

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013 – 14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

Against the Bill – 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:

- (1) **RAMAC HOLDINGS (TRADING) LIMITED**
- (2) **RAMAC HOLDINGS LIMITED**
- (3) **AMBROSETTI (UK) LIMITED**

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, the Secretary of State for Transport (hereinafter referred to as “the Promoter”).

### **Relevant Clauses of the Bill**

3. Clauses 1 to 36 (inclusive) of the Bill together with Schedules 1 to 26 (inclusive) make provision for the construction and maintenance of the proposed works including the main works set out in Schedule 1. Provision is included to confer powers for various building and engineering, for compulsory acquisition and the temporary use of and entry upon land, for the grant of planning permission and other consents, for the disapplication or modification of heritage and other controls and to govern interference with tress and the regulation of noise.
4. Clause 1 (construction and maintenance of scheduled works) authorises the nominated undertaker to construct and maintain works necessary for HS2 as described in Schedule 1 to the Bill and shown on the plans and section deposited with the Bill. By Clause 1 (and more specifically Schedule 1) of the Bill the Promoter seeks powers in executing any of the works proposed by the Bill to deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and to deviate vertically from the levels shown on the deposited plans and sections to any extension downwards in all cases and to such extent upwards to any extent not exceeding 3 metres from the level shown for that work on the deposited plans and sections.
5. By Clause 1 Schedule 1 Work No. 2/111 of the Bill the Promoter seeks powers in relation to works at, amongst other places, Chipping Warden including a railway of 20.5kilometres in length.
6. By Clause 2 (further provisions about works) of the Bill the Promoter seeks powers to bring into effect Schedule 2, which contains provisions about the work which may be carried out, primarily to facilitate the main effort of construction of the schedule works.
7. By Clause 3 (Highways) of the Bill the Promoter seeks powers to stop up and interfere with highways, to access highways and to construct and maintain highways.
8. By Clauses 4 to 10 of the Bill the Promoter seeks powers to compulsorily acquire land and to bring into effect Schedules 5 to 13. The land for this purposes is to include both the airspace and subsoil or under-surface.

9. By Clauses 11 to 13 of the Bill the Promoter seeks powers to extinguish and exclude various rights over land and to bring into effect Schedule 14.
10. By Clauses 14 to 18 of the Bill the Promoter seeks powers to take temporary possession and/or use of land in connection with the works authorised by the Act. Further, these Clauses seek to introduce Schedule 15 in connection with those purposes.
11. Clauses 19 to 35 (inclusive) of the Bill seek deemed planning permission and to disapply existing statutory controls in relation to a range of planning issues including listed buildings, ancient monuments, burial grounds and consecrated land amongst others. These Clauses also seek to introduce Schedules 16 to 26 (inclusive) for these purposes.
12. Clauses 36 to 46 (inclusive) together with Schedule 27 to 31 (inclusive) make provision for the application with modifications and the disapplication in part of the existing railways regulatory regime which is contained in and in arrangements made under the Railways Act 1993 and associated legislation. In particular, they provide for the disapplication of licensing requirements, the imposition of special duties on the Office of the Rail Regulator (ORR), the modification of railway access contract and franchising arrangements and the disapplication of railway closure requirements and of the need for consent from Transport for London in relation to impacts on key system assets. Provision is also included to enable agreements to be required as between the nominated undertaker and controllers of railway assets and to provide for the transfer of statutory powers in relation to railway assets.
13. Clauses 47 and 48 make provision for the Secretary of State to determine and effect the compulsory acquisition of land to satisfy the opportunity for regeneration and development. Provision is also made for the carrying out of reinstatement works.
14. Clauses 49 to 52 make provision for extension of the high speed rail network and to apply the Act to such further high speed rail works. Provision is also made for both the rights of entry for further high speed rail works and the exercise of those rights.
15. Clauses 53 to 56 makes provision for the application of the powers contained within the Bill to Crown land and the acquisition of rights of such Crown land including royal park land.
16. Clauses 57 and 58 of the Bill makes provision for deposited plans and sections, and the correction of such plans.

17. Clauses 59 to 65 of the Bill contain miscellaneous and general provisions. These include addressing the application of the Environmental Impact Assessment Regulations, dispute resolution, the service of notices and other documents and general interpretation.

### Your Petitioners

18. Your Petitioners are (1) Ramac Holdings (Trading) Limited (hereinafter referred to as "RHTL"); (2) Ramac Holdings Limited (hereinafter referred to as "RHL"); and (3) Ambrosetti (UK) Limited (hereinafter referred to as "AL").

19. RHL owns the freehold of the industrial estate situated at Appletree Industrial Estate, Appletree Road, Chipping Warden OX17 1LL and registered at the Land Registry under title number NN184714.

20. RHTL acquired, and continues to own, the freehold of the airfield site situated adjacent to the industrial estate owned by RHL. RHTL's title to the airfield site is registered at the Land Registry under title numbers NN173059 and NN178087.

21. AL is a wholly owned subsidiary of RHTL and has exclusive use of the airfield site for business purposes as well as occupying Units 1A, 1B, 2, 5 and 7 of the Industrial Estate.

22. When referred to together hereinafter, the Appletree Industrial Estate and the airfield site are referred to as "**the Properties**".

23. AL's business is centred on vehicle preparation and refurbishment, primarily "de-fleeting" vehicles at the end of their fleet lives. AL has a wide variety of clients ranging from major multinational car manufacturers, car hire companies and driving schools amongst many other fleet sector companies and agencies.

24. AL operates the following sites:

- a. Kings North, Rochester, Kent – an approximately 25 acre site;
- b. Sandwich, Kent – an approximately 20 acre site; and
- c. Chipping Warden, Northamptonshire – a site in excess of 50 acres.

25. As regards the Chipping Warden site, AL started operations there based upon a strategic business decision on account of the Site's central United Kingdom location and easy access to the Midlands fleet vehicle market, including via the M40 and M1.

It was due to one of the key contracts won since opening the site that the further space at Units 1A, 1B and 5 were taken.

26. As a consequence, in the space of 12 months, the number of AL's employees at the site has increased from approximately 20 to approximately 220 (including agency staff) as well as the units and storage areas on the industrial estate being used.
27. In general terms, a description of AL's business is as follows. Vehicles are generally collected from the client by AL and brought to the site. Once there, the wear and tear of the vehicle is assessed and repaired (this usually amounts to repairing scratches and damaged paintwork, and other work of a similar nature). The vehicle is then also inspected for damage over and above the usual wear and tear before being refurbished, serviced, having the tyres changed and then having a final inspection prior to having marketing photographs taken.
28. Having taken all of these steps, the vehicles are then stored either in the warehouse facility or on the airfield site (depending on capacity and the type of vehicle/client) and the clients then notified of the vehicle's availability for sale. Vehicles are then delivered to the client for onward sale.
29. In addition to storage, the airfield site is also used for road testing and the entire site sees a turnover of approximately 3,000 vehicles per calendar month (although, due to new vehicle registrations, peaks are seen in the months of March and September). Further, approximately 6,000 to 8,000 vehicles are held on site at any time.
30. The airfield site and its proximity immediately adjacent to the Appletree Industrial Estate is of fundamental importance and critical to the business of AL. There are numerous vehicle movements each day from/to the airfield site and the units on the Industrial Estate as vehicles are moving through the "defleeting" process.
31. There is no scope (nor is it feasible) to relocate AL's business to the Rochester or Sandwich sites in Kent.
32. As is made clear by the foregoing, your Petitioners own or have an interest in properties and/or businesses within the Chipping Warden area, some of which or part of which are subject to compulsory acquisition under the Bill (whether permanent or temporary) and some of which, whilst not subject to the compulsory purchase proposals of the Bill, are in the immediate vicinity of the proposed works including the tunnelling access shaft, spoil storage sites and spoil removal routes and they and

their employees' and contractors health, safety and wellbeing and their employment, businesses and livelihoods are liable to be injuriously affected by them.

33. It is respectfully submitted that the rights, interests and property of your Petitioners, and those of their employees and contractors, are injuriously affected by the Bill if it is passed into law in its present form. Accordingly, your Petitioners object for the reasons amongst others, hereinafter appearing.

#### **Your Petitioners' Concerns**

34. Your Petitioners have many substantial concerns respecting the provisions of the Bill as affecting the Chipping Warden area, the Properties and the business and livelihoods of your Petitioners, their employees and contractors.

35. Save for concerns of more general application as contained within this Petition, your Petitioners' principal concerns as regards the current proposals for the HS2 rail link are:

- a. The construction of the Chipping Warden Green Tunnel which will see the northern tip of the airfield site both crossed by the proposed Green Tunnel and rendered redundant as against its current use; and
- b. The use of more than 90% of the airfield site for the purposes of a temporary material stockpile but with an associated main compound and satellite compound in the local vicinity.

36. Your Petitioners estimate on information provided by the Promoter that the construction traffic generated from the tunnel excavation, spoil removal and associated works will impact upon the Properties for a period of more than 8 years. Heavy construction traffic will pass along rural roads creating unprecedented noise, dust, pollution, vibration and safety hazards in the area. It is anticipated that many hundreds of thousands of lorry movements will be required.

37. Your Petitioners submit that the scale of the excavation and construction in unprecedented for an area such as Chipping Warden, being in a rural setting in the UK greenbelt. Your Petitioners are greatly concerned by the overall impact with the construction of HS2 as proposed will have upon the neighbourhood, people, the environment and amenity of the Chipping Warden area and upon the fabric, general amenity and value of the Properties, and upon the ongoing viability of the businesses operated by your Petitioners. They contend that these works are unacceptable in this area and should not be permitted. In the alternative, and without prejudice to the previous, the works should be designed, operated and controlled with nothing less

than the highest standards of design, constructions practice and mitigation. It remains unclear to your Petitioners that such standard will be adopted or, if adopted, will be carried through and enforced in the implementation of the proposed scheme.

38. Your Petitioners are concerned that the powers proposed in the Bill as affecting the Chipping Warden area and the Properties therein are either unjustified and/or unclear. Your Petitioners are also concerned that no adequate provision has been made to compensate the property owners, traders and businesses of the area according to the actual loss they would suffer. Furthermore, no adequate provision has been made to secure that damage and disruption are kept to a minimum or to secure that in other respects their interests are reasonably safeguarded. No mention has been made of penalties for the Promoters or losses to your Petitioners should any breaches of agreement or policy occur so as to result in injurious affection or harm to buildings, to owners, lessees or to occupiers.
39. In the ordinary course, your Petitioners understand that a project of this sort would now be subject to much more detailed design work that it appears has been undertaken. Significant detail is missing – as such the current scheme and its impact has not been properly analysed and the most appropriate tunnelling methodology, worksites and route alignment have not been chosen taking all criteria including risk assessment, noise, pollution, vibration, environmental harm, traffic levels, health and safety into account. In consequence, the impacts upon the Chipping Warden area and the Properties and your Petitioners businesses and interests more generally are still ill-defined and your Petitioners are handicapped in their ability to engage with the Promoters in a positive fashion to safeguard both the interests of the area, the Properties and your Petitioners' business and other interests.
40. Your Petitioners have responded to the Promoters' invitation to submit details comments on the Environmental Statement associated with, and deposited at the same time as the Bill. Your Petitioners believe it is their right to expect the large quantity of information that has been omitted from the Environmental Statement. Your Petitioners are currently awaiting proofs of evidence on a number of issues. Your Petitioners respectfully reserve the right to raise again these issues at such time as your Honourable House comes to consider this Petition.
41. Your Petitioners are concerned that the powers proposed in the Bill as affecting the Properties and the Chipping Warden area more generally are either unjustified and/or unclear.

42. Your Petitioners are concerned about other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights, interests and property of your Petitioners and the businesses operated by your Petitioners for whom no adequate provision is made in the Bill.
43. Your Petitioners respectfully submit that they, their employees and contractors have rights under the Aarhus Convention (which has largely been transposed into UK legislation through EC Directives and Legislation) concerning:
  - a. Access to environmental information;
  - b. Public participation in the decision making process; and
  - c. Access to environmental justice.
44. Your Petitioners respectfully submit that the Bill deprives your Petitioners of their rights under this Convention, either in whole or in part.
45. The HS2 base case as regards its plans in the vicinity of the Properties is that there be a Green Tunnel running across and/or beneath the airfield site in particular. The result of this is that extensive surface works are required to support the tunnelling operations (and indeed to allow for the construction and installation of the cover of the Green Tunnel), supplying materials, removing excavated soil and storing the excavated soil. Your Petitioners submit that there will be a significant environmental impact as a consequence of these works which, inter alia, will involve significant disruption and congestion to the local rural road network.
46. Your Petitioners object very strongly to the current plans which include the siting of the Green Tunnel on and/or under the airfield site, and the siting of a temporary spoil storage site on the surface of the airfield site with all the associated construction work, spoil removal and likely site regeneration works which will last many years.
47. Further, your Petitioners respectfully submit that there is fundamental uncertainty as to the proposals for the path of the Green Tunnel. As is demonstrated by the limits of deviation shown on drawing no. C222-ATK-HY-DPL-020-215300, although the intended path of HS2 (and the associated tunnel) is shown as the centre line cutting across the northern tip of the airfield site, the said limits of deviation show that the actual path of the line could pass outside the northern tip of the airfield site or, more fundamentally, could cross the airfield site much closer to the southern edge, effectively resulting in the loss of approximately 30% of the airfield site as it currently stands.

48. Indeed, your Petitioners understand that, should the line follow the northern limit of deviation, the line would pass through open green land rather than disrupt land put to commercial use of significant financial worth. Your Petitioners therefore respectfully submit that the route of the line should be altered so that the line follows the northern limit of deviation and does so either by way of Green Tunnel or Full-Bore Tunnel so as to minimise, to the greatest extent possible, the impact of the line upon your Petitioners.
49. Further, there is the issue of the proposed temporary stockpile. As is made clear at paragraph 2.2.24 of Environmental Statement Community Forum Area report 15 (hereinafter referred to as "CFA15"), under the current proposals, construction of the Chipping Warden Green Tunnel will be managed from the Chipping Warden main compound, the Chipping Warden Green Tunnel south portal satellite compound and the Chipping Warden Tunnel north portal satellite compound.
50. In effecting this construction, the airfield site has seemingly been set aside in the proposals as being one of the areas referred to in paragraph 2.3.15 of CFA 15 to be used for the storage of topsoil stripped as part of the works prior to it being used when the land is reinstated to its former use. It is not, however, clear as to whether this is the case or whether it will also be used to hold excavated material from other areas.
51. Paragraph 2.3.43 of CFA15 makes it clear that the main compound will be operational for approximately 5 years and 3 months from 2017 onwards and that, in line with paragraph 2.3.45 of CFA 15, the compound will be used to manage the construction of the Chipping Warden Green Tunnel which itself will take approximately 4 years and 3 months to complete.
52. Although paragraph 2.3.3 of CFA 15 states that "wherever appropriate" land taken temporarily will be returned to its pre-construction use, by that point it will be too late for your Petitioners. The damage will already have been done, particularly to the business carried out by AL and the Chipping Warden Green Tunnel itself will render at least part of the airfield site redundant in respect of its current use. This is therefore of no assistance to your Petitioners and does not address in any way their objections.

53. Your Petitioners therefore object to the proposals in their current form and respectfully submit that:

- a. The line should run, either as a full-bore tunnel or a green tunnel at the northern limit of deviation so as to avoid the northern tip of the airfield site; and
- b. The temporary stockpile site should be altered so as to avoid the airfield site and the Properties in their entirety.

54. Without prejudice to your Petitioners' contentions as set out above, your Petitioners also object to the provisions of Clause 4 of the Bill and of Clause 8 insofar as the same would enable the Promoter to acquire rights in the subsoil and sub-surface of certain of the Properties. Your Petitioners appreciate that if there is no alternative taking all the relevant criteria into account there may be the need for the Promoter to obtain appropriate subsoil interests for tunnelling purposes but are concerned that the application of the powers as proposed in relation to the Properties (and particularly the airfield site) is excessive and unnecessary and that their application will lead to damage to the Properties and a serious detraction from the use of them by your Petitioners.

55. Your Petitioners are concerned about the definition of "Phase One purposes" set out in Clause 62 to the Bill and, in particular, to the inclusion of the words "*otherwise for the purposes of or in connection with Phase One of High Speed 2 or any high speed railway transport system of which Phase One of High Speed 2 forms or is to form part*". This could permit the Promoter to use powers for the purposes of development in addition to those needed for constructing a railway. Your Petitioners would therefore seek sufficient safeguards to protect their property and business interests.

56. Your Petitioners therefore submit that the Promoter should not be permitted by means of the Bill to interfere with private property rights and interests unless, and to the extent (if any) that proof is provided that there is no better alternative to the route alignment and proposed temporary stockpile sites taking all criteria into account and it can be demonstrated to be necessary for the purposes of the Bill and to be in the public interest. Your Petitioners have not been provided with full justification for the proposals in the Bill affecting the Properties and they are not satisfied that it is necessary or expedient for the other powers of the Bill to apply at all or in the manner or to the extent proposed.

57. Accordingly, your Petitioners submit that the Promoter should demonstrate and be put to strict proof of the need for and desirability of the proposals in the Bill, as affecting the Properties and that the limits of deviation, the resulting powers for the

compulsory acquisition of subsoil, the power to construct works and the exercise of works and ancillary powers within the limits of deviation should be restricted in relation to your Petitioners' property to the extent (if any) to which they can be strictly justified and so as to prevent interference with those Properties. In particular, your Petitioners contend that any interest in the Properties acquired (whether permanently or temporarily and, including but not limited to, in terms of the area over which it is to subsist, the form in which it is to take at law and any express or implied constraints which may be imposed upon the remainder of your Petitioners' property) should be strictly limited only to that which is absolutely necessary for the construction, safe operation and maintenance of the proposed works. Once the purpose of construction is completed the property rights acquired for this purpose should be returned to the original holders.

58. Your Petitioners have significant concerns with regards to the noise, pollution and vibration arising from the excavation of the tunnels, the removal of spoil and the construction of the railway and its associated works and structures. Such activities will inevitably also include heavy lorry traffic and is a matter of significant concern to your Petitioners.
59. The operation of the railway (including the use of ventilation shafts where proposed and other ancillary uses) will inevitably give rise to air and ground transmitted noise, pollution and vibration. There are no clear and binding limitations on such noise, pollution and vibration in either the Bill or the Environmental Statement. There is presently little monitoring of current levels of noise, vibration, pollution, dust, airborne pollution and vehicular disturbance so as to evaluate the impact of any increase in the area. Your Petitioners submit that the Promoter should be compelled to use best available techniques in the constructions and operation of the railway and its associated works and structures to ensure that no noise or vibration can be felt or otherwise experienced in or on the Properties (beyond those generated by your Petitioners' current uses) and such that there are no other adverse effects. Your Petitioners submit that strict standards should be set beyond those currently envisaged by the Promoter to protect the environment and to which the Promoter must be made strictly liable to comply in writing. Appropriate measure and penalties should be in place to safeguard the interests of all those affected by noise, pollution, vibration and health and safety breaches.
60. Your Petitioners consider that in the circumstances a noise, pollution and vibration monitoring and mitigation system should be in place before commencement and during construction of any works in relation to HS2. Further, there should be a resultant damage mitigation and monitoring system in place, again before

commencement and both during enabling works, construction of the works and operation of the trains. There must also be an evaluation of the cumulative impact of enabling works, construction and the operation of the trains following completion. There must, in your Petitioners' submission be a threshold agreed between your Petitioners and the Promoter of the Bill. If that threshold is exceeded or any damage is caused the nominated undertaker should be obliged to cease construction or operation of the trains as the case may be until such time as remedial measures are in place, to pay appropriate financial penalties and only be permitted to resume the works once noise, pollution and vibration levels have returned to the levels to be set out under the Bill.

61. Your Petitioners request that provision be made for the appointment of a suitably qualified expert or experts in noise, pollution and vibration (to include that generated both during construction and operation of the railway) caused at the Properties by the operation of the project. Such an expert or experts should be agreed upon by the parties or in default of agreement should be appointed by the president of the appropriate body on the application of either party to report upon noise, pollution and vibration effects in the Properties and the surrounding rural area. Your Petitioners request that provision be made that the terms of the appointment should be agreed by the Petitioners, and the report should be addressed jointly to the parties whilst his/her fees should be borne by the Promoter. Your Petitioners request that provision be made for reports to be supplied immediately to the parties. Your Petitioners request that provision be made that all costs, expenses and VAT thus incurred should be borne by the Promoter. Your Petitioners request that provision be made that the noise impact, pollution impact and vibration impact (during both enabling works, construction and operational phases) should be monitored by the relevant experts appointed pursuant to such agreement at the cost of the Promoter for the period of the construction works and at regular intervals after commencement of the running of the trains.

62. Your Petitioners request that provision be made that all insulation and other remedial measures for all affected by the works as determined necessary by the expert appointed above be put in place at the cost of the Promoter before the commencement of enabling works and construction works in the vicinity of the Properties if there is any noise, pollution or vibration impact to the Properties or any part of them from the enabling works, construction of the works or the operation or maintenance of the trains and tunnels at any time. Your Petitioners request that provision be made that all statutory consents are to be obtained by the Promoter at its cost. Your Petitioners request that all such remedial measures and method statements are agreed in writing with them in advance.

63. Without prejudice to paragraphs 59 to 62 your Petitioners request that provision be made that if, notwithstanding the reports of the experts any noise, pollution or vibration impact or any other health and safety impact is felt by persons or in any of the Properties or any part of them or if any damage is caused from any vibration from the project at any time (including the operation of the trains at any time) all insulation and remedial measures are to be installed by the Promoter to your Petitioners' satisfaction immediately upon request by your Petitioners and at the Promoter's cost. Your Petitioners request that all such remedial measures and method statement are agreed with them in writing in advance.
64. Having regard to the rural nature of the Chipping Warden area and the businesses being carried out at the Properties, your Petitioners are also concerned that hours of working should be strictly limited. Your Petitioners believe that the Promoter's proposals for limiting work hours are not satisfactory and seek the imposition of more appropriate working hours. Enabling works and construction of the works during the hours currently proposed would cause considerable disruption to the occupiers of the Properties and the businesses and your Petitioners.
65. The proposed works will impact significantly upon the use and enjoyment of the Properties, as well as on the businesses operated therein. Significant use of unsuitable highways by large multi-wheel vehicles both delivering equipment and supplied to the site and dealing with spoil as a result of the works is anticipated. The disruptive effect of such vehicle movements will be compounded by the permanent and temporary stopping up of nearby roads. The use and routing of heavy lorries through the vicinity of the Properties is a matter of substantial concern to your Petitioners and, in their view, must be strictly controlled.
66. Your Petitioners are concerned about pollution, dust and dirt produced during the construction of the proposed works. Without prejudice to their contention that the Properties, and more specifically the airfield site, should not be used as a construction and spoil removal site, your Petitioners request that special provision be made to take account of the particular sensitivity of the Properties, the businesses operated by your Petitioners, the use to which the airfield site in particular is put and the rural setting. Your Petitioners would wish to see binding limits of pollution and airborne dust particulates imposed on the Promoter and the Promoter should monitor pollution levels and dust emissions, at their own cost both before and after enabling works and construction of the works at suitably agreed points at the Properties and in the immediate vicinity. Strict adherence to maximum pollution and particulate levels should be required and where maximum pollution and airborne particulate levels are

exceeded the Promoter should be required to cease work and mitigate the excess levels. Your Petitioners request that provision be made to ensure that the Promoter takes responsibility for the reimbursement of your Petitioners for additional expense caused by dust and dirt such as, for example only, more frequent cleaning of the vehicles situated on the airfield site. Your Petitioners request the adoption of best practice in dust suppression at all times.

67. Your Petitioners are concerned to ensure that disruption to access to the Properties, both vehicular and pedestrian, caused by the construction of HS2 is kept to an absolute minimum during the construction period. Your Petitioners request that good and open access to the Properties be maintained in all cases, that vehicular access be maintained and that compensation be awarded for any costs incurred through inability to access, service or park at the Properties due to the works.
68. Your Petitioners further submit that the nominated undertaker should be required under the Bill to provide detailed plans, method statements and other particulars of works including schedules of deliveries occurring in and around the Properties substantially in advance of the commencement of enabling works and all construction operations.
69. Your Petitioners wish to be satisfied that there will be no disruption to statutory services provided to the Properties as a result of the construction of the proposed works.
70. The provisions contained within the Bill for compensation for compulsory purchase of property or of subsoil or new other rights (in all cases whether on a permanent or temporary basis) will not enable your Petitioners or other landowners to recover the full loss and expense which they will incur in consequence of the exercise of such powers. Your Petitioners therefore submit that the Bill should be amended to rectify this.
71. Your Petitioners also object that the compensation provisions of the Bill are inadequate to compensate your Petitioners or their members or others in circumstances where no land (or interests in land) is acquired by the Promoter under the Bill, but where the value of such land and the properties erected on it is reduced or where such land and the properties erected on it and/or the business interests operated from it is otherwise adversely or injuriously affected by the construction or use of the proposed works. Your Petitioners therefore submit that the Bill should be amended to provide for claims for adequate compensation in respect of damage arising to their property by the execution of the works, or for injurious affection thereof

by the execution or working of these works, separately from any claim for compensation in respect of acquisition of any land (or interest therein) from your Petitioners.

72. Your Petitioners further submit that the compensation provisions proposed in the Bill are inadequate to compensate your Petitioners for the loss, damage and inconvenience attributable to blight to the Properties, which they have already suffered or may now suffer as a result of the prospective construction and subsequent use of the proposed works. Your Petitioners fear, for example, that prospective lessees of properties will feel that the proposals may so blight some or all of the Properties that they would not be interested in acquiring any part or parts of the Properties, or that prospective or existing lessees will demand a considerably reduced rent, due to the prospect of the works. Further provisions should, they submit, be included in the Bill including provisions respecting the making and assessment of claims for compensation, in indemnifying your Petitioners for any loss they might suffer as the result of unfavourable rent reviews respecting leases insofar as the reduced rent payable (as it may differ from open market rent) is attributable to the proposed works and their effect on the Properties. Furthermore, compensation should be available for any loss (so attributable) which your Petitioners might suffer in the event of them not being able to let or re-let their properties (in whole or in part) to existing or new tenants or in the event of them only being able to do so at a reduced premium or rent.

73. Your Petitioners further submit that the Promoter should be required to indemnify them from all losses, claims and demands which may be made or suffered in consequence of enabling works and the construction, use or maintenance of the works or the operation of the trains and the maintenance of the tunnels at any time under the Bill, or their failure or want of repair; or in consequence of any act or omission of the Promoter, his contractors or agents in carrying out the operation of the trains and maintenance of the tunnels at any time under the Bill.

74. As a general matter, your Petitioners submit that provision should be made for the Promoter to repay to your Petitioners all proper cost, charges and expenses (including the proper fees of such professional advisers as they may instruct) reasonably incurred in consequence of the Bill or of any provision made as a result of this Petition.

75. Your Petitioners submit that provision should be made for the Promoter to pay compensation on demand for reduction in market value of the Properties caused by any of the foregoing. Your Petitioners submit that provision should be made for the

Promoter to indemnify the Petitioners for any injury to the Petitioners, their employees, contractors, agents, invitees, tenants and licensees at the Properties. Your Petitioners submit that provision should be made for the Promoter to indemnify your Petitioners if insurance cannot be obtained by them or only at an increased premium or subject to particular conditions/excesses. Your Petitioners submit that provision should be made for interest to be payable by the Promoter on all sums due and not paid. Your Petitioners submit that provision should be made for all monitoring costs of your Petitioners to be borne by the Promoter. As a general matter, your Petitioners submit that provision should be made for an overall indemnity by the Promoter to put your Petitioners in the same position as in the "no project" world. Your Petitioner submits that all undertakings and indemnities given by the Promoter should be for the benefit of each of your Petitioners individually, their successors in title and assigns and all mortgagees of the Properties.

76. There are other clauses and provisions in 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.

## **CONCLUSION**

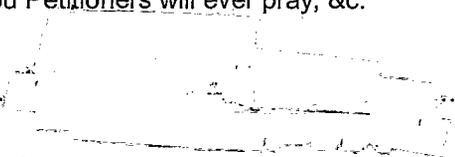
77. Accordingly your Petitioners respectfully submit that:

- a. the line should run, either as a full-bore tunnel or a green tunnel, at the northern limit of deviation so as to avoid the northern tip of the airfield site;
- b. the temporary stockpile site should be altered so as to avoid the airfield site and the Properties in their entirety;
- c. the Promoter should provide satisfactory and complete evidence and justification as to why a green tunnel at Chipping Warden is required rather than a full-bore tunnel;
- d. the Promoter should provide satisfactory and complete evidence and justification as to why it is necessary and required to designate the airfield site as a temporary material stockpile;
- e. if the Bill is to proceed in its present form the Promoter should amend its proposals so that the line of HS2 passes outside the northern tip of the airfield site and so that the temporary material stockpile site is redrawn so as to exclude the aircraft site in its entirety; and
- f. the Bill should not proceed in its present form until provision is made for the Promoter to have proved that all outstanding matters of concern and the environmental impact on the Properties and the Chipping Warden area more generally that are set out above have been address and resolved to the satisfaction of your Petitioners.

78. For the foregoing and connected reasons your Petitioners respectfully submit that the Bill fails adequately to safeguard and protect the interests of your Petitioners and that, unless the Bill is amended as proposed above, and unless all of the issues set out herein are fully addressed, the Bill should not be allowed to pass into law.

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 you Petitioners will ever pray, &c.

.....  
  
David Keith Haines

Solicitor of the Senior Courts of England and Wales

Charles Russell LLP

Agent for the Petitioners

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013 – 14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

PETITION

of

- (1) **RAMAC HOLDINGS (TRADING) LIMITED**
- (2) **RAMAC HOLDINGS LIMITED**
- (3) **AMBROSETTI (UK) LIMITED**

Against the Bill – on Merits – Praying to be heard by Counsel, &c.

David Keith Haines  
Agent for and on behalf of the Petitioners  
Charles Russell LLP  
Buryfields House  
Bury Fields  
Guildford  
GU2 4AZ

15 May 2014