

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

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 ASHLEY BALL.

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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioner is the joint freehold owner of the residential property at 2 Crackley Crescent, Kenilworth, Warwickshire, CV8 2FF. Your Petitioner resides at this property with his Wife and two children (aged 6 & 3). Your Petitioner re-located to this area in 2008 in order to raise his family in the safe and pleasant surroundings that it currently provides. The semi-rural location benefits from surroundings of green belt land, woods, cycle paths and walkways and is served by a high number of reputable schools and colleges. Your Petitioner's property is located in the Crackley area of Kenilworth very close to the Crackley Gap. The Crackley Gap is an area of Green Belt land that is facing destruction by the Bill. Your Petitioner's property will not be demolished as a result of the Bill but it is located within approximately 350 metres of the centre of the line and even closer to the proposed construction zone. Your Petitioner's property is also on a residential road which will be used by construction traffic during the construction of the scheme.
8. Your Petitioner and their rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
9. Your Petitioner has huge concerns about the area of Green Belt land known as the Crackley Gap. The Crackley Gap has always served as a natural divide between the

City of Coventry and the Town of Kenilworth. It is also home to a diverse variety of wildlife - fauna and flora. The Crackley Gap also serves as a natural flood plain accommodating vast amounts of rainfall from both Coventry and Kenilworth which is channelled in to the Canley Brook. This area poses unique engineering problems and constraints and, under current proposals, faces a colossal level of engineering works and destruction in order to accommodate HS2 including the proposed diversion of the Canley Brook itself (see CFA 18 map book; map numbers - CT-05-96, CT-05-97, CT-06-96, CT-05-97). Taking these constraints into consideration, your Petitioner does not believe that the correct level of analysis has been carried out by HS2 Ltd in this area and that consequently the current design proposal is inadequate, does not solve the engineering issues (especially regarding potential flooding and the impact on natural aquifers) and causes unnecessary destruction of the area together with the associated carnage during construction. Your Petitioner is thus petitioning for the protection of this area of Green Belt land and for further analysis of the area with proper consideration given to an alternative solution to the current proposals for this area.

10. The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include significant lorry movements associated with the considerable re-shaping of the land uniquely required in this area due to engineering constraints, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably lead to a huge amount of disruption, a complete change in day-to-day living and to potential health risks for your Petitioner's family, especially your Petitioner's young children. Most notably, this will occur during the remainder of your Petitioner's children's childhood thus robbing them of the childhood they are entitled to and that your Petitioner aimed to provide them by moving to this area. Additionally, the Bill does not provide a solution to these problems especially in the form of an exit strategy for those affected.
11. Your Petitioner feels that the current Property Compensation proposals are inadequate and unfair but fundamentally do not address the very real and current problems that the Bill has created. Current proposals require home owners to accept a financial loss of up to 15% of the value of their home if they are able to sell their home. Any level of financial loss due to this proposal is completely unfair. In the more likely event of not being able to sell your home, the current proposal does not provide any level of exit strategy for those needing to, or simply wanting to, move house. Residents are therefore trapped in their homes, potentially forever. There are already examples of this on your Petitioner's road. In the absence of the current Bill, there is simply no reason at all as to why any house would not be easily sold on your Petitioner's road especially in the current positive market. This area used to be a

desirable location with all houses offering good sized gardens and off-street parking which is not easy to find in the area. Your Petitioner is thus petitioning for a change to the property compensation scheme to ensure that those affected have the ability to move on with their lives, as they would living away from HS2, and do not have to incur any level of financial loss.

12. Your Petitioner suggests a more respectful level of consideration to the previously suggested solution of a deep bored tunnel under the Crackley Gap. Not only would a deep bored tunnel avoid the destruction of the environment in the area but it would also avoid the engineering constraints in the area including flood risk. Additionally, your Petitioner suggests that proper consideration is given to a review of the requirements of the Bill for the speed of the trains to reach 250mph. A reduction in the targeted speed of the trains would allow further flexibility in the design of the route thus allowing problem areas to be circumnavigated. It would still allow for a high speed service to be built between the identified locations.
13. Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on communities. Any necessary changes from the results of that review should be suggested and implemented before works design and construction strategies have been finalised or construction contractors employed.
14. Your Petitioner suggests that, in the current proposed Property Compensation scheme, the use of a 'distance from the line' criteria to assess those affected by the Bill should be scrapped in rural/semi-rural areas. Instead, your Petitioner suggests that any home owner who is obviously affected by the Bill and can demonstrate that they have tried to but have been unable to sell their home be provided with an exit strategy, if requested. Additionally, the scheme should also include a facility to ensure that no affected home owner should have to accept a personal financial loss as a consequence of the Bill.
15. For the foregoing and connected reasons your Petitioner respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.
16. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their 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 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 Petitioner will ever pray, &c.

Signed ASHLEY BALL

A very faint, handwritten signature, likely of Ashley Ball, is visible in the center of the page. The signature is mostly illegible due to its lightness and the quality of the scan.

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Against the Bill – On Merits – By Counsel &c

Mr Ashley Ball

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