

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:

**MICHAEL CURRY AND CHRISTY ROGERS**

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

### ***Your Petitioners***

- 9 Your Petitioners are the occupiers of and owners of a long lease from the Crown of a detached house at 36 Park Village East, NW1 7PZ. We live there together with our three small children, Daniel (aged 5), Cecily (aged 3) and Peter (aged 1). Your Petitioners and our children are directly and specially affected by the provisions of the Bill because 36 Park Village East stands within 5 metres of the proposed line and major construction works.
- 10 Your Petitioners are members of the Park Village East (and Environs) Residents Association and the Park Village East Heritage Group (PVEHG). We refer to and support the petition deposited by those groups jointly ("the PVEHG Petition").
- 11 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for the reasons, amongst others, hereinafter appearing.
- 12 In setting out our concerns your Petitioners will refer in particular to Vol.2 "CFA 1 – Euston Station and Approach" of the Environmental Statement for HS2 Phase One, in the form published for the consultation which closed on 27th February 2014 (ES 3.2.1.1. of November 2013) (hereafter "the Environmental Statement" or "ES").

### ***36 Park Village East***

- 13 Your Petitioners refer to the description of Park Village East and its history given in

PVEHG's Petition at paras 14-26.

- 14 No.36 is one of the earliest of the Grade II\* listed buildings in the street, the oldest part constructed in the 1820s and attributed to John Nash. It directly abuts the pavement outside, with no space in front of it. The lower ground floor is level to the garden at the back but completely underground at the roadside, with very large vaults extending beneath the pavement and the road. These vaults, which form part of the earliest part of the house, will be within a few metres of the planned excavation to form the 'dive-under' for the new line.
- 15 When your Petitioners purchased the house in 2009 it was very badly in need of restoration. Since then we have undertaken a programme of major works and created a home for our family. This has been a very sensitive project given the historic nature of the building, and has taken four years from start to finish.
- 16 In common with the other houses in Park Village East, no.36 has a very large and peaceful rear garden, full of wildlife. Visitors are astonished by the tranquil, rural environment. There is very little noise from traffic and from the existing railway lines. It is a wonderful place for our children and their friends to play independently. The garden was our primary motivation for purchasing the property and taking on the difficult and expensive renovation project.
- 17 No.36 also benefits from a private gated driveway. This is a huge advantage for a family with small children because they can be loaded and unloaded from the car without road danger. The driveway was a further principal motivation for us in choosing this house.
- 18 We consider ourselves very privileged to live in our house, but in common with most home-owners, the purchase of the house and the renovation works have been a huge investment for us, and our mortgage continues to take up most of our income.

### ***Effects on your Petitioners of the Proposed HS2 Construction Works***

- 19 Your Petitioners refer to PVEHG's Petition, paras 27-58, for a detailed description of the Promoter's proposals affecting Park Village East, and the effects of these proposals on the properties in and residents of Park Village East.
- 20 Without wishing to be unduly repetitive, your Petitioners reproduce here some relevant extracts from the Environmental Statement, which set out some of the 'major adverse' and 'in-combination' effects.
- 21 *5.4.36 The residents of Park Village East are predicted to experience in-combination effects during the construction period. The in-combination effects are significant construction noise and visual effects ... The combination of these effects, which will coincide for approximately two years, will result in a major adverse effect on the amenity of residents, which is considered significant. [The duration of this major adverse effect is contradicted by much longer estimates for the works elsewhere in the ES]*
- 22 *5.4.40 From a community-wide perspective, residents at Park Village East are*

*expected to experience multiple significant effects, with construction activity restricting access for some properties and combined effects resulting in a change in amenity for a wider group of residents.*

- 23 *9.4.73 Works for the Proposed Scheme will be located less than 10m from the dwellings along Park Village East and there will be direct and close views of construction works. The demolition of the carriage shed, removal of tree and shrub planting and the replacement of Granby Terrace Bridge will open up views of large construction plant in the foreground and middle ground of the view. Views of the piling works associated with the construction of the retaining wall along Park Village East and the demolition and construction of Mornington Street Bridge will be close and direct. The presence of hoardings and movement of plant and equipment will be prominent in the foreground of the view. Overall, the construction activities will be highly visible, large scale and prominent in the foreground of the view. Therefore, the magnitude of change is considered to be high.*

*9.4.74 The high magnitude of change, assessed alongside the high sensitivity of the receptor will result in major adverse effect.*

- 24 Below, your Petitioners address the effects which are particular to us and our young family.

#### *Loss of Vehicular Access*

- 25 The current proposal, which has really only been outlined by the Promoter, is for Park Village East to be closed to through-traffic for about four years and for individual houses to be inaccessible by vehicle for about a year. In addition, two access roads, Mornington Street bridge, and Granby Terrace bridge, will both be closed at the same time and for a period of years while both bridges (one of them a listed Victorian bridge just 50m from our house) are demolished and reconstructed.
- 26 *5.4.35 ... The disruption to Park Village East will extend over a four year period but vehicular access to individual properties will only [sic] be restricted for a period of up to 12 months during the principal works to the retaining wall structures. ... The access restrictions for residents and the duration of the construction works are considered to result in a major adverse isolation effect on the local community and are significant.*
- 27 The access restrictions will bring great adversity to our daily life. We are not compulsive car-users and prefer to walk or take public transport whenever possible. However, for one adult in charge of three small children, there are many journeys which must practically-speaking be made by car. These include normal every-day aspects of family life such as school drop-offs, journeys to play-dates, parties and outings, sports fixtures, journeys to friends and family outside London.
- 28 Your Petitioners do not believe that this aspect of the proposal can have been properly thought through by the Promoter. At one point it was suggested by the Promoter (at, I believe, a 'Community Forum') that the residents of Park Village East should use the zoo car park. This is half a mile from no.36 Park Village East. The suggestion does not appear in any of the Promoter's literature because it was met by howls of derision.

from residents, but no alternative practical suggestion has been made.

- 29 Frequently, one of your Petitioners is in sole charge of all three children. To make a car journey during the access restrictions would require, in order just to get to the car, a buggy, toddler transport such as buggy board or scooter, and full outdoor gear. This would be every day perhaps several times a day for a year or years, in all weather. For one adult walking with three small children, it is impossible to carry any significant luggage. If one of us needed to load any luggage as well as the children into the car, this would mean either leaving the children in the house alone while carrying the luggage to the car (perhaps half a mile away) or leaving the children in the car alone while fetching the luggage. The same applies in reverse for any shopping (no deliveries being possible in the relevant period). Your Petitioners are greatly concerned by the careless way in which the Promoter has proposed the access restrictions which deprive us of our asset (the driveway) and make normal daily life almost impossible.
- 30 Your Petitioners are further very concerned about the isolating effect of the planned closure of our road. We are accustomed to have many visitors, especially other families with small children. The closure of the road will make it very off-putting for our friends to visit. Given the noise and air pollution planned for us (see below) perhaps none will want to come anyway.
- 31 A further very significant practical concern for us is the loss of grocery deliveries during access restrictions. We realise this might be considered a luxury but it makes a huge difference to our lives, where the alternative is to take all the children to the supermarket and shops (on foot, of course, during access restrictions).
- 32 Finally your Petitioners are extremely concerned about access for emergency vehicles in the event that we need an ambulance or fire engine. We believe that by law access for emergency vehicles must be maintained for residential buildings, but if the emergency access is truly adequate then it is not clear why there cannot be access for all vehicles to the houses.

### *Noise*

- 33 The Environmental Statement is full of inconsistency on the subject of the duration of construction work adjacent to Park Village East, but overall tends to indicate a period of about a decade. Because major parts of the works will be adjacent to operational rail lines, these works will not be confined to "core working hours". This means that your Petitioners and their children will be subject to construction noise and associated road noise at all hours of the night and weekend for long periods at a time.
- 34 The Promoter estimates that noise from construction works in the Euston cutting will be up to 89dB during core working hours and up to 74dB on occasions when work is required to take place overnight (see table at Volume 5 Appendix SV-003-001 page 24). The referenced table indicates that such figures may obtain for a period of some 9 months daytime and 7 months night-time. W.H.O. guidelines state that night-time noise should not exceed 40dB and where it exceeds 55dB "the situation is considered increasingly dangerous to public health" (World Health Organization Europe, Night Noise Guidelines for Europe).

35 Your Petitioners are very concerned about the effects on our children of long periods of night-time noise at a level which the WHO regards as dangerous to health. Further, the very high levels of day time noise will restrict their ability to concentrate on homework, play and relax at home. Your Petitioners will be unable to work at home, entertain friends and use the garden.

36 Your Petitioners do not believe the noise effects can be mitigated by domestic measures. We have recently replaced all the windows on the house, and the Planning Authority absolutely refused to allow double glazing to any windows which are visible from the street on this Grade II\* listed building. In any event your Petitioners are far from convinced that any kind of additional glazing would be enough to make the house habitable if there is to be the scale of planned construction only a few metres away and during all hours. The garden will also be unusable.

#### *Air Quality*

37 The Environmental Statement predicts that in your Petitioners' locality there will be "significant effects for local air quality". This is vague but menacing. It is also probably an understatement, given the scale of construction planned in the very immediate vicinity.

38 Your Petitioners are very concerned about the health implications of this for our children.

#### *Construction traffic*

39 The Promoter intends removal by road of huge quantities of debris from demolition and tunneling. There is to be a construction compound in Park Village East, having a ramp down to the tracks, which will be in use during all hours for about ten years. This will add hugely and unnecessarily to the noise, vibration, air pollution and disruption affecting your Petitioners and their children.

40 Your Petitioners regard that in siting the construction compound and planning the removal of debris by road the Promoter has paid no regard to the health and well being of residents of Park Village East.

#### *Overview*

41 Your Petitioners respectfully submit that the effects of the proposed works on the quality of life for us and our children has been grossly disregarded by the Promoter. Our human rights to respect for our private lives and homes and to the peaceful enjoyment of our possessions (see ECHR Article 8 and Protocol 1) have been unlawfully ignored. Knowing that there is no provision for compensation to be payable, the promoters have made no adequate effort to address these matters. The environmental effects are massive and disproportionate. The Bill fails to provide mitigation or compensation.

### ***The relief sought by your Petitioners***

60 Your Petitioners respectfully ask that the proposed scheme be varied in the following respects and that appropriate amendments to the Bill be made accordingly:

- The proposed “single deck” scheme, resulting in unnecessary reconstruction of an excessively large area in and around Euston, should be rejected and the Promoter be required to consider and promote an Additional Provision for a “double deck down” or other more compact scheme.
- The design of the approach to Euston should be reviewed and redesigned by the Promoter in order that the new tracks are built within the existing (very wide) cutting. This would avoid the need to demolish the Park Village East retaining wall and several bridges. The approach to Euston could be tunnelled in its entirety up to the station, or relocated to make use of presently unused land to the east of the existing track.
- The main London terminus for the high speed section of rail should be constructed at Old Oak Common, with a normal-speed onward link from there to Euston within the existing cutting, alternatively in a fully tunnelled link.
- Removal of spoil, and principal site access in the Camden/Euston section of line, should be required to be by rail or other means than road.
- In the event that the design of the Euston approach is not altered, the Secretary of State should make provision to mitigate the effects of the works, including
  - (i) rehousing your Petitioners and their children for the affected period in equivalent local accommodation and paying all associated expenses; and
  - (ii) taking measures relating to insurance of our property if vacated for long periods; and
  - (iii) providing appropriate protection (such as asset protection agreements) for any damage which may be caused to your Petitioners’ property by the works; and
  - (iv) providing financial compensation for loss of amenity during periods when your Petitioners and their children are not rehoused and are affected by noise, dirt, dust, disruption and/or restricted access.
- Proper compensation should be payable to those whose private lives and property will be blighted by (a) the construction of HS2, and (b) disturbance by its operation, in each case commensurate with the actual damage to their rights of quiet enjoyment of their property, and without imposition of irrelevant conditions such as means testing or hardship.

61 Your Petitioners respectfully refer to the relevant sections of PVEHG's Petition for a more detailed discussion of these items of Relief.

**Conclusions**

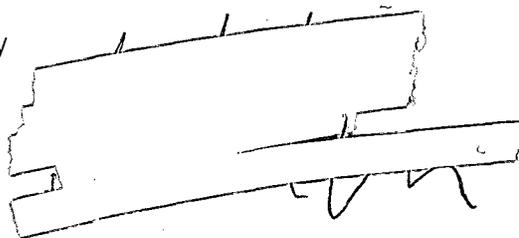
62 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.

63 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.

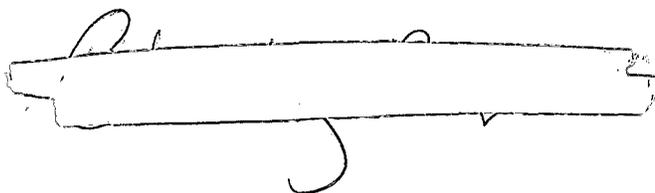
YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Michael Curry

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Christy Rogers

A handwritten signature in black ink, appearing to be 'Christy Rogers', written over a rectangular area that has been redacted with a white box.