

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 Wolf- Rüdiger Feiler

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 Petitioner is Wolf- Rüdiger Feiler (hereinafter referred to as 'the Petitioner'), resident of Lintalee, Lower Hartwell, Aylesbury, Buckinghamshire, HP17 8NR and ('the Property') and husband of the owner. The Property is not going to be demolished by HS2 however it is approximately 300 metres from the proposed HS2 line.
 - 7.1 Lower Hartwell is a small exceptionally quiet hamlet comprising of 6 houses and a farm, in a conservation area accessed by a single track "no-through" lane from the A418 Oxford Road between Stone and Aylesbury. The Grade I listed Hartwell House is at the top of the lane, its land extending into Lower Hartwell. The Property is a Grade II listed building believed to date in parts back to the early 1800s and constructed mainly of wychert. It is subject to conservation, maintenance and planning requirements from both the Ernest Cook Trust (which owns the freehold of some of the land, and still has a covenant on the Property freehold) and the Local Authority's (through its Listed Buildings responsibilities).
 - 7.2 Set back from Lower Hartwell lane, the only sounds are from wildlife, cows, agricultural machinery, dog walkers, occasional visiting cars and farm traffic, and, when the wind is in a certain direction, very faint sounds of traffic from the main road. A more idyllic spot would be hard to find. The Property is set back off the lane running through Lower Hartwell, the lane being so narrow and small that it does not have a road name. It is steeply banked and single track. Along the lane is a stone construction built in 1850 known as "The Egyptian Spring" and an old water trough for the hamlet. The water from the spring is clear, natural and as far as the Petitioner is aware, uncontaminated and drinkable. As the Environmental Statement has illustrated (not as fully as it should or could have), the area is a haven for wildlife. It also 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". The Environment Statement places a high value on these assets.
 - 7.3 The Property itself has open fields to the rear, and to the front, it opens out onto the lane with hedging, beyond which is ancient woodland and Hartwell House grounds, and beyond the woodland, Aylesbury Golf course. HS2 will, if it proceeds, run directly through this land within 300 metres of the Property. The Petitioner's friends and neighbours from directly across the lane have already with some sadness sold their Grade II listed property

to HS2 Ltd and moved away. The house remains empty some 8 months later – HS2 Ltd.'s contractors apparently failed to seek proper listed building permissions nor did they use suitable materials and methods for the period property in their refurbishments – so the work was halted by the Local Authority.

- 7.4 The Petitioner's wife bought the Property in 2007. Your Petitioner and wife are working professionals, travelling to various places of work each day. Since buying the property your Petitioner has spent considerable care, time and money in maintaining and further developing the Property in willing accordance with Ernest Cook Trust and Local Authority planning permissions and listed buildings requirements. For example, converting some small derelict goal stables into a studio in keeping with the style and materials specified both parties, natural landscaping and re-fencing of the entire land, and replacing rotten windows with high quality English heritage-approved double glazed windows throughout the entire property.
- 7.5 Your Petitioner requests and hopes that the members of the Select Committee undertaking the hearing of this Petitioning process will appreciate the time and effort that they and others like them have spent in preparing this Petition (and on responding to numerous consultation documents), with no legal training, no knowledge of such processes, and no help from government. The Petitioner's family has been adversely affected by uncertainty for some years now.
8. Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner object for reasons amongst others, hereinafter appearing.
9. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements. The creation of dust and noise, poor air quality and 24 hour working will have a significant impact on the Petitioner and their family's life. These include the following impacts:
- 9.1 **Noise:** Your Petitioner has serious concerns with regards to matters of noise and vibration caused by the construction and operation of the high speed railway. There appears to be no mechanism in the Bill to deliver a properly noise mitigated railway. Given the tranquillity of the setting, the construction and operation thereafter of the rail line will adversely and significantly affect your Petitioner. Unprecedented levels of noise, vibration and dust are expected to last at least 2 years, possibly longer. Any increase in noise in such a quiet area will be a change – as confirmed by the Environmental Statement. Train noise, when the line is operational, will be continuous (high speed trains every 2.4 minutes, from 0600 hours to 2300 hours) and permanent. It will most certainly change the peace and quiet of this rural setting forever.
- 9.2 **Levels of Traffic:** Your Petitioner is deeply concerned that the lane may be used for construction traffic or for other access to the proposed line. To date your Petitioner has not had questions about the lane answered by HS2 Ltd. Any increase in doorstep traffic noise will be a massive change - currently less than 4 cars a day go past the front door. The lane ends at Lower Hartwell Farm and can only be exited by going back up to the main road, the A418. Traffic along the A418 will be significantly raised during

construction (estimated in the area in the Environmental Statement to be up to as many as 720 additional lorries a day – on top of existing traffic) which will make getting onto the main road very difficult. This will have a significant impact on the Petitioner's daily life when trying to leave for work each morning.

- 9.3 **Compensation:** Your Petitioner's wife purchased this Property in 2007 with a view to further develop it into a family home and live here until old age. Now the prospect of living alongside a major construction site for 2 years, with the attendant disruption to quality of life, access to work, noise and pollution levels and danger to their pets has changed the family's outlook. Coupled with the longer term prospects of living close to high speed trains running for 18 hours a day they feel they have no choice but to leave if the line goes ahead. However several estate agents have told your Petitioner that the Property would not currently sell, or if it could, they would have to be willing to accept between 30 and 45% less than they paid for it. This sale price would take no account of the significant sum of money that has been spent on the Property. They have been advised not to put it on the market because it will not sell and will get a reputation for being unsaleable. The Petitioner is not currently eligible for compensation unless they can prove a pressing need to sell. Neither the Petitioner or his wife wishes to change their job not wishes to divorce the other or die. They do however wish to receive full and fair compensation for the pre-blight value of their home.
- 9.4 **Impact on the Property structure.** Your Petitioner is extremely concerned about the impact of the proposed working site adjacent to the Property. Built of wychert and with no foundations, vibrations caused by heavy construction machinery and lane traffic could seriously damage the structure. Very little information has been given by HS2 Ltd about possible detrimental effects, of any planned remedies or any mitigation if the buildings are damaged.
10. Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. Specific remedies the Petitioner wishes to put forward are as follows:

- 10.1 **Noise and traffic levels:** Your Petitioner requests that the lane at Lower Hartwell is barred to any construction traffic for the duration of the construction and beyond. This would significantly reduce the impact of traffic noise on our lives. Your Petitioner requests that noise, vibration and dust 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 of noise, vibration or dust 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.
- 10.2 Your Petitioner maintains 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.
- 10.3 **Tunnelling or land bridge:** Your Petitioner proposes that the HS2 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, your Petitioner has been in consultation with the National Trust which has expended a great amount of effort in seeking to persuade the Promoters of the Bill to provide mitigation which would meet their and your Petitioners' concerns. The National Trust proposal option 2, included in their response to the Environmental Statement consultation, seeks for a land bridge to protect Hartwell House and its environs of Lower Hartwell. This would protect the hamlet's unique setting after construction is completed. Such a land bridge could include reinstatement of existing footpaths.
- 10.4 Your Petitioner particularly requests that if a tunnel is rejected but a land bridge is agreed, the land bridge entry / exit points for the High Speed train are not sited directly opposite the Petitioner's property, but further up the proposed track in open countryside where no-one resides. The sound of high speed trains entering and exiting a land bridge would otherwise be unbearable. If your honourable House does not agree with this land bridge proposal, then your Petitioner would suggest that HS2 Ltd should be required to improve significantly the mitigation proposals in some other way and that it enter into full and transparent consultation with the Petitioner and other interested and directly affected parties in Lower Hartwell. In particular, significantly improved and more dense tree planting to provide a sound barrier.
- 10.5 **Compensation:** Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development. Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim without delay full and fair compensation for the pre-blight full market value of their Property, as assessed by a panel of at least 3 independent specialists. The Petitioner and family would then be able to move home, like any of other tax paying home-owning citizen, free from worries about the short and long term detrimental impact of HS2 on their lives, and the potential of the property's stability deteriorating during construction. The Petitioner would like it noted that if the HS2 line were to be cancelled they would not wish to move from their wonderful home.
- 10.6 **Business Case** Although your Petitioner is aware that the Select Committee is unable to consider cases that object to the principle of the Bill, your Petitioner wishes to express their

objections to the principle on the grounds 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 which 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.

10.7 As a general point, your Petitioner requests that Bill ensures that the proposals for the HS2 line and its construction reflect the same respect and value of our community that they have been asked to show by historic building officers despite the additional time, effort and funds invested in so complying. If a listed property care and permission requirement is valid for individuals, so must it be for organisations.

11. For the foregoing and connected reasons your Petitioner submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, 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 Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner. These include waste management, air quality and water quality. The Petitioner are aware that many others have more coherently laid out the problems and the remedies than they themselves are able to do so here, but if called to the House to speak to this Petition, they would gladly speak on these matters too.

YOUR PETITIONER 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 Petitioner 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 Petitioner will ever pray, &c.

Signed

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