

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 PRIMAVERA BOMAN-BEHRAM  
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, 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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 is the freehold owner and sole occupier of 27 Oval Road, Camden Town, London NW1 7EA ("your Petitioner's property"). It has been her family home since 1950. Her mother, the Viennese Expressionist dancer, Hilde Holger, had a School for Modern Dance in the lower ground floor for fifty years. Your Petitioner's property is within fifty metres of the existing *London Midlands and Virgin* London to Glasgow passenger trains, and three hundred meters from the top of Parkway, where Oval Road, Gloucester Avenue, Delancey Street and Parkway all meet. Your Petitioners' property is also on the road that will be used by construction traffic during the construction of the Scheme. The result will be extensive disrupting impacts.
8. As shown on the plans deposited with the bill, HS2 Ltd will tunnel underneath these in-use train tracks, from the top of Parkway, NW1 7AN, where HS2 will build a new Portal for their tunnel progressing under the existing train lines running parallel to, and between, Gloucester Avenue and Oval Road, where your Petitioner lives, lowering in a gradient as it goes close to and near under the rear of your Petitioner's property, then it crosses under the Regent's Canal, ultimately below the areas of the Morrisons Camden supermarket, Primrose Hill 'village' to the first Tunnel Shaft location on Adelaide Road NW3.
9. Your Petitioner's property is in the Primrose Hill Conservation area, which dates back to before the 17<sup>th</sup> century, with extensive development in the mid 19<sup>th</sup> century, which included the Regent's Canal, and the London and Birmingham Railway. Your Petitioner's Georgian property is one of four terraced houses, older and therefore far more adversely susceptible to vibration, as well as flooding than the Victorian houses built later in Oval Road. For the purpose of history and aesthetics these four properties have the additional ruling of an Article 4 Direction.
10. The location of your Petitioners' property is such that it is almost completely surrounded by areas in which construction works and disruption are scheduled to occur. In addition to the immediate scheduled HS2 construction worksites, Euston station and the Regent's Park estate lie only 1.5Km to the south; Adelaide Road to

the north; and the Thames Water Sewage utilities will be diverted also to your Petitioner's Road as well as to the Gloucester Avenue on the other side of the tracks. The lengthy duration, and very close proximity and the all-encompassing nature of so much of the construction work is a significant concern to your Petitioner, but even more so, as your Petitioner also works at the property, and where archiving and conserving the Hilde Holger Archive that has artefacts dating as far back as to the late 1920's.

- 11 Your Petitioner and her rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing including a repeat of previous construction works but not for the planned period of time HS2 will take.
- 12 Your Petitioner is gravely concerned that the Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take up to 10 years or more to complete and will include many conflicting HGV movements, the creation of dust and noise, poor air quality and emissions, higher accident risk, possible neighbourhood security issues at the construction sites, and 24 hour working schedules. This will inevitably lead to considerable mental and physical health concerns, besides extensive damage to your Petitioner's property and its archival contents.
- 13 Your Petitioner has concerns about the areas of works, direct and specific impacts:

13.1 **Tunnelling:**

Your Petitioner is justly apprehensive of tunnelling so close to your Petitioner's property. There are the River Fleet and other rivers running under this area. They may be hidden, but they are very active and can flood, and are most likely to be diverted into the sewer system. The Regent's Canal, originally owned by the British Railways, is also located there. Underneath this canal are the Victorian Camden Catacombs, the horse tunnel, the Victorian Warehouses, and the Underground Regent Canal Water Basin. The tunnels run under the Euston mainline, under the goods depot at Primrose Hill, beneath what was before, Gilbeys Bonded Warehouse on the Regents Canal, and under Camden Lock Market. The Petitioner is anxious about the fact that Homeowner's policies do not cover damage from water entering the property at, or below, the surface of the ground.

Your Petitioner understands in 2009, the German Cologne State Archive building collapsed. The city council, decided to "downsize" the rail-transport authority, to save costs, which up until 2002, was responsible for the new underground transport tunnel construction, and famous for its competence. Hydraulic ground seepage was found to be the main cause, which led to the destabilization of the State Archive and neighboring buildings, from the underground construction. They did not monitor closely enough the cracks and subsidence occurring.

In Gerrard's Cross in 2005 the Network Rail had an incident when the Tesco site above the tunnel that Network Rail was constructing, collapsed. As shown by many tunnel incidences, collapses are a real risk. And so are fires in tunnels.

In 2004, when your Petitioner was teaching in New York in a photographer's Manhattan loft at 620 Broadway and Houston Street, your Petitioner noticed that more and more each week the walls, ceilings and floors inside the loft were moving! One no longer could close the windows, and large cracks appeared in the walls with a noticeable slant in the floor. Macklowe Company had begun construction on a commercial building next door, where, three floors down, ignoring the risks to safety, this huge contractor dug out and removed the foundational support underneath 620 Broadway to accommodate the foundation and a planned underground parking garage. The neighboring 620 residents got \$8 million damages for destruction and inconvenience.

### 13.2 **Flooding:**

In 2007, Thames Water renewed all the major pipes in Oval Road, the Petitioner's Street. A burst water main pipe flooded the basements of your Petitioner's property and the adjacent three terraced houses. Being that your Petitioner's property, unlike her neighbours', was not tanked or CDM waterproofed, it underwent the most damage. In the expensive flood reinstatement that began in 2009, your Petitioner suffered an eight and a half foot fall from the builder's hoist, breaking ribs and clavicle that healed incorrectly, which in 2012 led to further terrible pains in the lower joints making walking difficult. This continues and therefore the future of disruption is of concern.

When Thames Water will move the sewage system from Primrose Hill to Oval Road and Gloucester Avenue, to accommodate the HS2 requirements, the risk of flooding, polluting the drinking water, and ruining boilers and washing machines is probable.

### 13.3 **Air Quality and Dust:**

Camden Town already has very bad dust and air pollution that well exceeds the EU limit. Like two or three neighbours on the same side of the road, your Petitioner was told she had got Cancer. No one in your Petitioner's family ever had cancer.

Apart from dealing with massive amounts of waste, soil, and hazardous material, the construction works will lead to significant increases in two of the most serious air pollutants, Nitrogen dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>). There is also likely to be increases in pollutants as a result of the operation of HS2, as the higher the train speed, the higher its carbon footprint with CO<sub>2</sub> emissions.

### 13.3 **Noise:**

Your Petitioner is concerned that the thresholds adopted in the Environmental

Statement for noise limits were set above what the World Health Organisation considers acceptable. To be bombarded by diverse, simultaneous, high volume dissonant sounds, 24/7, for a decade while construction takes place, is humanly unacceptable. As regards the operation of HS2, High Speed trains make an extremely shrill sound. The Petitioner remembers that with the slow London Midlands trains passing behind the petitioner's property, the Petitioner slept right through the night. Then when the faster Virgin trains started running, the Petitioner and her neighbours were, and still are, woken up.

**13.4 Vibration:**

The rendering of the front and back of **27 Oval Road**, your Petitioner's property, was completed in 2002. No visible cracks appeared until 2004 when there were building works for Barratt Homes West London in the 200 dwelling site at **24-28 Oval Road**—a greater distance from the petitioner's property than the proposed HS2 Tunnel. When they removed a beam from under Oval Road in 2006 there was tremendous vibration that was felt all along the houses in Oval Road. The next day really noticeable cracks were seen in the petitioner's property, especially in the external rendering. After these very strong vibrations took place in Oval Road, Ivor Chandler CEng FStructE, Director of Cameron Taylor and Barratt's surveyor, came to review the new cracks occurring in the Petitioner's old house. Your Petitioner believes it is not wise to have HS2 assume the area is suitable for tunneling with Tunnel Boring machines with such a historic record of vulnerability.

**13.5 Electromagnetic Radiation:**

The massive tunnel-boring drilling machines emit high Electro-Magnetic Radiation, as do certain types of high-speed trains that also consume much electricity when they accelerate. Not only could that possibly interfere with television reception, as an HS2 engineer commented, but as written in the Taipei Times in 2012, the International Agency for Research on Cancer has classified radio frequency electromagnetic radiation as a "Group 2B" substance. That means it is probably carcinogenic to humans.

**13.6 Rats:**

Your petitioner has experience of rodents finding their way into homes when their habitats are disturbed. This is another unwelcome long-term effect of having building sites all around the petitioner's property.

**13.7 Traffic:**

Your Petitioner's Street Oval Road will have a significant 80-90% increase of traffic in a decade; up to two hundred HGVs per day have been predicted to go north through Oval Road and James Town Road, disrupting pedestrians, cyclists, and residential parking, with more heavy vibration and noise.

Because of this stream of extra heavy movements, vibration, noise, dust and pollution, besides the Petitioner's Road encasing many utilities, the Petitioner's

nerves as well as the petitioner's property will suffer. Your Petitioner's ability to shop, travel in the city, or even go to Regent's park, will be encroached upon.

**13.8 Damage and Compensation:**

Your Petitioner, because of several past experiences, realizes how hard it is in an old house to differentiate between average long-term wear and tear, and damage due to imposed adverse circumstantial conditions. The selfsame exists with the health of the Petitioner and her neighbors. And on a legal level, it is your Petitioner's understanding, that there is no fair compensation system in place to appease the blight that will ensue, unless on top of a tunnel or similar proximity to works.

**13.9 The Hilde Holger Archive:**

Your Petitioner owns the Holger Archive of her mother, Mrs Boman-Behram (1905-2001). Therein are various works-on-paper, books, costumes, photographs, tapes and more. Artifacts dating back to between WW1 and WW2, are extremely susceptible to the pollution mentioned previously, as well as to damp, light and warmth. As the windows are not double-glazed or well sealed, and as opening the windows would let more pollution in, your Petitioner doesn't know how to preserve the collection under such adverse conditions.

- 14 Your Petitioner requests the specific measure to monitor the levels of vibration now and throughout the period of construction, and requires structural engineers to make recommendations prior to the end of the petitioning period, and surveyors should come both before and after work, to record the house condition and monitoring data to mitigate and avoid the settlement issues. These professionals should be paid by the government, and come from an independent body such as Southdowns Environmental Consultants, not from any of the construction or other companies that will be hired by HS2 Ltd.

Your petitioner notes that the decision document entitled "Properties above Tunnels", November 2013, recommends that the properties above tunnels experiencing 10mm or more of settlement would be eligible for settlement deeds. However tunnel induced building deformation is an interactive problem, and also affects ground and water movement, and thus other buildings around the tunnel. Your petitioner asks this to be rectified. Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submits 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.

- 15 Your Petitioner is specifically concerned about:
- 15.1 All air, dust, noise, vibration, water, sewage, should be similarly independently monitored as above in paragraph 14. If the independent body's findings necessitate a halt or change in construction detailing or schedule for HS2, a Select Committee or equivalent, should be able to authorize that.
  - 15.2 The Tunnel Portal for HS2 at the top of Parkway is extremely close to the southern part of Oval Road. Other Utility construction works will also take place in sixteen of the adjacent roads. The tunnel from Parkway is expensive and unsafe; for all the reasons previously mentioned. So perhaps construction could start at Old Oak Common, which besides having better transport connections, is less populated. This would give the project's designers much more time to improve their plans for Euston and other LB Camden areas, and, rethink all the connections to other trains, buses, airports, Tubes and Crossrail, because as it stands now, Euston is not a good choice for an HS2 London terminal.
  - 15.3 Large vehicles bringing in building supplies and taking waste away should be limited to a smaller size so as to lessen road damage, and adjacent building compromise. There should be a weight restriction imposed for vehicles, along with speed restrictions. Also low carbon footprint vehicles should be employed so as to lessen carbon emissions.
  - 15.4 There should be large clear signs for street detours, and a good communication system set up to let the public know in advance how their travel will be interrupted.
  - 15.5 There is a construction route at the front of the property and adjacent to the property and close to streets your Petitioner regularly uses during the 36 months of construction according to the Environmental Statement. Your Petitioner anticipates that the property will be surrounded by intolerable construction traffic and HS2 worker activity, and be seriously affected by noise including night-time noise and dust and emissions. All of this will significantly reduce the quality of life for your Petitioner and reduce the enjoyment for people including your Petitioner. To mitigate some of this would be to not work the construction sites at the weekends, and not work in the night. Also, to pay for, as they did in New York after 9/11 when the US government apparently gave free top of the line hepa air purifiers and vacuum cleaners to all in the outer vicinity of Ground Zero. (This should also include covering the electricity bills to run these air purifiers, 24/7.)
  - 15.6 Again an independent body of engineers should be called in to continuously monitor the integrity and safety of the designs and their execution, as well as the integrity of the flow of money. (Firms such as *Thacher associates*, *Kroll agency/ARI* who are monitoring the construction of the Trade Tower in New York and Bloomberg's building near St Pauls in London.)

- 16 Your Petitioner requests a special measure to obtain compensation for the reduction in the property price from the advice of HS2 works as your Petitioner will be forced to sell before the HS2 works, as it will be unbearable to live in such conditions with the ailments and knowledge of the impacts ahead.
  - 17 Your petitioner desires a special measure to be compensated for damage to her extensive Hilde Holger archive. . . . Even though *Eminent Domain* is not practised in Britain as it is in the States, some sort of democratic fairness is needed here and therefore must be established.
  - 18 Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submits that the Bill should be amended or undertakings should be required to be given 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 activities by putting weight on their cumulative impacts on area communities, and come forward with necessary changes arising from that review before works packages design and tendering strategies have been finalised.
  - 19 There are other clauses and provisions of the Bill, which, if passed into law as they now stand will prejudicially affect your Petitioner and her rights, interests and property and for which no adequate provision is made to protect your Petitioner.
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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 she 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 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.

Signature of Primavera Boman-Behram .....  
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HIGH SPEED RAIL  
(LONDON-WEST MIDLANDS)  
BILL

PETITION OF PRIMAVERA BOMAN- BEHRAM

Against – By Counsel. &c.

Petitioner in Person

Address: [REDACTED]  
[REDACTED]  
[REDACTED]