

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

Against – 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 MR JASON JOHN ODDI AND MRS KIM WALSH

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.
7. Your petitioners Mr Jason John Oddi and Mrs Kim Walsh of 65 Mornington street , Camden ,London NW1 7QA. Aged 48 and 57 respectively. Mr Oddi having resided at the address since 1990 to 1997 and then from 1999 to the present day. Mrs Walsh since August 1982 to 1990 and then from 1999 to present day. Mrs Walsh is the lease holder having exercised the right to buy in the year of 2000. Mr Oddi is in a common law relationship with Mrs walsh since 2000 . Mr Oddi's youngest child comes to visit during school and religious holidays and weekends.The childrens ages as at 21/05/2014 are Millie aged fifteen , Amy aged twenty and Joshua aged twenty one . All three children know this address as a home from home. The two eldest children know this address as their first home and were born locally at the University college

hospital. Mr Oddis family have lived in Camden for four generations . Mrs Walshs family for two generations.

Your petitioners property will not be demolished as a result of this bill but is situated on the corner of Mornington street and Mornington Terrace and is within 1 meter of 'land potentially required during construction'. Your petitioners propert is within 10 meters of a proposed construction compound. Your petitioners property is situated 3 meters from a major construction traffic route and diversion traffic route. Your petioners property is situated within 50 meters from rail re-alignment and 100 meters from a major rail excavations , 15 meters from a bridge demolition/reconstruction and 80 meters from the camden cutting wall demolition and re-construction. Your petitioners property is sited on the Third floor (top floor) of the building and has panoramic views over the proposed constrution site from all west facing windows.

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

9. The Bill includes powers for the Secretary of State and the Nominated Undertaker to carry out construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise , poor air quality, light pollution and 24 hours working . This will inevitably lead to severe sleep deprivation for us and our guests through the use of flare lighting that will be used for night time working.

That we the petitioners will be injuriously affected in regards to general construction noise that comes with a 24 hours construction site.

That we the petitioners will be injuriously affected in regards to Pollution that will be thrown up continually for the length of both the construction and for the traffic movements and diversions leading to possible implications for respiratory illness/diseases.

That we the petitioners will be injuriously affected in regards to loss of quality of life as your prtitioners will be unable to open both the windows and the balcony door nor eat or sit out on the balcony whilst construction/diversions are ongoing with heightened noise and air pollution and at night also infringed with Light pollution

That we the petitioners will be injuriously affected in regards to Loss of the tree line that soothes the view towards the railway.

That we the petitioners will be injuriously affected in regards to Incurred loss that will come with an asset that is in a 'blighted area' whether the property be sold or sub-let.

That we the petitioners will be injuriously affected in regards to our loss of mobility to sell the property as Hs2 construction would prevent this.

That the diversion of traffic will cause localised traffic congestion and noise and air pollution and affect your petitioners access to the dwelling.

That on street parking will be suspended so affecting your petitioners and guests access to parking locally.

10.. Your Petitioners object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. And they need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.

Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.

Your Petitioner requests that the voluntary purchase announced on 9 April 2014 should be extended to our property outside of the safeguarded area and should not be limited to rural areas.

Your Petitioner requests that the home owner cash payments should be extended to our property that resides within the vicinity of the proposed high speed railway line and the payment should be calculated so that all diminution in value is compensated.

Your Petitioner submits that the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where their Property is not compulsorily

acquired for, among other matters, structural damage to the property, settlement impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operation of the high speed railway and associated development. Your Petitioner requests a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill.

Your Petitioner requires an indemnity from the nominated undertaker that the proposed works will not be of long term or irreversible detriment to the land and interests of your Petitioner. Such indemnity would also remedy any damage, claims, demands, proceedings, costs, damages, expenses and disruption arising from the construction and operation of the high speed railway and associated development.

Your petitioner submits that reasonable remedial building works take place at our property that protects from the affects of noise and air and light pollution.

Your petitioner submits that monitoring of the air and light and noise pollution and the monitoring of traffic congestion that affects the quality of life be put in place before the building works and road diversions begin and that these levels follow international and national agreed thresholds and that safeguards are put in place to ensure that levels of pollutants are agreed to and adhered to and that a punitive code be adhered to by Hs2 and its sub-contractors and that if this code is broken your petitioners receive prompt and fair compensation for each infringement of the agreed code.

Your petitioners requests to be notified as and when the local authority has been informed of a section 61 notice being requested by Hs2 and its agents in regards to works carried out in the vicinity of your petitioners property.

11 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.

12 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 PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed Mr Jason John Oddi.....

Mrs Kim Walsh.....



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Against the Bill – On Merits – By Counsel &c

Mr Jason John Oddi & Mrs Kim Walsh of

[Redacted]

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