

IN PARLIAMENT  
HOUSE OF  
COMMONS  
SESSION  
2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 CHRISTINE LEONARD

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 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 Schedule 2 and 3 to the Bill.
7. Clause 4 of the Bill gives the Secretary of State the power to acquire land required for the purpose of Phase One of High Speed Two (HS2). Clause 8 of the Bill provides that the power under Clause 4 may be exercised in relation to the sub-soil or under-surface of the land only.
8. Your Petitioner is Christine Leonard (hereinafter referred to as 'the Petitioner') who resides at 150 Herlwyn Avenue, Ruislip, HA4 6HH (the Property) in the London Borough of Hillingdon with her husband and two sons, and has done so for the last 33 years.
9. Your Petitioner's Property is located in the vicinity of a planned tunnel, proposed to be constructed in Ruislip, which is required under the current plans to construct the railway. Your Petitioner has been informed by HS2 Ltd that the Property lies within HS2's subsurface safeguarding limits and that sub-soil is required for the purpose of under-surface construction works.
10. Your Petitioner is concerned about the individual and cumulative impacts on their Property by the works authorised by the Bill. Your Petitioner is also concerned that her Property, rights and interests would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in their present form and accordingly objects to the Bill for the reasons, amongst others, hereinafter appearing.
11. Whilst the Property is not set to be acquired or demolished for the proposed HS2 railway line the Property falls within 30 metres of a proposed bored tunnel and therefore the garden is subject to subsoil safeguarding. It is for this reason your petitioner considers her rights and that of her family and property to be injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

### **Main Concerns**

12. Your Petitioner is concerned about the potential impact upon her garden at the rear of the property which has been matured and developed over the last 33 years and includes the creation of a 6.7 metre long ornamental pond which is 4 metres wide. The pond is 1.5 metres deep and home to over 50 fish. There are several species of fish including: Coy Carp; Shubunkin; Goldfish; Rudd; Comet and Golden Norfe. These fish have been reared and nurtured for many years and are very valuable, both financially and sentimentally. The garden of the Property has become a sanctuary and much needed therapy for your Petitioner's husband who is convalescing from a serious, long term illness.
13. Your Petitioner is also greatly concerned that ground borne vibration and noise from construction of the tunnel and running of very high speed trains in close proximity to her Property will render the building particularly vulnerable as the foundations of properties on Herlwyn Avenue, Ruislip are known to be very shallow and only 12 inches deep. As the Property is deemed at possible risk of settlement, it follows that the garden and afore mentioned pond will also be at risk and your petitioner is greatly concerned for the welfare of her fish as they are very sensitive to ground vibrations. Whilst your Petitioner has had some assurances from HS2 Ltd that she will be entitled to 'before and after' surveys and an offer of entering into a Settlement Deed, your Petitioner seeks further assurances that any surveys

will include a more detailed analysis both of the shallow nature of the property's foundations but also the specific risk to the pond and the fish.

14. Your Petitioner also requests that if there is any adverse effects on the pond life from vibration or noise caused by tunnelling or train movement, that there will be appropriate recompense.
15. Your Petitioner is also very concerned at the utility works which are proposed to take place on Herlwyn Avenue, Ruislip. As there is no information in the Bill's Environmental Statement as to the nature of the work required or the length of time needed to complete it, your Petitioner seeks assurances that this work will be kept to a minimum and preferably outside of school term time since Herlwyn Avenue is used regularly by school run traffic to access a local primary school, Sacred Heart Roman Catholic Primary School.
16. Your Petitioner is also particularly concerned about accessing her own Property and the availability of parking spaces while the utility works are in operation. Your Petitioner therefore seeks assurances that there will be no construction traffic parking on Herlwyn Avenue.
17. Your Petitioner is also very concerned about the impact of utility works on West End Road, Ruislip since this is the main access route for her and her family's journeys to work and essential medical appointments, and to other local amenities including Ruislip Gardens Tube Station. Your Petitioner seeks assurances that any utility works will be carried out with the minimum disruption, preferably by only closing one side of the West End Road at a time and staggering the work with other local planned utility works.

#### **Compensation**

18. Your Petitioner is concerned that compensation provisions in relation to her Property are not sufficient to compensate adequately for the loss of value that has already occurred and for loss and damage likely to be incurred in future as a result of construction and operation of the very high speed railway and associated development.
19. Your Petitioner respectfully submits that the provisions of the Bill at present do not sufficiently mitigate for interference with your Petitioner's property rights and home, which should be guarded by Article 1 of Protocol 1 to the European Convention of Human Rights (the right to peaceful enjoyment of possessions).
20. Your Petitioner is also very concerned that their Property is unfairly excluded from other compensation schemes that are available to other property owners affected by the Bill, some of which appear much further in distance away from impacts brought on by the construction and operation of the railway.
21. Your Petitioner requests that the Bill should be amended to
  - a) Ensure your Petitioner should be entitled to claim compensation equivalent to any loss of value of the whole Property.
  - b) Include the Property in a Voluntary Purchase scheme identical to that offered to other affected parts of the route of the HS2 railway.
  - c) Include the Property in any proposals for compensatory cash payments to home owners within the vicinity of the proposed high speed railway line and that any payment should be calculated so that all diminution in value is compensated.

**Other concerns**

- 22. Your Petitioner is concerned that the proposed route for the HS2 railway in Ruislip emerges from a tunnel at Ickenham High Road, West Ruislip and is then proposed to go overland through Harefield and the Colne Valley on a Viaduct. Your Petitioner respectfully submits that the proposal to carry the HS2 railway overground through the area between Ruislip and the M25 will give rise to a number of serious adverse impacts on local amenities and the environment.
- 23. Your Petitioner and her family enjoy the community based facilities of the Hillingdon Outdoor Activity Centre (HOAC) which are located in Harefield. HOAC is a unique facility and will inevitably close if the Bill is enacted without amendment.
- 24. Your Petitioner and her family also enjoy the amenity of the Dogs Trust West London located at Harvil Road, Harefield and your Petitioner is concerned that this amenity could be seriously affected by the construction and operation of a very high speed railway nearby.
- 25. Your Petitioner requests that the Bill be amended to extend further westwards the Ruislip bored tunnel in order to replace the proposed overland route across Ickenham and the Colne Valley and in order to avoid a number of serious adverse environmental impacts including the potential impact upon the Dogs Trust West London at Harvil Road and the likely loss of the HOAC facility.

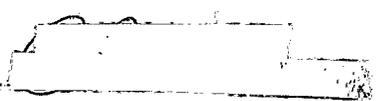
**Further matters**

- 26. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
- 27. For the foregoing and connected reasons your Petitioner respectfully submit that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
- 28. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and her rights, (including her human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c

SIGNED .....



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PETITION OF CHISTINE LEONARD

AGAINST, By counsel, &c

Mrs. Christine Leonard,

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