

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 [REDACTED] HUGHES and [REDACTED] HUGHES

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:                    1. [REDACTED] Hughes                    2. [REDACTED] Hughes

Age

[REDACTED]

[REDACTED]

Health

[REDACTED]

[REDACTED]

Employment

Part-time Teacher

Retired

Address:

[REDACTED] Bascote Heath,

Southam, Warwickshire, [REDACTED]

The Property:

Lies on a lane, C97, opposite Long Itchington Wood SSSI

Covers approx 0.5 acre

150-190m from tunnel

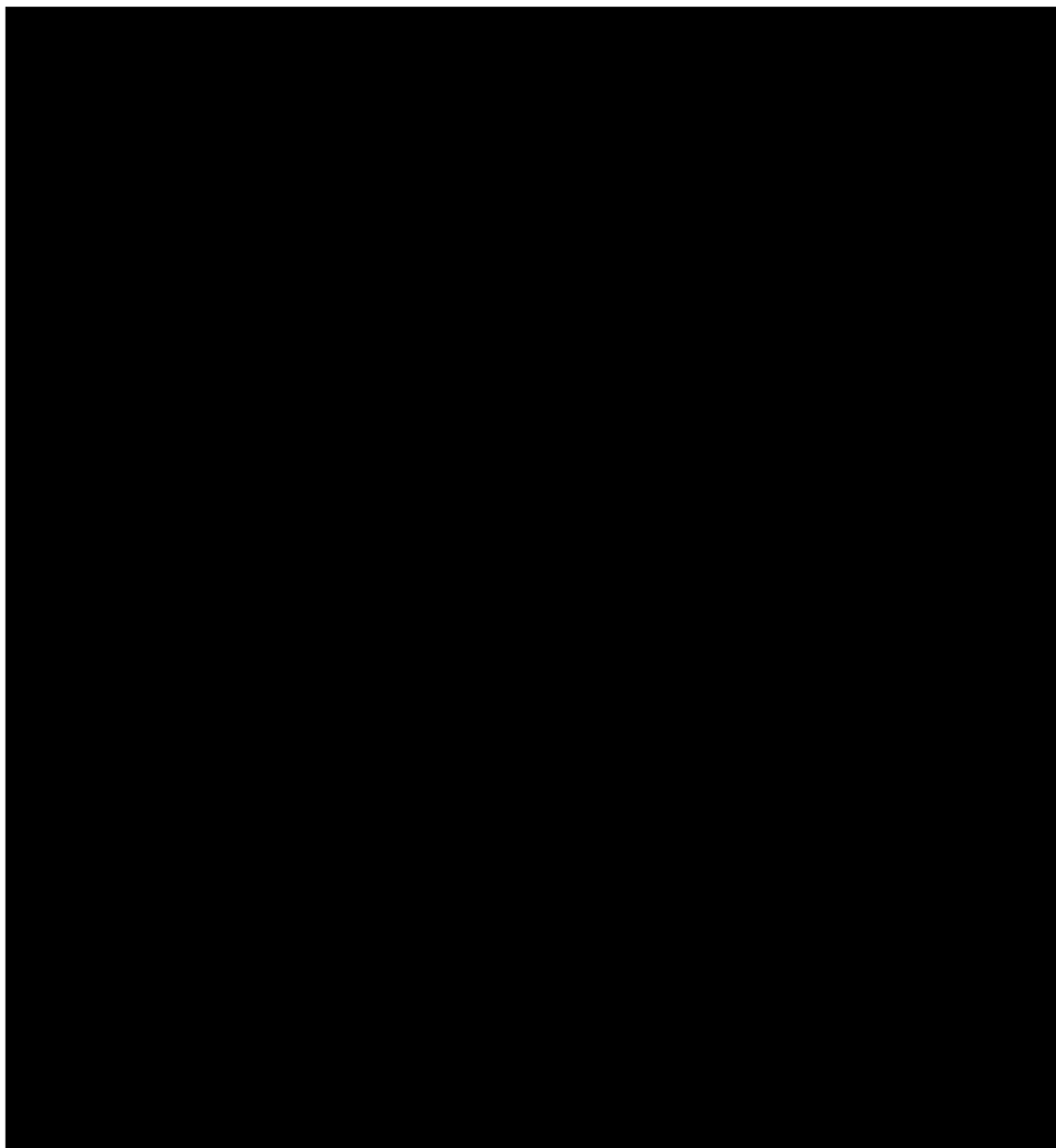
1.5 km from the more significant portal

An assurance has been given that the lane will not be used for construction traffic. However, the lane (C97) is wrongly identified in the draft ES documents as the "B4452" and

Your Petitioners have concerns which have been expressed to HS2 Ltd.

Your Petitioners relocated from Canterbury, Kent and moved into the Warwickshire area and property in 2008 [REDACTED]

Your Petitioners chose the house in Bascote Heath because of its rural, tranquil location and its relatively clean air, set at the edge of the ancient woodland, Long Itchington Wood (SSSI) and overlooking green fields to the rear. Defra's noise incidence study, 2001, demonstrated that only 2% of the country enjoys levels this quiet or quieter.



[REDACTED]

Your Petitioners' new home was undergoing extensive refurbishment when their [REDACTED] condition suddenly deteriorated in [REDACTED] prompting their decision to relocate to the Buckinghamshire area of Beaconsfield in order to be on hand to offer every assistance to him so that he could, as far as possible, fulfil the duties of his employment. As soon as the refurbishment works were completed, Your Petitioners took steps to market their property in September, 2010. The lack of any prospective purchasers willing and able to proceed with interest in the property because of HS2 caused them to remove it from the market at the end of June 2012.

Your Petitioners, strongly supported by their MP, applied under the EHS in 2010 but were rejected twice. Your petitioners complained about the procedures as follows,

- (i) An HS2 Ltd engineer, on the second panel, inappropriately, given the lack of expertise, judged a medical condition describing it as "difficult situation, not exceptional."
- (ii) Breaching their own protocol of consistency, the second panel ruled against Your Petitioners meeting one criterion which the first panel had ruled positively. Also, there was inconsistency in the application of criteria to neighbouring properties.
- (iii) The time allocated for consideration of applications by the panels was wholly inadequate.
- (iv) The claim that the panels contained "independent" members, yet were remunerated by HS2 Ltd/DfT was unjustifiable.
- (v) The "Star Chamber" style and inherent lack of Appeal was undemocratic and led to misunderstandings. A re-application could be made only if there was a significant change in circumstances; "misunderstandings" was insufficient reason.
- (vi) The DfT decision maker merely "rubber-stamped" Panel decisions.

The complaints were rejected:

- (i) The Panel members were extremely well qualified to make the correct decisions.
- (ii) It is perfectly acceptable for Panels to differ in their opinion. (Although it has been acknowledged since that this is "being looked at", "under consideration" and "there were anomalies" but too late for the applications)
- (iii) The Panel members were not instructed in their decisions thereby not compromising their independence. The aspect of remuneration was ignored.
- (iv) The DfT decision maker takes his role very seriously.
- (v) In the absence of an appeal mechanism Judicial Review was their option

In their rejection of Your Petitioners' second EHS application, the Panel proposed the audacious alternative that Your Petitioners did not need to sell their property "...as there was no financial case made and it was felt that Your Petitioners could rent a property or that other options could be explored." Your Petitioners had unhappy renting experiences following their relocation to Kent (for employment reasons) and subsequently relocating to Warwickshire. Having lived in three rental properties over a period of three years, your Petitioners had no desire to rent again, paying high levels of rent, and having invested their life's work and savings in the purchase of their "new" home did not have additional resources at their disposal to waste upon property rentals. Your Petitioners simply desired to sell their home in Warwickshire and purchase another in Buckinghamshire – not a problem in the absence of HS2, as Bascote Heath was considered to be a desirable residential area – and exercising their freedom of choice.

Your Petitioners, again supported by their MP, complained to the Government Ombudsman with respect to the procedural issues under the EHS. The Ombudsman was unable to take the complaint any further; discretionary decisions were outside the Ombudsman's remit, inconsistent decisions were understandable and did not constitute maladministration.

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

9. Your Petitioners respectfully submit the following as unsatisfactory consequences of the Bill.

#### 9.1. Inadequacy of Consultation

Your Petitioners believe the Government will continue to redefine 'Consultation' and devalue the political process.

Your Petitioners' past injustices, whether expressed orally to representatives (who, by their own admission, have absolutely no influence) or in written form, have been totally ignored by the DfT/HS2 Ltd, steadfastly pursuing their own strategy regardless of the injuries inflicted. The Bill will allow such disregard of injuriously affected citizens to continue.

Your Petitioners' questions submitted in letters, even via their MP, to the Secretaries of State or their representatives have been disdainfully ignored and, instead, the standard replies used as extra vehicles for propaganda. The Bill will allow such disregard to continue.

Your Petitioners' requests, via their MP, to meet with senior and influential members of the DfT or HS2 Ltd have been either ignored or refused, making franchise pointless. The Bill offers no remedy.

Your Petitioners fear, from depressing experience, that the frantic approach to the second reading of the Hybrid Bill and the timing of the petitioning, with still so much uncertainty on the environmental impact and compensation, that 'Petitioning' will be treated as dismissively as 'Consultation' but desperately hope for the very opposite.

### 9.2. Change route

Your Petitioners were assured, from the outset, that the essential requirements were for a straight-line track to enable the very high speed. Your Petitioners now understand that speed is no longer paramount and therefore the 'straight line' no longer an issue, confirmed by the proposed route being diverted from the "Golden Triangle" of Prestbury, Alderley Edge and Wilmslow to keep the track away from the Knutsford and Tatton constituency of the Northern section. The same fundamental principles must apply to Phase 1 as are clearly acceptable to Phase 2.

Your Petitioners believe that following existing transport corridors, would use already blighted land and the severe detrimental effect on the countryside would be significantly reduced.

Your Petitioners submit that a consequence of the Bill will be that a wholly unsuitable route will continue to be followed for Phase 1.

### 9.3. Construction Effects.

Your Petitioners understand that the hamlet of Bascote Heath and Long Itchington Wood SSSI are going to be subjected to tunnelling 24/7 for six years, possibly longer.

Your Petitioners fear, however much engineers dismiss the impact, common sense dictates that the continual loud noise of the construction traffic will undoubtedly carry, especially so with the wind in the prevailing direction. (The petitioners know because general traffic from the A425 can be heard.) Sleep deprivation will inevitably follow, particularly in the summer months with windows open. Current enjoyment of their garden will be destroyed.

Your Petitioners are appalled by the prospect of 2000 40-ton lorry movements per day carrying spoil.

Your Petitioners respectfully request that Bascote Heath C97 is banned to all construction and diverted traffic and that the 40-ton spoil carrying lorries be diverted to The Fosse from the construction site off Welsh Road.

However, having regard to the proposed inappropriate location of the Construction Site at the edge of Long Itchington Wood, as determined by the Woodland Trust, Your Petitioners respectfully request that it be relocated to a more environmentally-friendly and less harmful area directly off The Fosse which could more easily facilitate the movement of construction traffic, including plant machinery, to the A425.

Your Petitioners have been informed that noise and vibration from drilling will depend on the nature of the rock and the drilling technique required. While engineers will again dismiss the effect, informing on the best circumstances where only boring is required, but, when pressed, they will acknowledge, if mining is required, significant noise and vibration will be experienced. Furthermore following the redesign of the twin tunnels, it will be significantly shallower (reduced from 40m to between 18-20m) than originally published, hence noise will be a serious factor especially in a sparsely populated rural area. The lack of knowledge on the rock structure along the route and its implication on cost means that the Bill is being debated in ignorance.

Your Petitioners worry that, while engineers will acknowledge the need to minimise dust levels and rely upon the construction code of conduct in relation thereto, dust is an inevitable consequence of construction whether it be from tunnelling or from the construction in the lane directly in front of the property (see in 9.4). [REDACTED]

[REDACTED] In the HS2 Ltd draft Environmental Statement reference is made to Long Itchington Wood and Bascote Heath being sensitive to dust deposits.

#### 9.4 Ecology

Your Petitioners' property lies directly opposite the ancient woodland (pre1600) of Long Itchington Wood SSSI under which it is proposed to construct the afore-mentioned twin tunnels. The SSSI is oak-dominated ancient semi-natural woodland and is designated SSSI on the basis of being one of the best oak-hazel coppice woodlands in the Midlands that is still managed along traditional lines.

Your Petitioners are concerned that at this stage, HS2 Ltd is unable to state with any precision as to the effect of the tunnelling upon the Wood and, although states that it is a wood of "national importance", has neglected to include it on its list of 19 Ancient Woodlands which it went on public record as saying were directly affected by this project. The draft ES states:

"7.5.5 (page 62) The construction of a bored tunnel under Long Itchington and Ufton Woods SSSI would require geotechnical investigations. The details of the investigations are not known at this stage, but approximately 15 boreholes would be required.....some loss of trees and shrubs would be required and there would inevitably be some disturbance...would also occur during tunnel construction....."

"13.6.6 (page 103) Tunnelling beneath Long Itchington and Ufton Woods SSSI may induce settlement and associated fracturing, which may alter the drainage and shallow groundwater characteristics of the wood. Further assessment of this potential impact will be reported in the formal ES.

13.6.11 There may be residual effects on the hydrology of Long Itchington and Ufton Woods SSSI, the magnitude and the significance of which for the management of the designated area requires further assessment in the formal ES."

Your Petitioners stress the above statements contained within the draft Environmental Statement prepared by ARUP on behalf of HS2 Ltd/DfT demonstrate the folly of a Bill being debated in the absence of available critical information and the long-term consequences of the construction process on Ancient Woodlands (pre 1600 AD). The lack of hydrology, for instance, may effect changes in the ground flora, tree leaf cover and tree die-back.

Your Petitioners respectfully request that the proposed construction camp be relocated from the area surrounding the tunnel's north portal on the edge of Long Itchington Wood SSSI, to a less harmful and more environmentally acceptable site. The location of a construction camp where several hundred workers will live, in addition to 3 Spoil Stores and 12 Work Sites at the edge of the wood is wholly inappropriate. It is planned that the 40-ton lorries carrying spoil from the construction site be directed to Welsh Road and Welsh Road West, the latter being an extremely narrow bendy lane and it would be more sensible for the site to be relocated to a more suitable area situated directly off The Fosse where construction works are also planned.

Your Petitioners respectfully request that reference be made to the Woodland Trust's submissions on these issues.

## 9.5. Inadequacy of Compensation

Your Petitioners can confirm, from first-hand practical experience, that tunnelling does not mitigate blight, in contrast to the theoretical assumptions of the DfT and HS2 Ltd. In preparation for the EHS, Your Petitioners' house was marketed for almost two years with negligible amount of interest (even following a price reduction) and with written



evidence that the threat of HS2 was the reason for prospective purchasers' reluctance to proceed.

(A neighbour's house remains on the market after several months in the present climate. Even a 40% reduction of its unblighted value has failed to attract a sale – a provisional offer was withdrawn on the basis of the proximity of HS2).

Your Petitioners have been informed that, in addition to the prospective construction effects referred to in 9.3 above and compounding the blighted nature of the property

- (i) The portion of the lane in front of the property will be required for a 'construction boundary, the nature of such construction has been vaguely described as a "diversion of utilities, specifically water, for the purposes of the tunnel".
- (ii) the construction boundary will coincide with the front boundary of the property
- (iii) the property will be "affected" (albeit assured not for tunnelling)
- (iv) the property is registered in the Book of Reference.

[REDACTED]

Upon retirement Your Petitioners are unlikely to afford to continue living in/maintaining the property.

[REDACTED]

[REDACTED]

Your Petitioners' property, unblighted value approximately £750,000 (local Agent's recent valuation), is worthless. Your Petitioners have lost, by the Government's actions, all that they have spent a lifetime earning and saving, through no fault of their own.

Your Petitioners are wholly devastated that the Government's response has been to propose a derisory compensation of between £7500 and £22500 for properties between 120 and 300m from the line.

Your Petitioners' lives have been devastated by the proximity of the HS2 to their home where they feel they are now condemned to remain until their death. [REDACTED]

[REDACTED]

[REDACTED]

## 9.6 Road closure and diversions.

Bascote Heath is a small hamlet identified as the C97, predominantly inhabited by elderly households and an Equestrian Centre for training horses. It lies between Welsh road and Welsh Road West, destined to carry 2000 40-ton lorries carrying spoil every day, from the proposed construction site on the northern edge of Long Itchington Wood, and the A425 Leamington Spa road. Your Petitioners worry about the proposals for transport disruption during construction. While assured of no construction traffic along the C97 lane through the Bascote Heath hamlet, the general traffic, including HGVs, will undoubtedly soar while the A425 Leamington Road which is joined by the Bascote Heath C97, is closed. With no footpaths along a narrow country lane with hazardous bends, well used by cyclists, ramblers, joggers and equestrians, Your Petitioners fear the worst.

Your Petitioners respectfully request that Bascote Heath C97 be banned to all construction and diverted traffic.

Your Petitioners worry about the extra distances required to reach services as well as the extra difficulty for the emergency services arising from the proposed road re-alignments and closures, particularly the A425 Leamington Road, which provides the main route into Southam for access to shops, banks, Doctors' surgeries and veterinary practices. It has been forecast that of the seven routes out of Southam, four will have serious road works, timescales for each possibly two years and the A425 Leamington Road could be much longer.

## 9.7 Dereliction of Duty

Your Petitioners are greatly concerned about the dereliction of duty by those promoting the Hybrid Bill who have delivered a profound disservice to MPs in failing to allow them adequate time in which to consider such a lengthy and complex document, containing seriously damaging provisions affecting those concerned, prior to its debate in the House, in the absence of:

- (i) a detailed environmental and geological analysis to provide a realistic estimate for the cost of the project
- (ii) an agreed fair and just compensation package for all homeowners with blighted properties. Which MP, who voted or abstained from voting for the Bill would wish to exchange places with your petitioners? Which MP has donated all he/she has worked for (let alone sacrificing his/her freedom to relocate as and when he/she wishes) to the HS2 project as indeed he/she clearly expects from your petitioners?

Your Petitioners fear that the Secretary of State has been given licence to pursue the wholly unjust compensation package recently proposed and Parliament will have been complicit in the exploitation of the citizens it is their duty to protect. Consultation will prove to be the farce that typified each and every previous consultation. By the time of the third reading of the Bill, the project, embracing its exorbitant cost and unjust compensation, will have become a fait accompli.

10. Your Petitioners object to the powers that are proposed to be provided under the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended before it becomes law.

#### 10.1 Change Route

Your Petitioners respectfully submit it is now acknowledged that the present route has failed in its environmental and business claims. Speed is no longer an issue. Indeed calls have recently been made by some MPs for a reduction in the proposed speed. Although still contentious, capacity is claimed to be the only reason for an expansion in the rail connection between Birmingham and London. In such regard the proposed route has no merit whatsoever and it is time for a radical change.

Your Petitioners respectfully submit that it makes far greater sense to follow an already blighted route such as the M40 or the M1 for capacity, business and environmental reasons. Although the present route has been under consideration for some four and a half years (to Your Petitioners' knowledge), it must be preferable and more prudent to re-evaluate the project as a whole and consider more environmentally friendly alternatives which would have a less harmful impact on rural communities, farms and those who reside in them.

Your Petitioners respectfully request that the Bill does not become law until such time as the route has been changed. The requirements for the route have changed so dramatically since its first design that it is no longer fit for purpose from economic, business and environmental considerations.

#### 10.2 Construction effects and Inadequacy of Compensation

Your Petitioners only desire is for a just and fair outcome. Your Petitioners are denied the basic human right to exercise control over what remains of their lives.

Your Petitioners submit that there is only one solution to the fear they hold for their health and future needs and those of their son, that the Government purchase their property for the full unblighted market value.

Your Petitioners submit that on account of proven blight (albeit in a tunnel area), the construction boundary aligns with the front boundary of the property; HS2 Ltd, by their Agent, Mott MacDonald, have informed that the property will be affected (albeit not for tunnelling) and that the property is registered in the Book of Reference, the level of blight would be akin to properties in the 60m to 120m area and the Voluntary Purchase scheme should apply to the property if and when such a scheme becomes available.

Your Petitioners have, in good faith, participated in each and every Consultation promoted by HS2 Ltd/DfT and attended every futile "Roadshow" in spite of their serious misgivings that they are designed as an exercise only to allow those affected an opportunity to express their anger and frustration. Your Petitioners' responses and input to the Consultations have been met with total dismissal of their concerns and certainly not resulted in any positive improvements which would relieve the ongoing plight of Your Petitioners, (or others similarly affected), in their frustrated attempts to sell their property or the safeguarding of their future. Those representatives from HS2 Ltd/DfT who have been present at the "Roadshows" have politely shown ignorance or an ineptitude in responding to requests for information.

Your Petitioners have grave concern that the Bill is being debated and the subsequent petitioning is being undertaken in the absence of a fair and just compensation package and with an anticipated 6<sup>th</sup> Property Consultation. Your Petitioners respectfully request that the Committee ensures that Consultation on the proposed Compensation Package is more than a "tick-box" exercise but rather that each affected citizen is treated respectfully and seriously, recognising and accepting that he/she has lost a fortune as a consequence of HS2, justifiably requiring full compensation, and not as someone who is powerless, and therefore vulnerable to total exploitation in pursuit of the so-called national interest.

Your Petitioners have no faith in the discredited discretionary EHS scheme, the only one applicable at the time of the petitioning, or in those empowered to administer it.

Your Petitioners can only comment on the proposals of the recent compensation package and submit that in the light of the exceptional construction time, the recent proposal discriminates against the elderly and is a flagrant breach of their human rights.

Your Petitioners have grave concerns that the proposed compensation package assumes that tunnels mitigate blight. Your Petitioners' first-hand experience can assure that it is a wholly fallacious assumption; they do not mitigate blight.

Your Petitioners would submit that in the proposed scheme, for properties between 120m and 300m, a lump sum of up to £22.5k (which is silent on the issue of tunnels) is a derisory compensation in the face of losses of the order of many hundreds of thousands of pounds. In comparison, in France, the state buys homes at full market price in a band

of 150 metres on either side of land affected by a scheme of national importance, but in the UK only those within a very narrow band – 60 metres on either side – qualify. Your Petitioners should not be artificially limited by an arbitrary criterion relating to proximity to the route; it should compensate for any loss that may reasonably be attributed to the blight resulting from HS2 proposals.

Your Petitioners have grave concerns that the Need to Sell scheme requires proof for a “compelling reason to sell” which carries the same undertones of unfairness and bias in favour of the Government as the disgraced EHS. The words have changed; the Bill does not ensure the sentiments have; “Compelling” will be as huge an obstacle as “Exceptional”. Your Petitioners should not be restricted from the normal movements of homeowners; homeowners should not be required to demonstrate “a Need to Sell”.

10.3 Your Petitioners respectfully request the Committee, as the point of last resort in what remains of the political process, to require the Secretary of State:

(i) as a matter of urgency (certainly before the next election) to make the necessary investigations to give a realistic estimate for the cost of the project; and

(ii) to devise a package which compensates all property owners suffering blight to 100% of the unblighted value; it would be the very least the Secretary of State or any MP would expect were they the victims of blight, certainly when they pontificate on the huge benefits of HS2.

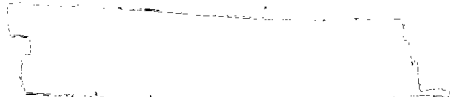
11. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

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

  
[REDACTED] HUGHES

  
[REDACTED] HUGHES

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**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

PETITION OF [REDACTED] HUGHES and [REDACTED] HUGHES

Against the Bill – On Merits – By Counsel &c

[REDACTED] Hughes

[REDACTED] Hughes

[REDACTED]  
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