

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:

**RICHARD AND PHEBE ROBINOW**

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 Petitioners*

- 8 Your Petitioners are private individuals and leasehold owners of 28 Park Village East, London NW1 7PZ (the Property). The subsoil to this property forms plot 128 in the London Borough of Camden which is intended to be acquired compulsorily by the Promoter. The freehold of the property is in the ownership of the Crown and as such the property is subject to certain requirements and restrictions. For example, double or triple glazing is prohibited.
- 9 Your Petitioners have lived in the property for over 30 years and enjoy a long leasehold title. Your Petitioners will both be in their 70s by the time the proposed railway, if authorised, may be built.
- 10 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners objects for the reasons amongst others, hereinafter appearing.

*Your Petitioners' concerns*

- 11 Your Petitioners live immediately opposite the cutting through which it is proposed the railway will gain access to Euston. There will be very substantial disruption to their home and the locality throughout the period of the construction works.

*Road closure*

- 12 The Promoter has identified that there will be a programme of phased closure of vehicular access to the Property. This will remain in place for a period of up to twelve months.
- 13 While it is noted that emergency vehicular access will be maintained at all times (though no explanation of how this will be secured has been provided), your Petitioners are concerned that the closure of the road will significantly affect their day to day lives. Essential matters such as grocery shopping and collection of rubbish will be severely affected by the Promoter's proposal. There is currently no mitigation proposed for this impact and your Petitioners consider it an unreasonable interference with the carrying on of their lives.
- 14 Your Petitioners respectfully request that the Promoter is required to provide workable vehicular access to the property which is sufficient to enable them to carry on their day to day lives while living at the property during the full period of the works.

*Noise*

- 15 Your Petitioners consider that the Promoter's assessment of the baseline noise conditions in the vicinity of their property have not been accurately assessed and as such the Environmental Statement does not correctly identify the extent of the significant effects which will be experienced by your Petitioners.
- 16 The Environmental Statement identifies 14 construction processes which will create a noise impact in Park Village East identified as "significant". Of these, six will be carried out at night including demolition and construction of Mornington Street Bridge (immediately opposite your Petitioner's home) and the demolition of the carriage shed and buildings close to the railway.

- 17 The combined anticipated duration of these activities is 125 months (over ten years) with the impact of one activity lasting two years. It is understood that some of these activities will be concurrent, but it is clear that the total period of significant disruption will be very considerable.
- 18 Your Petitioners consider the duration of the impact on their home to be akin to a permanent change as a state of affairs lasting a decade cannot be classed as a short term effect with which they might be expected to put up for a brief period.

### *Vibration*

- 19 Your Petitioners' property is immediately opposite the Mornington Street Bridge which the Promoter proposes to remove and ultimately reinstate as part of the works. The Environmental Statement notes that "vibratory piling of bridge piers and vibro-compaction is likely to result in appreciable ground-borne vibration at a small number of dwellings closest to these activities." Your Petitioners assume themselves to be included in this assessment.
- 20 In addition, the Promoter proposes to install a number of anchor piles to support the reinstated cantilevered retaining wall. This activity is also expected to produce significant vibration impacts.
- 21 Again, therefore, there will be very substantial and protracted impacts on your Petitioners potentially rendering their home uninhabitable.
- 22 Part of your Petitioners home was underpinned some 30 years ago and as such they are concerned that additional vibration may further compromise an already delicate structure. Additionally, there is a concrete building within plot 128 and within your Petitioners' ownership. This building comprises a garage and flat with one storey above ground and one partially below ground. This structure will therefore also be potentially affected by the Promoter's works.
- 23 Your Petitioners therefore respectfully request that the Promoter be required to enter into binding agreements to secure that any settlement damage caused to your Petitioner's property be identified and repaired at the Promoter's cost.

### *Other construction impacts*

- 24 There will be three construction compounds close to the Property; throughout the construction period on Mornington Terrace Sidings and Carriage Shed and Park Village East and an additional Mornington Street Overbridge Satellite compound for 4 years. These sites and the wider construction activities will create significant dust in close proximity to your Petitioner's home.
- 25 The visual impact on your Petitioners of the works near Park Village East is assessed as a major adverse effect in the Environmental Statement. The construction works will be less than 10 metres from your Petitioner's home and the Promoter has assessed that "the construction activities will be highly visible, large scale and prominent in the foreground of the view".
- 26 Your Petitioners note that the Promoter intends to provide acoustic screening to protect their property from noise impacts associated with the works. Your Petitioners consider this is likely to interfere with their right to light.
- 27 Your Petitioners note that the Promoter's proposed works in the vicinity of their property, in particular the installation of ground anchors and relocation of the retaining wall, are very extensive. Your Petitioners are not aware that the Promoter has undertaken any study of a comparative scheme and duration of work in a residential environment on which to base its assessment of the construction impacts on your Petitioners. Your Petitioners respectfully ask that the Promoter be put to proof on the robustness of its assessment of the noise, vibration, road closure and other impacts. In particular this should include consideration of the anticipated and actual effects of a comparable scheme.

### *In combination effects*

- 28 The Promoter notes that there will be multiple significant effects experienced by your Petitioners. The Environmental Statement identifies that the combination of construction noise and visual effects will create a major adverse impact which is considered to be substantial. From the details identified above, your Petitioners consider it clear that their home risks being uninhabitable for an extended period and very significantly affected by the works for up to a decade. These impacts plainly go beyond "significant" to "unacceptable".

## *Traffic*

- 29 The Promoter has identified that once the railway is operational, there will be significant increase in traffic in Park Village East. By 2026 there will be a major adverse effect during the morning peak (a rate of 57 vehicles per hour) which will further increase as passenger numbers are predicted to grow such that by 2041 there will be a major adverse effect during the morning peak and a further moderate adverse impact during the evening peak.
- 30 These changes in traffic flows will fundamentally alter the character and ambience of your Petitioner's locality. Traffic on Park Village East is currently light and the Promoter's proposals will change it to a major commuter route affecting a permanent change on your Petitioner's surroundings.

## *Your Petitioners' wishes*

- 31 Your Petitioners' wish is to remain in their home, if possible. To enable this to happen, considerable mitigation will be required to reduce as far as possible the significant effects on the property.
- 32 The precise period during which the disruption will be intolerable is not yet known, however, your Petitioners consider that the Promoter should ensure that its programme of works does not extend so as to exceed a capped period of time during which there will be disruption to your Petitioners. Your Petitioners therefore respectfully request that the Promoter is obliged to set a reasonable maximum time limit during which works will be carried out in the vicinity of your Petitioner's home.
- 33 Your Petitioners further respectfully request that the Promoter be required to give reasonable advanced notice and details of disruption expected to affect them. The Promoter's proposals are not yet sufficiently detailed to allow your Petitioners to plan the detail of their lives during the construction period and they consider it is not acceptable for them to be left guessing when precisely certain impacts will start and cease. Your Petitioners consider that such notification should extend to, amongst other matters, periods of road closure and timing of particularly noise work and piling.
- 34 Your Petitioners respectfully request that the Promoter is obliged to put in place suitable additional mitigation including:
- (a) implementation of effective noise control measures;

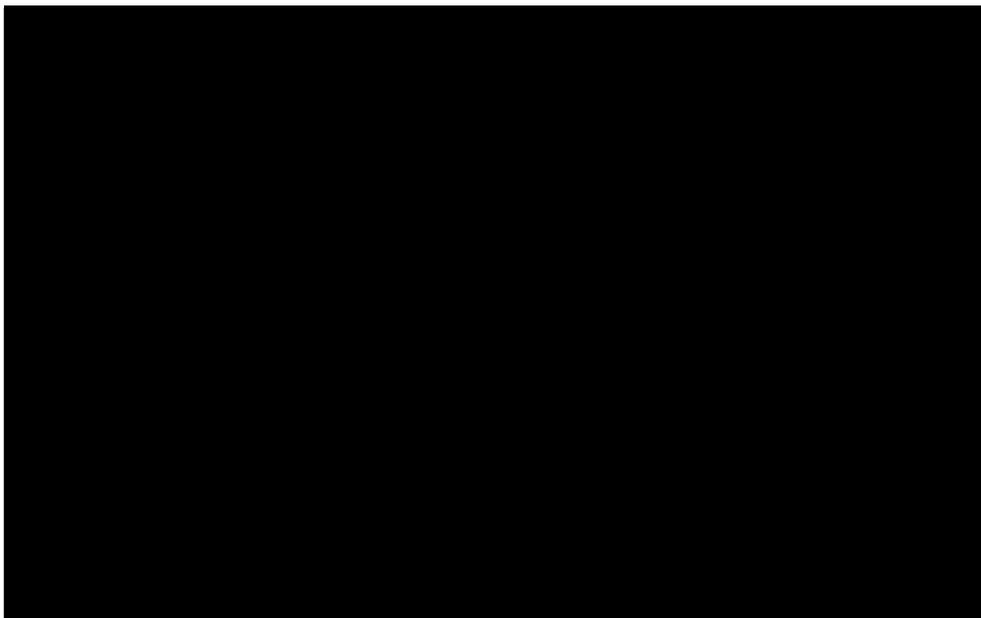
- (b) provision of dedicated parking within walking distance of your Petitioner's home;
- (c) provision of access and egress for deliveries and collections (in particular refuse);
- (d) provision of access for contractors performing necessary maintenance on your Petitioners' house and garden; and
- (e) making arrangements to ensure continued insurance of your Petitioner's home against normal risks and at no more than normal cost to your Petitioners throughout the period of the works to mitigate the risk that insurers refuse cover due to the additional risks posed by the works.

35 In the event that the Promoter's works are such that your Petitioners are unable to continue to live in their home, for example because there is no access or due to the level of noise created, your Petitioners respectfully request that the Promoter is required to provide suitable compensation sufficient to cover the cost of alternative equivalent accommodation. In this circumstance, your Petitioners consider that the Promoter should be obliged to pay the greater cost associated with insurance of their vacant home as leaving the building without insurance would be in breach of their lease.

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

37 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.



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AGAINST, By Counsel, &c.

Bircham Dyson Bell LLP  
50 Broadway  
London  
SW1H 0BL

Solicitors and Parliamentary  
Agents

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