

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 MR GARETH BUCKLEY AND MRS STEFANIE BUCKLEY

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 Mrs Stefanie Buckley and Mr Gareth Buckley [hereinafter referred to as 'the Petitioners'], the owner/occupiers of Agden Bridge Farm, Spring Lane, Lymm, Cheshire, WA13 9JT [hereinafter referred to as 'the Property']. Your Petitioners' property lies near the proposed route of HS2 Phase 2, at a local beauty spot next to the Bridgewater Canal, over which HS2 will pass on a 5 meter high viaduct carrying the width of 4 tracks, this being the convergence of two routes (one being the main line from the midlands and the other being the route from Manchester north to Goldborne). The landscape around the Property is flat and tranquil, there being not many dwellings in the area. The Property will not be demolished but lies within approximately 70 metres from the proposed construction footprint or 85 metres from the centre of the line. Your Petitioners' circumstances are such that, having in 2010 bought the Property (consisting of two dwellings) with the intention to sell one dwelling and remain in the other, it has been demonstrated that this is not possible due to the uncertainty and length of the HS2 project. Your Petitioners are directly affected by clauses 51 and 52 which will give right of entry to your Petitioners' property and decisions reached in respect of Phase 1 will set the standards for the Hybrid Bill for Phase 2, and subsequently be more difficult to challenge.

8. Your Petitioners and their rights, Property and interests are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9.1 Your Petitioners submit that compensation provisions in relation to this property, which will not be subject to a compulsory purchase order, does not provide flexible enough arrangements and may entail greater expense for both HS2 Ltd and your Petitioners. Through discussions with HS2 Ltd it has become apparent that Your Petitioners are in a unique position, with two dwellings in one "Title" but wishing to sell only one dwelling, and that no other instances of this have occurred on the western leg of Phase 2.
- 9.2 Your Petitioners request that, in special circumstances, compensation arrangements be made flexible to accommodate and benefit both parties and that the Bill be amended to this effect to ensure your Petitioners who are injuriously affected by loss of value should be entitled to claim compensation for the full loss incurred due to HS2.
- 10.1 Your Petitioners are concerned that authorisation and rights of entry for surveyors is applicable to both Phases and 2. As the route of Phase 2 has not been confirmed, and as this route will not be confirmed until after the General Election of 2015, your Petitioners submit that the powers in this Bill are too broad and premature.
- 10.2 Your Petitioners request that the clauses allowing for right of entry be amended so that land can only be accessed once Phase 2 route confirmation has been achieved, and that access be granted once the landowner's and occupier's consent has been sought and given. Where a Property is blighted or in close proximity of HS2 and access is required, HS2 should be obliged to acquire the property at the request of the landowner.
- 11.1 Your Petitioners are concerned that many of the clauses in the Hybrid Bill for Phase 1 of the HS2 route will set a precedent for Phase 2. Your Petitioners would be particularly injuriously affected by the Limits of Deviation in paragraph 1(2) of the Bill, where the limits of deviation would allow for the height of the route to be increased from 5 meters above the Bridgewater canal to 8 meters and would make significant differences to the impact and operation of the High Speed railway.
- 11.2 Your Petitioners request that provisions in the Hybrid Bill to allow upward deviation be deleted and that the route be tunnelled under canals in rural

areas and under the Bridgewater canal to maintain the flat undisturbed rural landscape.

12.1 Your Petitioners are concerned that HS2 Ltd has not considered and cannot yet properly consider noise thresholds as the design speed has never been achieved. Your Petitioners are concerned that noise limits set for Phase 1 will set a precedent for Phase 2, where those on Phase 2 have not yet had the opportunity to examine documentation relating to noise thresholds and would not be eligible to comment on that Code.

12.2 Your Petitioners request that noise thresholds are set to be in line with World Health Organisation limits and that these are binding. Your Petitioners request that HS2 Ltd be obliged to conform with these limits during construction and operation, and that they be monitored and enforced, and that should they be exceeded then additional mitigation measures be introduced, including reduction in train speeds in the event that noised levels are exceeded.

13.1 Your Petitioners are concerned that the Code of Construction Practice has no legal standing and that any Code adopted would be unspecified and would set a precedent for Phase 2, even though those on Phase 2 will not have had prior opportunity to examine the documentation relating to the Code of Construction or be eligible to comment on that Code, not being part of Phase 1.

13.2 Your Petitioners request that Code of Construction Practice be incorporated into the Bill, and that the Code should be enforced and that the nominated undertaker be accountable to the Code and monitored, and that in the event of non-compliance that redress arrangements should be made.

14. 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.

15. 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed

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Against the Bill – On Merits – By Counsel &c

Contact details of petitioner:

[Faint, illegible text, likely contact details of the petitioner]