

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – praying to be heard by counsel etc

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

THE HUMBLE PETITION of

ELIZABETH VICTORIA MARCELLA HEAVENSTONE, (Flats A & B),

CAROL ANNE SEED AND PAUL TOWNSEND SEED (Flat C)

192 Regent's Park Road, London NW1 8XP

SHEWETH as follows:-

1. A Bill (hereinafter referred to as "the Bill") has been introduced as is now pending in your honourable House intituled "A bill to make provision for the railway between Euston in London and a junction with the West Coast mainline 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. Your Petitioners are Elizabeth Victoria Marcella Heavenstone (Flat A & Flat B first second and third floors) is co-joint owner of property at 192 Regent's Park Road, London NW11 8XP ("the Property") with Paul Townsend Seed and Carol Anne Seed (formally Cornish) who live in and own the Ground Garden Flat, (Flat C) at 192 Regent's Park Road.

4. Your Petitioners have been served notice ("Notice") (notice number C271/006629) specifying in Schedule A the proposed acquisition of permanent rights in the Petitioners' Property and, in Schedule F, the right of the Secretary of State to take temporary possession of the land. Schedule 15 of the Bill contains provisions about temporary possession and use of land in connection with the works authorised by the Act.
5. 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 dis apply 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.
6. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
7. 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.
8. The works proposed to be authorised by the Bill are specified in clauses 1 and 2 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 and Schedules 2 and 2 to the Bill.

9. Carol Seed (formally Cornish) and Elizabeth Heavenstone moved in to their respective properties 36 years ago in 1978 and Elizabeth Heavenstone bought Flat A in 1985 and Flat B in 2006 and Carol and Paul Seed bought flat C in 2000 The Property has been the family homes and a rental flat of Elizabeth Heavenstone and Carol Seed (formally Cornish) for the last 36 years and Paul Seed for 18yrs to date. The Property was caringly restored to a high standard in the 1977 and converted to three homes. It has been maintained to a high standard ever since, regularly being decorated inside and out. Four children have been raised at the Property by Elizabeth Heavenstone and Carol Seed two of the Petitioners.
10. The Petitioners are now in their 60's & 70's and are likely to have to consider moving out of the Property in the next few years. The works authorised by the Bill and the proposals set out in the Notice are likely to cause the Petitioners serious problems in marketing the Property for sale and/or result in a considerable diminution of value of the Property. Carol Seed, one of the Petitioners, is a retired school teacher, editor of a literary magazine, and advisor on writing and has used her home for formal and informal individual and small group creative writing classes. Elizabeth Heavenstone currently rents out her properties but is planning to move back to one of them in Autumn 2014. Paul Seed is a Senior Lecturer in medical research and analysis at Kings College and regularly works on his research from home as well as at work; and it is considered that the works authorised by the Bill would have a detrimental effect on the quality of these visits, stays, work & our general wellbeing.
11. The Bill designates Regent's Park Road, NW1 as a street where anticipated works will have an impact by way of traffic congestion and/or interference with pedestrian passage, said to be predominantly in Q2 2017, with alleged "moderate adverse effects" by HGV or other vehicles.
12. Sheet No 1-06 attached to the Notice indicates a number of planned operations in or in the vicinity of the Property. No information was provided by the Notice or otherwise as to what was intended.

13. 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.
14. The Bill is unclear as to what is planned for the areas in the vicinity of the Property and the extent to which life as a resident of it will be disrupted and for how long. This uncertainty will affect the quality of life of the Petitioners as well as the value and saleability of the Property
15. There are two particular aspects of the Notice which render the position of your Petitioners unfair:
 - (a) The fact that the details provided on sheet No 1.06 are so unclear, with no guide as to numbered references, make virtually impossible to determine precisely what areas are required for what purposes and for how long.
 - (b) The deadline imposed for lodging this Petition precedes whatever response may be forthcoming in consequence of Consultation Responses to the Promoters' Environmental Statement returned among many others by your Petitioners.
16. Your Petitioners are baffled why the Notice could not have contained a statement along the following lines: "We are likely to need temporary possession of in order to conduct the following works Those works are likely to take ... weeks/months/years. They will inconvenience you in the following respects..."
17. Having regard to the fact that nothing was said about what is intended to be done, there are two scenarios:
 - (a) The work will be carried out entirely beneath the surface, tunnelling from Gloucester Avenue and/or Berkley Road. In that event, direct disruption to the Property may well be limited. Foreseeable risks would be of contamination and subsidence.
 - (b) The work will be carried out by digging trenches in the gardens of the affected properties. In that event, direct disruption to the

property will be extensive, and substantial; and the peaceful enjoyment of the property will be compromised for at least the duration of the work.

18. Thus your Petitioners humbly ask that, in order to remove the uncertainty imposed on the Property peaceful enjoyment thereof, the wording of the Bill be amended so as to identify the nature and extent of the work to be done as well as its duration.
19. As to works designated on Sheet No.1-06 and otherwise within North London, your Petitioners submit that serious consideration should be given to altering the route of the proposed line or by more tunnelling. The current choice of route is one which has grossly weighted matters in favour of construction at the expense of those living and travelling in North London, and in particular Primrose Hill, supported by no plausible cost/benefit analysis. Apart from the roads that skirt Primrose Hill (Primrose Hill Road and the southern part of Regent's Park Road), the area has no through traffic. It is aptly known as "Primrose Hill Village" and is indeed quieter than many rural villages and those who live here value it for that quality.
20. One of the fundamental errors underlying the Bill and HS2's Environmental Statement is the assumption that urban dwellers are much more ready to absorb problems arising from major construction works. For instance, where pollution levels are already excessive, no mitigation is proposed to deal with the severe deterioration of air quality liable to result from the works and lorry traffic associated with them and in its assessment of the impact of noise and vibration, the Promoter contends that this is to be ignored because allegedly in the ordinary course of events other construction work would be taking place. Your Petitioners therefore humbly submit that the House should address the issue of compensation and in particular the imbalance between levels of compensation proposed for urban as opposed to rural areas.
21. Against that background, your Petitioners would wish to draw attention to the following facts and matters which are liable prejudicially to affect our Petition and the Property:
 - (a) Dust, noise and pollution. Unless modified, the contemplated works and associated lorry traffic will cause years of dust, noise

and pollution, and the proposed 24 hour working will cause sleep deprivation.

- (b) Closure of Adelaide Road and other streets. Your Petitioners would ask that serious consideration be given to relocating the ventilation shaft from Adelaide Road, critical east/west route, which it is envisaged will be subject to long closures. Closures plus the significant extra HGV traffic running through existing streets, will inevitably cause congestion and an unacceptable diversion of vehicles being routed through the Primrose Hill area.
- (c) Parking for residents and businesses. Your Petitioners are anxious because at the moment parking is barely held in balance. Deprivation of spaces – eg because of temporary acquisition of roads for depots or works would have a catastrophic effect.
- (d) Access to public transport, Closure of Adelaide Road would mean diversion northwards of the No 31 bus, the only east/west route serving the area. Should works be extensive, access to Chalk Farm Underground Station would be blocked, as would access to the No 168 bus.

22. The 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 impact on communities. They also need to suggest necessary changes from the results of that review before works, design and construction strategies have been finalised or construction contractors employed.

23. In light of the above the Petitioners reserve the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matter relevant to our express concerns that may occur in due course and prior to representation before the Select Committee.

24. For the foregoing and connected reasons your Petitioners respectfully submit that unless the clauses of the Bill referring to the Work Number 1/28 in the London Borough of Camden are removed or amended then the Bill should not be allowed to pass into law.
25. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect your Petitioners and their rights (including their human rights), interests and property and for which no provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.
26. The power to acquire land compulsorily in whole or in part permanently is set out in clause 4 of the Bill in conjunction with the rights for the Secretary of State to acquire rights in land in whole or part together with the acquisition of airspace, subsoil or under-surface rights and the termination of the Secretary of State's power is expressed to end after the period of five years beginning with the day on which the Act is passed with provision for the Secretary of State by order to extend the period of five years and by not more than five years as set out in clause 10(1) and (2) of the Bill and those rights to extend the period under sub-section (1) are set out in Schedule 13 of the Bill.
27. The Petitioners claim compensation for injurious affection as a result of the diminution of the value of the Petitioners' Property as a result of the proposed works and the acquisition of temporary and permanent rights in the Petitioners' Property. Their rights, interests and property are injuriously affected by the Bill.
28. Your Petitioners do not object in principle to the decision to construct the High Speed Rail Link but do object to the works proposed to be carried out as referred to above and to the proposed permanent or temporary acquisition of rights and interests in their property.
29. Your Petitioners further assert that if it is proposed to purchase part only of the property, then your Petitioners require the whole of the property to be acquired on the

ground that taking part only of the land would result in material detriment to the remainder of the property.

30. Further or alternatively, your Petitioners submit that the Promoter should be required to indemnify them from all claims and demands which may be made in consequence of the construction, use or maintenance of the works under the Bill, or their failure or want of repair, or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the works under the Bill.
31. Your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all proper costs, charges and expenses (including the proper fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.
32. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, should not be allowed to pass into law.
33. 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 and interests 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: For and on Behalf of
Carol Anne Seed

Signed: For and on Behalf of
Paul Townsend Seed

Signed: For and on Behalf of
Elizabeth Victoria Marcella Heavenstone

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PETITION of **ELIZABETH VICTORIA MARCELLA HEAVENSTONE,**
CAROL ANNE SEED, & PAUL TOWNSEND SEED.

AGAINST by **KEITH EDWARD WILLIAM WALLACE,** Solicitor, Lee Bolton Monier-Williams, 1 The Sanctuary, Westminster, London SW1P 3JT (Telephone: 0207 222 5381)