

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

High Speed Rail (London – West Midlands) Bill

Against the Bill - 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 DARIUSZ DZWIGAJ

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 Hansacre 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.
3. Objections are being presented around numerous issues arising from the scheduled works in the Old Oak Common area in the London Boroughs of Ealing and Hammersmith and Fulham, the lack of mitigation of effects and the lack of compensation for communities impacted by the construction and operation of HS2.
4. Your Petitioner is a resident of Midland Terrace whose home and the immediate residential area will be directly affected by the HS2 Old Oak Common interchange construction and operation, and the works described in the HS2 Environmental Statement. His rights, interests and property are injuriously affected by the Bill.
5. Midland Terrace / Shaftesbury Gardens is a small residential pocket which is to be bordered and completely surrounded by the HS2 construction Work Sites for approximately 10 years. It should be noted that many people chose to move to Midland Terrace / Shaftesbury Gardens as it is an oasis of peace and quiet (especially after working hours), close to West London and will excellent transport connections. Our residential pocket is to be bordered from West and

Southwest by The Victoria Road HS2 Crossover Box Construction Site, which is going to be used as the only point to extract and convey all the waste excavated from the 8 mile long tunnelling works. The conveyor belt is currently planned to run 20m from our bedroom windows, 24h a day over (minimum) 7 years. The planned Old Oak Station Compound will border our residential pocket from East and Northeast; Old Oak Common Lane will be closed for approximately one year with no road or pedestrian access to vital amenities (schools, shops, transport, hospitals, doctors, churches) whilst the road is lowered and widened and the bridges are rebuilt. All of our (3) tiny public green spaces (including a playground) with mature trees are going to be totally destroyed despite the need of only 25-30% of its areas required for Victoria Road widening scheme. If this goes ahead we will be left with no green spaces or a playground within 1 mile radius and even if the green spaces are going to be re-established, most of us will not see mature trees there in our life time.

6. In short, Midland Terrace / Shaftesbury Gardens will be in the centre of the proposed major HS2 Construction site for a 10 year period, with much of the work planned for 24 hours a day, seven days a week. We will be suffering noise, traffic generated pollution and visual blight. All of our little green public spaces will be destroyed needlessly, with its trees and natural environment. We will not be able to sell our houses and move away as the property values in our area will suffer heavily.
7. Your Petitioners take objection to the part of the works and the provisions of the Bill that are injurious to them and their neighbours, as set out in the paragraphs following.
8. 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 Petitioner.

## YOUR PETITIONER'S CONCERNS

*Midland Terrace and Shaftesbury Gardens should be recognised as one of the most heavily affected areas along the HS2 route*

- 1 Your petitioner believes that in view of immense community impact over a decade, extremely high in terms of adversity, the residents in this area should be classified as 'sensitive receptors' and therefore treated as a special case that merits further review and mitigation proposals to better deal with the acknowledged significant impacts.
- 2 It is generally recognised that Midland Terrace / Shaftesbury Gardens will likely suffer the more adverse impact of any other community along the line. Whilst HS2 Ltd has held a series of community forums and met with our residents verbally recognising our residential area as a 'special case' with significant impact from the proposed development, they have not as yet resolved any of the needs of residents regarding mitigation of impact measures and property compensation laid down in our response to the HS2 Environmental Statement consultation. While the Environmental Statement, recognises that: "*CFA report presents the likely significant effects of the construction and operation of the Proposed Scheme on the environment within the area of Kilburn (Brent) to Old Oak Common (CFA4).*" little if any mitigation is presented.

- 3 In addition, HS2 Ltd has described the 'loss of amenity as "significant" in terms of noise, visual effects, construction traffic, loss of access to amenities, air pollution and overall isolation'. However, the community impact ratings are stated from 'negligible to moderate' despite the scale and duration of impact on residents. (See Environmental Statement, Volume 5, Technical Appendices CFA4/Kilburn to Old Oak Common point 2.8). It can be assumed that this rating has led to the rejection of being recognised as a 'special case' and thus compromised our eligibility for adequate property compensation and impact mitigation measures.

### *Property compensation*

- 4 Currently, the only compensation available to Midland Terrace residents is via the 'Need to sell' scheme. Under the Need to Sell scheme, as expressed in HS2 'Your guide to our new property proposals' "owner-occupiers would be able to ask the government to purchase their home for its full un-blighted market value. An independent panel will consider each application on a case-by-case basis and make a recommendation as to whether the property should be purchased". It goes on to specify that applicants could be asked to submit evidence against five complex criteria.
- 5 We believe that this is not adequate in our case and that there is a requirement for a compensation scheme that fits with the special needs of our residents. We are effectively locked into our homes for the ten year duration of the construction and during that time there are likely to be many reasons that people may need or wish to move: they may not be able to put up with the disruption, they may suffer ill-health or any of the other reasons, they may die and pass their property to family members, or they may simply wish to move to a new home. We believe that the Need To Sell scheme is a complex system that requires an application process with potential hurdles and that a scheme should be put in place with no restrictions on the reason to sell.
- 6 It should be noted that some of our residents are low income, have no access to internet, or English is not their first language, that add to the complexity of this type of process.
- 7 Further, we are concerned that the option to sell to the government will negatively impact on community cohesion and that those that chose to stay could become isolated in a broken community, surrounded by empty homes or homes rented to undesirable tenants. This would further devalue property prices and our quality of life and is likely to lead to an increase in crime.

- 8 In addition, it will be hard to establish an 'un-blighted' price as the area around Old Oak Common has been devalued for the past decade through the uncertainty of unconfirmed developments in the area. Property owners in Midland Terrace would require almost double the current value of their homes to purchase an equivalent size and style of 3-bedroom Edwardian house elsewhere in the area. Note that the highest price reached for a 3-bedroom home in Midland Terrace has been £450,000. Against this, a similar sized property in the nearby residential areas would start at around £700,000 in Acton or Harlesden, with little available under £1 million. On the sale of their home, residents would be looking at trading down to a 1-2 bedroom flat in the area – unsuitable for a family of 4-5 and a downscale in quality of life for all.
- 9 Once construction begins and access to our area is cut off from East Acton, local estate agents advise that blight will increase and property is likely only to be purchased by long-term investors, seeking a 'bargain'. It also lends itself to abuse by the government or developers who will be open to purchase the properties for profit at the expense of the residents and community cohesion. Predatory speculators and legal advisors are already approaching residents. There are many vulnerable people who require protection.
- 10 The 'need to sell' scheme excludes certain property owners and residents: people on shared ownership and council tenants, landlords who are generally small-time investors for whom their property is their nest egg, people renting spare rooms, people who have purchased after 11 March 2010, for many HS2 did not show up in searches until 2013.
- 11 Therefore, we believe that it is critical that a scheme is developed that allows residents the choice to stay or leave at any point during the construction process and that those who wish to leave will be offered a similar scheme to home owners in rural areas. We believe that our residents should be offered a Property Bond-style Scheme whereby owners will be offered at the price of a similar property in the area. From our discussions with residents, most are likely to continue to live in their homes throughout the duration of the development and this may only be taken up by a handful of homeowners.
- 12 In addition, landlords will require compensation for loss or reductions in rent or to be offered the option to rent their homes to HS2 workers at a reasonable market rate. This should also be applied to people who are renting 'spare rooms' for whom income will be lost.
- 13 It should also be noted that the current limit for compensation is for properties that fall within 60 metres of the track. We believe HS2 has the legal right to CPO any property within 500 metres from the track. We would challenge these

criteria as unfair and feel that the compensation limit should be extended to distance from construction and construction sites and that HS2's ability to CPO any property it desires within a wider limit without a valid need.

- 14 It should be noted that at the meeting with HS2 Limited on 1<sup>st</sup> May 2014, HS2 representatives expressed that the reason for lack of compensation was due to the expectation that the values of the homes would rise considerably on completion of the interchange. However, we would like to point out that many of our residents might not live the duration of the development to benefit from the decade of suffering. Others may not be able to withstand this length and impact of disruption and will be driven from their homes to the benefit of developers and speculators. We feel this is a cynical perspective and goes against the culture and mindset of residents who consider their properties as homes above 'investments'.

### *Impact mitigation compensation*

- 15 Currently there are few, if any, provisions in the Environmental Statement for providing any mitigation measures against the impact of the construction.
- 16 Rules for HS2 compensation and mitigation are currently subject to the distance properties are from the track and thus exclude any of the properties in Midland Terrace. We believe this concept should be rejected in the 'special case' of our area. In its place, impact is measured by the close proximity to construction compounds, Old Oak Common Station, Victoria Road Crossover Box construction compound and the tunnel waste extraction point and conveyor belt outside our windows, Victoria road widening project meters from our homes, Old Oak Common Lane closure and construction and the overall isolation of our residents. All homes in Midland Terrace surrounded by construction works are considered to suffer 'exceptional impact' and measures to mitigate the effect and compensation are tailored to these specific needs.
- 17 We believe that HS2 should provide a scheme to pay for the various impact mitigation requirements required. These should include: a) sound proofing of homes with triple glazing, sound proofed structures at the ends of gardens for all homes that will experience increased noise, b) air filters and air conditioning to mitigate against dust and pollutants resulting from the construction works and increase of road traffic for all homes affected, c) house and garden exterior cleaning, etc.
- 18 We also believe that construction is likely to increase the crime rate and incidence of break-ins in the area caused by the construction and the period of

isolation when Old Oak Common Lane is closed and Victoria Road is widened. Robust security may be required with CCTVs, home security devices (including alarms and security grills).

- 19 We fear that during the 7-year duration of the construction of the 8-mile long tunnel ("Construction of tunnels by TBM operating 24 hours a day, seven days a week from dedicated tunnelling site at the Victoria Road crossover box main compound" Point 2.4.9 Vol. 2 CFA Report – Kilburn to Old Oak Common/No 4/Overview of the area and description of the Proposed Scheme) the noise generated by the conveyor belt planned 20 meters from our bedroom windows will be unbearable and some of us will not be able to live or sleep in our homes. There needs to be provision from HS2 to pay for rented accommodation for those residents.
- 20 Residents' health is also likely to be compromised by long-term exposure to airborne pollution resulting from the construction works and increase of traffic. The HS2 Limited would need to monitor health and to provide free healthcare, such as private health insurance to residents exposed to these pollutants and toxins, as well as help to counter any psychological damage due to sleep deprivation.

#### *Old Oak Common Lane Closure - traffic and public transport impacts*

- 21 HS2 plans to close Old Oak Common Lane for a 12-month period (2.3.26-27 of Vol. 2 CFA Report – Kilburn to Old Oak Common/No 4). There is no justification within the Environmental Statement as to why the road closure is required as part of the scheme and therefore why it is essential to lower the road. From a discussion with HS2 Ltd at Wells House Road on 1<sup>st</sup> May 2014, HS2 stated that the need for the lowering of Old Oak Common Lane was not for the purpose of HS2 but in fact for TFL requirements. We demand a review of these plans and an exploration of options to early construction of alternative road links in the area. The Old Oak area is to be substantially developed over the next 25 years by the Government and the Mayor of London with several of new road links planned.
- 22 The impact of this road closure on surrounding area is significant. East Acton is the closest area for amenities to Midland Terrace and is a 15-20 minute walk and well served with the 228 bus that takes residents to East Acton to the south and Willesden Junction/Harlesden to the north. Residents are reliant on Old Oak Common Lane to access most of their local amenities: schools, nurseries, Hammersmith Hospital, doctors and dentists, local shops, places of worship, Wormwood Scrubs (the only local large green public space). If the road closes, our residents will be isolated. This will cause hardships for all, most particularly school children, elderly, disabled and people traveling to work. A 3.5km diversion

of the 228 service would not provide a viable option due to predicted imminent traffic jams. The HS2 needs to find a viable option for accessing East Acton by public transport.

- 23 Similarly, for those who drive, their journey time would be substantially increased. With the whole area predicted to be paralysed by traffic jams, other remaining links would render useless. Even without the HS2 construction works, traffic jams today indicate potential for the future traffic chaos in the area with additional vehicle movements generated by the HS2 construction works. In addition, Old Oak Common Lane is a major through road used by commuters for access to places of employment in the Park Royal area and as a major West London transit route. Closure will cause huge impact for the economy of Park Royal.

### *Other localised traffic and public transport impacts*

- 24 HS2 Limited plans to widen Victoria Road from 2-way single carriageway to 2 lanes in both directions. During numerous discussions with HS2 officials they admitted that the main purpose of it is to serve the HS2 construction traffic between the Victoria Road Crossover Box Construction compound and the other compound close to the West London Freight Terminal. As a result, a dual carriage lane will be created only partially between North Acton underground station and Willesden Junction along the A4000 route, leaving the second half of this busy North-West London link transit route (Old Oak Lane) as a single carriageway. Currently there are notorious traffic jams at Old Oak Lane during traffic hours. Widening one part of the A4000 link will cause a bottleneck with even heavier stationary traffic held on widened Victoria Road for years to come worsened by additional HS2 construction traffic. The result will be constant noise of engines standing still Northbound on Victoria Road for most of the day, meters from our windows. Southbound traffic along Victoria Road will be held up in its usual place near North Acton on A4000/A40 crossing creating the total of four stationary lanes of polluting traffic outside our homes, counting both directions. [At the moment we have 2 lanes of polluting traffic for several hours a day "only"]. This plan without planning alternative road links in the area will have disastrous consequences on local residents and will further diminish our quality of life.
- 25 Throughout the 10-year construction period, there is likely to be significant disruption of traffic and transport services. There is currently a lack of detail on how this will be managed. Aside from the Old Oak Common Lane changes, and widening of A4000 Victoria Road it should be noted that even a minor incident in the area causes a knock-on effect across West London and along the A40 to Oxford. It is not uncommon to see gridlock down to the Earls Court area, up the A40 and around Scrubs Lane and Harlesden for a minor local incident.

- 26 Details of works, including schedules and provisions for maintaining access by car and public transport services need to be clarified. We need to understand the options for public transport if and when we are subjected to diversions and route closures. This includes any disruption to local Overground, Underground and bus services. There is a lack of information with the Environmental Statement.

### *Air quality and noise*

- 27 HS2 construction will cause substantial adverse air quality impacts from demolition, construction and traffic resulting in further deterioration of the air quality and increase of particulate concentration in the air. Nitrogen oxide and other harmful chemicals concentration will present an increased hazard to our residents' health. Full details are required as to how HS2 plans to mitigate the effects. We have earlier requested the provision of air filters and conditioning units as likely there will be times when it will not be possible to open windows and doors without adverse effects on health. We would like to understand fully the measures that will be taken.
- 28 There will be significant in-combination effects at Midland Terrace, Shaftesbury Gardens, Wells House Road and residential pockets along Old Oak Lane resulting in significant all day and night noise and visual effects over a period of at least seven years. The HS2 environmental statement fails to provide mitigation measures around sensitive receptor areas, such as Midland Terrace. We require full details as to how the noise, sound and vibration levels will be assessed, monitored and controlled and what mitigation measures will be provided during construction period. We also question the assessment methodology used for the sound and vibration assessment and require clarification. Much of the work is planned for 24 hours a day seven days a week. The environmental statement specifies that the work on the Victoria Road Crossover box and tunnelling works using conveyor belt 24h a day, 7 days a week over a seven year period. This is not acceptable for our residents to withstand this level of impact for over 7-year period. HS2 needs to restrict working hours to daytime and weekday only. Also, measures such as soundproofing of homes, soundproofing barriers around construction compounds, etc. are required. For residents that cannot live through the noise, disruption and air pollution, temporary housing will need to be provided.
- 29 The planned conveyor belt is to carry excavated waste from the tunnelling works and will be in operation for 7 years, 24h a day, 7 days a week. The current plan shows its position around 20m from our bedroom windows. We cannot even imagine sleeping at night, especially in the summer when window opening is essential, within such proximity to the noise emitting installation, meters from

our homes over 7 years. Knowing the impact on residents living near Crossrail excavation sites and conveyor belts in operation, we feel that huge impact on our lives over many years could be reduced if the planned conveyor belt is repositioned as far as possible from rear elevations of Midland Terrace and its operation is halted during the night hours. The additional effort should be taken to sound proof it. Also, it should be covered to avoid dust.

- 30 To reduce noise and amount of diesel fumes close to our homes at Midland Terrace, the road entrance to Crossover Box Construction Site from Victoria Road, currently planned to be about 70 meters from our windows should be moved much further to the SW, ideally to the spot near junction with School Road.

*Planned destruction of local public spaces: Victoria Gardens, Cerebos Gardens and the Playground*

- 31 The HS2 plans to widen Victoria Rd and requires 25-30% of the land occupied by Victoria Gardens, Cerebos Gardens and the Playground. These green areas are very small but contain large number of mature trees and provide an effective barrier to traffic and pollution from Victoria Road. Also, the trees provide nesting grounds for local birds. The planned take over and destruction of 100%, given that HS2 only requires 25-30% of the land for the works is not acceptable to our residents. HS2 will create a permanent noisy building site all around us for many years to come and should respect our need to retain larger sections of these green spaces to survive years of construction in more humane conditions. The trees there would help to reduce exhaust pollution from increased traffic volumes on Victoria Road. The bigger part of the playground should be preserved as well, as it is our only playground in 1-mile radius.
- 32 Compared with other areas of West London, our immediate surroundings suffer from lack of trees and green public spaces. The line of around 25 mature trees (50-60 years old) is scheduled to be cut down by the HS2 in a process of widening Victoria Road to the south of the railway bridge, bordering the Crossover Box Construction compound to the West. The trees are the only barrier protecting the rear side of Midland Terrace from traffic noise and pollution. Our residents believe that the trees should be preserved and could separate the new wider carriageway from the newly constructed pedestrian/cycle route. It option is fully viable looking at the proposed plans. We believe that the HS2 limited should take this extra effort to protect local environment and local residents who will suffer for many years to come bordering the construction sites.

### *Visual impact, light pollution*

- 33 There is a lack of sufficient identified mitigation measures to combat landscape and visual impacts both during and post construction. We need to understand the temporary barriers that will be erected around the compounds and the effect what visual impact these will have on homes in Midland Terrace. Since these structures will be in place for up to 10 years, we feel that these should be designed sensitively to take into consideration: a) visually acceptable to reflect the current and future personality of the area, b) that are effective barriers to reduce sound and dust, c) that can block lights from the compounds but not take away natural light from homes and gardens.
- 34 Planting of trees will act as natural sound barriers and capture some of the air pollution. We feel planting of mature/semi mature trees should be in the plans from day one around the construction compounds bordering residential areas.
- 35 The Environmental Statement fails to mitigate against light pollution and needs to address the need for lighting at night to be directed away from the windows overlooking the compounds. Options should be considered to switch off the site lighting, at least partially to reduce light pollution.

### *Overseeing the process and policing mitigation measures*

- 36 Communications have been a bone of contention throughout the consultation process. HS2's communications have been infrequent and inconsistent, with many homes; businesses or communities affected receiving adequate or any communications. In addition, the communications and process have been extremely complex and technical. As such it has excluded a large percentage of the community.
- 37 Therefore we believe it is critical to set up a funded organization, independent of the HS2 and the developers to represent local residents, communities and businesses throughout the process and to act as the main liaison between the community and HS2 and its developers. This will ensure that HS2 is accountable and compliant with building regulations and responds to local needs quickly and effectively. This should be set up with immediate effect.
- 38 Since the Environmental Statement is inconsistent and incomplete, it is likely that our issues that will affect our community will continue to arise. We therefore need to keep the channels of communications open for on-going consultation and dialogue. This will allow us to negotiate issues around the ever-moving HS2 plans and to address new issues as they arise.

39 This body should be involved throughout the planning, development and construction period and should run regular community forums and meetings with local representatives. This should include technical advisors and should be actively involved with the community and local/central government representatives on a day-to-day basis. We would specifically like the involvement of our MP, Angie Bray, Nick O'Donnell (head of transport at Ealing) and our local councillors.

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 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 Petitioner will ever pray, &c.

[Signature of Petitioner in person, or Agent for the Petitioner]

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High Speed Rail (London – West Midlands) Bill  
PETITION OF Dariusz Dzwigaj, (resident of Midland Terrace NW10 6DR)

AGAINST the Bill – On Merits – Praying to be heard by Counsel, &c.

Dariusz Dzwigaj.

