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Albert Street North Residents' Association
137 Albert Street
London NW1 7NB
020 7485 9822

20th May 2014

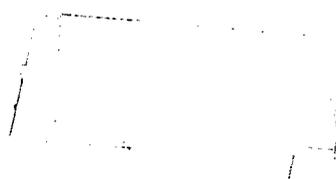
We hereby authorise Simon Foster to act as Agent on behalf of Albert Street North Residents' Association in all matters relating to the HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL.

Signatures of elected Officers (Elected at AGM 13th May 2014)

Simon Foster
Chair,
Albert Street North Residents' Association



John Neve
Treasurer
Albert Street North Residents' Association



Jeremy Bradshaw
Secretary
Albert Street North Residents' Association



Simon Foster
137 Albert Street
London NW1 7NB
020 7485 9822

Clerk of Bills
House of Commons
Westminster,
London
SW1A 0AA

7th April 2014

To the Clerk of Bills, House of Commons

APPLICATION FOR ROLL B PARLIAMENTARY AGENTS (USUAL FORM)

I, Simon Foster

not being a Solicitor nor having previously been registered as a Parliamentary Agent, and being actually employed in opposing a Bill, herewith submit in accordance with paragraph 11 of Speaker's Rules for Parliamentary Agents, a certificate of respectability signed by

Martin Barrett

(being a Solicitor)

and do hereby apply to have my name registered on Roll B, for the Session 2013 to 2014, as a Parliamentary Agent entitled to practice as such in opposing Bills.

(Signature)

Simon Foster

(Date)

7th April 2014

(Address)

137 Albert Street London NW1 7NB

APPENDIX G: CERTIFICATE OF RESPECTABILITY

To the Clerk of Bills,

House of Commons

I, **MARTIN EDMUND BARRETT** of

**Comptons Solicitors
90-92 Parkway
Regents Park
London NW1 7AN**

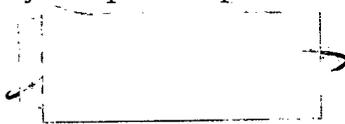
being a ~~Member of Parliament/ Justice of the Peace/ Barrister/ Solicitor~~

do hereby certify that to the best of my knowledge, information and belief,

SIMON FOSTER

is in every way a respectable person.

(Signature)



(Date)

7th APRIL 2014

(Address)

**Martin E. Barrett
Solicitor
Comptons
90/92 Parkway
Regents Park
London NW1 7AN**

Albert Street North Residents' Association

137 Albert Street, London NW1 7NB

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20 May 2014

Clerk of Bills
House of Commons
Westminster
London
SW1A 0AA

To the Clerk of Bills, House of Commons

High Speed Rail (London – West Midlands) Bill

With reference to the Albert Street North Residents' Association (ASNRA) Petition

The following is a resolution passed at the ASNRA AGM authorising the deposit of a petition against the bill and authorising me, Simon Foster, to act on behalf of the Association.

HS2 Petitioning Resolution passed at ASNRA AGM on 13 May 2014

The Albert Street North Residents Association (hereinafter "the Association"), recognising that the neighbourhood it represents is directly and specially affected by the proposed construction of HS2, formally agrees to present to Parliament a petition with respect to the High Speed Rail (London-West Midlands) Bill ("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") with a view to seeking support from Parliament for adjustment/alteration of the Bill and for mitigation and improvements in the implementation of the Bill. The Association further agrees that the Chair of the Association, Mr Simon Foster, or in his absence another member of the Management Committee, should be authorised to act as Agent of the Association in all matters relating to the Bill.

Yours faithfully _____

Simon Foster

Chair, Albert Street North Residents' Association

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 the Albert Street North Residents Association

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 (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, and Mr Robert Goodwill).
3. Clauses 1 to 3 of the Bill, along with Schedules 1 to 4, authorise and detail the works to be done in relation to the construction and the operation of the railway ("the railway", also referred to as "HS2") mentioned in paragraph 1 above. The railway works themselves are detailed in Schedule 1 and referred to as "the Scheduled Works".
4. Clauses 4 to 18 of the Bill, along with Schedules 5 to 15, deal with compulsory acquisition of land, the extinction and exclusion of rights over land and the temporary possession and use of land.
5. Table 3 of Schedule 4 to the Bill permits the temporary stopping up of Albert Street, in the London Borough of Camden ("Albert Street"), "within Act limits", which term is defined by Clause 63(2) of the Bill. Clause 63(2) of the Bill itself draws its constituent definitions; "limits of deviation for the scheduled works" and "limits of land to be acquired or used", from Clause 63(1) of the Bill, which defines those terms by reference to the plans deposited with the Bill ("the Deposited Plans"). The Deposited Plans show the highway area of the northern section of Albert Street shaded grey and marked (by

reference to the Key to Plans) as “within the limits of land to be acquired or used” (see Deposited Plans, Vol.1, map sheets 1-02 and 1-05).

6. Schedule 12 of the Bill, which is to be read alongside Clause 9 of the Bill, names the two areas of land that comprise the northern section of Albert Street, numbered 165 and 166 on the Deposited Plans (see Vol.1, map sheets 1-02 and 1-05), as areas of highway for which the powers allowed by Clause 9 to use the highway subsoil and acquire land are restricted.
7. Clauses 19 to 36 of the Bill, along with Schedules 16 to 26, make provision for deemed planning permission and for deregulation of existing statutory protections in a range of areas, including in relation to listed buildings.
8. Clauses 37 to 44 of the Bill, along with Schedules 27 to 29, deal with the regulation of the railway and allow the nomination of an undertaker to exercise the powers in the Bill (“the Nominated Undertaker”). Clauses 45 and 46, along with Schedules 30 and 31, make provision for statutory undertakers. Clause 47 provides a power to compulsorily acquire land for regeneration or relocation. Clause 48 provides a power for reinstatement works.
9. Other clauses within the Bill make provision for the Crown, for further high speed railway works and for the application of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) (or any regulations replacing them).

Your Petitioner

10. Your Petitioner is Albert Street North Residents Association (“ASNRA”). ASNRA represents the interests of the residents of the northern part of Albert Street (the section between Delancey Street and Parkway, NW1, hereafter referred to as “Albert Street North”), of which all members of ASNRA are residents. At least 80% of residents in Albert Street between Parkway and Delancey Street are members of ASNRA.
11. Almost all the houses on Albert Street North are Grade II listed, and Albert Street as a whole forms part of the Camden Town Conservation Area.
12. Each member of your Petitioner’s Association is directly and specially affected by the Bill as presently proposed.
13. A resolution to support this Petition was passed at a meeting of your Petitioner’s Association on 13 May 2014.
14. Your Petitioner’s members’ rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

Your Petitioner's objections to the Bill and requests for its amendment and/or for undertakings from the Promoter

15. As explained above, the Bill as presently proposed marks part of Albert Street as "within the limits of land to be acquired or used" and allows for the temporary closure of that area. The same area includes land owned by your Petitioner's members, whose properties line each side of Albert Street North and extend under the highway "top spit" vested in the local highway authority. Each of your Petitioner's members has received a letter notification from the Promoter, HS2 Ltd, advising that the part of their property comprising cellar area and the public highway may be the subject of a compulsory purchase order ("the Notices"). Each Notice explains that:

...it is intended that the (Bill) shall authorise the compulsory acquisition of the property or the subsoil or undersurface or airspace over that property or a right to use that property. Acquisition will not be limited to any category of compulsory acquisition

...

Description of Property: Public road and footways (Albert Street) and cellars

16. These Notices, together with the Bill, have caused your Petitioner's members great stress and anxiety, as their homes are clearly threatened.
17. In addition, the Environmental Statement ("the ES") that was deposited with the Bill marks Albert Street as "land potentially required during construction" (see Vol.2: CFA1 Mapbook, map CT-05-001) and indicates that Albert Street "may" be used for permanent diversion of telecommunications cables (ES Vol2: CFA1, p.33, para.2.4.21).
18. Your Petitioner's members are, therefore, threatened by the loss of their property and disruption to their daily lives from work done on their doorstep. They will also suffer disturbance, noise, fumes and inconvenience from the construction of the Scheduled Works and associated works taking place at Euston and along the railway, along with the harm to the setting of listed buildings and the conservation area that will flow from the deregulation presently permitted by the Bill.
19. Your Petitioner respectfully asks that your honourable House remove Albert Street from the Deposited Plans (so from Vol.1, map sheets 1-02 and 1-05 and any other map sheets on which it is marked as included as within the limits of land to be acquired or used), from Schedules 4 and 12 to the Bill, from within Act limits for the purposes of Clause 63(2) of the Bill and, generally, to remove Albert Street from the scope of the Bill. This is primarily because there is no need for Albert Street to be included, even on the Promoter's own case.
20. Your Petitioner also seeks relief from the other adverse consequences of the Bill.
21. Your Petitioner expands upon these requests below.

No need for Albert Street to be included within the Bill – request for its removal from the Bill

22. In the HS2 (Environmental Statement CFA-1) maps the references to Albert Street are vague: In Map CT-05-001 Albert Street is identified as “land potentially required during construction” and in Figure CT-20-005, for the year 2016, Albert Street is marked for “indicative phased utilities work”.
23. The main reason your Petitioner is asking for Albert Street to be removed from the Bill is that Albert Street is plainly not needed. It lies some distance from the line of the railway itself, or any construction compound and is on no obvious route to or from anywhere connected with the railway. It is wholly inappropriate for a street of Grade II listed houses, in a conservation area, to be marked for possible use in this way when there is no compelling need for that use.
24. That Albert Street is not needed is amply demonstrated by the fact that HS2 Ltd itself is unable to say what it would require Albert Street North (the part marked as “land to be acquired or used” on the Deposited Plans) for. Your Petitioner respectfully invites your honourable House to note:
- (1) the lack of any positive reference to any works or acquisition within the Bill itself;
 - (2) the entirely unexplained shading of Albert Street on the Deposited Plans (in particular 1-02); and
 - (3) the vague language used within the ES, along with the confusion apparent there.
25. In addition, in relation to the cellars the subject of the Notices, on 16 May 2014, in response to an enquiry from Mr Justin Dennis of Albert Street, HS2 Ltd advised that “...HS2 does not intend to acquire or interfere with your property, including the cellars. Utility works will be managed within the highway.”¹ So HS2 Ltd is saying that Albert Street cellars will not be used, despite the content of the Notices that your Petitioner’s members have received.
26. As noted, almost all the houses in Albert Street between Delancey Street and Parkway are Grade II listed and all are within a conservation area. The compulsory purchase of, or even interference with, cellars threatens destruction of a historical feature which is within the curtilage of the listed building and a feature of the conservation area. This, when Albert Street is some distance from the railway and HS2 Ltd have given no concrete reason for the use of Albert Street. These points apply with particular force because:
- (a) HS2 Ltd has under-reported the number of Grade II listed buildings on Albert Street: ES Vol2, CFA1 Mapbook, Map CT-10-003a creates the impression that there are only twelve (12) isolated listed buildings in Albert Street, when in fact these are whole terraces of listed houses but these are listed as groups. All of numbers 9-23, 22-46, 45-97, 58-88, 90-118, 99-121 and 123-139 Albert Street are Grade II listed. That is over 34

¹ Email from Mr Matt Edgar of HS2 Ltd Petitions team.
High Speed Rail (London-West Midlands) Bill - Petition of Albert Street North Residents’ Association

individual Grade 2 listed properties on the section of Albert Street between Delancey Street and Parkway, not the twelve suggested by HS2 Ltd in the ES.

- (b) The cellars to these listed houses are part of their Grade II listing: Almost all properties on Albert Street are Grade II listed and by s.1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the listed buildings include the cellars (even if the brief list entry itself does not mention the cellars), and the cellars are historical features, alteration of which, and separation of which from the host building, would harm the heritage asset (the listed buildings).
- (c) Destruction of Albert Street cellars would represent the destruction of a Grade II listed building feature: early Victorian 'coal holes' c. 1850 with original iron caps (various makers) running under the pavement, which are of historical significance, both to the buildings, and to their setting and to the wider Camden Town Conservation Area.

27. Further, your Petitioner respectfully suggests that:

- i. there is no need for Albert Street to be used at all, when it is 120m from the proposed route;
- ii. there is certainly no need for anything more than the road alone to be used, and no need at all for the Albert Street pavements and cellars which are Grade II listed to be used;
- iii. there is no need for HS2 Ltd not to undertake any work presently intended for Albert Street (whatever that may be) away from Albert Street, at a location closer to the HS2 route, rather than through this quiet residential street of Grade II listed buildings in a conservation area, more than 120m from the proposed HS2 route, let alone through the cellar spaces that form part of those Grade II listed buildings.

28. Given the context, namely Grade II listed buildings in a conservation area and the clear lack of any need for Albert Street, your Petitioner respectfully suggests that your honourable House may confidently remove Albert Street from the Bill. Further, the evidence clearly shows that HS2 Ltd does not know why Albert Street might be needed:

- (a) The references to Albert Street in the ES are vague and confusing. In ES Vol2: CFA1, p33 at para.2.4.21 HS2 Ltd indicates that Albert Street "may" (not "will") be used for permanent diversion of telecommunications cables. In the maps that accompany the ES, the references to Albert Street are similarly imprecise: in ES Vol2: CFA1 Mapbook, Map CT-05-001, Albert Street is identified as "land potentially required during construction" and in Figure CT-20-005, for the year 2016 Albert Street is marked for "indicative phased utilities work".

(b) Albert Street is mentioned only once in the Act, in Schedule 12 by reference to land plots 165 and 166, but the implication of this reference is almost impossible to understand given the convoluted nature of Clause 9 of the Bill, which your Petitioner has struggled but failed to make sense of. One reading of Clause 9 is that it provides that if the land is specified in Schedule. 12 (so plots 165 and 166) the Nominated Undertaker can *only* take and use that part of the subsoil below the highway (so not the highway itself, as below the top spit) that is comprised in cellars, vaults etc that form "part of a building fronting onto the highway". That is by the combination of Clauses 9(3)(b) and 9(4). Whilst nothing in Clause 9 prevents the ordinary digging up of the highway (including the pavement) by statutory undertakers under the New Roads and Street Works Act 1991 (see Schedule 4, para.7(1) to the Bill), if this reading is correct then it would mean that if whatever HS2 Ltd propose for Albert Street lies outside those typical street works powers, then the Nominated Undertaker would be (perversely) forced to use the subsoil comprising the Grade II listed cellars closest to the houses rather than the subsoil towards the centre of the road.

29. The upshot is that whilst HS2 Ltd cannot explain why Albert Street is needed and has in fact stated that the Albert Street cellars the subject of the Notices are not, in fact, needed, and the Bill itself does nothing but add further confusion, Albert Street's Grade II buildings are threatened and its residents must suffer property blight for as much as 10 years.
30. The stress and anxiety that the inclusion of Albert Street within the Bill is causing your Petitioner's members cannot be overstated, and your Petitioner respectfully asks your honourable House to relieve this burden.
31. For the above reasons, your Petitioner requests your honourable House to amend the Bill to remove Albert Street completely from the Bill and/or to require suitable undertakings from the Promoter to achieve the same result.

General: Traffic Congestion, Working Hours and Noise, Pollution and Deregulation of Listed Buildings - requests for relief

32. **Traffic Congestion:** Local roads, including Parkway, are already subject to very heavy traffic congestion, often delaying emergency vehicles. Without consideration for these factors, HS2 Ltd is proposing to impose road closures and traffic diversions around Parkway and Parkway Bridge which will push the local road network into permanent gridlock. Your Petitioner respectfully asks that your honourable House amend the Bill to ensure that all construction traffic in the area is restricted to the railway itself, rather than the roads, and/or to require suitable undertakings from the Promoter to achieve the same result.
33. **Working Hours and Noise:** The list of works permitted outside the Core Hours (ES s. 2.4.9) is too broad and leaves scope for work to continue on a 24 hour basis. Work creating noise and disturbance should not be allowed outside normal working hours 08.00-18.00 Mon-Fri and 08.00-13.00 Saturday.

34. **Pollution:** Camden Town is already at the limit of air pollution. HS2 Ltd's "Euston Area Plan" already concedes that "the area already experiences high levels of road traffic that make a significant contribution to air pollution" and "monitoring in the vicinity indicates that many parts of the Euston area currently experience long-term and short-term average concentrations of NO₂ that are above air quality standards, especially in close proximity to major roads". (Source: ES, CFA1 Euston - Station and Approach S. 4.3.3. and 4.3.4). Your Petitioner respectfully suggests that this is a further reason for all heavy construction traffic in the area to move by rail, and repeats its request above.
35. **Increases in traffic volumes and resulting vibration damage to Grade 2 listed properties** – HS2 predicts increases in local traffic volumes of up to 30% (ES Table 22). Local roads including Arlington Road (30% major adverse), Parkway, Delancey Street and Albert Street are early Victorian roads and are located in a conservation area. These Grade 2 properties were not designed to be exposed to the type of construction traffic required by HS2 and so the use of these roads by construction traffic should not be permitted.
36. **Deregulation of Listed Buildings:** Your Petitioner strongly opposes the present provisions within the Bill by which the protection afforded Listed Buildings is to be removed by deregulation. Listed Buildings are a valuable and irreplaceable part of this country's cultural heritage and act as references to key phases in architectural development. Listed Buildings should be protected at all costs and the provisions within the Bill that deregulate Listed Buildings should be rejected. All works related to Listed Buildings should be subjected to applications for listed building consent in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
37. Your Petitioner respectfully suggests that your honourable House consider a London termination point for HS2 at Old Oak Common, rather than Euston, so relieving central London of the destruction, destabilisation, damage, congestion and pollution that will be caused by the Bill as presently proposed.
38. For the foregoing and connected reasons, your Petitioner respectfully submits that, unless the Bill is amended to remove Albert Street from the Bill, so far affecting your Petitioner's members, the Bill should not be allowed to pass into law.
39. Your Petitioner further submits that unless the Bill is also amended to mitigate the foregoing anticipated damage to Albert Street and the surrounding area, so far affecting your Petitioner's members, the Bill should again not be allowed to pass into law.
40. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner's members, their rights, interests and property and for which no adequate provision is made to protect them.

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 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 Petitioner's members 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.

Simon Foster

Agent for: Albert Street North Residents' Association

20.5.14

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF: Albert Street North Residents' Association

AGAINST, By Counsel, &c.

Simon Foster, agent for:

Albert Street North Residents' Association

Telephone:

Email: