

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 MR AND MRS K PUJARA.

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.
- 3 Objection is made to Volume I, Clauses 1 to 65 and Schedules 1 to 4 and Volume 2, Schedules 5 to 31 of the Bill.
- 4 Your Petitioners are owners and occupiers of a residential property at 117 Parkway, Camden, London (the ‘Property’). The Property is identified in the HS2 Safeguarding Area (above ground).
- 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 **Disturbance**
 - 6.1 There will be significant disturbance to the Property due to the construction works in Camden between Mornington Street bridge up to the Parkway Tunnel.
 - 6.2 Construction works include the demolition of a historic retaining wall separating the West Coast mainline trains on the West side of the wall from the Classic trains on the East side of the wall. This wall is adjacent to and in very close proximity to the Property.
 - 6.3 The promoters of the Bill state that this wall needs to be demolished to permit a straightening of the track in order to save several seconds on the journey time to Birmingham. Nevertheless in a recent report to MPs the Promoter of the Bill, in Spring 2014 states that speed is no longer the prime mover of this project, speed having been replaced by capacity. As a consequence the speed in the Cutting could be reduced.

- 6.4 It is acknowledged both by the Promoter and by English Heritage that this wall forms an important section of the original Camden cutting retaining wall built by Robert Stephenson in 1836, the original architect of the Birmingham to Euston railway. English Heritage are currently examining the possibility of extending the current grade II Parkway tunnel and cutting Listing to include this newly discovered section of the existing Listed tunnel approach wall.
- 6.5 The demolition of this wall will cause particular damage to your Petitioners due to additional disturbance arising from its demolition.
- 6.6 *Form of Relief Sought*
- 6.7 To avoid damage your Petitioners ask that that the track be located to the position it occupied in the preliminary engineers study of 2012, approximately 2 metres further West which would avoid the need to demolish the wall. Further the petitioner asks that in addition to this track re-siting, the associated Up-line train Portal be sited approximately 30 metres further towards Euston to avoid impinging on the wall, all as per the original 2012 engineers feasibility study.

7 Compensation

- 7.1 The construction works described above will cause significant nuisance and Injurious Affection to the value of the Property.
- 7.2 Construction works will cause light, dust and noise pollution and vibrations during the lengthy construction period including significant night works. These will cause nuisance to your Petitioners and will impact severely on the value of the Property. Further there will be non-physical factors causing diminution in value to the Property, including loss of view, amenity, environmental quality of the area and general knowledge of the scheme.
- 7.3 Under Part 1 of the Land Compensation Act 1973 your Petitioners will only receive compensation based on the diminution in value caused by physical factors from the use of HS2. This disregards the severe diminution in value caused by construction works and non-physical factors. The basis of compensation is entirely inequitable and will cause hardship..
- 7.4 *Form of Relief Sought*
- 7.5 We ask that the basis of compensation for claimants in the Safeguarding Area be in accordance with Section 7 of the Compulsory Purchase Act 1965.

8 Blight / Express Purchase

- 8.1 We understand that the Property qualifies for a Blight Notice under the Express Purchase scheme. The basis of compensation under a Blight Notice is insufficient and inequitable on claimants.
- 8.2 The Home Loss payment is capped at £47,000. This figure has not increased since 1st September 2008, despite the dramatic increases in London House prices since then. For the Property this represents only approximately 4% to 5% of value. Your Petitioners would in fact receive higher compensation under a Basic Loss Payment were they investment owners of the Property rather than owner-occupiers. This demonstrates the fundamental inequity of

the Home Loss Payment in such circumstances.

- 8.3 Due to the rapid increase of London house prices, an applicant under Express Purchase is subject to a very significant risk of falling behind the market, and being unable to purchase an equivalent replacement property. Compensation is decided by negotiation (with ultimate recourse to the Courts at the Upper Tribunal (Lands Chamber)). A value agreed by negotiation is based on historical comparable evidence. It is likely to be under (and possibly significantly under) the value achieved by actually marketing the Property in a rapidly rising housing market.
- 8.4 In the absence of agreement on price our only alternative recourse would be the expense and enormous stress of the Courts. Unlike for HS2 or their agents this would be a life changing and intimidating decision and process of which your Petitioners have no experience.
- 8.5 *Form of Relief Sought*
- 8.6 The compensation provisions for Blight and Express Purchase are inequitable and in the London housing market puts us at significant risk of financial loss and damage. Your Petitioners ask that the Home Loss Payment should be increased to a minimum of 12.5%, with no maximum amount.
- 8.7 Your Petitioners recourse to the Courts in absence of agreement is inequitable and stacked against the claimant in every way. Your Petitioners ask that alternative resolution and arbitration procedures be introduced as a matter of policy for HS2 claims, making an equitable compensation settlement accessible to claimants in cases of disagreement.
- 9 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, Volume I, Clauses 1 to 65 and Schedules 1 to 4 and Volume 2, Schedules 5 to 31, 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.

Signature of Agent for the Petitioner



Mark Warnett MRICS FAAV
On behalf of Mr and Mrs K Pujara

BACKSHEET:

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AGENT:

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