

**IN PARLIAMENT  
HOUSE OF COMMONS  
SESSIONS 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 JANE HIRST MILLER, FLATS 5-6,  
1 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 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 Patterson, Secretary Edward Davey and Mr Robert Goodwill.
3. Clauses 1 – 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 and 3 to the Bill.

#### **YOUR PETITIONER**

7. This Petitioner's property is a lateral first floor conversion of Flats 5-6, 1 Mornington Crescent, London NW1 7RH. It is a grade II listed building within a conservation area. The property is directly affected by the works on Granby Terrace, Hampstead Road, Mornington Crescent and the railway lines in Camden Cutting.
8. Your Petitioner and their interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereafter appearing.

#### **HOW YOUR PETITIONER IS DIRECTLY AND SPECIALLY AFFECTED BY HS2**

9. The Environmental Statement within the Bill describes significant construction works within the vicinity of the Petitioners property thus: 'Residents at Mornington Crescent (approximately 25 properties) are predicted to experience in-combination effects from the demolition and reconstruction of Hampstead Road Bridge and Grandby 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 last for one year, will result in a major adverse effect on the amenity of residents, which is considered significant'

10. works that will be happening in the direct vicinity of the Petitioner's property will include, as described in the ES:

Demolition and renewal of retaining walls on either sides of the railway.

Deep excavation and construction of retaining walls in the Cutting

Construction of High Speed dive under

Phased demolition and reconstruction of Hampstead Road bridge six metres higher and 220 metres long (twice as long as existing length)

Works on the classic railway tracks, signaling and other systems

Installations of new tracks, gantries, signals etc

Construction compound next door but one on Granby Terrace

Mornington Crescent, the only route of access to the property will be a construction vehicle route for the project.

Demolition and rebuilding of Granby Terrace and Mornington Terrace bridges

Demolition of buildings on the Regents Park Estate

11. The level of disruption through the construction works has not seriously been considered by HS2. Works are proposed to be carried out 24 hours a day seven days a week from 2015 -2025. This will result in noise, dust, pollution and with artificial lights being used for the nighttime works. The Petitioner also has concerns that given the history of infrastructure schemes in this country which have gone over budget and over schedule, the stated ten years could feasibly be more like 12 or even 15. The Petitioners property will also suffer from decreased accessibility for a great number of these years.

12. Your Petitioner's daughter will be revising for GCSEs in 2015, mock 'A' levels in 2016 and 'A' Levels in 2017. The Petitioner's son will be revising for mock GCSEs in 2017, GCSEs 2018, mock 'A' Levels 2019 and 'A' Levels 2020. The noise and disruption will adversely affect their studies.

13. Your Petitioner and their family are already feeling their physical and mental well being are be affected by the Bill as they are living in a state of uncertainty.

14. The Petitioner's husband is a writer who often works from home. His study overlooks the railway. He will struggle to work for the duration of the works due to the noise pollution. The Petitioner's marriage is suffering under the strain. The Petitioner's bedroom also overlooks the railway and they are very concerned about being able to sleep whilst work is being carried out in the cutting. Should the proposed development over the Cutting go through, that will add another eight years of 24/7 work to the project. The Petitioner's concerned HS2 would therefore seriously damage their husband's working life.
15. Your Petitioner has part of their property that might be safe guarded by HS2 for track laying.

### **CUMULATIVE EFFECT OF ENVIRONMENTAL IMPACTS**

16. As your Petitioner's property is located so close to the works, the Petitioner believes the plans need further review to ensure the property will be habitable during the construction phase and also when the trains start operating. The construction phase will include at least ten years of noise, dust, an increase in pollution levels and the use of artificial light when works are carried out after dark. Most of the works will be carried out for twenty four hours seven days a week. The Petitioner considers this will have a serious impact on health and the quality of life at the property. Basic needs like opening a window on a sunny day, or the simple pleasure of sitting on their balcony would be denied to them due to the noise pollution.

## MITIGATION OF CONSTRUCTION IMPACTS

17. 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 opinion that the mitigation measures proposed have not been adequately described

18. Your Petitioner wants a Nominated Undertaker to adopt the very highest standards in respect of the mitigation of the effects of pollution, noise and vibration caused by the construction period. The Nominated Undertaker should provide residents with schedules of works, detailed plans and schedules of deliveries in relation to each work site. This should be done well in advance of the commencement of operation in order to minimize their impact on the residents. Your Petitioner and other residents should be told of any alterations in construction operations.

## NOISE AND VIBRATION - CONSTRUCTION

19. As a Grade II listed building, the Petitioners property will be sensitive to noise and vibration during construction works. The property already has subsidence issues – this will be made worse. Your Petitioner humbly requests that the building be given a full condition survey, before, during and after the works. Your Petitioner humbly requests that any maintenance works needed are to be paid for by the Government.

20. The Petitioner is worried that the noise and vibration from construction works and associated traffic will cause health impacts, especially on the Petitioner's children and significantly reduce the quality of life at the property. Other impacts on the property will be caused by (but not limited to)

- a) The demolition of bridges, expecting to cause night time noise of 45dB to 60dB for 11 months
- b) The renewal of retaining walls on the sides of the railway

directly behind the garden wall of the property

21. Noise levels need to be reduced as much as possible, Ground and airbourne noise and vibration during construction phase must be kept to an absolute minimum by the use of the most advanced machinery
22. The Petitioner is concerned about the noise and vibration coming from multiple contractors. The Petitioner requests that the monitoring of noise and vibration is carried out at their property. If noise levels become to high the Petitioner believes they have the right to be rehoused, or the property bought by the Government as their property is near more construction sites than any other on Mornington Crescent.

#### **NOISE AND VIBRATION – OPERATIONAL**

23. Your Petitioner is concerned that the noise and vibration twenty four hours a day, seven days a week will have an adverse effect on living in the property. With two children who need to sleep and study the Petitioner requests that the Government rehuses the family or buys the property from the Petitioner at the pre-blight price, plus stamp duty and expenses.

#### **AIR QUALITY**

24. Given how near your Petitioner's property is to the surrounding construction works, your Petitioner asks if the following measures can be implemented
  - a) As the Petitioner suffers from asthma your Petitioner requests a commitment to assess the quality of air regularly during demolition and construction works.
  - b) An air filter or ventilation system be fitted in properties assessed as being affected by high levels of pollution as a result of the works
  - c) Contingency fund. A commitment to provide a contingency

receptors that were not identified during the scoping work but that do suffer adverse effects

## **DUST ASSESSMENT AND MANAGEMENT**

25. During demolition and construction phase dust will be produced which will have a serious impact on health and quality of life. This will have a serious effect on your Petitioners asthma. This must be monitored by HS2 Also regular window cleaning and car cleaning should be provided for residents.

## **TRAFFIC AND PARKING**

26. Your Petitioners property will be affected by the construction works traffic and the loss of parking spaces for a number of years. Mornington Crescent will be a construction vehicle route for the project, with traffic expected to increase by 30% during construction. Your Petitioner humbly requests that adequate parking be guaranteed or compensated for. Also that residents have continual access and egress to their properties

## **COMPENSATION AND SOLUTIONS**

27..>A tunneled approach from Parkway to Euston Station should be considered. This would reduce impacts on the area

>The proposed design of Hampstead Road Bridge should be rejected and replaced with one that is appropriate to its city centre location. It will be an eye sore and will negatively affect the Petitioner's property should the Petitioner wish to sell or rent their property.

>The proposals of the Higgins Report ("HS2 Plus") must be developed taking in the considerations of the local residents. The Petitioner's Property would lose part of their garden as well as daylight. This would add an extra eight years of 24/7 work at the back of the Petitioners property, bringing the total year of works to at least eighteen years.

28. The Petitioner is not petitioning about the effects of HS2 when it's up and running, it is the ten years construction that is their concern.

Construction activities in the Camden Cutting are specifically exempted from the prescribed working hours in the Draft Code of Construction Practice.

29. The Petitioner feels there is an unfair burden placed upon them to suffer at the very least ten years of extreme disruption.

30. The Petitioner has received a letter from HS2 saying that the Government may offer to buy the property. From what the Petitioner understands, the Petitioner has to prove a hardship case which is acceptable to a panel. The Petitioner sees it as grossly unfair that they are unable to move when they want like anybody else in the UK who is not blighted by the project. The Petitioner does not want to be unable to move in the next ten years or so. The Petitioner also considers it essential that the Promoters carry out an habitability assessment forthwith to determine if temporary rehousing is required or that the property should be purchased by the Government. Or how the adverse impacts can be mitigated in other ways.

31. The Petitioners should be free to move home and re- mortgage over the next twelve years and get on with their lives as any else would. However, the Petitioner enjoys living in the area and will not be able to afford an equivalent property in such a central location. The Petitioner feels HS2 has taken away the right to live in an area they want to live in and are happy to live. An area where their children have grown up and go to school locally, being able to walk to and from school without breathing in to their still developing lungs the level of dust and pollution that that HS2 will cause. Your petitioner is 50 years old and does not want to be living under such conditions until their late 60'/early 70's.

32. If the Government refuses to purchase the property, the Petitioners will need to be rehoused in a similar property near their children's schools for the length of the works.
33. The Petitioner believes that people living by HS2 in London will be paying for the consequences of HS2. If HS2 is regarded as a worthwhile project, the burden should be shared fairly and not just dumped on those who happen to live in the vicinity.
34. The Petitioner and the Petitioner's family's physical and mental wellbeing have already been adversely affected by the uncertainties surrounding the Bill and the impact it will have on their lives and surrounding area. They have spent five years lovingly restoring their property at great expense as a family home. This family home now feels like a condemned property, in what will amount to be a ten year building site. The Petitioner and their family no longer feel secure in their own home not knowing how much longer it will be possible to live there. The Petitioner is concerned that if the Bill goes ahead in its present form it will lead to severe mental stress.

#### **MORNINGTON STREET BRIDGE AND GRANDBY TERRACE BRIDGE**

35. HS2 Propose to demolish and rebuild Mornington Street Bridge and Grandby Terrace Bridge. This will greatly inconvenience the Petitioner and their family, as they will become cut off from the other side of the Camden Cutting. The Petitioners will no longer be able to walk to Regents Park and the surrounding area. The Petitioners children will no longer be able to walk to school.

## HAMPSTEAD ROAD BRIDGE

36. The effect of the raising the bridge by six metres will be severe on the Petitioner. It will create an isolated and inhumane street scape much like the unsuccessful inner city motorway schemes of the 1970's. If the HS2 scheme is to allegedly improve the area aesthetically, is it not countproductive to build a monstrous flyover style of bridge as a lead up to it. In addition to the extra trains that will be running past the petitioners house - this bridge will also increase the amount of traffic noise right next to the petitioners house. The levels

The Petitioners is concerned the construction of the bridge would further reduce the chance of being able to sell or rent their property. The Petitioner should like HS2 to consider landscaping a garden area under the bridge if this proposal goes through.

37. The Petitioner's children will now not be able to catch a bus to school whilst (they will no longer be able to walk see 35) as Hampstead Road Bridge will be under construction.
38. The Petitioner will feel cut off from central London and the routine of their normal lives which the petitioner has a right to expect the government to care about and protect will be completely trodden on by HS2

### **THE HIGGINS REPORT**

39. The railway cutting at the back of the Petitioner's property provides the Petitioner with a unique sense of quiet, light and air, something which is very unusual near central London. This uniqueness is a huge asset to the Petitioner as well as other local residents. It is something your Petitioner does not want to give up. There is an option being discussed of decking over the railway cutting all the way through the Cutting up to Parkway, to allow oversite development for new mid and high-rise buildings. This whole development would be out of scale and over shadow the existing listed three to four storey buildings. For the Petitioner this is even worse than the current HS2 plans as it would be a permanent negative change to the Petitioners environment, as well as extending construction work at the bottom of the Petitioners garden for up to another eight years. The Petitioners will not accept a permanent loss of amenity from the reduction of light and space from the introduction of such a dense and overshadowing development. The petitioners have no desire to live in the middle of a new Canary Wharf style

any new plans for the area take into account the existing qualities of the neighbourhood and the needs, desires and rights of the local residents.

40. The Petitioners believe Camden Cutting area does not need regenerating. HS2 should be improving transport, not providing moneymaking opportunities for large scale developments.

## WORKING HOURS

41. Most of the works taking place on Camden Cutting (ES Vol 5 Draft Code of Construction Practice CT-003-000) will be allowed 24 hours a day, seven days a week. The work will be noisy and disruptive and go on for ten years without respite. The Petitioners feel this is unacceptable and will make it impossible to lead a normal family life.

## REHOUSING

42. The Petitioners know that a normal family life cannot be maintained during ten years of excessive noise. This includes basic needs like sleeping or a child doing homework or revising. The Petitioner often likes to entertain at home and also just likes to be at home. This will be a basic right taken away from them. For the Petitioner this is a breach of their human rights (article 25)
43. The World Health Organisation guidelines state that night – times noise should not exceed 40 db and when it exceeds 55 db “the situation is considered increasingly dangerous to public health” HS2 seem to believe it to be acceptable for the Petitioner to live with this noise day and night on and off for a period of ten years. This means the Petitioner would be deprived of basic rights such as being able to open a window on a hot sunny day or to sit on their terrace.
44. The Petitioners request that their property is purchased by the Government, or that they are temporarily rehoused in the locality as this is no environment to bring up children. Ten years of air and sound pollution will have a negative effect on their health

### **VISUAL SCREENING**

45. The Petitioner request that screens are built as close as possible to the works in order to limit the breakout of noise and cover the eyesore of the works being carried out

### **SATELITE CONSTRUCTION COMPOUNDS**

46. The Petitioner lives next door but one to a proposed satellite compound. This will significantly increase the impact on our immediate environment with all the lorries delivering plant materials.

### **CONSTRUCTION TRAFFIC**

47. Construction traffic will be passing by the front door of the Petitioners property all day long for ten years. This will raise the level of noise, pollution and vibration.

- 48 .We request there is no use of construction traffic at night. We request that HS2 commit to using zero emission lorries

**PERSONAL MITIGATION BUDGETS**

49. The ES and the CoCP only provide vague references to the mitigation options that will be provided when the works breach the statutory limits described in the documents. These measures include secondary glazing or temporary housing for affected periods but details are left unclear. The Petitioner lives in a grade II listed property and requests that the insulation solutions be tailored to the building.

50. The Petitioner request that rehousing or purchase of their property is agreed two years before the start of construction.

## **TUNNEL**

51. The Petitioner requests that the possibility of a tunnel is fully investigated before condemning a community of about 3,000 people with ten to EIGHTEEN! years of disruption and stress.

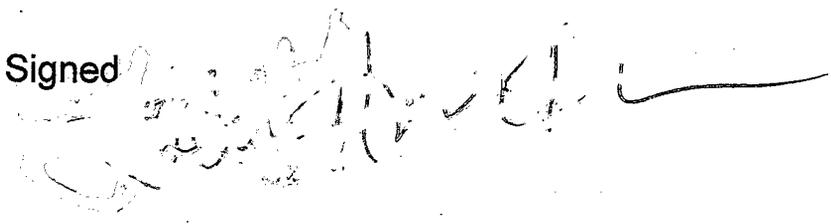
## **CONCLUSION**

52. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

53. 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.

54. 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 Petitioner will ever pray, &c.

Signed 

Jane Hirst Miller

