

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

**HIGH SPEED RAIL (LONDON – 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 MRS. JOSEPHENE CAUVAIN

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 Josephine Cauvain of 327 Cromwell Lane, Burton Green, Kenilworth,

Warwickshire, CV8 1PG. I have lived in Burton Green for over 16 years. My home, life, and garden will be specially and directly affected by the HS2 railway line. Approximately 1/3 – 1/2 of my rear garden is less than 120m from the proposed line. The Property Compensation Consultation 2013 document Section 5.1.5 Page 37 states 'For example, if you are an owner occupier of a typical residential property and a significant part of your garden is within the RSZ we would be likely to accept your application to sell your property to the Government.' In addition to the line being in close proximity to the northern side of my property, my everyday life and my property will be adversely affected during the 7 year construction period by two Work Compounds. One being in the field directly opposite my property (my lounge window currently looks onto the entrance to this field,) and one field directly to the rear of my property. To the southern side the proposed HGV construction route will be approximately 55m away. Your Petitioner has recently been diagnosed with Parkinsons Disease so where as I had planned to stay in Burton Green until such time that I needed to downsize, I now find myself in the position that I will need to move sooner rather than later but either option has been denied to me due to the fact that my property is currently unsaleable and I do not fall into the current compensation zone.

- 8 Your Petitioner and her rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 9 **Financial Impact:** Your petitioner asserts that I am unreasonably and unnecessarily affected by the HS2 railway current design, as described in the Bill and in the supporting documents including the Environmental Statement. As a resident of Burton Green for 16 years an owner occupier of 327 Cromwell Lane, I together with my late husband invested both our incomes into the improvement, extension and maintenance of the home and garden we both loved, Your petitioner considers that my property is one of the closest to the Voluntary Purchase Zone that has not been offered compensation despite upto 50% of my rear garden falling within 120m of the line. This home has been the major investment both financially and emotionally of both myself and my late husband and currently I believe my property is now unsalable even at a substantial discount to its un-blighted value. I therefore face the next 12 years without the choice to downsize or relocate, by which time I will be almost 80 and will possibly need the proceeds of my home to fund my future care.
- 10 **Construction Impact:** Your Petitioner's property is described in the documentation as being subject to significant impacts during the lengthy construction phase by noise, dust, vibration, traffic and visual intrusion. I face the prospect of the railway line under construction approximately 130m to the north of my house and less than 120m from my rear garden. My property will overlook Works Compounds both to the front and rear with the construction route (for HGV traffic) approximately 55m away along lanes which are totally unsuitable. I regularly travel along the construction routes and feel your petitioner is unnecessarily affected when effective and technically feasible solutions are known to exist in the form of bored tunnels
- 11 **Environmental Impact:** Your petitioner's property is shown in the documentation to suffer in perpetuity from noise created by the operation of the proposed railway which will continue to prevent my peaceful enjoyment of gardens and outdoor spaces. My garden has many mature trees and specimen plants, is a haven for birds and wildlife and a very tranquil place which will now be subjected to noise, pollution and dust. My home and garden has been and remains my major investment in life. My mental and physical well-being has already suffered in the 4 years since the route of HS2 was announced.
- 12 **Mitigation:** Your Petitioner strongly believes that the impact of HS2 on my own life, property, the community and facilities of Burton Green and the wider area could be fully mitigated by a binding commitment to a bored tunnel proposal, 'Option F' within HS2

documents. If sadly this cannot be achieved your Petitioner would seek a binding commitment to compensation for my property on the same terms and conditions as those owner-occupiers of other properties within the Voluntary Purchase Zone up to 120m from the railway line.

- 13 Your petitioner requests that the design of the proposed scheme in this area should be examined afresh and to take full account of the human and environmental costs/benefits of the proposals and to do so in an open and transparent manner. I note that despite many requests during the 'engagement processes' of the last four years the relative weightings of the SIFT criteria are still unpublished leading to our belief that decisions could have been made in an inconsistent or even arbitrary manner across different regions of the line, and that really the only factor with real effect is that of construction cost. Given that the proponents of the scheme seem unwilling to compensate all those that are affected by the scheme it seems only reasonable to ask for the very best design and mitigation and not just the cheapest as otherwise it is the case that a small group of people are being expected to bear disproportionate personal costs for a scheme nominally in the national interest.
- 14 For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, the Bill so far as affecting your Petitioner, 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 Petitioner and her rights, interests and property and for which no adequate provision is made to protect your Petitioner.

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 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signature of Petitioner in person, or Agent for the Petitioner :



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BILL

PETITION OF MRS JOSEPHINE CAUVAIN

AGAINST, By Counsel, &c.

[Name of Agent for the Petitioner, or of the  
Petitioner in Person

Address:

[Redacted address area]