

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

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 THE DARWIN COURT RESIDENTS' AND LEASEHOLDERS' ASSOCIATION

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 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 and Secretary Edward Davey and Mr Robert Goodwill.
- 3 We object to the following clauses of the Bill: 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 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 Your Petitioners are the **Darwin Court Residents’ and Leaseholders’ Association**, formed in 1978 to protect and further the general interests of Residents, Lessees and Owner-Occupiers of Darwin Court, Gloucester Avenue, London, NW1, five blocks of 104 private flats in Camden, all of which the Bill will directly and specifically affect.

The Chairman of the Darwin Court Residents' and Leaseholders' Association is Annabel Leventon of 7, Darwin Court, Gloucester Avenue, London NW1 7BG. Secretary Sue Hankinson, Treasurer Francine Epstein. Other committee members are Ben Olins, Denise Neves, Bob Latif, Adam Scott, Joran Mendel and Sandra Lovell.

At an Extraordinary General Meeting of the Association on 23 April, 2014, the Association authorised Annabel Leventon to prepare a petition on the Bill. On 20 May, 2014, the Committee of the Association approved the petition which had been prepared; and authorised Annabel Leventon to present the Petition to the honourable House of Commons; and for payment for lodging the petition to be made by a cheque from the Association.

Darwin Court has a mix of elderly people who have lived here since the blocks were built, several in their eighties and nineties, and increasing numbers of families with young children. Many residents work from home or are retired. All these groups will be badly affected by the twenty-four-hour-a-day construction works over ten or more years. The proposed railway tunnel will pass directly beneath the buildings at the shallowest end of the tunnel, that is, nearest to Euston Station. Your petitioners will lose their private garden for up to two years, while it is used as a construction site. The buildings, which were built in the nineteen-seventies will be subject to vibration, noise and damage during the construction of the tunnels and afterwards by the noise and vibration from the trains when HS2 is running underneath. Your petitioners' property is on a quiet residential road which will be used by construction traffic and also by road users trying to avoid both the construction traffic and road closures nearby. Buses may also be diverted onto this street as other normal routes are closed for works to sewers, ventilation shafts, etc. Being so close to the construction of Euston Station, your petitioners' air quality will be gravely affected by nitrogen dioxide, nitrous oxide and particulates - (London is already over the EU limit for nitrogen dioxide levels) - as will our right to enjoy our own peaceful, enclosed garden. At the time of writing, the details around Euston Station change frequently. Recently, a huge private development has been proposed to stretch from Euston Station over the existing railway right up to Parkway Bridge, which would mean another eight years' construction and the area, already densely populated, will be overwhelmed by a vast shopping mall, increased traffic and a huge Canary Wharf-style development, which HS2 have suggested to supersede Option 8 in the Hybrid Bill, which lacks any reference to such development proposals. We consider the late changes of scope to the subject of the Hybrid Bill, published by HS2 after the Public Consultation period was over, have made the public participation unfair regarding the requirements of the Aarhus Convention

- 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 Your Petitioners object to the Bill on the following grounds:

## **HS2 FROM EUSTON TO OLD OAK COMMON**

Your petitioners strongly believe that the proposed section of HS2 from Euston to Old Oak Common is badly thought out, unnecessary and will be harmful in many, many ways to our environment and living quality in the short and long term. The HS2 trains will be unable to get up to full speed as they have to stop at Old Oak Common, after which they will travel in densely populated areas. Any advantage to high speed is therefore negated in this area, while the detriment to the local population is huge and listed below. Your petitioners regard the most obvious way of alleviating the noise, disruption, blight and pollution is simply to stop HS2 at Old Oak Common until it is obvious how it can work without ruining the lives of so many Londoners.

Given the large degree of doubt about the number of passengers who will be using HS2 it would be a better idea to let the train run to Old Oak Common before building on to Euston, on the basis that if passenger numbers are lower then they could all use Crossrail. Meanwhile a proper plan for a regenerated Euston Station could be developed which would protect the residents and their homes as well as the traffic disruption which will affect the whole of London and Darwin Court in particular.

Your petitioners also believe that if this section is deemed to go ahead, then the Double-Deck Down 2 option should be carefully considered as it would alleviate the problems of waste, traffic disruption, pollution and in the case of Darwin Court, would permit the tunnels to go under the railway line instead of our buildings.

If all else fail, your petitioners request that the very least, the tunnels should be underground from Euston Station and that as many rail tracks as needed should be made available to transport waste.

## **TUNNELS.**

The Bill includes powers for the Secretary of State and the nominated Undertaker to tunnel underneath our blocks. In Darwin Court, noise travels vertically right through all five floors. Residents are used to some noise from the present railway which runs along and next to the blocks, but they are severely affected when a resident renovates a flat above or below their own. Drilling can be heard - and vibrations felt - throughout the block - and is very hard to bear. This is confined to normal working hours, however, whereas tunnel and rail construction will continue night and day seven days a week. A proper study is needed of the long term effects caused when the tunnelling is completed and the trains are running, on the damage caused by subsidence, noise, vibration on old pipes and the possible damage or even destruction of the buildings themselves.

According to the Local Government Information Unit:

- a) ground-borne noise can be a serious problem, depending on geology and building construction;
- b) longer trains are worse than short trains;
- c) some vibration may be more apparent 40m and 80m away than at 20m. As we understand it, it is impossible to mitigate for vibration. Certainly HS2 have not indicated they are willing even to consider vibration as disruptive.

Your Petitioners respectfully point out the great extent of existing railway land to the north and east of Gloucester Avenue and Primrose Hill. Your petitioners request that the Promoter's tunnels should run beneath existing railway land rather than beneath your Petitioners' homes.

Your petitioners also beg that tunnelling and rail construction should NOT take place twenty-four hours a day, seven days a week, as proposed, but should only be allowed during normal construction working hours. Nor should construction work take place during Bank Holidays, such as Christmas and the New Year, but that your petitioners should be entitled to the peaceful enjoyment of their homes, especially at night.

### **NOISE AND VIBRATION**

Your petitioners fear the effects of noise and vibration of the tunnel construction and also the lasting effects of noise and vibration on our buildings with one tunnel directly underneath, and another immediately next to us. We believe it is essential to ensure the Bill contains a binding commitment that, should World Health Organisation guidelines on noise be breached once HS2 is operational, then there should be an obligation on HS2 Ltd to take additional actions to resolve this problem including reducing speed of the railway. As far as we understand, there is no means to mitigate the effects of vibration. If there is any way to do so, we would like to be sure HS2 are committed to providing it. If they cannot do so, then they should not tunnel directly beneath us.

### **WASTE**

Your petitioners believe that waste is likely to be a huge issue in central London generally and specifically in our area, Primrose Hill, given the amount of excavation required and proposed use of the Primrose Hill area as a route for HGVs. We suggest that a proper waste strategy which reflects the provisions of the waste framework directive should be provided. The ES highlighted the amount of hazardous waste to be excavated and transported through our area. Your petitioners ask for full details of how this will happen, how we will be protected and that a full and independent risk assessment be provided prior to any work starting. We also ask that there is a specific commitment to avoiding Gloucester Avenue as a route for HGVs.

### **EUSTON STATION**

The effects of the construction work at Euston Station will be felt for over ten years and maybe much longer, as hundreds of lorries carrying construction waste, some of which will be hazardous, will pass near us every day. We are already badly congested in this area. Parkway and Regents Park Road directly in front of us will be severely overloaded, thereby putting huge pressure on our road, Gloucester Avenue, which may become a heavy traffic route in response. Closing Park Village East will have a devastating effect on traffic routes from Darwin Court into London and put pressure on surrounding streets also. Demolishing the houses on Regents Park Estate will contribute more noise, more lorries, more waste, more pollution. There is a new scheme, recently proposed by HS2, through private investment, to develop commercially OVER the present railway line. Building a huge Canary Wharf-style private investment by Park Village East, as part of HS2's Level Deck proposal will add another ten years of construction and ruin our quiet residential streets, full of

beautiful Regency and Victorian houses close to Regents Park. This would place an intolerable burden on the community. The lack of clarity regarding the exact subject of our public participation is fundamentally unfair in terms of the Aarhus Convention.

### **TRAFFIC DISRUPTION AND CONGESTION**

Your petitioners fear the effect that traffic disruption and congestion will have on our health, caused by construction lorries and road closures. Those who cannot walk far will suffer from not being able to get access to their cars and if they can, too many roads may be blocked for them to be able to get to the shops. What will happen when Delancey Street closes for a year, Adelaide Road for a year, Park Village East maybe permanently? It will be impossible to live our daily lives. Buses run along many of these routes, getting people to the Royal Free Hospital, for instance, or back from the centre of London. Many older people need or prefer to travel by bus rather than underground. It may become impossible to get anywhere near Darwin Court when the buses are on diversion for up to a year at a time. If no other solution can be found, then your petitioners request that construction traffic be limited to daylight hours and avoiding peak traffic times, i.e. between the hours of 9 30 am and 4 30 pm Monday to Friday. Your petitioners also request that due consideration to alternative plans such as stopping at Old Oak Common, designs such as Double Deck Down 2, and use of canals, be treated with extra consideration and properly assessed by independent assessors rather than firms with a vested interest, in order to alleviate the disruption, noise and air pollution for over ten years of construction as at present proposed.

Your petitioners request that a full traffic management plan be provided that demonstrates how traffic will be managed during construction period so that community life can be preserved.

### **AIR QUALITY**

Your petitioners respectfully submit that air quality in Camden would be severely affected by the present scheme and that close attention should be paid to ensure that this issue is treated with the utmost importance. The health and safety of old and young are severely at risk if air quality deteriorates any further. Because the EU safety limits are already being breached on a daily basis in Camden without any plan to alleviate this, your petitioners beg you to ensure that HS2 must not be allowed to make the situation get any worse.

### **DARWIN COURT PRIVATE GARDEN**

The Bill includes powers for the Secretary of State and the nominated Undertaker to take over our small, private garden to use as a construction site. This will have an adverse effect on residents' quality of life. Eight flats directly overlook the garden which has a high wall and beautiful old gateposts on the Regents Park Road side, shielding us from traffic and passers-by. The boundary wall of Darwin Court (which includes the gateposts) is seen to be a positive contributor in the Primrose Hill Conservation Area Statement (published January 2001). This is one area where residents can meet and relax surrounded by trees, wildlife and plants. They enjoy tranquillity during the day here, parents have a safe, enclosed space for young

children to run around in, or enjoy a quiet drink and/or barbecues on summer evenings. The Residents' Association hosts summer parties here for residents to meet, provides garden furniture and maintains the garden. Residents can book the garden for parties, which gives us a little revenue for maintenance, which will be sorely missed during the construction period. They grow vegetables, plant flowers or just sit and read. Losing this, even temporarily, will seriously affect our way of life. Camden have records of thirteen tree preservation orders in the grounds of Darwin Court. In addition, Darwin Court is in a conservation area, which means all the trees over 75mm in diameter are protected. How are we to ensure their safety while the garden is used as a construction site?

### **BLIGHT**

Fear of the affects of HS2 are blighting the value of our homes. Mortgages are being refused to would-be buyers. London has a huge property boom at present. Not in Darwin Court, where there are now eight flats for sale out of 104, which is unprecedented. They are not selling, unless they find a buyer who does not need a mortgage. Even then, they are having to drop their prices considerably from the original asking price. This flies in the face of all the statistics of recent property sales in London, all of which are experiencing a boom. No compensation is being offered for this blight. Further up Gloucester Avenue and across the street from Darwin Court, (not even immediately above the proposed tunnels as we are), the worries about the sewers being dug up, massive works in nearby streets and the subsequent damage to the environment are causing buyers to hesitate and very often back out of purchasing. This in a time of unprecedented house market boom throughout London. We fear that this situation can only worsen as time goes on. We are being offered no compensation for any of the above problems. Although we are in a safeguarded zone, it is only our sub-soil which is safeguarded, thereby negating our right to compensation under the newly issued HS2 guidelines.

**HS1/HS2 link** Your petitioners understand that the HS1- HS2 link has been abandoned. However, we would reserve the right to challenge the impacts of this connection should it either be resurrected in the previous or some other form, as yet undetermined (in spite of the project having had at least 4 years to consider this important aspect).

## 7 **MITIGATION**

**OLD OAK COMMON** Your petitioners respectfully suggest that Old Oak Common should be the terminus for HS2 in its early years (as Waterloo was for HS1 before the refurbishment of St Pancras). This allows much more flexibility in terms of developing Crossrail 2 at Euston in future, and in connecting Euston to airports scheduled for growth. The proposed design of Euston Station is at present unacceptable. HS2 should stop at Old Oak Common until a better station design has been developed and other options have been properly investigated. Old Oak Common has far better current and potential connectivity than Euston. We ask you to investigate the potential of HS2 coming into Paddington or Stratford instead of

Euston for Phase 1. Paddington connects directly with Heathrow, which would save the expense of a spur being constructed. The journey across London from Old Oak Common on Crossrail is shorter than the journey would be on HS2. At the very least, a proper appraisal of the choices for Euston must be undertaken, in the form of an independent review, taking into account the environmental and human cost of any possible scheme.

**DOUBLE DECK DOWN 2** If it is not deemed possible to stop at Old Oak Common, then your petitioners beg you to consider a double deck down station with a footprint less than the existing Euston Station, has already been designed to a high level, though ignored and/or rejected and misrepresented by HS2. This design conforms to HS2's project specification and has been shown to be technically feasible. Minimising disruption to Camden, it involves no loss of housing but allows large-scale development near the station. Quicker and cheaper to deliver than Option 8 or the present even larger plan, it would result in an architecturally distinguished station, including the Euston Arch, while avoiding disruption to tube lines.

Such a station design as the Double Deck Down 2 design (by railway architect Jeff Travers of the Pan Camden Alliance) would also save the unacceptable rehousing of whole communities around Euston and allow for freight to carry all waste and material from the reconstruction of Euston Station and HS2 platforms. This design would use for construction freight the existing redundant freight depot 400 metres from the present station. At present under the Hybrid Bill it would be demolished at an early stage of the work. The Double Deck Down 2 design would avoid the devastating effect of 3,000 extra lorries per day taking waste through Camden, which will cause damage, air pollution and block roads for over 10 years - at HS2's own estimate. It would also avoid making Euston Station footprint any bigger than it is now, while HS2 proposes to destroy 250 homes in the Regents Park Estate, which will cause added waste, damage, pollution and noise, apart from the misery caused to the people losing their homes and their community. Your petitioners feel this will place an intolerable load on the community. Double Deck Down 2 allows for waste, spoil, labour and building material to be carried by freight. This is essential to protect our environment.

**CANALS** The use of the canals is another possible way of transporting waste without clogging up the roads around Gloucester Avenue and such a method should also be given proper consideration. Neither Double Deck Down 2 nor the canals have been given any serious consideration as yet. Both may well be less harmful to the environment. Your petitioners request that use of the canals, and also investigation of the Double Deck Down 2 should be given proper consideration.

**EUSTON CROSS** If neither of the above schemes is acceptable, the Rail Lords' Euston Cross Scheme would go a long way to mitigate the effects of HS2 for Darwin Court.

**DARWIN COURT PRIVATE GARDEN** The Private Garden could be avoided by HS2 if they used the gate to Network Rail land that runs between the garden and the present railway line. Since they wish to bore down to assess the subsoil, they could

do that on Network Rail land and avoid the garden completely. Alternatively, if the tunnels closer to Euston, as per Double Deck Down 2, much misery would be avoided. Your petitioners urgently request that all tunnelling should go beneath the existing railway tracks.

**FEASIBILITY STUDY** Your petitioners ask for a full and independent study of the immediate possible effects of construction and also the cumulative effect over the long term of the tunnels and the running of the trains on the fabric of our buildings, possible subsidence, the noise (carried vertically in these seventies' blocks), on the vibration caused by the trains, on the damage caused by that vibration on old pipes and the possible damage to, or even destruction of, the buildings themselves; and also for an independent analysis of the air pollution deriving from the present HS2 scheme.

Your Petitioners therefore request that the London Borough of Camden be provided with powers to monitor air quality in accordance with binding mitigation plans and, in the event air quality thresholds are breached, your Petitioners submit that the Bill should be amended to enable the London Borough of Camden to stop construction activities until such point as air quality thresholds are complied with.

Your Petitioners request that, in order to limit any increase in air pollution levels, the number of HGV journeys during construction should be reduced by the removal of spoil and the provision of material by rail rather than road.

Your Petitioners request that vehicles used in construction works should meet the latest European Emission Standard.

Your Petitioners request that you ensure, so as to avoid additional air pollution, that construction does not lead to traffic congestion in Gloucester Avenue, in Primrose Hill Village or in Camden as a whole.

Your petitioners pray that, if HS2 MUST go to Euston at all, you will ensure that HS2 will go under the existing railway line and be underground from Euston Station, or as close to Euston Station as possible.

## 8 **COMPENSATION**

Realistic and fair compensation should be given to all households situated both directly above and to the sides of tunnels during the construction period and also for a specified period following completion.

Residents affected by land grab and blight during the build should also be compensated fairly. Compensation should be given if there is any damage or subsidence caused by HS2 during and for a specified period after completion.

If residents have to move out while the tunnelling takes place, or our road becomes impassable from heavy traffic or blocked by construction works and works to sewers, etc., we should be compensated for temporary loss of our homes.

We should be compensated for any damage caused to the underground garages and the cars in those garages from leaking pipes as a result of vibrations during the construction period and for a reasonable time afterwards.

There should be proper compensation for all of the issues outlined already, in particular the blight to property prices. Uncertainty as to the effects of the works and the running of the railway in the future have made property 60m above the railway blighted in the same way as those beside it. The same rules therefore should apply.

Turning the Private Garden into a construction site, even if temporary, should also attract compensation, as well as a guarantee that the garden and its trees, shrubs, furniture, lawn and plants, as well as its gateposts, fences and walls, will be returned to your petitioners in at least as good a state as they were before HS2 took it, and preferably better.

Your Petitioners also request that the Promoter be required to prepare at its expense a schedule of condition for our five blocks adjacent to or affected by any works the Promoter may find it necessary to carry out to the utilities, and that this schedule shall, where appropriate, extend to such characteristic features of the Conservation Area as the street railings and entrance steps.

Camden's environment should be protected, and the health of its residents should be treated as a priority. All efforts should be made to make air quality a vital issue.

Your Petitioners pray your honourable House to ensure measures providing full and fair compensation for all losses caused by the construction of HS2 in Camden, whether direct or indirect. This should include compensation for loss of housing, decline in housing values and business losses.

Your Petitioners request that you widen the compensation zone in Camden to match that outside London.

Your petitioners request that proper compensation should be paid for the inconvenience and additional costs of a decade of disruption; and that adequate compensation should be paid if trains, once they are running in tunnels either beneath Darwin Court, or next to Darwin Court, cause damage or misery from noise, vibration or subsidence. Your petitioners respectfully point out that even if compensation were offered, it would be to the freeholder and not to ourselves. Since the freeholder would not be subject to any disruption or blight, we would request that compensation should also be paid to residents.

Your petitioners strongly endorse the petition put forward by the Gloucester Avenue Association, which has gone into admirable detail in respect of public transport, road closures, air quality, etc, all of which we regard as critical to our well-being.

Your Petitioners also pray that, in considering the plans for Euston, your honourable House is mindful of their interests. Your Petitioners believe that any decision on plans for Euston Station to replace Option 8 will have implications for them. They therefore request that you will ensure, in making this decision, that significant weight should be given to any solution which allows the Promoter's tunnels to run centrally under existing railway land in the sector between Parkway and Chalk Farm Bridge.

Your Petitioners pray your honourable House, when considering the option of a double-deck station at Euston, to add to its reduced footprint and other merits the advantage of allowing the alignment of the Promoter's tunnels to run centrally under existing railway land in the sector between Parkway and Chalk Farm bridge.

9 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, clauses 1 - 36 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 request that the powers granted under Clause 47 be removed from the Bill and that your petitioners are protected from the effects of Clause 47 where they affect their living standards and the safety of their homes and environment.

Your Petitioners therefore ask you to ensure that the interests of Gloucester Avenue and Primrose Hill Village are taken fully into account in examining and approving any new plans for Euston Station.

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.

Signed.....

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HIGH SPEED RAIL (LONDON TO WEST MIDLANDS BILL)

PETITION OF THE DARWIN COURT RESIDENTS' AND LEASEHOLDERS' ASSOCIATION

AGAINST, By Counsel, &c.

