

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 ANDREW GIBBS, THEA GIBBS, ALEXANDER ROGER GIBBS, CLEMENT ANTHONY GIBBS

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 the Gibbs family, owners of 293 Cromwell Lane, Burton Green, Kenilworth, CV8 1PN. We purchased this property in 2006 as a house in a tranquil semi-rural location with spacious grounds, a place to bring up our two children and a place that we would never need to leave (the previous owner who built the house lived here for over 60 years, which we saw as something to aspire to ourselves). Over the last eight years we have invested significant effort in reclaiming the land from brambles and bracken, have rejuvenated the garden, the woodland and orchard, and have converted garden buildings into a studio, workshops and playroom. We have put our hearts and souls into building our home and garden and it is painful to consider that this will now be ruined through no fault of our own. The HS2 representative recently surveying our grounds for bats declared that 'this was the loveliest garden he had ever seen', a statement that while entirely meant positively (and with which we would agree) also innocently cut so deeply that I hope he never realises the hurt caused.
- 8 Your petitioners' property lies only partly within the safeguarded area however a relatively small but significant part of the property is within the limits of land to be acquired and used as shown on the plans and book of reference deposited with the Bill (Parish of Burrton Green, Works No 80).
- 9 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.
- 10 Your petitioner's property is described in the documentation as being subject to significant impacts during the lengthy construction phase including noise and dust plus visual intrusion from the works adjacent including extensive earth movements and demolitions. We have concerns about health implications of these impacts and especially on our children (and the knock on effect on their education and psychological wellbeing). We note that while 'temporary' the planned construction period essentially lasts the remainder of our children's childhood.
- 11 Your petitioner's property is shown in the documentation to suffer in perpetuity from increased noise created by the operation of the proposed railway which will continue to prevent our peaceful enjoyment of gardens and outdoor spaces.
- 12 Your petitioner's children attend Burton Green Church of England Primary School which lies on one of the proposed construction traffic routes, hence giving concerns over both traffic noise whilst at school plus potential conflicts with construction traffic and school traffic and especially safe routes to school (which for our children will also include crossing the cut-and-cover tunnel works on Cromwell Lane). We note that the road (Hob Lane) is relatively narrow and bendy and hence unsuitable for a large number of heavy vehicles or for a significant increase in general traffic.
- 13 Your petitioners are regular users of the Berkswell to Kenilworth Greenway and the Connect2 route between Kenilworth and Warwick University for leisure and commuting to work, plus other local footpaths. Within this area all of these valuable recreational facilities are scheduled for major works including diversions and conflicts with construction traffic and other activities. Even after completion these facilities will remain significantly impaired by noise and visual intrusion.
- 14 Your petitioners also note that the local woodlands and especially the ancient woodland in Broadwells Wood will suffer extensive losses which should not be the case for a project once portrayed as environmentally beneficial. Such woodland and its soils are an irreplaceable national resource and should be given the highest level of protection – loss should only be in

those cases where an alternative is impossible and not just because the alternative might be more expensive to the promoters.

- 15 Your petitioners are regular users of Burton Green village hall which is scheduled for demolition with obvious potential impact for the activities within the hall. Your petitioners request that the relocation of the village hall be achieved prior to the first construction impacts to prevent any hiatus in operation. However we note that the site as currently proposed in the Bill is not suitable as it is on land owned and used by the School.
- 16 Your petitioners assert that we (and many others in the village) 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. Unreasonably in that the proposed design is insufficiently effective at mitigating the effects of the scheme at completion, and more significantly in that little or no account seems to be taken of the enormous impacts caused by the proposed construction method – a cut-and-cover tunnel which bisects the village. We are unnecessarily affected as effective and technically feasible solutions are known to exist in the form of bored tunnels.
- 17 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.
- 18 Your petitioners specifically request that full consideration is given to one of the bored Tunnel proposals, for which that described as ‘Option F’ within HS2 documents (ES, CFA 18) would solve all of our individual concerns and of course those of many others in both this village and the wider area.
- 19 Your petitioners note that while not wishing to leave our home or the village and friends around which we have built our lives we are effectively being forced to do so by the unacceptable impacts to be caused by both the construction and operation of the proposed scheme (see paragraphs 10 and 11 above). However we have been informed by HS2 Ltd that they do not think our property would qualify under express purchase, which means that our ‘choice’ to leave would cost us not only the heartache of the loss itself but also the entire effort and financial costs of moving. We would request therefore that should effective mitigation (see paragraph 18) not be achievable in our area that at least effective compensation is provided, which in our case should be that properties within the VPZ are provided the same package of benefits (moving costs and home loss payment) as those within the safeguarding zone. We believe that such an arrangement was used for HS1 so to not provide this for HS2 would be to go against the many ministerial statements about ‘generous compensation’.
- 20 Your petitioners note that the proposed Works 80 to relocate a footpath to run at the boundary of our property will create the maximum disbenefit by both crossing the adjacent property (301 Cromwell Lane) and then intruding on ours (and also potentially requiring the felling of a line of mature oak trees). We would request therefore that this footpath diversion be instead routed along the edge of the construction boundary (within the current grounds of 301

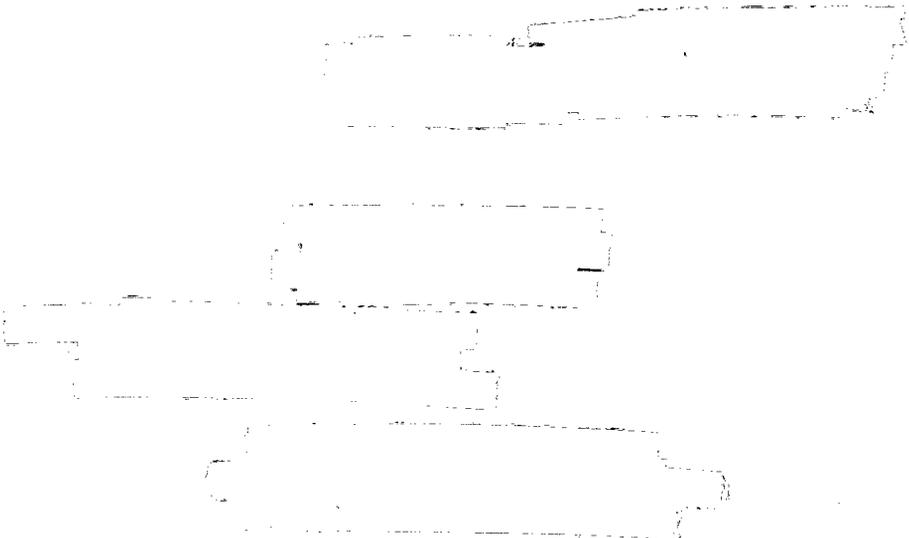
Cromwell Lane) which will both minimise the impact on the gardens of No 293 and retain direct and un-severed access to the remaining grounds of 301. This action should maximise the value to the promoters of both properties for the time they come to re-sell (note No 301 is already purchased by HS2 Ltd, and without an effective mitigation action such as that mentioned in paragraph 18, then as already mentioned with regret we will be leaving Burton Green so 293 will also belong to the promoters)

21 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

22 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.



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Dr Andrew Gibbs

