

High Speed Rail (London – West Midlands) Bill

Against the Bill – on Merits – Praying to be heard by counsel, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF Mark Eaton and Tina Crawford

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 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 Secretary Patrick 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, 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 compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”) is authorised by the Bill to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase One of High Speed Rail.

5. Your petitioners (hereinafter referred to as “the Petitioners”) live at ‘Springfield’, London Road, Wendover, Buckinghamshire, HP22 6PN. The Bill would authorise the construction and operation of the railway through and near London Road, Wendover. The proposed line would run in very close proximity to your Petitioners’ property.

About Your Petitioners - Mark Eaton and Tina Crawford

6. Your Petitioners have lived in their home called Springfield (referred to as ‘Their Home’) since January 2006. They always liked the Wendover area and spent many months house hunting before buying their current home. Both of them work very hard to maintain individual businesses of which one is in the local area. They are 47 and 53 years of age.

7. They understand the proposed line will become active in 2027. In this case they will be 67 and 60 years of age. The Right Honourable David Lidington mentioned in his response to the Environmental statement that their home is one of the worst affected on the Phase 1 route; and they have been in dialogue with HS2 because of that.

8. Your Petitioners are approximately 30 meters outside of the voluntary purchase zone part of the original compensation proposal. The line would have a dramatic effect on their life and the enjoyment of their property.

About Their Home

9. Their Home is shown in maps CT 05 037 and CT 06 037 of the Environmental Statement which can be exhibited as part of the hearing of their Petition. These maps are entitled the Significantly Affected Viewpoints during Operational and Construction phases.

10. Photographs, which include rural views from neighbouring properties, of the area can be seen in the Environmental Statement Volume 5 CFA10 Landscape and Visual Assessment and are numbered: 101.2.003 (view east from dwellings on London Road, Small Dean); 101.2.004 (view east from dwellings on Small Dean Lane) and 101.2.006 (view from North West from dwellings on London Road, Small Dean).

11. Their home is on the A413 between Great Missenden and Wendover and is on the junction of Rocky Lane. They purchased our home with a view to eventually move using the equity in the property to use for our retirement; the value of our property is completely blighted. Your Petitioners have been the recipient of letters and information in the post from HS2 Ltd, which indicate that it considers that they are strongly affected by the Bill.

12. This is because the proposed route of the line outlines that there will be an embankment between Hartley Farm and Road Barn Farm, a Viaduct near to Small Dean, and an embankment between the northern end of the Small Dean Viaduct and the southern end of the Wendover green tunnel. They will naturally (and are outlined on the maps referred to already) include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings. Their Home, and their legal and environmental enjoyment of it, will therefore be adversely affected given that these works will take place in

the immediate area surrounding their home. Indeed, Their Home is approximately 150m from the line itself and approximately 350m from what will become the proposed Small Dean viaduct. More accurate measurements will be provided at the Hearing.

Engagement with the process so far

13. Although the Petitioners do have a Wendover address, they along with their neighbours have organised themselves as a group of occupants of the homes along the A413, falling within the postcode HP226PN.

14. The Petitioners have tried to engage positively with HS2 Ltd throughout the process. The Petitioners are both business people and understand the need for progress especially with projects relating to the transportation network. Unfortunately unlike other major national infrastructure projects such as motorways or other train lines, instead of benefiting from this project they will be adversely affected.

15. The Petitioners have been involved in Wendover Community Forum meetings and have held a meeting at their home, with other occupants of their road, with HS2 Ltd. They have also taken part in bi-lateral meetings with HS2 Ltd and occupants of Dunsmore (a village nearby). They have sought, and obtained, the support of their MP the Right Hon David Lidington, as well as local councillors in their efforts.

16. So far the Petitioners have:

1. Submitted, along with the rest of their road, a response to the Compensation Scheme (both the original and the re-run)
2. Submitted, along with the rest of their road, a response to the Environmental Statement.

Our objections to the bill

17. The Petitioners' main objective is to seek to be included within the Compulsory or Voluntary Purchase zones, falling as they do just a few metres outside these zones. This will provide them with recourse to compensation for their loss of enjoyment of Their Home (both during and post construction) as well as compensation for loss in property value, which none of the current proposals from HS2 Ltd/the Government currently achieve.

18. Their secondary objective is to ensure that, if they have to remain in Their Home post-construction phase, the railway line is encompassed within a fully-bored tunnel. This will minimise as far as possible any negative impacts on both the legal and environmental enjoyment of Their Home.

19. Their third objective is to ensure that, insofar as is practicable, the construction phase of the railway line minimises the clear negative impacts upon their legal and environmental

enjoyment of their home. This also includes the formation of a 'new A413' road which would take the place of any haul/relief road used by HS2 Ltd.

The Impact on Their Home from increased traffic

20. Their Home is on the A413 on the junction of Rocky lane, this will form one of the main routes for construction traffic to both the underpass at Rocky Lane, and the construction of the viaduct at Small Dean, and there will be a huge and very significant increase in traffic when constructing a railway line. Construction traffic will include not just those in the construction supply chain but with them will come increases in the weight of the vehicles using the road as construction supplies are delivered and construction spoil etc removed. At the moment, the A413 is very busy at peak 'office and school' times (between 6.30am and 9am; again between 3pm to 8pm). The road is not well-maintained we have endured significant flooding at the best of times and can result in flooding to some of the properties in the road. Your Petitioners have had three incidents of flooding in the last three years The Petitioners therefore have huge concerns about using this road during the construction phase.

21. The Petitioners would suggest that during the construction phase, a road better suited to transportation of construction materials to the areas most needed should be built. Most construction phases include 'haul' or 'relief' roads to enable this transportation. The Petitioners propose that such a road could be returned to 'normal' use after construction and that this would become the 'new' A413, thus avoiding many of the current problems (which need to be budgeted for in terms of road upgrade and maintenance anyway) faced by those using the existing A413. It is suggested that this road lie to the North East of the line. A meeting has already taken place regarding this with our MP David Lidington, and our local Councillor and both have indicated their support for it. We await hearing from HS2 Ltd with a response to this proposal.

The enjoyment of Their Home during construction phase – noise, dust and smell; working hours

22. The Petitioners will clearly be impacted by the usual trappings of a major infrastructure project such as noise, dust, smell, operational activities. Whilst the Petitioners will clearly have the usual common law rights of nuisance etc., regardless of statutory planning limitations, it will be prohibitively expensive for the Petitioners to bring such action/s, particularly if injunctive relief is sought, and it will also slow up the construction process itself as HS2 Ltd and its sub-contractors become caught up in any such injunctive relief/other civil or criminal processes.

23. Your Petitioners are not currently in need of constant or indeed regular visits to the Wendover Health Centre but as they get older this is likely to increase. Your Petitioners would like to see some evidence that pressure on such health and emergency services will not

be adversely impacted. With a huge construction like this no doubt construction workers will also need on-going medical care.

24. Your Petitioners are concerned that with an influx of workers there could be an increase in crime and therefore more strain on the emergency services.

25. Your Petitioners are concerned that dust caused by chalk and soil from construction and excavation will lead to the exacerbation of respiratory problems. On storage, chalk dries out creating dust, the effect of which will be made worse by the prevailing south-west wind. One of your Petitioners already suffers from asthma.

26. There will be substantial damage to this part of the Chilterns Area of Outstanding Natural Beauty with its exceptional natural beauty.

27. Your Petitioners believe there will potentially be disruption to power supplies caused by the need to move the electricity pylons near the line.

28. There will be noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, leading to inability to concentrate during the day, and inability to sleep at night. There would also be the loss of enjoyment of their garden due the excessive construction noise.

Problems caused by the completed works

29. The Petitioners' environmental and legal enjoyment of their home will be forever impacted upon by the train line. The Petitioners are not averse to noise as the A413 is a quite a busy road. However, the proposed impact from noise and visual imagery is incomparable with that of the existing situation.

30. Your Petitioners' view of the Chiltern Hills in the AONB would be permanently scarred. The line would be visible from numerous viewpoints in the locality including their own property which is within the Zone of Theoretical Visibility. It would be overbearing and dominant in the landscape.

31. Your Petitioners' view of the Chiltern Hills would also be permanently damaged by trains up to 400 metres long passing every two minutes.

32. The value of your Petitioners' house has already been adversely affected, and will continue to be so, on a permanent basis. The Petitioners have invested their money into the property and prior to HS2 had plans to move at some point in the near future. The continued adverse effect on the value of their home means they are completely stuck with no prospect of achieving the appropriate market valuation of their property.

The Compensation Proposed and what Your Petitioners require

33. It is clear from the above that the Petitioners will have legal recourse during both construction and post-construction phases in relation to nuisance and other breaches of civil and criminal common law rights. In relation to during construction, the Petitioners may well have to hold up progress along this part of the line if there are any problems with the construction process that needs remedying. This is not constructive for either the Petitioners or those with responsibility for the construction.

34. In relation to post-construction, the Petitioners will be able to bring a claim for the loss of their property value – but will have to wait for one year post-construction to do so.

35. Neither of these situations leaves the Petitioners adequately compensated.

36. The Petitioners are affected by the loss of property value. The current arbitrary proposals for compensation fail to take into account these basic tenets of right to compensation.

37. The previous Transport Secretary Phillip Hammond promised “that no individual should suffer significant loss as a result of HS2”

38. The current proposed compensation scheme is not fair and does not go anywhere near covering the massive impact this train line is and will have on Your Petitioners’ lives and they believe that:

- No individual should bear a disproportionate share of the cost of HS2 by suffering a personal loss in the value of their property
- Government should keep its promise to compensate ‘*significant losses*’
- HS2 shouldn’t deny people the freedom to move/re-mortgage for 15yrs+
- Government should apply the ‘*polluter pays*’ principle – as HS2 causes the loss in property values, HS2 should pay for it
- Decisions should be subject to independent appeal

In summary your Petitioner simply requires HS2 to place their property into the safeguard zone for compensation and they will simply move on and rebuild their lives.

YOUR PETITIONER therefore prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioner and in support of such other clauses, amendments or provisions as may be necessary or expedient for his protection, or that such other relief may be given to your Petitioner as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

[signed]

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF MARK EATON (1) AND TINA CRAWFORD (2)

Against the Bill - On Merits - By Counsel &c

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