

BY AIRMAIL AND EMAIL

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30th August 2015

In the matter of a communication to the Aarhus Convention Compliance Committee to support the Case ACCC/C/2014/100

This communication is an AMICUS MEMORANDUM to *HS2AA* – Case ACCC/C/2014/100

From Ms. Primavera Boman-Behram the Communicant and endorsed by two people also living in Camden Town-Primrose Hill area.

Communicant

and

Party concerned

UNITED KINGDOM Government and HS2 Limited

This communicant is submitted to enable the Aarhus Convention Committee to understand that the HS2AA case does and is impacting people in London near to the proposed route and will lead to further deterioration in the ambient atmosphere in the streets and houses where I live. I consider inadequate optioneering by HS2 by not pursuing the principles of the Convention and the procedures of the EIA and SEA have jeopardized me and my home due to a disregard of better approaches and that the public have not been effectively engaged to establish sustainable living conditions locally.

Over the last three years I and other named neighbours have been involved in protracted but ineffective

public engagements with the government organization High Speed Two Ltd (herein after referred to as the "HS2") originally a part of the Department of Transport in the United Kingdom. These engagements concern the various impacts of the proposed highspeed train line and namely the construction period. The route is to be constructed in my neighborhood, the London Borough of Camden, and where the HS2 train is planned to have its London terminus—at Euston. Despite the fact that I have been in communication with the HS2 concerning these impacts, be they environmental and personal, for 30 odd months I am no closer to understanding the scale of these and have not witnessed any mitigations to those that will impact my health and welfare. There has not been real effective public engagement within Article 7 that communicates the nature and extent of the threats to public health in a non-technical manner, that is intelligible to the layperson residents of Camden Town.

This is true not just for my neighbourhood but also for the greater area of the route into and out of London, which is densely populated.

Despite repeated attempts to interact with the HS2 Ltd to obtain changes, beginning with an email on January 14, 2013, I have experienced disturbing patterns of non-compliance concerning both notification of these environmental impacts and the extent to which information is made available concerning these impacts. I consider the HS2 to be in breach of Articles of the Convention.

The pattern has been and continues to be as follows:

I receive an e-mail asking for comment regarding the HS2 and its attendant impacts on my neighbourhood. I reply stating in as clear and concise a manner as possible the grave environmental and personal impacts that the HS2 construction will have on my property and neighbourhood. Whilst HS2 acknowledge that they have received my statement they expound only the benefits of the HS2, as well as the continuing schedule for completion of the project. They then send out additional e-mails regarding other aspects of the project, sometimes running into dozens of pages, of highly technical information without any explanation in language that a layperson such as myself could understand and ignoring the complaints made by myself and neighbours.

After a period of months they send another e-mail that says that the consultation period is closed and announcing the next stage in the completion of the project. Camden Council has at times told its residents to petition, which they say will then be read by the Select Committees in Parliament. HS2 has also held output messaging in a series "public meetings" which appear to be designed to output but not to act on the concerns, in reality these have served to further expound the benefits of the project and the dates of its proposed completion, not the changes needed to lessen the impacts on people and the conditions in the area I currently live. --In Parliament, some MPs have stated that the HS2 doesn't take on board suggestions given by these Select committees. This is in breach of the Aarhus Convention.

While apparently gathering public input all these communications do not in fact have any effect on the course, dreadful impacts or duration of the project. They in fact represent a pattern of non-compliances and breaches which over the course of the last three years amounts to a denial of environmental and natural justice that are key provisions of the Aarhus Convention. The congestion, emissions, dust, diesel particulates, NOX, SO₂ are already above the recognized levels in the area and HS2 construction will

increase these significantly around my area and the UCL hospital.

Specific breaches of the provisions of the Aarhus convention include the following:

Article 5 paragraph 8 states:

“Each Party shall develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices.”

While there has been copious documentation released it is in no way intelligible to the public, i.e. myself or to my neighborhood, thus preventing my ability to make an informed decision. There has not been the changes to demonstrate any reconsiderations.

Article 5 Paragraph 2 states

“Each Party shall ensure that... the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible.”

I corresponded with my local Camden council inquiring about the environmental impacts of the various pollutants and irritants that will be generated during the construction of the HS2. After a couple of weeks, they responded with a list of monitoring sites regarding various emissions including NO₂, NO, SO₂, but have said that information on particulate matter (PM) is not publicly available. This is particularly disturbing because it is projected that hundreds of lorries filled with debris of various types will be taken from the construction sites for many years down my local road. This will undoubtedly include various forms of PM and yet there is no way for the public to gain access to this data that can and probably will be deleterious to human health. --Especially for those that have respiratory illnesses as I do.

Moreover,

Article 5 paragraph 9 states,

“Each Party shall take steps to establish progressively, taking into account international processes where appropriate, a coherent, nationwide system of pollution inventories or registers on a structured, computerized and publicly accessible database compiled through standardized reporting.”

The lack of publicly available information on PM from HS2 and from Camden Council also violates this provision of the convention. No sufficient environmental or health assessment has been done by HS2 Ltd, or the local Camden council, on what are considered by health authorities to be safe amounts of air pollution, or safe levels of electromagnetic radiation, or safe noise levels and vibration levels. I have approached Research PhD's in Imperial College and in Kings College, who substantiated that fact.

There have also been breaches of Article 6 (Public Participation) of the Aarhus Convention.

Specifically, Article 6 number 3 states

“The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above “

The construction of the HS2 is the largest public infrastructure projects in Europe this decade, and yet the public participation period was so much shorter before the bill went through to the second reading in the House of Commons. --The public consultation for the HS1 (Eurostar) was 17 months and was a far less extensive project. This lack of time also impaired the citizens’ ability to “prepare and participate effectively during the environmental decision making” Article 6 number 3 sic.

The series of public meetings held to address these issues were not sufficient since they did not provide information on emissions, particulate emissions to be exact, in violation of Article 6 number 6 which states “Each Party shall require the competent public authorities to give the public concerned access for examination ... free of charge and as soon as it becomes available, information relevant to the decision-making referred to in this article. The lack of information on particulate emissions (PM) is egregious in that it is not free of charge, was not made available and is most relevant to those who have health problems such as respiratory illnesses.

Moreover, Article 6, number 6(a) and 6(d) are also being violated in that no estimates of hazardous emissions have been released by the government in language that is “non-technical” be they for air, water or particulate emissions. . . . Already the local levels of pollution are above the Health levels as stated by the EU. I have now had a cough for nine months! HS2 has also not given any measurements of the Electro Magnetic Radiation that will emanating from the giant tunnel boring machine which uses enormous amounts of electricity. They have neither stated how much electromagnetic radiation will later emanate from the trains. Nor have they given levels of what the World Health Organization deems safe. I, and some neighbours, live less than fifty meters from where there will be tunnelling to the rear of my house. With hundreds of HGV’s passing by the front of all our houses 24/7 for a number of years, apart from suffering poor health and less ability to work in the house, the house’s structure may also subside, and be flooded again as once before, when Thames Water exchanged the old pipes along Oval Road, a much less intrusive works than HS2.

The lady in pink demonstrates our future perfectly, in the borough of Camden, London, if the HS2 train is to proceed. <http://www.camdennewjournal.com/hs2-films>

Overall, the breadth and long standing nature of these breaches which continue to the present day, therefore constitute a violation of Article 1 of the convention which states that

“Every person of present and future generations [has the right] to live in an environment adequate to his or her health and well-being”

Moreover, this pattern of non-compliance represents a denial of “access to justice in environmental matters”.

Finally this pattern of noncompliance represents a violation of the Aarhus convention by the British government through its agent HS2 Ltd.

Sincerely and signed,

Primavera Boman-Behram.
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Contact person:

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Neighbours:

Dr. Arnold Paucker OBE, & Pauline Paucker
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Mr. Adam Shaw
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