

**0794**

**IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14**

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**PETITION AGAINST A BILL**

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**LODGED IN RESPECT OF: -  
HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL 2013-2014  
Introduced into this House on 25 November 2013**

**AGAINST ON MERITS PRAYING TO BE HEARD IN PERSON  
TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED**

**FILED ON BEHALF OF THE FOLLOWING PETITIONERS:-**

**Mr Ian Michael Strachan  
Mrs Elizabeth Marie Strachan**

**15<sup>th</sup> May 2014**

**TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED**

**THE HUMBLE PETITION of: -**

**Mr Ian Michael Strachan and Mrs Elizabeth Marie Strachan, both of The Granary,  
Blackgreaves Lane, Lea Marston, North Warwickshire, B76 0DA**

Hereinafter referred to as "your Petitioners"

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, are a young (33 and 30 years old respectively) and recently married couple (September 2013), and are property owners expressing a legal and beneficial interest in their property which is a private residence and located off the Kingsbury Road (the A4097), on the outskirts of the North Warwickshire villages of Marston and Lea Marston. Your Petitioners are gravely affected by the complexity, prolonged, cumulative and compounded nature of the construction works which are proposed for the area for the construction of Phase 1 and the Proposed Scheme.

When your Petitioners bought The Granary in May 2011 they were aware of the plans with regard to the route of the proposed Phase 1 scheme but not the further elements now also contained within Phase 1, as outlined in paragraph 8 of this Petition.

Your Petitioners chose to buy their private residence for a number of reasons: they wanted a larger home; they wanted to live in a semi-rural community; they wanted a relaxing and quiet home away from the hustle and bustle of their working lives; they wanted a home where they could easily commute to their jobs; they wanted a unique house (they paid a premium for a barn conversion) and most importantly they wanted an investment for their future. Their chosen private residence met all of these requirements and more.

In more recent months Ian Michael Strachan accepted a new employment contract in Uttoxeter, in excess of an hours commute from Lea Marston. Your Petitioners also made the decision to start their family. As a result of these changes to their lives your Petitioners have made the decision to sell their private residence in Lea Marston in order to relocate closer to Ian's workplace to ensure Ian's young family is not over an hours commute away at the end of his busy day. Your Petitioners therefore placed The Granary up for sale in February 2014.

On the 15 November 2013 your Petitioners received a letter from HS2 Limited, dated 30 October 2013, which included a map, dated 30<sup>th</sup> October 2013 informing your Petitioners of changes to Phase 1 plans in their area. Your Petitioners do not object in principle to the decision to construct a high speed rail system but do object to the cumulative works proposed to be carried out in the area as referred to in paragraph 8 as their legal rights, interests and properties are injuriously affected by the Bill, to

which your Petitioners object for reasons amongst others, appearing in paragraphs 9 of this petition.

Your Petitioners have been actively trying to sell their private residence for reasons of relocation, as outlined above, to no avail despite dropping the asking price significantly and your Petitioners maintain that this is due to the cumulative impact and blight imposed by HS2 Limited in this area. The market is effectively frozen due to the blight of HS2 Limited and it is impossible to see when the market could return to normal.

Your Petitioners will not have their property demolished nor do they qualify for any current compensation schemes as a result of the Bill, despite the cumulative severity of the disruption in the area and the lack of consultation (which your Petitioners will address in paragraph 9 of this petition). Your Petitioners are now facing uncertainty and potential losses and debts due to HS2 Limited and are unable to continue with their plans.

8. As abovestated, objection is taken to the construction and engineering works proposed to be undertaken in the North Warwickshire area of Marston and Lea Marston. Those works consist mainly of:
  - i. Railhead proposed for Kingsbury Road (A4097);
  - ii. A4097 Kingsbury Road Overbridge Main compound proposed for Kingsbury Road to be situate at Dunton roundabout / M42, Junction 9;
  - iii. A4097 Kingsbury Road Overbridge;
  - iv. A4097 Kingsbury Road Overbridge Satellite Compound;
  - v. Kingsbury Road Main Compound (Rail Systems);
  - vi. Diversion of Kingsbury Road A4097;
  - vii. Kingsbury Road Railhead Approach Tracks;
  - viii. M42 Marston Box Structure;
  - ix. Leeds Spur;
  - x. Leeds Spur Diveunder;
  - xi. Curdworth Cutting;
  - xii. Birmingham and Fazeley Canal Viaduct Central, North and South Satellite Compounds;
  - xiii. Cuttle Mill Mid Point Auto-transformer Station;
  - xiv. Seeney Lane Overbridge Satellite Compound, Seeney Lane Overbridge, Seeney Lane (bridal way to be upgraded to byway open to all traffic);
  - xv. Coleshill Junction;
  - xvi. Curdworth Viaduct – Central North and South Satellite Compounds;
  - xvii. Water Orton Viaducts and Satellite Compounds;

- xviii. Farraday Avenue link – East and West roadhead; underbridge; overbridge at Newlands Farm; Satellite Compound and Package Sub-station Satellite Compound (Rail Systems);
- xix. Farraday Avenue island bridge and overtrack;
- xx. Junction for Phase 2 – Leeds Spur (to provide for 6 confirmed lines)

Your Petitioners private residence is therefore located within unreasonable proximity of 20 construction and engineering works of HS2 Limited. The area surrounding your Petitioners private residence will be utterly unrecognisable and your Petitioners will continue to be unable to sell their private residence as a direct result of the cumulative impact of HS2 in the Marston and Lea Marston areas.

9. The Bill includes powers for the Secretary of State and the Nominated Undertaker to go ahead with these construction and engineering works which are estimated in the area of Lea Marston to span a minimum of 15 years. There have been acts and omissions on the part of HS2 Limited which have prejudiced the positions of your Petitioners and there are multiple factors which add to the property blight already being experienced by your Petitioners.
- i. HS2 have failed in their duty to engage with your Petitioners, to consult and to enter into meaningful and timely dialogue with them and their neighbours. They have also failed to provide relevant information about the plans for the area in a timely fashion and have failed to follow due process and procedure in the late definition of the interface between Phases 1 and 2.

There has been an unadorned lack of consultation in the Marston and Lea Marston areas. All of the documents produced by, and with regard to, HS2 make note of 'extensive consultations with affected communities' and state that that 'consultation has been a major influence in the development of HS2'. This has not been the case in the area of Marston and Lea Marston.

Consultation for Phase 1 started in February 2011 and closed in January 2012. Your Petitioners did not receive any documentation from HS2 Limited until a letter dated 30<sup>th</sup> October 2013, significantly after consultation had closed. The only contact with HS2 Limited that your Petitioners have had at all was the letter dated 30<sup>th</sup> October 2013 and a hastily arranged community meeting on 5<sup>th</sup> December 2013. During this meeting it was apparent that HS2 Limited could have engaged with your Petitioners with regards to the plans at a much earlier date and yet they failed to do so.

It is also claimed within multiple documents produced by HS2 Limited that Community forums have been heavily consulted with, whilst it is true that community forums have been set up and have been consulted with on certain aspects they were not consulted with or made aware of the true scale of HS2 in the areas of Marston and Lea Marston until after consultation had closed. Your Petitioners have also been disenabled to establish a voice at all relevant community forums, consultations, discussion and other multi-level meetings due to the lack of consultation and timely information.

There has been an unacceptable and neglectful level of consultation in the area of Marston and Lea Marston. This is clearly in breach of HS2's duty to engage, consult and enter into meaningful and timely dialogue with your Petitioners.

- ii. HS2 Limited have failed to give any regard to the cumulative impact of the 20 elements, as outlined in paragraph 8, of HS2 within the Marston and Lea Marston area and have also failed to look at mitigation or alternative proposals to these cumulative impacts.

The multiplication effect of these 20 elements of HS2 in a semi-rural location is not considered by HS2 in any of their documentation and more significantly in any compensation schemes.

During the only meeting your Petitioners have had with HS2 Limited, held on the 5<sup>th</sup> December 2013, it was stated by representatives of HS2 Limited that the Kingsbury Road site had been chosen for the Railhead, over the original location at Hams-Hall Industrial Estate as it "disrupts less roads". There has been a clear disregard by HS2 Limited with regard to the cumulative impact on the Marston and Lea Marston area and also the amount of private residential dwellings which will be impacted by these cumulative impacts.

- iii. HS2 Limited have failed in their duty to assess the environmental impact of the scheme and its construction on your Petitioners property and have failed to conduct any relevant testing in the area. HS2 Limited have also failed to look at the cumulative impacts of the 20 elements of HS2, outlined in paragraph 8, with regard to the environmental impact on the areas of Marston and Lea Marston.

Residents in the local area were not given the opportunity to request locations where baseline readings could be taken. HS2 say themselves that local residents are best placed to advise HS2 Limited as to the areas that will

be negatively impacted and yet there was no opportunity given to the residents of Marston and Lea Marston with regards to this.

- iv. The area will experience significant adverse effects from agriculture, forestry and soils disturbances, air quality disturbance, landscape and visual disturbances. There will also be significant adverse effects due to sound, noise, light and vibration disturbances.

HS2 Limited say themselves that there will be a major adverse effect due to the high magnitude of change and the loss of greenbelt land and green corridor of flora and fauna caused by the construction. Amongst others forestry will be lost, farmland lost and public footpaths lost resulting in the landscape surrounding your Petitioners home becoming unrecognisable. Instead there will be construction plant, compounds, stations, depots, road diversions, fencing, hoarding, stockpiles of material, up to 30 sidings proposed for the Railhead site and rolling stock intended for use of those siding, car parks, worker accommodations, structures being demolished and new permanent structures being erected.

Extreme noise from construction activities within close proximity of your Petitioners private residence coupled with noise and/or vibrations of construction sites being installed, operated, operations within the sites themselves, increased traffic, deliveries of huge scale and volume materials, introduction of significant numbers of personnel, noise of train brakes will result in substantial interference with the living conditions of your Petitioners.

The Railhead will be lit and operational 24 hours a day 7 days a week. At present there are no operations in the affected area which make any noise or cause any disruption. There are currently no road lights in this area. The impact in this semi-rural community of this level of lighting, noise and vibrations will have an ominously adverse effect.

There will be significant noise and dust generated as a result of the construction and engineering works taking place within the area of Marston and Lea Marston. Whilst contractors are required to manage dust, air pollution, and odour and exhaust emissions where reasonably practicable during construction, this is little comfort to your Petitioners. Reasonably practicable does not mean that contractors must ensure they manage these nuisances. As mentioned by representatives of HS2 Limited during the meeting on the 5<sup>th</sup> December 2013 "there will be dust, mud and other debris

on the Kingsbury Road as a result of the Railhead", this is not acceptable to your Petitioners.

- v. There will be significant adverse effects due to isolation and a loss of community and connectivity.

The Granary is in a small community of 4 Barns within a community of 16 properties situated outside Marston and Lea Marston. There will be mass demolition nearby to your Petitioners private residence. There will also be a loss of connection to the local community as walkways will be closed and roads re-routed. There will be disruption to schooling, hospital and shop access as a result of HS2 in the area. A number of residents within the area are attempting to sell their properties to move away from HS2, if they are successful, and your Petitioners are not, you Petitioners will face severe isolation and loss of community as a result.

None of the 4 barns are served by mains gas or waste removal services. Your Petitioners require regular deliveries of domestic heating oil and regular removal of waste material by road. Both of these services will be severely disrupted by the proposed works in this area and will further serve to create severe isolation and detachment.

- vi. There will be significant adverse effects due to traffic and transport disturbances.

The Kingsbury Road (A4097) is the only route in and out of Lea Marston and surrounding areas, and is the only link to facilities such as schools, hospitals, shops and for those commuting out of the community for work. This road is due to be realigned under HS2.

The Kingsbury Road will be the access route for both the Railhead and Kingsbury Road Overbridge Compound. There will be significant traffic movements in and out of both of these sites throughout the day. Peak times are already busy with the Kingsbury Road and major adjacent traffic island (M42, M6 Toll, A446 and A4097) already busy and subject to congestion delays.

The Kingsbury Road is already precarious with increasing traffic levels. Add to this the arrival and departure of significant numbers of workers, deliveries, heavy good vehicles alongside the movement of road structures, the required diversions alongside the construction of rail structures and the area will be

faced with voluminous increases to traffic levels resulting in significant traffic disruption, longer commutes to work, disruptions to public transport and increased accident and safety risks. This will inevitably lead to increased stress levels and negative impacts of the daily lives of your Petitioners.

HS2 Limited claim that construction will only have a minor impact on the Kingsbury Road, considering the amount of traffic already on this road to assess the impact as minor is laughable. However, HS2 go on to say that congestion caused by additional construction traffic will cause substantial delays which will effectively impair access and cause an isolation effect. There is no recognition of this with regard to compensation and no alternatives put forward.

Blackgreaves Lane connects to the Kingsbury Road at the exact point HS2 plan to realign it. The Railhead entrance from the Kingsbury road is also at this exact juncture. This will have substantial impact on the lives of your Petitioners.

- vii. There will be significant adverse effects due to utilities disturbances and loss of local shops, with the only shop in walkable distance being demolished.
- viii. There will be severe disruption to the area with the introduction of up to 1,000 workers in an area which is not currently developed or populated, this is significant in a small community of 150 residential properties in the area of Marston and Lea Marston.

It is stated by HS2 Limited that there will be no significant effects associated with construction worker accommodation in this area. Your Petitioners, and their neighbours, purchased their homes to be in a semi-rural setting knowing that they were to live in a small community. This community will more than quadruple in size due to the construction worker accommodation. HS2 Limited cannot say that there will be no significant effects associated with this level of accommodation in this small semi-rural community.

- ix. Initial plans for the Railhead to serve Phase 1 placed it within the Hams Hall Industrial Estate. The final planned location of the Railhead was not revealed until the letter to Lea Marston residents dated 30 October 2013 after consultation in respect of Phase 1 had closed, therefore no consultation on its effects on the residents of Lea Marston has taken place. This is a major failure of HS2 Limited's duty to consult in view of the size, impact and timescale of the Railhead.

Furthermore your Petitioners disagree with the classification of the Railhead as being temporary. The legal definition of temporary is 3 years, but according to the letter received from HS2 Limited dated 30 October 2013 the Railhead will be in place for at least 15 years until 2032. Your Petitioners cannot therefore see how this is deemed as temporary by HS2. The landscape will not return to its present state for the foreseeable future and property values are almost certain to remain blighted for at least 15 years

Hidden in the Environmental Statement is a small comment relating to the Kingsbury Road Railhead becoming a permanent access point to HS2. This has not been consulted on at all, nor has any permanency with regards to this been reflected in any compensation.

Given the lack of consultation, the scale and time span of the Railhead it must be deemed to be permanent.

- x. Taking all of the above into account and the cumulative impact of HS2 in the Marston and Lea Marston area there is a severe inadequacy of compensation for those affected including your Petitioners. To move to a semi-rural location, and choose your house on that basis, and then be faced with 20 elements of HS2 and 15 years of nuisance and disruption and effectively be living next to an industrial estate will have a significantly adverse effect on the residents of Lea Marston, including your Petitioners, and will change Lea Marston beyond recognition. The cumulative impact on the lives of your Petitioners and the plans they had is extensive and is not recognised currently by any compensation schemes. HS2 is effectively forcing a young couple to remain living in an area in which they no longer want to live. Others throughout the country have the right to choose where they live, HS2 Limited is removing this right from your Petitioners and they are not receiving any compensation for this, the compensation scheme is gravely inadequate.
- xi. The European Convention on Human Rights allows for the right to respect for private and family life and home. The cumulative impact of HS2 in the locality of your Petitioners private residence is too great an intrusion with this rights. To effectively force your Petitioners to remain living in a location in which they no longer wish to reside, for such a prolonged period of time, due to HS2, is beyond the realm of reasonableness.
- xii. There will be severe nuisance to your Petitioners due to the cumulative impacts in the locality of their private residence for in excess of 15 years. This is not currently recognised by HS2 Limited in any form.

10. Your Petitioners object 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 amend the compensation arrangements for the project and its related works by considering their cumulative impacts on communities, their time span and their actual impact on property values and the ability to move house.

It is submitted that HS2 Limited be required to recognise the Kingsbury Road Railhead as a permanent feature of the project

It is submitted that compensation must be based on actual losses suffered and not based on arbitrary geographic distance from the line, to ensure that residents are fairly and justly compensated. A property bond scheme similar to that outlined in the recent consultation documents, but omitted from the final compensation arrangements announced in April 2014, would adequately achieve this at minimal cost to HS2

In the case of Your Petitioners

1. they wish and need to sell their property now and relocate for employment and family reasons
2. they have tried and are trying to sell their property but the market is frozen by the plans for, and uncertainty surrounding the Railhead and the project

Your Petitioners therefore respectfully ask that The Granary, Blackgreaves Lane, Lea Marston, North Warwickshire, B76 0DA is purchased by HS2 Limited or by the Government at 100% of its un-blighted, open market value as fair compensation for the cumulative blight and substantial adverse effect HS2 has imposed on The Granary and therefore your petitioners.

Your petitioners also respectfully ask that this transaction be implemented immediately and without the need for years of submitting applications to compensation schemes that your Petitioners know to be inapplicable to them in their current form.

11. In light of the above, your Petitioners reserve the right to raise the abovementioned matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparing and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to your Petitioners that may occur in due course and prior to their representation before the Select committee

12. 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.
13. 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.
14. The Preamble to the Bill, in so far as it relates to the matters aforesaid, is untrue and incapable of proof.

**PRAYER:**

YOUR PETITIONERS therefore humbly pray your Honourable House:

- i. that the Bill may not be allowed to pass into law as it now stands; and
- ii. that they may be heard acting in person, or through their Counsel, Agents, Representatives and/or witnesses in support of the allegations of this Petition hereinstated, against the principle of the Bill and against so much of the clauses and provisions of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses, amendments or 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.

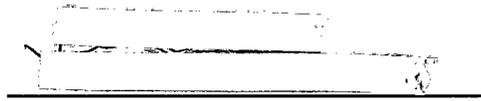
**SIGNED:**



Mr Ian Michael Strachan

19/5/14

Date



Mrs Elizabeth Marie Strachan

19/5/14

Date

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