

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

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 Linda Ward

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, 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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.

7 7.1 Your petitioner is the freehold owner of Scraggs Cottage, Lower Hartwell, Aylesbury, HP17 8NR (your petition's property). Your petitioner is retired and had hoped to spend her retirement peacefully in this property. Your petitioner's property is a one bedroom Grade II listed thatched cottage approximately 400 metres from the proposed HS2 line (ref SMA053 of the Environmental Statement) in an exceptionally quiet, rural hamlet of 6 houses and a farm. Throughout the construction of the line your petitioner's property will be subject to intolerable levels of noise, vibration and dust, expected to last at least 2 years. The Environmental Statement confirms, "that construction noise will be experienced over this period and the construction will be clearly visible throughout this period".

7.2 The proposed line will destroy the setting your petitioner's property has enjoyed for over 20 years. The Environmental Statement states "the visibility of the scheme within a well-preserved historic landscape in the parkland to the east (of Hartwell House) will alter the historic integrity and coherence of Lower Hartwell's setting. This will partially remove the agricultural and parkland setting from which Lower Hartwell derives much of its value." Between your petitioner's property and the proposed line is the original village green for the hamlet (now a grassland field crossed by a footpath), which, together with the avenue of trees marking the medieval road from Hartwell House to Haydon Mill, forms part of the Hartwell House parkland. The Environment Statement places a high value on these assets and states that the proposed scheme will "remove part of, and sever, the avenue within the principal view of Hartwell House".

7.3 The lane serving your petitioner's property is steeply banked and single track, bordered by The Egyptian Spring and old water trough for the hamlet. It provides access only to Lower Hartwell and is therefore used mainly by walkers. Although not explicitly stated, the Environmental Statement map sheet 10 implies that this lane will be used for access to the proposed line. The National Trust has subsequently found out that HS2 will use the lane for access to maintain the balancing pond for a 4 wheel drive vehicle for regular maintenance inspections, plus occasional access for a tanker to clean out the pond.

7.4 The lane serving your petitioner's property ends at Lower Hartwell Farm and can only be exited onto the A418. At times of congestion it is already difficult to exit the lane. The additional heavy goods traffic proposing to use this road, even whilst a flyover is being constructed over A418, will make

exiting onto this road extremely difficult and dangerous.

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

9 **9.1 Business Case**

Although your petitioner is aware that the Select Committee of your honourable House is unable to consider cases that object to the principle of the Bill, your petitioner wishes to express her objection to the principle. Your petitioner is seriously concerned over the business case of HS2, particularly the fact that it represents poor value for money to the taxpayer and will benefit only a small, elite group of travellers. Your petitioner supports the alternative solution produced by 51m. This alternative represents a much better business case including lower initial costs and a much greater Benefit Cost Ratio, as reported by WS Atkins working for the Department of Transport.

9.2 Provision of Information

Your petitioner also wishes to express concern regarding the poor provision of information provided by the promoter, from the earliest stages on the choice between the route options; prior to the deposit of the bill and since the Bill has been deposited. HS2 Ltd has continually failed to provide necessary paperwork prior to meetings as requested, and information presented has often been inadequate and conflicting. The time allowed for key consultations such as the Environmental Statement has been far too short. Key information for your petitioner, such as the reasons for rejecting the National Trust land bridge proposal, has been refused. This ongoing lack of information has made it particularly difficult to understand and comment on the full impact of HS2. When information is withheld, when HS2 claim it has been produced, one questions why the information is not being made available to those immediately affected by the line. Your petitioner expects all future documents to be made available in a timely manner and sufficient time be made available for local resident consultation.

9.3 HS2 Performance

Your petitioner's own confidence in HS2 Ltd has been further undermined by HS2's management of a property it purchased under the exceptional hardship scheme in the hamlet. HS2 Ltd clearly had no control over its property management company, writing letters to your petitioner stating that certain work had been carried out, when it was obvious that it hadn't. HS2 showed no respect for the property's heritage or the hamlet. The timetable for completing the work changed 3 times and took more than double the initial estimate. The property had to be put on the AVDC listed property at risk register and the historic buildings officer had to stop some renovations as inappropriate. The building purchased in November 2013 still sits empty at the taxpayer's expense.

9.4 Construction Activity

Your petitioner is extremely concerned about the impact of the proposed working site adjacent to my property. Your petitioner's property is built of witchert and has no foundations. Vibrations caused by heavy construction

machinery could damage the structure. Your petitioner foresees that the construction activity will seriously affect my life with the level of noise and dust created, as well cutting off footpath access immediately opposite my gate.

Your petitioner requests that Lower Hartwell is unsuitable for such construction activity but that if it is impossible to find an alternative, then the hours during which construction activity takes place should be limited and the best means available for minimising noise, vibration and dust are utilised, both during construction and operation of the line. Furthermore, your petitioner requests that noise, vibration, dust and water quality monitoring equipment is installed in Lower Hartwell for the duration of construction and a monitoring programme is agreed with the local authority. If monitoring shows that agreed levels are exceeded, works should stop immediately and not be restarted until properties have been surveyed to assess any damage and the agreed levels can be maintained.

Your petitioner is concerned that HS2 has given insufficient thought to the impacts of its construction on the flood plain close to my property. Lower Hartwell has not flooded within living memory.

Your petitioner wishes HS2 Ltd to offer guarantees that properties adjacent to the flood plain will not incur additional insurance costs as a result of their scheme.

9.5 Mitigation

Your petitioner believes that this line will have an unacceptable impact on the rural and historic setting of Lower Hartwell as outlined in the Environmental Statement and shown in its accompanying maps. Throughout the 20 years your petitioner has lived in her property she has respected and conserved its value to the community despite loss of convenience and cost to herself.

Your petitioner requests that the proposals for the HS2 line reflect the same respect and value of our community that I have been asked to show by AVDC historic building officers, despite any cost and inconvenience to HS2 Ltd. Your petitioner proposes that the line is tunnelled around Aylesbury, thereby protecting the highly valued, historically important areas of Hartwell House and Lower Hartwell, as well providing relief to the largest urban conurbation along the line. Failing that, as a minimum, the National Trust proposal option 2, included in their response to the Environmental Statement consultation, for a land bridge to protect Hartwell House and its environs of Lower Hartwell would protect the hamlet's unique setting after construction is completed. Such a land bridge could include reinstatement of existing footpaths.

9.6 Access to the line via Lower Hartwell

Your petitioner is concerned about the possible use of Lower Hartwell lane as an access route to the proposed line either during or after construction. I, and many others, walk my dogs in this safe refuge. Walkers and runners have to mount the steep banks to avoid the few vehicles using the lane to access property in the hamlet.

Your petitioner requests that use of Lower Hartwell lane to access the HS2 line

is not permitted either during or after construction.

9.7 Construction traffic on A418

Your petitioner is concerned about the effects that construction traffic will have on the A418. Lower Hartwell's only means of access is via the A418, which is already congested at peak hours. The introduction of several hundred heavy lorries on this route will be dangerous and make it impossible to exit safely.

Your petitioner requests that construction traffic does not use this route but that an alternative temporary route is created for all HS2 traffic using land to be acquired by HS2.

9.8 Loss of amenities

Your petitioner objects to the bill because it will result in the loss of my access across the Aylesbury Vale Golf Club to the playing fields beyond. I use this footpath daily to exercise my dogs safely without fear of traffic.

Your petitioner requests that this footpath is closed for the minimum period possible and that the land either side of the land bridge to cover the line (see Para 9.5) should be re-instated for agricultural and amenity use.

9.9 Loss of woodland and wildlife habitats

Your petitioner is concerned about the loss of woodland in Rifle Spinney that HS2 is not proposing to replace. She is also concerned about the loss of the heronry adjacent to Hartwell House lakes, the effect on the bats roosting in Lower Hartwell and the kite nests in Hartwell House parkland. The hamlet's setting is rich in wildlife habitats which I see every day whilst walking.

Your petitioner requests that habitat compensation should be like-for-like, with no net loss of habitat of comparable ecological value, and that a net gain in biodiversity/habitat compensation is delivered. This must be delivered as close as possible to the site of loss in locations that will not be further impacted. Planting mitigation should be carried out in advance of vegetation removal, so that habitats reach their functional maturity before the original habitats are lost. Such planting should be discussed and agreed with residents and the National Trust and be compatible with a proposed land bridge (see Para. 9.5).

9.10 Loss of ancient woodland

Your petitioner objects to any loss of ancient woodland associated with this proposal. Ancient woodland represents, as stated by HS2 Ltd, an irreplaceable resource, and there is insufficient evidence suggesting that translocation of ancient woodland is successful. The loss of ancient woodland adjacent to Lower Hartwell will affect your petitioner.

Your petitioner requests that no ancient woodland is lost as a result of HS2, and the route is modified to ensure this is the case, or tunnels are used to prevent loss of ancient woodland. As ancient woodland is irreplaceable, there is no mitigation for the loss of this resource.

9.11 Compensation

Your petitioner had hoped to spend her last years in peaceful familiar surroundings, having spent a considerable sum making her home as comfortable as possible within the constraints of a Grade II listed building. Instead she finds that she will be surrounded by intolerable noise, dust and disruption, without even the option of selling and moving elsewhere. By the time her property is saleable, she will be too old to face the move.

Your petitioner requests that any property owner over the age of 70 within 1Km of the proposed line should be automatically eligible for HS2 to buy their property at full market value. Any owner unable/unwilling to move because of age, disability etc should be awarded significant compensation for the terrible affects that HS2 Ltd will have on their lives both during construction and thereafter.

10 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

LINDA WARD

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AGAINST, By Counsel, &c.

Linda Ward

