

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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:

JOANNE CLAIRE LAZENBY

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 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.

Clauses of the Bill

- 3 Clauses 1 to 3 of the Bill, together with Schedules 1 to 4, make provision for the construction and maintenance of the proposed works including the ‘Scheduled Works’ set out in Schedule 1. Provision is included to confer powers for various works and operations, including railway, highway and other building and engineering works and operations. Powers are also included to enable entry onto and interference with land and buildings for investigatory, protective and other purposes, together with powers to enable occupiers to be required to undertake works to trees, powers to use watercourses, public sewers and drains for drainage purposes and powers temporarily to interfere with and use waterways.
- 4 Clauses 4 to 18 of the Bill, together with Schedules 5 to 15, make provision for the compulsory acquisition and the temporary use of land and for the extinction or exclusion of certain rights in land. Provision is also included for the application or variation of compensation provisions.

- 5 Clauses 19 to 36 of the Bill, together with Schedules 16 to 26, make provision for the grant of planning permission and other consents and for the disapplication or modification of various controls, including those relating to heritage, water, building control, party walls, street works, lorries, noise and local legislation.
- 6 Clauses 37 to 42 of the Bill, together with Schedules 27 and 28, make provision for railway matters. Provision is included for the application (with modifications) and disapplication in parts of the existing railways regulatory regime, enabling agreements to be required to be entered into between the nominated undertaker and controllers of railway assets and other railway facilities and for the transfer of statutory powers in relation to railway assets.
- 7 Clauses 43 to 65 of the Bill, together with Schedules 29 to 31, contain general and miscellaneous provisions. These include provision for the designation of nominated undertakers, the making of transfer schemes, provision for statutory undertakers, provision for the compulsory acquisition of land for regeneration and for relocation purposes, and powers for the reinstatement of land. Provision is also included to apply powers of the Bill to further high speed works, to confer a power of entry for further high speed works, as to the application of the Environmental Impact Assessment Regulations and as respects the application of arbitration.

Your Petitioner

- 8 Your Petitioner is (Joanne) Claire Lazenby, an owner and occupier of a one bedroom flat at 28 Mornington Terrace, Camden Town, London, NW1 7RS, which fronts on to the limits of land to be acquired or used for the proposed railway and works and will be specially and directly affected by the proposals of the bill.
- 9 Your Petitioner is certified by her consultant ophthalmologist as partially sighted and consequently by virtue of the Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003 is deemed to have a disability for the purposes of the Disability Discrimination Acts. As a result she is compelled to occasionally work from home. The availability of natural light is also particularly important to her as a result of her particular disability.
- 10 28 Mornington Terrace is a Georgian style, Grade II listed building and is part of the Camden Town Conservation Area. Mornington Terrace consists of approximately 90 properties set in a largely residential area with a coherent 19th Century streetscape and a significant view to Regents Park Conservation Area. Your Petitioner has been resident at 28 Mornington Terrace over the last 22 years.

- 11 Your Petitioner and her rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for the reasons amongst others, hereinafter appearing.

Your Petitioner's concerns

- 12 Your Petitioner is supportive of the Bill in principle, however, your Petitioner has serious and substantial concerns regarding the proposals to demolish and reconstruct Mornington Street Bridge (Work No. 1/19) and the retaining wall between Park Village East and the proposed railway, excavations and removal of soil, the construction of the twin bored tunnel that will pass beneath the A4201 Parkway, between Mornington Terrace and Park Village East, utility trenching in the vicinity, and the creation and use of Mornington Street Sidings Satellite Compound and Carriage Shed and Park Village East Satellite Compound all of which are in close proximity to 28 Mornington Terrace.
- 13 Your Petitioner believes that the proposals will adversely affect the amenity of the area both in the short term and long term and directly interfere with her enjoyment of her property. In particular the new retaining wall which is to be constructed between Park Village East and the proposed railway will be twice the height of the existing retaining wall. This will shut out a significant proportion of the natural light her property receives.
- 14 It is your Petitioner's belief that the Proposed Scheme would be better served if the HS2 remained in a tunnel until it reached Euston Station, thereby considerably reducing the construction impact and disruption to residents and properties on Mornington Terrace and the surrounding area.
- 15 Further, your Petitioner believes the Promoter can reduce disturbance and disruption caused by the demolition and reconstruction of the Park Village East retaining wall, if the Promoter investigated alternative track layout that would dispense with the need for the existing wall to be demolished. This proposal for alternative track layout arose from the study made by Professor James Croll, Professor Emeritus of Engineering at London University.
- 16 Your Petitioner requests the Promoter to adequately and thoroughly investigate alternative track layout before it commences demolition of the existing retaining wall, taking the study made by Professor Croll into account.

Construction Activity

- 17 Your Petitioner would be significantly and adversely affected by the construction activity consisting mainly of noise, vibration, pollution, traffic congestion, road and bridge closures that will last for at least a decade and for which there is proposed to be little relief during the construction period. Paragraphs 23-32 below set out in more detail the noise and vibration effects.

- 18 Throughout 2015-2017 and 2018-2019, your Petitioner will be in close proximity to frequent demolition activities that will adversely affect her enjoyment of her property. It is highly likely demolition activities will continue beyond this period. The construction compound proposed to be opposite your Petitioner's property should be relocated to a less intrusive location.

- 19 As numerous demolition works will be occurring within the conservation area, your Petitioner requests the Promoter to take care to ensure the preservation of surrounding buildings and where damage has occurred to make good the damage caused to the highest of standards.

- 20 Your Petitioner requests the duration of construction activity to be taken into account in any relief sought. The nuisance caused by construction activity will be ongoing for a considerable period of time and any relief granted should reflect the long term inconvenience caused. The relief should also apply throughout the construction period as well as after, in the event of their existing any ongoing side effects.

- 21 Your Petitioner is concerned about dust and dirt and other airborne pollutants produced during the proposed works and would wish to see binding commitments imposed on the Promoter to require adherence to agreed measures to reduce dust and dirt and other pollutants below published thresholds, and to carry out additional mitigation if such pollutants nonetheless continue to be a nuisance.

- 22 Your Petitioner is further concerned about air pollution and congestion arising from increased traffic to Euston during operation, as predicted in the Environmental Statement. As for construction, measures should be proposed to avoid these effects on your Petitioner and her neighbours.

- 23 There should be close and open cooperation with your Petitioner by the Promoter detailing all construction activity and discussing all schemes and methods of work that can be devised that will minimise any adverse impacts.

Noise and Vibration

- 24 Mornington Terrace is set in a surprisingly quiet area, and enjoys the tranquillity mostly associated with the rural areas. The Proposed Scheme is very likely to disturb the amenity of the area.
- 25 Mornington Terrace is forecast to experience noise levels higher than the noise insulation trigger levels as defined in the Draft Code, which will last throughout the construction phase to the operational phase. Volume 15 of the Environmental Statement explains that the level of noise during the day and night will be 3dB above the baseline. With the main source of noise impact to be demolitions close to Mornington Street Bridge, the demolition and construction of new bridge piers, and utility trenching, and the demolition and reconstruction of the Park Village East retaining wall.
- 26 Apart from the noise levels associated with the construction and operation of the HS2 railway and associated structures, the Mornington Terrace area will be affected by construction vibration and simultaneous airborne noise impacts. The construction of Mornington Street Bridge and of the new bridge piers will involve night time works and considerable vibration effects. Your Petitioner will be adversely affected by such works which will detrimentally affect her enjoyment of her Property.
- 27 28 Mornington Terrace was constructed more than a century ago and is more likely to suffer from unstable structural properties. Prolonged construction vibration can result in subsidence and movement issues as well as aggravate the situation. Consequently, vibration limits should be put in place to reflect these dangers. Clear procedures should be set up for surveying and monitoring 28 Mornington Terrace as well as neighbouring properties for any vibration or damage caused. Such surveillance should be comprehensive, straightforward and last throughout the construction period and the operation of the railway. Furthermore, mechanism should be introduced whereby construction activity should be stopped immediately when vibration limits are exceeded or damage is likely to occur.
- 28 Construction activities surrounding 28 Mornington Terrace are of a kind that will be exempt from the Core Working Hours; consequently construction activities will be allowed to occur 24 hours a day 7 days a week. This will be extremely disruptive to your Petitioner. Consequently not only will the noise levels disturb your Petitioner's enjoyment of her home but her working life would also be adversely affected by the noise levels.
- 29 Your Petitioner submits and is supported by the Environmental Statement that the change in noise levels are likely to affect the acoustic character of the area such that

there is a perceived change in the quality of life. (4.4.8 Operational Assessment SV-004-001). Your Petitioner requests the installation of permanent acoustic glazing to her property to mitigate noise during construction and by the operation of the railway. If the acoustic glazing is found to be ineffective your Petitioner requests to be re-housed and compensated during the construction periods.

30 Bearing in mind 28 Mornington Terrace enjoys the quality of life enjoyed in rural areas, your Petitioner requests the provisions for acoustic glazing and re-housing to be set at a lower threshold than the conventional limits proposed relating to urban areas.

31 During the summer months, your Petitioner would be inclined to open windows to gain access to ventilation. Your Petitioner submits this would be disruptive and troublesome, as on the one hand she would like to gain access to needed ventilation and on the other she would be extremely disturbed by the sound of construction activity. Your Petitioner proposes that the Promoter supply her with indoor ventilation during the summer months and to ensure the acoustic glazing provided is of the highest quality so as to mitigate noise both when the windows are closed as well as when they are open.

32 However, your Petitioner would rather the noise and vibration levels to be avoided rather than remedied and would like the Promoter to justify any construction activities that cannot be done during Core Working Hours and the level of noise produced. The Promoter should ensure the quietest possible demolition and construction equipments and methods are to be used and to accordingly compensate your Petitioner. In the event, the Promoter is unable to justify the construction activities occurring outside the Core Working Hours, the Promoter should be compelled to carry out the construction works during the normal working hours and compensate your Petitioner.

33 Consequently, your Petitioner submits that the Promoter should be compelled to use best available techniques in the construction (and operation) of the railway and its associated works to ensure that the adverse effects caused by noise and vibration are minimised, for example the implementation of acoustic barriers. Furthermore, your Petitioner wishes to see strict construction standards set to which the Promoter must be made to comply.

Landscape and Visual

34 The views from Mornington Terrace have been designated as key views by the Environmental Statement, Landscape and Visual Assessment, Landscape Report, whereby the Petitioner enjoys significant view west to the Regent Park Conservation

areas and views that have been described by the Report as illustrating the relationship between the city and green space. The Report admits that these views would be significantly affected by the construction works and will last with minor adverse effects up to at least the summer of 2086.

- 35 As previously mentioned the Park Village East retaining wall will be demolished and replaced with a new wall at a height of 35 metres. Consequently, your Petitioner will lose the views she currently enjoys indefinitely. Instead she would be greeted with a dominating wall that can only be described as an eyesore. Your Petitioner requests the Promoter to justify the new height, reduce it as much as possible and mitigate its effect by planting foliage around it. Where the Promoter cannot adequately justify the new height, your Petitioner requests the new wall to be built according to the current dimensions of the Park Village East retaining wall.
- 36 The Proposed Scheme will be only 10 meters away from your Petitioner's property and your Petitioner will have close and direct views of the construction works. To reduce the effect of these views the Environmental Statement proposes to plant trees and other plants to obscure the views. However, your Petitioner submits that visual impacts will not be adequately mitigated.
- 37 Your Petitioner submits the important and panoramic views she enjoys will be substituted with construction hoardings, cranes, and associated construction apparatus. This will result in a loss of amenity for which there are no mitigation options available.
- 38 Your Petitioner requires green hoardings and screens should be utilised to minimise the effects of the loss of amenity. All hoardings and screens should be of the highest quality and should be well maintained throughout their use.
- 39 Finally, your Petitioner requests that the loss of mature trees caused by the works is kept to a minimum.

Access

- 40 Properties at the beginning and end of Mornington Terrace, namely 9-12 and 58 Mornington Terrace may be compulsorily purchased. Consequently, access to Mornington Terrace may be affected. This will be very disruptive to your Petitioner, restricting her access to and from her home.

- 41 Furthermore, the Environmental Statement submits that sections of Mornington Terrace will be closed to facilitate the utility works and the sewer diversion (Work No. 1/12D). Again, your Petitioner would be adversely affected by these road closures.
- 42 During the construction phase, it is estimated there will be ten 2 way trips by Heavy Goods Vehicles' (HGVs) per day at Mornington Terrace; this will result in an increase in danger for pedestrians and other road users. The Promoter should endeavour to minimise the use of the roads, and instead use the rail network for construction activity. Where this is not possible the Promoter should justify the use of roads by HGVs.
- 43 The Petitioner requests that where the HGVs have to be used, the Promoter should invest in using zero emission vehicles, train HGVs drivers in safe driving techniques, impose a speed restriction and finally invest in traffic management.
- 44 The demolition and reconstruction of the late 19th Century, partly Grade II Listed Mornington Street Bridge also concern your Petitioner. Apart from the associated nuisance and disruption caused by the construction activity, which has already been mentioned, your Petitioner will be severely affected by the closure of the bridge and access route to the west for the duration of the works.
- 45 The demolition and reconstruction of the Mornington Street Bridge will last for 2 years. Consequently, your Petitioner will not be able to gain pedestrian access to and from the west for the duration of the bridge closure. The only access route to the west would be to head south, thus lengthening and inconveniencing your Petitioner.
- 46 Your Petitioner is dependent on pedestrian access; as a result suitable pedestrian routes should be put in place. Pedestrian facilities should be of good quality and adequate in scale to meet project demands. Pedestrian connections should be well lit at night, not only due to general safety concerns but to the particular safety concerns affecting your Petitioner who as already mentioned is registered partially sighted. Furthermore, vehicular access should not be interrupted so as to allow for emergency vehicles, deliveries and other vehicles access. Where this is not possible alternative routes should be set up, and these routes should be of the shortest and quickest routes possible and be clearly signed.
- 47 Your Petitioner submits that the demolition and replacement of the Mornington Street Bridge will cause a major adverse effect on the Petitioner as well as the local community and interruptions to access should be kept to a minimum.

- 48 Mornington Street Bridge is used regularly by your Petitioner to access Regents Park and south to Albany Street, Marylebone and Great Portland Street. Closure of the bridge and without alternative access, your Petitioner will be left isolated. Your Petitioner submits where possible access to the Mornington Street Bridge should not be denied and any alternative pedestrian routes should provide improved access to Regents Park than currently available.
- 49 Furthermore, any works carried out in relation to Mornington Street Bridge should be done with the utmost delicacy bearing in mind it is a heritage asset and should be treated as such.

Compensation

- 50 28 Mornington Terrace is your Petitioner's sole residence and her principal financial asset. Your Petitioner regards 28 Mornington Terrace as her home rather than an investment and would like to continue to reside there. However, due to the uncertainty that construction activity on this scale causes, she fears her quality of life and enjoyment of her home will be seriously affected, as will her ability to work there. At such point she may need to sell or rent her flat to alleviate the stress caused by the construction works. Your Petitioner fears her property will be unsalable because of the Proposed Scheme.
- 51 Furthermore, your Petitioner is a self-employed UK registered trade mark attorney. Her income was severely affected as a result of the recession and has not yet returned to pre-recession levels. Your Petitioner fears that in the future she may need to release equity to support her business or because her sight may worsen, and this may not be forthcoming due to the effects of the Proposed Scheme, nor does she have any other assets that would help her.
- 52 Your Petitioner believes that there is an inherent inequity in the compensation schemes so far available, namely Need to Sell, the Advanced/Express Purchase Process and the Long Term Hardship Scheme. Your Petitioner notes that two properties located a few metres away from one another yet within the same distance to the proposed works are treated differently and have different reliefs available to them.
- 53 There is also an inequity between properties in rural and urban areas. The Promoters have assumed that residents in urban areas are used to the adverse affects of construction works and railway noise and are constantly immune to the noise levels. However, this is not the case at Mornington Terrace. As discussed Mornington Terrace enjoys the same quality of life as rural areas.

- 54 Your Petitioner also notes that there are no adequate compensation schemes that cater for inconvenience caused during the construction activity.
- 55 Your Petitioner requests the Promoter to give full consideration to the effects of the Proposed Works and the pressures of construction activity on your Petitioner as well as the surrounding area and to ensure properties in the area are habitable during construction and when the HS2 trains begin to operate. The assessment criteria should be clear and open to scrutiny. The assessment should aim to determine if re-housing on a temporary or permanent basis is necessary and if it is not to set up effective reliefs to combat the adverse affects of construction activity. In the event your Petitioner is re-housed, your Petitioner requests the Promoter to comprehensively insure her property throughout the time it is left empty.
- 56 If 28 Mornington Terrace is found to be inhabitable and consequently unsaleable or only saleable at a significant loss, your Petitioner requires the Promoter to fairly compensate her for the effects on the value of her property and to purchase her property at full market value including additional compensation. Your Petitioner requests that the Promoter consider setting aside a budget for her for mitigation that she can use as appropriate in the circumstances.
- 57 Further, your Petitioner has noted that new purchasers will not be protected by the current compensation schemes. If new purchasers will not qualify for compensation in the event they become adversely affected by the Proposed Scheme, then they will be discouraged from buying properties on Mornington Terrace. Consequently if there are no potential buyers then your Petitioner will be unable to sell her property. Your Petitioner requests that new purchasers should be able to gain the same relief as herself.

Clause 47 of the Bill

- 58 Whilst the Bill provides powers of acquisition for land "acquired for Phase One purposes" only, clause 47 extends this power far beyond the principle of the Bill. Clause 47 would permit massive reconstruction of Euston/Camden independently from HS2 operational needs.
- 59 The recent report compiled by David Higgins, HS2 Plus, proposes to build a new residential, business and retail complex over the railway cutting under the powers enshrined in clause 47. Your Petitioner submits that the railway cutting is the source of all her pleasure in the view, air and light she enjoys at Mornington Terrace, and moreover the diffuse natural light the cutting creates is a great help in managing her disability. She is therefore concerned that clause 47 is a wide power with the

potential to destroy rather than preserve the unique qualities enjoyed at Mornington Terrace. Your Petitioner wishes clause 47 to be removed from the Bill.

Conclusions

- 60 Your Petitioner believes that, without adequate protection and mitigation, the impact of the works will cause your Petitioner to be unable to continue to fully occupy and utilise her property during the construction phase. Protection and mitigation should be treated as a primary aim for the Promoter and a vital factor during the works.
- 61 Consequently, your Petitioner requests a scheme to be set up to be applicable throughout the construction phase, whereby persons specifically and directly affected by the construction works can be temporarily re-housed and financially supported if it becomes difficult to sell or release capital from their homes, with clear trigger criteria provided in advance.
- 62 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, the Bill should not be allowed to pass into law.
- 63 There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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 she may be heard by her 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 Petitioner 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.

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WEST MIDLANDS) BILL

PETITION OF
Joanne Claire Lazenby

AGAINST, By Counsel, &c.

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