

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 MR. PETER TACON AND MRS. LESLEY TACON

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 Petitioners are Peter and Lesley Tacon of 323 Cromwell Lane, Burton Green, Kenilworth, Warwickshire, CV8 1PG. We have lived in Burton Green for 38 years having moved from Red Lane to our current house in 1985. Our lives, home and garden will be specially and directly affected by the HS2 railway line. More than 75% of our rear garden is less than 120m from the proposed line and the property only 121m. 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 such close proximity to the line on the northern side, our lives and property will be adversely affected during the anticipated 7 year construction phase by two work compounds, one in the field directly behind our garden and one opposite while on the southern side there will be a HGV construction route within 65m. Your petitioners are planning their retirement for 2015 and had been eagerly anticipating the opportunity to exercise their free choice to continue living and enjoying the wonderful community of Burton Green, the tranquillity, wildlife and views from their home or responding to changes in circumstances by relocating or downsizing, options which will be denied to us as our property is currently unsaleable and we have not been offered compensation.
- 8 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 9 Financial impact: Your Petitioners aver that we are 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 residents of Burton Green for 38 years and owner-occupiers of 323 Cromwell Lane for 29 years we have invested the income from both our working lives in the improvement, extension and maintenance of a home and garden we love at the heart of a vibrant and caring community of which we are and have always been active members. Your petitioners consider that as our property in Burton Green is the closest to the Voluntary Purchase zone of 120m from the proposed line that has not been offered compensation despite more than 75% of our garden falling within 120m of the line we will be unreasonably affected financially. It is our major investment, both financially and emotionally, on which we have spent as much as we could afford from the income of both our working lives and currently we believe this property could not be sold even at a substantial discount to its un-blighted value. We therefore face the future-at least the next 12 years - without choice in our retirement to relocate or downsize. By that time both your petitioners will be in their late 70's.
- 10 Construction impact: Your Petitioners' 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. We face the prospect of the railway line under construction only 121m to the north of our house and less than 120m from our rear garden. Directly to the east, only 60m from the house, we will overlook a works compound. Similarly a second works compound lies 25m to the west and 65m to the south, a construction route for HGV traffic. Such close proximity to these sites means we will suffer seriously and significantly from air and noise pollution in addition to visual intrusion and restricted access as a result HGV movements into and out of the site entrance/s on Red Lane. We travel to and from work on a daily basis by car via Red Lane and frequently on foot to Burton Green Village School in Hob Lane, along the construction route, where one of your petitioners, Lesley Tacon, is a Governor. Your petitioners are unnecessarily affected as effective and technically feasible solutions are known to exist in the form of bored tunnels.
- 11 Environmental impact: Your Petitioners' 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 our peaceful enjoyment of gardens and outdoor spaces. Our garden has many mature

trees, is a haven for birds and wildlife and a very tranquil place. Our retirement plans focus on spending much of our time working in and benefiting from this wonderful environment which we have only achieved from a long working life. Our home and garden have been and remain our major investment in life. Our mental and physical well-being will be adversely affected by the proximity of the line to our much-loved home and garden and detrimental effects of construction as outlined. Indeed our mental and physical well-being has already suffered in the 4 years since the route of HS2 was proposed.

- 12 Mitigation: Your Petitioners strongly believe that the impact of HS2 on their own lives, their property, the community and facilities of Burton Green and the wider area could be fully mitigated by a binding commitment to the bored tunnel proposal, 'Option F' within HS2 documents. If sadly this cannot be achieved your Petitioners would seek a binding commitment to compensation for their 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 Petitioners request 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. We 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 Petitioners respectfully submit that, unless the Bill is amended as proposed above, the Bill so far as 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

MR. PETER TACON

MRS. LESLEY TACON




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(LONDON-WEST MIDLANDS)
BILL

PETITION OF MR. PETER TACON AND MRS.
LESLEY TACON

AGAINST, By Counsel, &c.

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

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