

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – On Merits – Praying to be heard

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of JOHN DAVID EMANUEL

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 line between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with 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 Vincent Cable, Secretary Iain Duncan Smith, Secretary Eric Pickles, Secretary Owen Paterson, Secretary Edwin Davey and Mr Robert Goodwill.
3. Clauses 1-36 of the Bill set out the Bill’s objectives in relation to the construction and operation of the railway mentioned in para. 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 clauses which would disapply and modify various enactments relating to special categories of land, including water, sewage, street works and the use of lorries.
4. Clauses 37-42 of the Bill deals with the regulatory regime for the railway.
5. Clauses 43-65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provisions about the compulsory acquisition of land for regeneration, reinstatement works and provision about other high speed railway works. Provision is also made about the application of the Environmental Impact Assessment Regulations
6. The works proposed to be authorised by The Bill are specified in clauses 1 and 2 and Schedules 1 and 2 of 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.
7. The Bill designates Regent’s Park Road, NW1 as a street where anticipated works will have an impact by way of traffic congestion and/or interference with pedestrian passage with alleged “moderate adverse effects” by HGV or other vehicles.
8. Your Petitioner is joint owner and occupier with Rosemary Emanuel of the upper maisonette, at 20 Regent’s Park Road, London NW1 7TX, and will be directly and

specially affected by such works. Paras. 17-22 below apply also to that property.

9. The property lies within the Primrose Hill Conservation Area, and it is currently projected that, apart from the matter referred to in para. 7 above, numerous works are projected to take place within or close to the area, liable to affect such properties. Some of those works are referred to hereafter.
10. Your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
11. The bill is unclear as to what is planned for areas in the vicinity of 20 Regent's Park Road and the extent to which life as residents of it will be disrupted and for how long. This uncertainty will affect the quality of life of those residing in the property as well as its value and saleability over the next years. As your petitioner is 77 years old and is likely to need to sell and move to a residence with fewer stairs within the time frame of the construction works, he is likely to suffer a significant loss on the sale of his maisonette.
12. His rights, interests and property are injuriously affected by the Bill. There is no provision in the bill to compensate for such losses and your petitioner claims that this is unfair and discriminatory. The Petitioner therefor claims compensation for injurious affection as a result of the diminution of the value of the Petitioner's Property as a result of the proposed works. Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters fail to compensate your Petitioner adequately for the reduction in quiet enjoyment of his property and loss in value it may incur as a result of construction and operation of the high speed railway and associated development. Given the values of properties in Primrose Hill currently, such loss would be likely fall in the range £100,000 - £1 million.
13. Looking at matters overall, there are two further aspects which render the position of your Petitioner unfair:
 - (a) The very fact that the details provided are so unclear make it virtually impossible to determine precisely what areas are required for what purposes and for how long.
 - (b) The unfortunate circumstance that the deadline imposed for lodging this Petition precedes whatever response may be forthcoming in consequence of Consultation Responses to HS2's Environmental Statement. All that has been forthcoming so far is a bare analysis of the responses, without any evaluation of their weight or validity.
14. Having regard to the fact that nothing was said about what is intended to be done, there are two potential scenarios:
 - (a) The work will be carried out entirely beneath the surface, tunnelling from Gloucester Avenue to Euston, or
 - (b) The work will call for surface excavation.

In either case Regent's Park Road will be seriously affected by access requirements and by heavy traffic movements.

15. Thus your Petitioner humbly ask that, in order to remove the uncertainty imposed on the property and the occupiers' peaceful enjoyment thereof, the wording of the Bill be amended so as to identify the nature and extent of the work to be done as well as its duration and compensation provisions be made for those persons and properties adversely affected.
16. The bill fails to assess the costs of traffic disruption to commuters and other travellers in NW London over the over the many years of construction. It also fails to assess the health costs from additional dust and vehicle emissions that will be imposed on the large number of residents in areas affected by the works. These costs may have a significant impact on the cost/benefit analysis of the overall project. In so far as it directly affects your Petitioner, he humbly asks that he should be compensated in a fair and adequate way for the additional travel costs he will incur and for any additional adverse health effects that the noise and pollution may generate.
17. Turning now to the wider position, that is to say to works generally as designated on Sheet No.1-06 and otherwise within North London, your Petitioner submits that serious consideration should be given to altering the route of the proposed line – either by having the line terminate at Old Oak Common or by more tunnelling. The current choice of route is one which has grossly weighted matters in favour of construction at the expense of those living, working or travelling in North London, and in particular Primrose Hill, supported by no plausible cost/benefit analysis. Apart from the roads that skirt Primrose Hill (Primrose Hill Road and the southern part of Regent's Park Road), the area has no through traffic. It is aptly known as "Primrose Hill Village" and is indeed quieter than many rural villages and those who live here value it for that quality. It is a close-knit community, as evidenced by its thriving Community Centre and the fact that through residents' own efforts, its library has been saved as a community enterprise. All this is under threat from the widespread works planned by HS2.
18. Against that background, your Petitioner would wish to draw attention to the following facts and matters which are liable prejudicially to affect Your Petitioner and the property:
 - (a) Dust, noise, vibration and pollution. Unless modified, the contemplated works and associated lorry traffic will cause years of such nuisance and any 24 hour working will cause sleep deprivation. Pollution levels in the area are already excessive.
 - (b) Closure of Adelaide Road and other streets. Your Petitioner would ask that serious consideration be given to relocating the ventilation shaft from Adelaide Road, a critical east/ west route, which it is envisaged will be subject to long closures. Closures plus the significant extra HGV traffic running through existing streets, will inevitably cause congestion and an unacceptable diversion of vehicles being routed through the Primrose Hill area. (This might be mitigated were the current Central London congestion zone extended northwards so as to deter vehicles from entering the works zone, and in the event of the House being otherwise adverse to your Petitioner, they would urge that measures be taken to this end).
 - (c) 24 hour working. Your Petitioner appreciates that on occasions this may be necessary. He would however ask that the parameters for such occasions be narrowly defined. HS2 should not have liberty routinely to engage in 24 hour working, with the nuisance which this entails, simply to reduce costs.

- (d) The huge amount of HGV traffic will inevitably lead to an increase in accidents involving, in particular cyclists. HS2 appear to have given no thought to their predicament. Furthermore certain cycle routes or proposed cycle routes will be blocked or lost.
- (e) Parking for residents and businesses. Your Petitioner is anxious lest the area returns to the chaos which obtained some 15 years ago, before it became a CPZ. At the moment parking is barely held in balance. Deprivation of spaces – eg because of temporary acquisition of roads for depots or works – Nos. 290, 361 and 392 -- would have a catastrophic effect.
- (f) Access to public transport. Closure of Adelaide Road would mean diversion half a mile northwards of the No. 31 bus, the only east/west route serving the area. Should works on Nos. 381 and 382, 388 or 390 be extensive, access to Chalk Farm Underground Station would be blocked, as would access to the No 168 bus. A two would be converted into a fifteen minute walk.

These facts and matters should, of course, be seen cumulatively – something notably absent from the approach taken in HS2's Environmental Statement.

19. Your Petitioner therefore asks that the methodology of the proposed works be revisited, so as so far as possible to minimise or avoid the problems referred to above. He humbly requests that HS2 should be required to consider alternative schemes to achieve the object of the Bill – including tunnelling and/or the use of the existing railway line rather than lorries for soil removal. Insofar as Railtrack objects to use of the existing railway line for soil removal, its objections should be overridden.
20. In the event that the works proceed substantially in their present form, peaceful enjoyment of your petitioner's residence at 20, Regent's Park Road will be significantly impaired – and without fair compensation.
21. One of the fundamental errors underlying the Bill and HS2's Environmental Statement is the assumption that urban dwellers are much more ready than country dwellers to absorb problems arising from major construction works. This is patronising and, worse, discriminatory. And in its assessment of the impact of noise and vibration, HS2 have the effrontery to suggest that this is to be ignored because allegedly in the ordinary course of events other construction work would be taking place. Your Petitioner therefore humbly submit that the House should address the issue of compensation and in particular the imbalance between levels of compensation proposed for urban as opposed to rural areas.
22. Your Petitioner humbly asks that the House recommends that funds be set aside which provide realistic compensation and/or if funds are limited, that any formula for their distribution should not favour rural over urban dwellers.

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, 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 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.

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...
JOHN DAVID EMANUEL

20, Regent's Park Road (Upper), London NW1 7TX

Wednesday, 21 May 2014

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JOHN DAVID EMMANUEL

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1/2/2001