

IN PARLIAMENT

HOUSE OF COMMONS  
SESSION 2013–14

**1664**

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against – on merits – Praying to be heard in Person&c.

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

THE HUMBLE PETITION of DILHAN SEBASTIAN, 3A Mornington Crescent, London, NW1 7RH.

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 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.

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PETITION OF ALOYSIUS GAVIGAN

AGAINST &c.

Aloysius Gavigan  
10A Mornington Crescent  
London  
NW1 7RH

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. The Petitioner's property is the ground floor and basement flat (A) of 10 a Mornington Crescent, a Grade II listed building within a conservation area. The existing railway lies directly behind the Petitioner's garden wall, although it is not within the current limits of land that can be acquired for the construction of the HS2 project, as described within the parliamentary plans.
8. The Environmental Statement deposited within the bill describes significant construction works within the vicinity of the Petitioner's property: "Residents at Mornington Crescent (approximately 25 properties) are predicted to experience in-combination effects from the demolition and reconstruction of Hampstead Road Bridge and Granby Terrace Bridge and the demolition of the carriage shed. The in-combination effects are significant construction noise and visual effects. The combination of these effects, which will coincide for approximately one year, will result in a major adverse effect on the amenity of residents, which is considered significant."
9. The combination of works as set out in the project plans in direct vicinity of the property, will include:
  - a. The demolition and reconstruction of bridges over the railway;
  - b. The renewal of retaining walls on the sides of the railway;
  - c. The construction of railway lines in the existing rail corridor, directly behind the garden wall of the property;
  - d. Plot 145 will be a construction site for the project, a few doors away from the property;
  - e. Mornington Crescent, the only route of access to the property, will be a construction vehicle route for the project;
  - f. The Mornington Crescent carriageway is to be raised, involving the raising of utilities.
  - g. The demolition of nearby Silverdale, Ainsdale and Eskdale block of flat which are a few 100 metres away from our property.
10. Your Petitioner and their interests are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

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### **Cumulative effect of environmental impacts**

11. Your Petitioner's home and garden is located very close to the works in the Euston area and the Petitioner considers the plans need further review to ensure the property will be habitable during the construction phase and when the trains start operating. The construction impacts of the project are likely to include (but are not limited to) many years of noise, dust, artificial light pollution and decreased accessibility around your Petitioner's home and garden. Your Petitioner is not satisfied that full consideration has been given to the severity of the detrimental impact of the cumulative effects of the proposed works surrounding the property. Your Petitioner considers that the cumulative impact of these environmental issues could impact on health and quality of life at the property.
12. An assessment of the cumulative impacts and proper baseline surveys needs to be undertaken by the Promoter in advance of the construction of the works and appropriate mitigation measures should be determined. There will be significant impacts due to increased construction traffic and road closures, loss of amenity and greenery, and effects of noise, vibration and dust from nearby construction works for at least ten years. The Petitioner considers that the Environmental Statement deposited with the Bill acknowledges that cumulative impacts arise from the construction of the Bill proposals, but does not assess them. Your Petitioners consider it essential that the Promoters should carry out a habitability assessment forthwith to determine if temporary re-housing is required, or how adverse impacts can be mitigated. Your Petitioner wishes to see that a suitable and sufficient assessment takes place and the results are acted on in an appropriate and timely fashion.

### **Mitigation of construction impacts**

13. Your Petitioner does not believe that all the likely significant effects on the surrounding environment have been adequately described in the Environmental Statement and are of the view that the mitigation measures proposed have not been adequately described.
14. Your Petitioner is concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust caused during the construction period. Your Petitioner suggests that the Nominated Undertaker should provide detailed plans, method statements, work programmes, and schedules of deliveries (particularly abnormal deliveries) in relation to each work site, well in advance of the commencement of operation in order to minimise their impact on residents. Your Petitioner and other residents should be notified well in advance of any alterations in methods of construction and construction operations.

### **Noise and vibration - construction**

15. Your Petitioner's property and other buildings on Mornington Crescent are likely to be very sensitive to noise and vibration during the construction period, and experience construction noise levels higher than the noise insulation trigger levels as set out in the draft Code of Construction Practice. Your Petitioner is concerned that noise and vibration from the construction works, associated traffic and other activity may cause health impacts, annoyance and damage to property, reducing the quality of life at the property. As the Petitioner's property backs onto the railway, it will be adversely affected by a lot of the works that will be carried out during the night, to avoid disrupting the railway line. This is also likely to mean that the railway land behind the property will be flood lit at night for those works. Significant other impacts at the property will be caused by (but not limited to):
  - a. The demolition of bridges, expecting to cause night time noise of around 45dB to 60dB for 11 months;
  - b. The renewal of retaining walls on the sides of the railway;
  - c. The construction of railway lines in the existing rail corridor, directly behind the garden wall of the property.
  
16. Noise levels at nearby homes should therefore be reduced as much as possible. In addition, the methodology for assessing, identifying, reporting and mitigating impacts, including cumulative impacts, from construction noise and vibration must be suitable and sufficient, so as to ensure that the noise and impacts of the project are appropriately reported and are reduced as much as possible. The impacts of construction noise on internal noise levels could be mitigated through the use of noise insulation and/or temporary rehousing provision, provided the proposals are suitable and sufficient for its purpose and the thresholds in place at which properties qualify for noise insulation and temporary rehousing must be appropriate. However, the primary means of mitigation must be at the noise sources and along the pathway with suitable application of construction working methods, practices and equipment selection. Your Petitioner respectfully submits that the promoter of the Bill should be required to ensure that ground and airborne noise and vibration during the construction period is kept to an absolute minimum by the use of the most advanced tunnelling technology and machinery.
  
17. Your Petitioner is concerned about the cumulative impact of noise and vibration from multiple contractors and therefore requests the monitoring of noise and / or vibration impact be carried out at residential properties, with associated appropriate compensation for the right to access their land. Your Petitioner considers that the noise insulation and temporary re housing policy should provide unequivocal direction on the roles and responsibility of the project manager and contractors prior to the noisy works taking place.

### **Noise and vibration - operational**

18. Your Petitioner is concerned that operational noise and vibration from the trains and associated works, including changes to the existing rail network may have an adverse effect on residing at the property and may be radiated into the building to an unacceptable extent. Your Petitioner requests that the

Nominated Undertaker should be subjected to stringent design standards and where the railway passes near to residential buildings the Nominated Undertaker should be required to install additional appropriate procedures and design methods to inhibit the transmission of noise and vibration. The methodology for assessing, identifying, reporting and mitigating against these impacts must be suitable and sufficient, so the noise and vibration impacts are appropriately reported and reduced to as low as possible. The Bill should also provide that the Nominated Undertaker should put in place a comprehensive consultation exercise with regard to noise and vibration monitoring, and be subjected to a compensation code where agreed noise standards are breached.

## **Air Quality**

19. Given the vicinity of your Petitioner's property to the surrounding construction works, your Petitioner asks your honourable House to require the Promoters to implement the following measures at the very least:
  - a. Ongoing impact analysis: A commitment to provide funds to undertake an on-going independent assessment of the real-world impacts of the construction work once it commences.
  - b. Air filtration or ventilation systems for affected properties: A commitment to funding air filtration or ventilation systems for properties assessed as being affected by significant increases in pollution levels as a result of the works.
  - c. Contingency Fund: A commitment to provide a contingency fund to provide air filtration systems and other mitigation for receptors that were not identified during the scoping work but that do suffer adverse effects.

## **Dust assessment and Management**

20. During the construction phase, dust is likely to be produced which could have an impact on health and quality of life, which is of particular concern, since your Petitioner suffers from Psoriasis. Your Petitioner requests that all dust mitigation and management procedures must include sufficient baseline assessments prior to the commencement of works. Sufficient real-time air pollution monitors, for example fine dust monitoring stations, for construction dust must be placed within the vicinity of nearby residential properties during the construction phase. Particular regard should be given to the management and mitigation of construction dust, for example, through regular, at least monthly, window and car cleaning.

## **Traffic and Parking**

21. Your Petitioner is concerned that their property will be severely affected by the traffic generated by the construction works and the loss of parking in the area for a number of years. Mornington Crescent, the only route of access to the property, will be a construction vehicle route for the project, with the effect that the daily traffic flow on Mornington Crescent is expected to increase by more than 30% during construction. The Petitioner is also concerned about a reduction or removal of parking and loading on Mornington Crescent during

construction and operation of the scheme, limiting access to the property. Your Petitioner humbly requests appropriate traffic control measures are put in place to mitigate access any disruption resulting from the works. In addition, the Promoter of the Bill should be required to ensure continual access and egress to the property by car, as well as provide adequate alternative parking in the nearby vicinity, or otherwise compensate for lack thereof, during construction and in operation.

### **Conservation of heritage**

22. Your Petitioner's property is a historic building of a Grade II listing within a conservation area, and your Petitioner therefore asks your honourable House to ensure that the Nominated Undertaker will be required to carry out historic building investigation and recording prior to commencement of relevant works. For Listed Buildings, this should include a full condition survey in advance of any works, rather than a Post-Construction Condition Survey after the event. Since demolition works are to take place in proximity of the listed property and garden within the conservation area, care should be taken to ensure the preservation of the property and garden, including appropriate making good of any damage. Your Petitioner also requests that if listed buildings are exposed to noise levels requiring the installation of insulation measures, that the solutions will need to be tailored to the building concerned, and compensation to property owners will need to be greater, to reflect the non-standard costs.
23. Your Petitioner is concerned that their ability to reduce the noise through double glazing will be rejected by Camden Council even when higher grade materials such as wooden box frames are used. At present no application for double glazing on the Crescent has been approved due to concerns about the how the light refracts differently through double glazing. Given the level of noise residents of the Crescent are expected to endure your Petitioner requests that requests to Camden Council for noise mitigation such as double glazing should be viewed in the light of the noise generated by the construction and operation of the new line.

### **Working hours**

24. Your Petitioner is concerned to ensure that the hours during which construction activities take place are restricted so as to ensure that disturbance, particularly at night time is minimised. The type, proximity and inter-related nature of the many proposed work sites that will be required strongly suggests that 24 hour working may be inevitable over extended periods. Your Petitioner asks that the Promoters be required to give an undertaking to fundamentally review their construction strategy to reduce the impacts of construction activities and to do so in close and open cooperation with your residents so that schemes and methods of work can be devised that will minimise adverse impacts. Your Petitioner does not consider that the proposed Code of Construction Practice currently relied upon by the Promoters is adequate to meet these particular circumstances and protect nearby residents.

## Compensation

25. Your Petitioner considers that the provisions in the Bill relating to compensation for those whose land is to be acquired under the Bill and those who will be affected by the construction and the operation of the proposed works even though their land is not acquired, is inadequate. Your Petitioner considers that their property's location that is so close to the extended and disruptive construction works will have a detrimental impact on the property. Your Petitioner asks your honourable House to amend the Bill to ensure proper compensation will be payable not only to those whose land is to be acquired, but also those who will be badly affected by the works. Your Petitioner respectfully asks the honourable House to direct the Promoter to ensure fair compensation for effects on land value but also other returns to which they would have been reasonably entitled, including any loss of potential development value and loss of rent. That is, to ensure full compensation with all costs covered at (un-blighted) full market value.
26. 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 PETITIONER therefore humbly prays 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 Themselves 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 Aloysius Gavigan