

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against – on merits – Praying to be heard 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 Alex J. Benasuli *AND JUSTIN DENNIS*

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 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 Petitioner (Alex J. Benasuli) is an owner/resident of 92 Albert St NW1 7NE. Your Petitioner lives in this Grade 2 listed terrace house with his long-term partner, Justin Dennis. Together we are the Petitioners. We purchased the property in 2009 and we have lived there since 2011. Your Petitioners will be directly affected by HS2. Your Petitioners' house is situated approximately 150 meters from the proposed route and lies within the proposed area where construction logistics and movement will be of high volume for extended periods of time. A CPO was issued to your Petitioners' house on Nov 25, 2013 reserving the right to purchase cellar and public footways for the purposes of electrical and water system re-routing as well as construction material storage. The right to remove the Petitioners' residents parking bay has also been suggested. The same situation applies to the 40 or so terrace houses on all of the northern part of Albert St. Furthermore, Albert St and all the immediate surrounding streets including Delancey, Parkway, Mornington Terrace, and Park Village East will be subject to extensive disturbance for up to a decade or more as a result of HS2, resulting in noise pollution, environmental pollution, subsidence risk, reduced ability to sell our properties, reduced access by foot, by car and by public transportation to go about with the daily necessities of life etc.

Albert St and the immediate surrounding area is a vibrant, functioning, mixed residential/commercial neighbourhood with all income types represented. Albert St

itself is Grade 2 listed and the area overall falls within a conservation scheme. There are schools, social service centres, playgrounds and independent shops that cater to the community. There are families with young children, elderly people, disabled people, socially disadvantaged and well as middle class people. In addition to your Petitioners' house being directly affected by HS2 as is currently proposed, an entire thriving urban neighbourhood is under threat.

8. Your Petitioners and their property, interests, and quality of life are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. **CPO.** On 25 November 2013 I was issued a CPO with regards to my property, 92 Albert St NW1 7NE, including the right to purchase our cellar space and the right to use the pavement immediately in front of my house as well as parking bays. Almost all the 40 or so houses on my street received a similar notice. My objections to this CPO are a few fold. There is a significant amount of contradictory information regarding this CPO and what the actual intentions are. Upon writing representatives of HS2 (Matt Edgar) to clarify what is to happen as a result of the CPO, I received the following response, "...as Clause 9 (1) and 9 (2) of Schedule 12 indicates, cellars are exempt from being acquired. Therefore, HS2 does not intend to acquire or interfere with your property, including the cellars. Utility works will be managed within the highway. " If this is indeed the case why was I/were we issued CPOs in the first place? This is very irresponsible. It creates fear and insecurity. HS2 loses credibility in its proposed plans for the entire Camden Cutting area from Euston Station to Parkway, including Albert St and my property. The ability to sell my property is directly affected by this CPO. In the selling/purchase process this CPO is likely to be revealed under standard due diligence, affecting my ability to sell and at a fair market price. Either the CPO should be removed (if the above statement from Matt Edgar of HS2 is correct) or satisfactory compensation should be offered. Satisfactory means the ability to sell ones property at an un-blighted price.

North Albert St – Noise/Environmental/Subsidence. As is currently proposed, my street, North Albert Street as well as the immediate surrounding streets, are going to be main highway conduits for movement of construction materials, rerouting of electrical and water main systems, depots for construction equipment, and centres of construction activity. Albert St is a tree lined Grade 2 listed terrace. It is quiet and residential as are the surrounding streets. However, as is proposed for up to ten years or more our streets are to be clogged with 100s of daily HGV movements, construction equipment etc. Your Petitioners' windows shake when busses pass on a nearby street or when commercial vehicles pass by my door. 100s of daily HGV

movements would have a detrimental effect in terms of noise, vibration and air quality. Your petitioners are concerned about all three but are very worried about noise and vibration. I do not believe proper environmental impact studies have been done on what those 100s of daily HGV movements will have in terms of subsidence – cosmetic and structural issues having to do with our 150 year old plus foundations on clay soil.

Resident parking bays It is proposed that resident parking bays be seized. While temporary removal of parking bays (one week to one month), is acceptable and understandable, more than that is unbearable and significantly impacts ones daily life – getting to work, running errands, emergencies etc.

Immediate surrounding areas – Parkway. The top of Parkway is where it is proposed HS2 will change from being a tunnel from the north to open-air track. This is going to be a major centre of construction for the overall project. It will require replacing a sewer viaduct and the removal and rebuilding of the Parkway bridge/portal. In addition to being a one minute walk from my house, this location is connects Regents Park to Camden Town. It connects Primrose Hill to points southeast. It connects Camden Town to points west. It is a very busy intersection. The impact of disturbances planned in terms of construction (where tunnel meets open air track, rebuilding of Parkway Bridge etc.) and HGV movements cannot be underestimated. HS2 has not revealed any impact studies for this area. Have they been done? What are they? The Northbridge House School sits right in front/and on top of this site. Have their needs been considered? In addition to being an important through road for North/Central London busy with busses, taxis, commercial and private vehicles, Parkway is also our high street, lined with mostly independent, shops, restaurants, cafes, grocery stores, dry cleaners, etc. Parkway is a very busy pedestrian street for local residents and the 100s of thousands of Londoners and visitors that walk from Camden Town Tube station to Regents Park and the Regents Park Zoo every year. The proposed plans for Parkway do not take any consideration for the fact that already has a lot of traffic or that the its nature as a successful high street is threatened with 100s of daily HGV movements and the corresponding decline in foot traffic that will be as a result of that

Regents Park/Regents Park Zoo I am particularly concerned about access to Regents Park for myself, my neighbours and the 100s of thousands of Londoners and visitors that access the park via Parkway every year. It has been proposed that the London Zoo car park and the Gloucester Gate (Regents Park) playground are to be seized for HS2 purpose. The playground as part of the Royal Park and the car park, as parts of the Crown Estate are not permitted to petition on their own behalves. Your Petitioner walks every day along Parkway through Gloucester Gate into Regents Park. I share the walk with school children going to the playground or playing fields

to play, with mothers' and their children, with joggers, dog walkers, families and tourists. To have one of the most beautiful and well-trafficked access points to Regents Park requisitioned for HS2 purposes for many years would be a tragedy. To cut off Camden Town from Regents Park is unconscionable.

Delancey St/Mornington Terrace/Mornington Bridge/ Park Village East. All the streets surrounding Albert St face severe disruption. Traffic, already bad, will worsen. Access to drive out of my street might become near impossible. The Mornington Bridge, which is how one approaches the West End from my area, will be demolished and removed for up to three years. Something similar is planned for the Hampstead Rd fly-over, which connects Camden Town to Fitzrovia/Bloomsbury/Euston Road. The list goes on and on and I have only scratched the surface in terms of affects and have only touched upon my immediate surroundings – not even focussing on the area around Euston Station.

Loss of right of way. As has been made clear above. Traffic logged streets from HGVs and overspill, road closures, bridge removals etc. all threaten right of way (including pedestrian right of way, vehicular right of way and bus routes. The C2 and 274 busses connecting our area to Victoria and Paddington respectively are under threat from the proposals or will be diverted so as to make them no longer viable option.

Working hours. It is the Petitioners understanding that HS2 is exempt from normal codes of construction conduct, meaning that works can take place outside of normal business working hours and on weekends. Where residential areas are affected this must absolutely not be the case. Works should only be allowed 8AM-4PM Monday-Friday

Duration of works. While any of the above would cause severe disturbance and inconvenience on a short-term basis, they will last for years – up to ten years. These impacts are often referred to in official documents as “temporary”. Multi year and decade long disturbances are not temporary. The duration and cumulative effects of the works should be considered when assessing the impacts on my street and surrounding areas.

Compensation Scheme. Given all the above, it makes no sense that urban property owners are subject to worse compensation scheme than rural owners. Compensation including compulsory and voluntary purchase should be the same between rural and urban properties.

Lack of clarity/consultation The Petitioners are being asked to petition with incomplete information with regards to what the impact of HS2 will be on our house, street and immediate and wider areas. To receive a CPO on my property and then to be notified that indeed it may not be needed creates lack of confidence in the

process and what the HS2 needs will actually be. The implications for noise, blight, traffic flows, right of way from the proposals as they stand are as if no one from HS2 has ever spent any time in the area. Parts of the Act at best are vague and at most make no sense and are not viable. The Petitioners are very concerned that many affected residents and businesses do not have a voice in the petition process. I have spoken to many such people/businesses who have stated that although they vehemently object to HS2 as it is proposed for our streets, the petition process is too complicated for them to submit one. For some of them English is not their first language. Others are old. Still others find the language in the official documents intimidating. However they have a voice too although it is not being heard

10. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. And they need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

Temporary termination at Old Oak Common. Until all the previously listed objections and the myriad more not listed or listed in other petitions are dealt with, temporarily terminating the HS2 line at Old Oak Common makes the most sense. The purpose of the temporary termination would be to revise the plans for Euston, the Camden Cutting area from Euston to Parkway, including Albert Street so as to deliver a proposal that credibly and meaningfully reduces impact and blight.

Tunnel the whole way through to Euston. This would mitigate the impact your Petitioners' street and area significantly. The area around the top of Parkway where currently it is proposed that the tunnel emerges into open-air track would not be needed. The 100s of daily HGVs would not be needed. Noise, blight and dust would all be very meaningfully reduced. Almost all of the right of way issues would be solved.

Use existing train lines and trains for construction purposes rather than HGVs

Removal of CPO on Petitioners' house.

Removal of Albert St from the Act

More detailed mitigation analysis/Reducing impact from construction Everything possible must be done to minimize the impact to the neighbourhood including the reducing the duration of works, noise/visual/dust pollution, reducing the number of working hours during construction, preventing HGV movements at certain times, limiting or eliminating HGV movements. Construction hours should be limited to 8AM-4PM where noise is involved.

Mandatory purchase of Petitioners' House/Apply same criteria to urban areas as is currently the case for rural areas for CPOs. If no changes to route are made or no mitigation plans are implemented then this Petitioner asks that my house is compulsory purchased and to receive the same rights towards compulsory or voluntary purchase at un-blighted prices as the Act allows for rural properties.

11. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.
12. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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.

Signed

A very faint, illegible signature, likely belonging to Alex Benasuli, written in dark ink on a light background.

Alex Benasuli

A very faint, illegible signature, likely belonging to Justin Dennis, written in dark ink on a light background.

Justin Dennis

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