

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

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 *TIMOTHY MALISE CURTIS*

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 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 the Bill.
7. Your Petitioner is **Timothy Malise Curtis** (hereinafter referred to as 'the Petitioner'), **the Owner/Occupier, together with his wife Cecilia Leueen Curtis, of Culworth House Farm, Culworth, Banbury OX17 2HQ** ('the Property'). The property is the only one in the post code above and therefore its location is readily identifiable. The new farmhouse (construction commenced November 2009 before announcement of plans for a High Speed rail line from London to Birmingham in March 2010) is approximately 1000 metres from the proposed route of HS2 as it exits the Greatworth Tunnel travelling towards Birmingham and the South West corner of the farm is approximately 750 metres from the proposed route as it crosses Banbury Lane at Lower Thorpe. Culworth House Farm, consisting of some 43 acres of grassland and ten acres of 25 year old woods, is not run as business but as a small equestrian establishment for the breeding of horses as well as having a keen focus on the development of a habitat conducive to the maintenance and increase in the population of a range of wild life, including, but not limited to, roe deer, the occasional small herd of fallow deer, hares, partridges, including the occasional nesting pairs of English partridges (a species in severe decline), and many different species of woodland birds. This has been achieved by creating wide hedgerows, leaving grass rides unmown for the duration of the summer and regular thinning of the woods to encourage the growth of ground cover. No shooting takes place other than to control vermin which is harmful to nesting birds or to the growth of young trees. Grazing surplus to requirements of the little equestrian operation is let for sheep grazing.

8. Compensation

- 8.1 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.
- 8.2 Your Petitioner and his wife are in their early 70s and there has to be a likelihood that during the period of construction of the line, say between 2017 and 2026, they will be forced to sell Culworth House farm for one or both of two reasons. Firstly, the property, being their major asset by a substantial margin, may be required to be sold in order to fund care home costs should one or indeed both develop in the next 10 or 12 years a deteriorative condition such as dementia. Secondly, it is unlikely that your Petitioner will be able to carry out into his 80s the heavier work related to the maintenance and running of even a small amenity farm/stud farm. There are no children of the marriage to take over the working of the place.
- 8.3 Your Petitioner is advised that currently the property market outside the area in which properties are compulsorily purchased and within a corridor extending approximately 1 or 1.5 miles either side of the proposed route is effectively frozen and that because of the impending disruption to the surrounding roads and

countryside during construction of the line this situation is likely to persist until such time as the line is operating, at best in 2026 or perhaps even later, by which time your Petitioner and his wife will be in their mid 80s . During the construction period they are therefore likely to be faced with either a complete inability to sell the property or a sale at a substantial discount to the likely value post the completion of the line.

- 8.4 On the premise that property values in the corridor of the line, but outside the compulsory purchase zone, regain their pre March 2010 values, or higher in line with national movements in property values, upon completion of the line your Petitioner submits, as he did at the time of the Compensation Consultation exercise, that the introduction of a property bond would safeguard him, and other property owners potentially facing similar age related circumstances beyond their control, from such losses, inconvenience and hardship whilst at the same time largely or completely protecting the tax payer from the cost of other forms of compensation .
- 8.5 Your Petitioner requests that the Bill should be amended to ensure that your Petitioner and other persons outside the safeguarded area who are injuriously affected by loss of value should be entitled to claim compensation.

9. Ecology

- 9.1 Your Petitioner is concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora. Your Petitioner submits that there should be binding mitigation measures to reduce the adverse impacts on ecology including but not limited to avoiding ancient woodland, migration routes for wildlife across construction sites and the operational high speed railway and associated development, and compensatory measures to offset habitat loss and other damage to species.
- 9.2 Your Petitioner requests that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations, compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.
- 9.3 Your Petitioner requests that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the

precautionary principle, treatment of ancient woodlands should be separately from the overall biodiversity net loss calculation, re-examining scope for off-site biodiversity compensation, research on alternative discount factors for the off-setting metric.

10. 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.
11. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
12. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their 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 HUMBL Y 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: 

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013-2014

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PETITION OF *TIMOTHY MALISE CURTIS*

AGAINST, By counsel, &c

