

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

**PETITION**

**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 ALAN CHANDLER, LUISA CHANDLER, AGNES CHANDLER AND JUDE CHANDLER**

**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 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 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. Their rights, interests and, in some cases, property are injuriously affected by the Bill.

## Your Petitioners

7. Your Petitioners are Alan and Luisa Chandler, who have lived at 33 Arlington Road, on the corner of Mornington Street, for eighteen years, and their two children Agnes and Jude. Arlington Road is a street of predominantly Listed Buildings, with open space by the Three Fields Estate, some street trees and larger 20<sup>th</sup> century buildings that give a diversity of scale and provide effective screening of noise and views from the busy High Street to the East.

8. Your Petitioners' home is situated within a corner property built in 1843, and their maisonette is arranged over the lower two of the four floors within the house, with a total floor area of only 56 square metres. The entrance to your petitioner's flat is through their pocket-handkerchief sized garden on Mornington Street, a much quieter and wider road than Arlington Road. This tiny garden, behind a tall brick wall, and dominated by a Silver Birch tree that they planted 12 years ago, is an oasis of green and calm, and is used by your petitioners to eat in during the summer months (thus extending the sense of space within their small flat) and to store their 4 bicycles (as they cycle everywhere). Your Petitioner childrens' very small bedrooms (2.5 x 2.2m) both look out into a narrow basement light-well (1.2m width) beyond and above which lies Arlington Road, and whose only natural ventilation is onto the pavement.

9. Your Petitioners have undertaken voluntary local work and know many people who live in this harmoniously mixed and surprisingly quiet area between Camden High Street and Regent's Park. Were the area not so peaceful and convenient, the cramped conditions in their flat would not be so tolerable.

10. Your Petitioners' house is 145 unobstructed metres away, along the gentle incline of Mornington Street down from Mornington Street bridge, which traverses the Railway Cutting. With the prevailing South Westerly wind carrying noise and airborne pollutants eastwards it was the building of the original Railway Cutting in the 1840s that for a century blighted Camden Town through the smoke from the steam engines, leaving the Park Villages which lie to the West of the Cutting relatively unscathed. Despite being further away from the Cutting than the houses on Albert Street, your petitioners will suffer greater impact through having the noise and pollution funnelled downhill along Mornington Street unimpeded from the cutting.

11. Your Petitioners object to the manner in which the works referred to in the Bill affect their situation and wellbeing, and those of their local community and beyond. Your Petitioners fear that their quality of life will disappear for the foreseeable future (and over an intolerably long period of time) as a result of the HS2 Scheme, under which there is presently no compensation for loss of amenity, threat to health or property blight, or, indeed, real workable mitigation, in any shape or form.

12. Your Petitioners and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

## **Your Petitioners are concerned about direct impact on their household for the following reasons:**

13. The impact on the locality is immense, and has been ably and fully set out by groups such as the Camden Cutting Group, the Euston Area Group, Delancey Street Residents Association, Pan-Camden Alliance and the London Borough of Camden, whose petitions they endorse. Your petitioners are concerned in this petition with the direct and negative impact on their family life, and in particular on their son, aged 10, at the time of writing.

14. Your Petitioners reserve the right to provide evidence of ongoing health issues of their son, who faces his entire secondary schooling under extreme construction duress. He experiences difficulties in concentration that are exacerbated by background noise, suffers from anxiety when faced with unusual or abnormal increases of activity, and is sensitive to changes in routine. His love of and gift for classical music (scholarships to the Primary Academy at the Royal Academy of Music, a Leverhulme Scholarship to the National Children's Training Orchestra and membership of the national Youth Strings Orchestra, winning awards and distinction level examinations) compounds his lack of ability to deal with noise and vibration, to which he is extremely sensitive. His current desire to pursue music seriously into adult life is therefore under real threat through the impacts that are consequent on the passing of this Bill.

15. Your Petitioners note the severe predicted changes to their son's home life and immediate local environment, the almost 24/7 civil engineering works over a period of a decade or more (creating constant noise and vibrations), increased traffic volume, with proven negative impacts on breathing-related health (your Petitioners noted a significant worsening of their son's breathing during the period of abnormally high levels of air pollution in the first week of April 2014 leaving him unable to run), and also on his eczema (that is exacerbated by air-borne pollution and has been under hospital care for the last three years). Your petitioners believe that the works will create stress and distress in managing a vulnerable child into adulthood, through the most important phase of their education.

16. Furthermore your Petitioners' daughter's school is within a 100m of Marylebone Road – where levels of some pollutants are more than three times the legal limit – as such home life is her escape from traffic noise and high pollution.

17. In addition one of your Petitioners works directly opposite London City Airport, cycling there everyday along the Canals and Greenway. Thus for this humble Petitioner their home is also their respite from aircraft noise and air pollution.

18. Your final Petitioner works from home where they run a business from the kitchen table, whilst the children are at school. They require quiet to concentrate on their work during the day, and also late into the night when they catch up with their work, which is stopped early at the end of the school day and returned to later on in the evenings.

19. Your Petitioners note that in Camden's document 'Environmental Impact on Regents Park' (summarising effects noted within HS2's Environmental Statement and associated documents), their home (no. 33 Arlington Road) is noted specifically with moderate adverse impacts, given the channelling effect of Mornington Street, in addition to a predicted 40% traffic increase both during and after construction along Arlington Road. The Mornington Street Bridge works, and the works to the Cutting below the bridge is an unobstructed 145 metres away from their house and unprotected garden, with the location of a satellite works compound of undefined size in place from 2015-2020 at road level by the Bridge.

20. Your Petitioners are aware that not less than three separate local Works Compounds have been identified for use during Phase One of the development proposed in the Bill, bringing a diffusion of adverse impacts rather than a mitigation of diverse impacts to the locality.

21. Your Petitioners additionally note that a comprehensive traffic model [including a mitigation strategy - if carried out] for the area has not been made public, with only ill defined percentage increases in vehicle movement released. If the works give rise to increases in traffic, then the impact vibrations and increase in pollution as additional vehicles slow down, hit and accelerate away from the table junction directly outside your Petitioners' home will exacerbate an already detrimental situation. Currently your Petitioners property shakes when commercial vehicles cross the junction incline and the noise and exhaust fumes have increased since installation of this safety feature.

22. Your Petitioners are aware that sound insulation measures offered as mitigation by HS2 do not address the practical aspect of the proposed works, and that the combination of sound proof sealing and historic solid wall construction can lead to condensation, mildew and associated construction issues that only adequate ventilation will remedy. As one of your Petitioners is a Specialist Conservation Architect and the Programme Leader for a Masters programme in Sustainability, the technical flaws within the advocacy of noise insulation (air-tight construction) without carefully specified acoustically attenuated filtered ventilation are significant and apparently ill understood by the promoters of the Bill. Your Petitioners submit that the mitigation offered by HS2 Ltd is currently unworkable in practice in the types of houses that exist adjacent to the works in the Cutting, and in particular to their house, which has four people occupying only 56 square metres of accommodation and generating disproportionate amounts of water vapour through intensive occupation of the dwelling.

23. Your Petitioners object to the manner in which the consultation process has been undertaken, and the lack of actual engagement, with deeply felt concerns over the process by which the project will be delivered and the impacts on their daily lives, meaning that a Petition is the only means available for their concerns to be heard.

**Your Petitioners are concerned that the implementation of the works proposed under the Bill is flawed for the following reasons:**

24. Your Petitioners believe that HS2 Ltd have completely failed to assess the cumulative impact of the construction works on the local community, namely the noise, dust, vibration, ventilation, air pollution, loss of safe access routes, loss of amenity and daylight, rodent infestation, anti-social behaviour, construction traffic, bridge-closures, and additional congestion.

25. It is your Petitioner's humble case that it is no defense to say that just because your Petitioner residents live in an environment in an urban area, from choice, they should have to put up with the vastly increased noise and pollution levels resulting from the HS2 Scheme, because they are "used to" such "inconveniences", as stated by HS2 representatives at several local community meetings.

26. Your Petitioners believe that the chosen performance criteria (speed/track alignments and the consequent civil engineering required to widen the Cutting), capacity predictions (trains per hour/platform requirements meaning the extensive reworking of Euston Station) and proposed compensation measures (no realistic financial recompense for anyone in urban areas, only rural locations) have translated into a scope, timescale and mitigation strategy which has demonstrated no regard to the rights and wellbeing of local people.

**Time Period:**

27. Your Petitioners believe that the extended period of time under the terms proposed by the Bill and its associated codes of practice are arranged for the benefit of the processes of construction and the continued use of the existing railway, and not in the interests of residents.

28. Your Petitioners note that the acknowledged period for construction works is in excess of 10 years, and up to 18 years depending on the resolution of the scale of over-site development that the Higgins report is proposing to offset the costs of the scheme. The Bill reserves the right for such works to be undertaken 7 days per week, 24 hours per day for long periods, meaning in reality your Petitioners and their local community faces constant construction work. Your Petitioners believe this to be an infringement of Article 24 of the Universal Declaration of Human Rights, namely the right to rest and leisure, the enjoyment of which is not reasonably granted when subject to incessant and prolonged heavy construction noise, activity and pollution.

### **Noise Levels:**

29. Your Petitioners note that the Bill does not provide for a construction project that complies with the Government's own guidance, issued by The Department for Environment Food and Rural Affairs, and published as the Noise Policy Statement for England (NPSE) in March 2010. Your Petitioners note that the NPSE presents the Noise Policy Aims as:

“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy and sustainable development: avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life.”

### **Air Quality:**

30. Air pollution (specifically NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>), predominantly generated by traffic, but also through the dust generated from construction activity, already has a significant impact on the lives of Camden residents. The pollution map from the London Air Quality Network shows that the Camden Cutting sits just beyond the edge of the Inner London zone of raised pollution levels and that the residential streets between Camden High Street and Regents Park currently are somewhat protected from the significantly high levels on major thoroughfares (the GLA has already identified the High Street as an Air Quality Focus Area owing to the high existing levels of NO<sub>2</sub> and PM<sub>10</sub>) Any increase in the quantity of air pollution will result in significant impacts on health and this affects the young and the elderly most. There is currently very little mitigation proposed for a predicted substantial increase in air pollution caused by the works.

### **Your petitioners ask for the following as remedies to the issues noted above:**

31. Your Petitioners' son in particular requires additional protection from the oppressive sensory and health impacts resulting from work promoted within this Bill, that will directly affect his mental and physical wellbeing.

32. Your Petitioners therefore request that for the duration of the major construction work within the Euston Station throat / Cutting (from Granby Terrace up to the Park Street portal within the Cutting), and for the time during which the proposed construction routes are being utilised either side of Arlington Road, that funds be made available to reasonably cover the cost of moving and staying in suitable alternative rented accommodation located away from the works, in a less polluted and quieter local area within a kilometre of a Thameslink station (needed to take a bike on the Thameslink train to School from September 2014).

33. Your petitioners note that the noise insulation package, as documented in the HS2 Information Paper E23: *Control of Construction Noise and Vibration* is not able to be implemented on your petitioners' home which has a unique design of ventilating windows and a pivoting front door. Your Petitioners request adequate compensation be offered to enable them to undertake additional protection measures for their home which will need bespoke solutions for secondary glazing and for acoustically attenuated bespoke mechanical extract ventilation via the existing chimney stacks with air filtration for periods when they are able to remain in their home.

34. Your Petitioners also request the removal of the table junction outside number 33 Arlington Road which will prevent additional impact and air pollution arising from any increased traffic negotiating the 'traffic calming' that provides greater noise and lower air quality than in an ordinary section of the street (both during quieter periods of construction whilst they are living in their home, and afterwards).

35. Your Petitioners submit that all spoil and materials are to be brought in/taken out by rail, thus obviating the need to use main and residential roads for HGVs. Where this is not possible only TfL main 'A' roads should be used as construction routes using low emission vehicles coordinated through a comprehensive transport plan agreed with the local community to prevent rat-running / the use of side roads by other vehicles attempting to avoid congestion. This should include the use of rising bollards (for example to prevent rat-running by traffic heading North during the afternoon rush hour from turning up Mornington Crescent and into Arlington Road, Mornington Terrace and Albert Street to avoid congestion on major routes), permanent barriers (with gaps for cyclists), the re-designation of roads as quiet cycle ways (Arlington Road is already proposed for use as such as part of the London Cycle Grid) and/or turning part of Arlington Road into a one-way street.

36. Your Petitioners request constant traffic and activity monitoring so that if any residential road experiences more than a 5% increase in traffic there are funds available to remedy this through the means indicated above.

37. Your Petitioners seeks the following undertakings in addition, noting that 'Core Hours' means the hours permitted by the London Borough of Camden for building works undertaken within the borough, not working practices used in railway maintenance which routinely operate overnight and all weekend (which is work that is extremely intermittent and predicated on normal travel schedules and not a major infrastructure project).

(a) Noise, vibration and pollution limits will be set at a lower level to reflect the cumulative impacts on those who live in the Cutting area to be measured by independent specialists.

(b) Before any construction works commence, baseline surveys will be carried out of all properties upon which the construction works or increased traffic will have any detrimental impact. Affected residents will be fully involved in these surveys.

(c) Before any construction works commence, all residents who will be adversely affected will be notified of the outcome of the assessments together with the further mitigation measures that HS2 Ltd will offer.

(d) Camden LBC will be the final arbiter under Section 61 of the Control of Pollution Act 1974 for all consents to measures for the control of noise and vibration in connection with the construction works.

(e) HS2 Ltd will justify, on a case-by-case basis, all work undertaken outside core working hours.

(f) Where works are necessary outside core working hours, HS2 Ltd will offer both compensation and a range of mitigating measures.

(h) No construction materials or waste will be transported at night.

(i) No work on any Sunday is allowable, to ensure residents have one day of peace per week.

38. Your Petitioners request that Old Oak Common is used as a temporary terminus so that Euston station can be planned properly to accommodate actual numbers of people wanting to use the station and not the excessively high numbers currently predicted to use the station according to HS2's business case (which we do not believe is soundly based). With a proper interchange station built at Old Oak Common, the need for so many trains to come through to Euston will be substantially reduced as many travellers will utilise the excellent connections that station offers,

not needing to travel to Euston which will actually have less connectivity. Reduced traveller numbers equates to a smaller station and track footprint, mitigating positively the required disruption to your Petitioners' lives.

39. Your Petitioners request that any new station built at Euston is built within the existing extensive footprint and that any oversite development is built to the densities already set out within the Euston Area Plan, limiting damage to the neighbourhood and reducing the creation of further site traffic, noise, pollution and extending the duration of the works. Your Petitioners request that any works to the station approach and the Cutting are undertaken within their existing footprint, further supporting the mitigation outlined above.

40. Your Petitioners request an extension of the Compensation Schemes available in rural areas to those in urban areas, and to be available by any property that will be directly affected up to 200m away from the works, as the current proposal treats those in urban areas iniquitously (to include Arlington Road).

41. In light of the above, your 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 matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

42. 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.

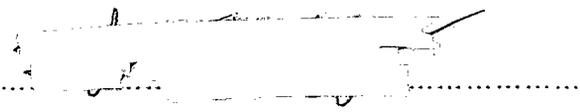
YOUR PETITIONERS THEREFORE HUMBLY PRAY your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect 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 Alan Chandler.....

Signed Luisa Chandler.....

Signed Agnes Chandler.....

Signed Jude Chandler.....

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AGAINST, By Counsel, &c.