

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 MR AZAD ALI, FARZANA AKHTAR , MR BAHAR ALI & MRS BAHARFUL NESSA.

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 the Bill.

7 Your Petitioners are residing in Flat 16, Silverdale, Hampstead Road, London NW1 3SE .

(i). Your Petitioners' property is within the limits of land to be acquired and used as shown on the plans deposited with the Bill, and the property is therefore liable to compulsory acquisition under the Bill.

(ii). Your Petitioners have lived in 16 Silverdale since 1977 (37 Years) and raised their family here. Initially your Third and Fourth Petitioners were the secure tenants and lived there with the First Petitioner their son born in 1971.

(iii). In 1999 the First petitioner bought a Lease under the Right to Buy scheme and included the Third and Fourth petitioner as a joint purchaser. There is 101 years remaining on their Lease.

(iv). Your Petitioners have been very worried about the HS2 scheme since it was announced in mid-2010 and the way it will affect their future. Silverdale is a block scheduled to be demolished.

(v). The Third and Fourth Petitioners are both retired. The Third Petitioner Mr Bahar Ali age 75 and the Fourth Petitioner Mrs Baharful Nessa age 71. They both survive on a State Pension and will not be able to afford alternative like-for-like accommodation in the same area.

(vi). In 2009 The First Petitioner married the Fourth Petitioner Jane Sanchez-Gull.

(vii). The Petitioners all reside together in 16 Silverdale. By profession The first and Second petitioner are married and have two children aged 12 and 9 and another baby due soon. The First Petitioner is a Mini-Cab driver, and his two sons go to local Primary and Secondary schools. The possible loss of their property could risk them having to move schools which is really worrying for the children who were born in property and their expectant mother. They are

not financially well off and certainly will not be able to afford alternative like-for-like accommodation in same area. It's imperative that they acquire a similar 4-bedroom property so that the family can all remain together caring for each other under the same roof.

- 8 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.
- 9 Your Petitioners property is within the limits of land to be acquired and used as shown on the plans deposited with the Bill, and the property is therefore liable to compulsory acquisition under the Bill. But your Petitioners are concerned the amount that will be offered under compulsory acquisition coupled with the compensation will not be enough to acquire a like-for-like property in the same borough, with a preference for Regent's Park.
- 10 Your Petitioners do not believe that the scheme as represented by the Bill Constitutes the best solution for the Euston area. There are other solutions, some of them worked out now in great detail by volunteers, which would involve much less demolition and destruction of communities.
- 11 Your Petitioners are prepared to consider other solutions for the Station and in order for adequate time to be given for proper consideration, your Petitioners request that consideration is given to the suggestion for a temporary terminus at Old Oak Common. In coming forward with revised proposals, the Promoters must consider properly a range of designs that could be contained within Euston Station's footprint, such as the option known as "Double Deck Down".
- 12 Your Petitioners as Leaseholders who have exercised the right to buy, make up an important part of the existing mixed and balanced community on the Estate, and will be displaced as a result of the works. Your Petitioners would qualify for statutory compensation, but given the shortage of housing of equal value in the area, they are unlikely to be able to afford a new home and remain part of community in Regents Park. Your Petitioners have, on several occasions asked the Promoters to agree that in order to preserve the community, leaseholders should be given the same opportunity for rehousing in the area that the displaced council tenants will be given. Unfortunately, the Promoters have not agreed to do so. That approach will have the effect of fracturing communities and will force homeowners out of the area. Your Petitioners respectfully submit, as leaseholders in the Estate, they should be compensated to the value of an equivalent property in the area in terms of size. A less preferred option would be a leaseholder shared equity structure where the value of a leaseholders existing property is invested as an equity

share of the replacement unit with nil rent payable on the balance of equity that is not achieved by the value of leaseholder's property. They would like the ability to acquire the remaining equity at market value over time as they have the finances to do so. There is a precedent for this when local authorities are regenerating estates.

- 13 Your Petitioners live in a three bedroom flat on the third floor. They have a lift and more importantly they have excellent neighbours. They have a strong community that looks out for each other and as a result their area has little crime. The practical consequence of a block with a character such as theirs is that they have a very stable community and only a small turnover of tenants.
- 14 Unfortunately, this is not true of some other blocks on the estate. If Your Petitioners had to move they would be happy to accept suitable alternative accommodation by this they mean a three-bedroom property on a low floor with a lift in a pleasant block. There are other blocks on the Regent Park estate where they would only be too happy to live, unfortunately however because they have exercised their right to buy the council would not consider them for a transfer. The only source of other accommodation is other lessees who are selling ex-council properties. The problem is there is no local market in such accommodation.
- 15 Alternative accommodation in a private property whether a house or a flat would be outside their financial means. The Euston area is extremely diverse and it includes some of the most expensive accommodation in London: even relatively modest flats can be sold in excess £750,000. Your Petitioners have taken advice on the value of their property and it has been assessed at approximately £480,000. Even with the 10% uplift they would not be able to acquire suitable alternative private accommodation in the area. The family has lived in the area for 50 years. For the Third and Fourth Petitioners, at their age any move would be traumatic. The more they are able to retain their local community roots, the easier it will be for them to make a new life in a new home. The closer they remain to neighbours and family the less they will be dependent on outside help.
- 16 If the threat of HS2 did not exist, your Petitioners would be very content living on Camden's Regent's Park Estate, an area of well-spaced, well-constructed blocks of flats in good condition, surrounded by mature trees, open spaces and in general very peaceful. For these reasons, and because of the closeness of public transport, local shops, Regent's Park itself and Central London, they would not have been contemplating moving but would have been looking forward to spending the rest of their life here, in their own home and neighbourhood. However if Parliament decides that the HS2 railway should go ahead as currently planned, they request that the above-mentioned provisions be put in place.

17 Your Petitioners' intention is to remain in their borough in a like-for-like property.

18 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.

Signed: 

Azad Ali, the First Petitioner

Signed: 


Farzana Akhtar, the Second Petitioner

Signed: 

Bahar Ali, the Third Petitioner

Signed: 

Baharful Nessa, the Fourth Petitioner

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BILL

PETITION OF Ali Family

AGAINST, By Counsel, &c.

Mr Azad Ali

