

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against – on merits – Praying to be heard in person, &c.

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

THE HUMBLE PETITION of MATTHEW HOLLIER AND SUSAN MATHESON

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 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 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 clauses which would disapply and modify various enactments relating to 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. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
5. Clauses 43 to 65 of the Bill set out a number of miscellaneous and general provisions, including provision for the appointment of a nominated undertaker ("the Nominated Undertaker") to exercise the powers under the Bill, transfer schemes, provisions relating to statutory undertakers and the Crown, provision about the compulsory acquisition of land for regeneration, reinstatement works and provision about further high speed railway works. Provision is also made about the application of Environmental Impact Assessment Regulations.
6. 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.
7. Your Petitioners are a family who live at 6 Mornington Terrace, a residential street that overlooks the 'Camden Cutting'. We have lived in the property since we bought it in 2007 and we have two children aged 4 and 1. Your Petitioners property is approximately 80-90 meters from the intended new track that will be laid for HS2. Your Petitioners property also faces directly onto the retaining wall for Park Village East, which plans currently envisage replacing through significant construction work. Additionally Your Petitioners are approximately 100m from Mornington Street Bridge, which it is proposed will be demolished and replaced.
8. The current plans for HS2 propose that Mornington Terrace will be a Construction Traffic Route during the construction phase. The plans also propose that construction work on the retaining wall at Park Village East will occur principally outside of 'core hours'.
9. Your Petitioners house has direct views into the railway cutting from the first floor, second floor and third floor of the house, and there are no significant obstructions to alleviate the impact of any noise or other disturbance that may occur during construction in the cutting.
10. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
11. Overview

Your Petitioners believe that the current proposals for construction works are of a scale unsuitable for a central urban location, and that current proposals do not provide either adequate mitigation or

compensation for the effect this will have on our lives. It is our contention that the scale of works proposed makes our house – and others similarly situated – effectively uninhabitable during the ‘Camden Cutting’ construction phase of HS2.

12. Night time working and resulting noise disturbance

As noted above, Your Petitioner’s property is a terraced house that directly overlooks the Camden cutting. Two of the three bedrooms in the house are at the front of the house, and therefore have windows that overlook the railway line from above. On a few nights per year Railtrack undertake work in the cutting, for example replacing rails or sleepers, or adjusting signalling. Our experience is that whenever this occurs the noise of trains, engineers and machinery can all be heard distinctly and is extremely disruptive to sleeping. We accept this as an occasional risk, to be expected on such a busy line. It is worthy of note that this work has been the subject of discussion between Railtrack and the local community over recent years, and Railtrack have made commitments when undertaking work to limit the amount of work and spread it out so that it did not occur on multiple consecutive days. This consideration has been much appreciated and sets an appropriate baseline for what is tolerable.

13. We strongly object to the current proposal for work to replace the retaining wall at Park Village East to occur principally ‘outside of core hours’. This work will require significant heavy machinery and the associated noise of a construction site. Our previous experience of work in the cutting is that it robs us of the ability to sleep properly, as it is extremely noisy. Given that this work is proposed to occur over consecutive days for long periods of time, it effectively renders our house uninhabitable over this period as extended sleep loss is intolerable and injurious to health for both the adults and children in the house. As we have noted above, two of the three bedrooms in the house directly overlook the construction site and will be exposed to the noise pollution.

14. Your Petitioners also note that the Promoters intend to use a level of 80/85 decibels for night-time noise to identify which properties will be subject to significant effects. We strongly object to this level being used as a suitable criteria. BS2833 and World Health Organisation guidelines on night noise both identify 40/45 decibels as the internal level required for undisturbed sleep, which equates to approximately 60/65 decibels outside a property. We believe this is the appropriate baseline for a tolerable level of noise given that construction work will be occurring over an extended period of time.

15. Construction traffic and environmental pollution

Your Petitioners are extremely concerned by the proposed scale of construction and the resulting heavy construction traffic and other forms of environmental pollution.

16. Mornington Terrace is close to the centre of London, but is in fact a relatively quiet residential street. The current proposals from the Promoters propose that Mornington Terrace will be a Construction Traffic Route and as residents of that street we have a direct interest in the levels of traffic, pollution and safety. However, we are also part of the broader Camden community, and we also note that large number of construction vehicles that will be using other roads around the site and we object also to the general level disturbance that will result from such intensive construction work in an inner-city site. In particular the construction vehicles are noisy, heavily polluting, and dangerous to other road users, in particular pedestrians and cyclists. The combination of road closure, restrictions and increased traffic will also significantly increase congestion in the area.

17. Compensation

Your Petitioners have outlined above details of the impact they will face from the proposed works, in particular the fact that the house will effectively be uninhabitable for our family during any phase of the construction when night time working is occurring in the Camden Cutting. However the current Bill does not provide for either a grant to cover costs of work to mitigate noise effects (e.g. for replacing existing windows with acoustically sealed units), nor any level of compensation, nor the purchase of our property by the Government at its pre-blighted market value. We believe this is unjust, arbitrary and irrational given that these forms of mitigation and compensation are being offered to other house owners along the route of HS2.

18. Your Petitioners believe that the Bill must be amended and suitable undertakings must be sought from the Promoters and others to alleviate these impacts.

19. Night time working and resulting noise disturbance

Your Petitioners propose that an independent body is established to review the impact of noise and specifically night-time working. Such a body would undertake or commission research to determine the maximum level and type of noise is sustainable and tolerable. Such a body would also be authorised to direct measures that the Promoters should undertake, for example, but not limited to: provide alternative accommodation during construction; undertake work such as replacing windows with acoustic barrier windows; pay appropriate compensation. Any such body must be independent of the Promoters and have a right of appeal procedure.

20. Your Petitioners also propose that the Promoters proposal to use a level of 80/85 decibels for night-time noise to identify which properties will be subject to significant effects be amended. We propose that the task of the Promoters is to work with householders to ensure that properties do not have an internal disturbance level of more than 40/45 decibels at night (as recommended by the World Health Organisation and BS2833.) If levels of noise are likely to exceed this level, the Promoters should be required to pay for appropriate measures such as acoustic lining for windows, or if this is insufficient, to provide appropriate alternative accommodation for the period that properties uninhabitable by reason of the excessive noise.
21. Additionally Your Petitioners propose that the Promoters make appropriate undertakings to limit the number of nights during a week or fortnight on which night time working could occur. Your Petitioners propose that – if such night working is absolutely essential – such work should not occur more that 2 times per week, or 4 times per fortnight.
22. Construction traffic and environmental pollution

Your Petitioners propose that construction traffic should be minimised, and rail haulage used in all possible circumstances to deliver or remove materials from the construction sites, during core hours.
23. Your Petitioners also ask that all drivers of construction vehicles be trained in safe inner city driving, vehicles incorporate the highest possible safety standards (not the legally required minimum).
24. Your Petitioners also ask that all roads, junctions and crossings on Construction Routes should be reviewed to assess whether improvements are required for pedestrian or cyclist safety given the massive increase in heavy vehicles that will be using them.
25. Your Petitioners also ask that all construction vehicles be low or zero emission and that regular monitoring is carried out for air quality.
26. Your Petitioners also ask that air filtration systems be provided to all properties affected by dust pollution from construction sites, including residential properties, schools and children's centres. If such systems cannot feasibly be fitted to properties, then alternative accommodation should be provided.
27. 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 Themselves 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 Matthew Hollier

Signed Susan Matheson

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