and the running of the trains.

The buildings of Darwin Court were built in the early nineteen-seventies and they are of load-bearing brick construction. That is to say that the concrete floors are supported only by dense brick walls, without steel or concrete columns. This form of construction is particularly sensitive to the transmission of impact sounds and vibration, and it is notable that any drilling or hammering work can be heard throughout the block in which it occurs. There is no doubt that the underground vibrations will have the same effect.

Calculations will show that the top of the proposed tunnels will be only approximately 14 metres below the foundations of Darwin Court.

Your petitioners' property is on a quiet residential road which will be used by construction traffic and also by road users trying to avoid both the construction traffic and road closures nearby. Buses may also be diverted onto this street as other normal routes are closed for works to sewers, ventilation shafts, etc. Being so close to the construction of Euston Station, your petitioners' air quality will be gravely affected by nitrogen dioxide, nitrous oxide and particulates - (London is already over the EU limit for nitrogen dioxide levels),- as will our right to enjoy our own peaceful, enclosed garden. At the time of writing, the details around Euston Station change frequently. Recently, a huge private development has been proposed to stretch from Euston Station over the existing railway right up to Mornington Bridge, which would mean another eight years' construction and the area, already densely populated, will be overwhelmed by a vast shopping mall, increased traffic and a Canary Wharf-style development.

Your petitioners will lose their private garden for up to two years, while it is used as a construction site.

- 5 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 6 Your Petitioners object to the Bill on the following grounds:

TUNNELS.

The Bill includes powers for the Secretary of State and the nominated Undertaker to tunnel underneath our blocks. In Darwin Court, noise travels vertically right through all five floors. Residents are used to some noise from the present railway which runs along and

next to the blocks, but they are severely affected when a resident renovates a flat above or below their own. Drilling can be heard - and vibrations felt - throughout the block - and is very hard to bear. This is confined to normal working hours, however, whereas tunnel and rail construction will continue night and day seven days a week. A proper study is needed of the long term effects caused when the tunnelling is completed and the trains are running, on the damage caused by subsidence, noise, vibration on old pipes and the possible damage or even destruction of the buildings themselves.

According to the LGiU (Local Government Information Unit):

ground-borne noise can be a serious problem, depending on geology and building construction;

longer trains are worse than short trains;

some vibration may be more apparent 40m and 80m away than at 20m.

Your Petitioners respectfully point out the great extent of existing railway land to the north and east of Gloucester Avenue and Primrose Hill. Your petitioners request that the Promoter's tunnels should run beneath existing railway land rather than beneath your Petitioners' homes.

Your petitioners also beg that tunnelling and rail construction should NOT take place twenty-four hours a day, seven days a week, as proposed, but should only be allowed during normal construction working hours. Nor should construction work take place during Bank Holidays, such as Christmas and the New Year, but that your petitioners should be entitled to the peaceful enjoyment of their homes, especially at night.

EUSTON STATION

The effects of the construction work at Euston Station will be felt for over ten years and maybe much longer, as hundreds of lorries carrying waste will pass near us every day . We are already badly congested in this area. Parkway and Regents Park Road directly in front of us will be severely overloaded, thereby putting huge pressure on our road, Gloucester Avenue, which may become a heavy traffic route in response. Closing Park Village East will have a devastating effect on traffic routes from Darwin Court into London and put pressure on surrounding streets also. Demolishing the houses on Regents Park Estate will contribute more noise, more lorries, more waste, more pollution. Building a huge Canary Wharf style private investment by Park Village East will add another ten years of construction. and ruin the quiet residential streets, full of beautiful Regency Nash houses close to Regents Park.

TRAFFIC DISRUPTION AND CONGESTION

Your petitioners fear the effect that traffic disruption and congestion will have on our health, caused by construction vehicles and road closures. Those who cannot walk far will suffer from not being able to get access to their cars and if they can, too many roads may be blocked for them to be able to get to the shops. What will happen when Delancey Street closes for a year, Adelaide Road for a year, Park Village East maybe permanently. It will be impossible to live our daily lives. Buses run along many of these routes, getting people to the Royal Free Hospital, for instance, or back from the centre of London. Many older people need or prefer to travel by bus rather than underground. It may become impossible to get anywhere near Darwin Court when the buses are on diversion for up to a year at a time. If no other solution can be found, then your petitioners request that road

transport be limited to daylight hours and avoiding peak traffic times, i.e. between the hours of 9:30 am and 4:30 pm Monday to Friday. Your petitioners also request that due consideration to alternative plans such as stopping at Old Oak Common, designs such as Double Deck Down, and use of canals, be treated with extra consideration and properly assessed by independent assessors rather than firms with a vested interest, in order to alleviate the disruption, noise and air pollution for over ten years of construction as at present proposed.

AIR QUALITY

Your petitioners respectfully submit that air quality in Camden would be severely affected by the present scheme and that close attention should be paid to ensure that this issue is treated with the utmost importance. The health and safety of old and young are severely at risk if air quality deteriorates any further.

DARWIN COURT PRIVATE GARDEN

The Bill includes powers for the Secretary of State and the nominated Undertaker to take over our small, private garden to use as a construction site. This will have an adverse effect on residents' quality of life. Eight flats directly overlook the garden which has a high wall and beautiful old gateposts on the Regents Park Road side, shielding us from traffic and passers-by. The boundary wall of Darwin Court (which includes the gateposts) is seen to be a positive contributor in the Primrose Hill Conservation Area Statement (published January 2001). This is one area where residents can meet and relax surrounded by trees, wildlife and plants. They enjoy tranquillity during the day here, parents have a safe, enclosed space for young children to run around in, or enjoy a quiet drink and/or barbecues on summer evenings. The Residents' Association hosts summer parties here for residents to meet, provides garden furniture and maintains the garden. Residents can book the garden for parties, which gives us a little revenue for maintenance, which will be sorely missed during the construction period. They grow vegetables, plant flowers or just sit and read. Losing this, even temporarily, will seriously affect our way of life. Camden have records of thirteen tree preservation orders in the grounds of Darwin Court. In addition, Darwin Court is in a conservation area, which means all the trees over 75mm in diameter are protected. How are we to ensure their safety while the garden is used as a construction site?

BLIGHT

Fear of the effects of HS2 are blighting the value of our homes. Mortgages are being refused to would-be buyers. London has a huge property boom at present. Not in Darwin Court, where there are now eight flats for sale out of 104, which is unprecedented. They are not selling. No compensation is being offered for this blight. Further up Gloucester Avenue and across the street from Darwin Court, not even above the proposed tunnels, the worries about the sewers being dug up, massive works in nearby streets and the subsequent damage to the environment are causing buyers to hesitate and very often back out of purchasing, this in a time of unprecedented house market boom throughout London. We fear that this situation can only worsen as time goes on. We are being offered no compensation for any of the above problems. Although we are in a safeguarded zone, it is only our sub-soil which is safeguarded, thereby negating our right to compensation under the newly issued HS2 guidelines.

HS1/HS2 link Your petitioners understand that the HS1- HS2 link has been abandoned. However, we would reserve the right to challenge the impacts of this connection should it either be resurrected in the previous or some other form, as yet undetermined (in spite of the project having had at least 4 years to consider this important aspect).

7 MITIGATION

OLD OAK COMMON Your petitioners respectfully suggest that Old Oak Common should be the terminus for HS2 in its early years (as Waterloo was for HS1 before the refurbishment of St Pancras). This allows much more flexibility in terms of developing Crossrail 2 at Euston in future, and in connecting Euston to airports scheduled for growth. The design of Euston station is at present unacceptable. HS2 should stop at Old Oak Common until a better station design has been developed and other options have been properly investigated. Old Oak Common has far better current and potential connectivity than Euston. We ask you to investigate the potential of HS2 coming into Paddington instead of Euston. Paddington connects directly with Heathrow, which would save the expense of a spur being constructed. The journey across London from Old Oak Common on Crossrail is shorter than the journey would be on HS2. At the very least, a proper appraisal of the choices for Euston must be undertaken, in the form of an independent review, taking into account the environmental and human cost of any possible scheme.

DOUBLE DECK DOWN 2. Your petitioners beg you to consider a double deck down station with a footprint less than the existing Euston Station, has already been designed to a high level, though ignored and/or rejected and misrepresented by HS2. This design conforms to HS2's project specification and has been shown to be technically feasible. Minimising disruption to Camden, it involves no loss of housing but allows large-scale development near the station. Quicker and cheaper to deliver than Option 8 or the present even larger plan, it would result in an architecturally distinguished station, including the Euston Arch, while avoiding disruption to tube lines.

This Double Deck Down 2 design (by railway architect Jeff Travers) would also save the unacceptable rehousing of whole communities around Euston and allow for rail freight to carry all waste from the reconstruction of Euston Station and HS2 platforms and tunnels, as well as labour and materials. It would avoid the devastating effect of huge number of extra lorries per day taking waste through Camden, which will cause damage, air pollution and block roads for over 10 years - at HS2's own estimate. This is apart from the waste, damage, pollution, etc., caused by the destruction of the Regents Park Estate and the misery caused to the people losing their homes and their community, and the further eight years' disruption, etc., caused by the newly proposed scheme to develop commercially by private investment OVER the present railway line. Double Deck Down 2 allows for waste, spoil, labour and building material to be carried by rail freight. This is essential to protect our environment.

CANALS The use of the canals is another possible way of transporting waste without clogging up the roads around Gloucester Avenue and such a method should also be given proper consideration. Neither Double Deck Down 2 nor the canals have been given any serious consideration as yet. Both may well be less harmful to the environment. Your petitioners request that use of the canals, and also investigation of the Double Deck Down

2 should be given proper consideration.

EUSTON CROSS If neither of the above schemes is acceptable, the Rail Lords' Euston Cross Scheme would go a long way to mitigate the effects of HS2 for Darwin Court.

DARWIN COURT PRIVATE GARDEN The Private Garden could be avoided by HS2 if they used the gate to Network Rail land that runs between the garden and the present railway line. Since they wish to bore down to assess the subsoil, they could do that on Network Rail land and avoid the garden completely. Alternatively, if the tunnels started at Euston, much misery would be avoided. Your petitioners request that all tunnelling should go beneath the existing railway tracks.

FEASIBILITY STUDY Your petitioners ask for a full and independent feasibility study on immediate possible effects of construction and also the cumulative effect over the long term of the tunnels and the running of the trains on the fabric of the buildings, possible subsidence, the noise (carried vertically in these seventies' blocks), on the vibration caused by the trains, on the damage caused by that vibration on old pipes and the possible damage to, or even destruction of, the buildings themselves; and also for an independent feasibility study of the air pollution deriving from the present HS2 scheme.

8 **COMPENSATION**

Realistic and fair compensation should be given to all households situated directly above and not only to the sides of tunnels during the construction period and also for a specified period following completion.

Residents affected by land grab and blight during the build should also be compensated fairly. Compensation should be given if there is any damage or subsidence caused by HS2 during and for a specified period after completion.

If residents have to move out while the tunnelling takes place, or our road becomes impassable from heavy traffic or blocked by construction works and works to sewers, etc., we should be compensated for temporary loss of our homes.

We should be compensated for any damage caused to the underground garages and the cars in those garages from leaking pipes as a result of vibrations during the construction period and for a reasonable time afterwards.

There should be proper compensation for all of the issues outlined already, in particular the blight to property prices. Uncertainty as to the effects of the works and the running of the railway in the future have made property 60m above the railway blighted in the same way as those beside it. The same rules therefore should apply.

Turning the Private Garden into a construction site, even if temporary, should also attract compensation, as well as a guarantee that the garden and its trees, shrubs, furniture, lawn and plants, as well as its gateposts, fences and walls, will be returned to your petitioners in at least as good a state as they were before HS2 took it, and preferably better.

Your Petitioners also request that the Promoter be required to prepare at its expense a

schedule of condition for our five blocks adjacent to or affected by any works the Promoter may find it necessary to carry out to the utilities, and that this schedule shall, where appropriate, extend to such characteristic features of the Conservation Area as the street railings and entrance steps.

Camden's environment should be protected, and the health of its residents should be treated as a priority. All efforts should be made to make air quality a vital issue.

Your Petitioners pray your honourable House to ensure measures providing full and fair compensation for all losses caused by the construction of HS2 in Camden, whether direct or indirect. This should include compensation for loss of housing, decline in housing values and business losses.

Your Petitioners request that you widen the compensation zone in Camden to match that outside London.

Your petitioners request that proper compensation should be paid for the inconvenience and additional costs of a decade of disruption; and that adequate compensation should be paid if trains, once they are running in tunnels either beneath Darwin Court, or next to Darwin Court, cause damage or misery from noise, vibration or subsidence. Your petitioners respectfully point out that even if compensation were offered, it would be to the freeholder and not to ourselves. Since the freeholder would not be subject to any disruption or blight, we would request that compensation should also be paid to residents.

- 9 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, clauses 1 - 36 so far affecting your Petitioners, should not be allowed to pass into law.
- 10 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 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.

Signed.

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AGAINST, By Counsel, &c.