

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 Ms Victoria Anne Shanks

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 Ms Victoria Anne Shanks of Birches Wood Farm, Crackley Lane, Kenilworth, Warwickshire, CV8 2JT. Your Petitioner has lived in this home for 26.5 years and the children have all grown up here. Your Petitioner's husband committed suicide six and half years ago leaving Your Petitioner a single mother with seven children. Of the seven children, six suffer from Autistic Spectrum Disorder, one is severely Dyslexic and the two youngest also suffer from Cerebral Palsy. Five of the children are in Psychological Therapy and/or on medication for anxiety and depression. Your Petitioner is also on medication for anxiety, depression and PTSD, a combination of antidepressants, sedatives and sleeping pills. The uncertainty of HS2 has added enormously to our already severe trauma from Your Petitioner's husband's suicide.

Due to the limitations ASD places on people and also the high level of depression/anxiety, all children still live at home where they feel secure and safe.

8. Your Petitioner and their rights, interests and/or property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing. HS2 passes through Your Petitioners property approximately 130m from Your Petitioners home. The mitigation currently proposed to reduce noise, vibration etc...is almost non-existent and therefore Your Petitioner and her children will be extremely adversely affected. Due to the high level of ASD within Your Petitioners children and the severe sensory difficulties they all experience, this will prove to be unbearable. The only viable solution for Your Petitioner and her children is deep bored Tunnel F. This would run from just south of the A46 to just north of Berkswell Station.
9. Your Petitioners house falls just outside the Voluntary Purchase zone and therefore doesn't qualify but approximately 6 of the 13 acres The Petitioner owns will be subject to a compulsory purchase order. The value of Your Petitioners home has, however, dropped dramatically in value. Your Petitioner lives in a very secluded, rural location and HS2 will, obviously, impact dramatically on the peace and solitude we currently enjoy and need in view of the children's difficulties. Your Petitioners financial situation is currently extremely precarious and the spectre of HS2 hanging over the Petitioners family has meant that the very reluctant option of needing to sell Your Petitioners home has been taken away. Your Petitioners family desperately want to stay in their home as all of The Petitioners children's memories of their father are there, however, HS2, during the construction phase, and once operating, will make this impossible to tolerate. 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 lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably lead to severe sleep deprivation for Your Petitioners children and Your Petitioner and considerable health concerns. Construction traffic will pass on Crackley Lane within 8m of Your Petitioners home
Your Petitioner also suffers from Asthma and dust is the main trigger, once causing the Petitioner to be hospitalised when exposed to extremely dusty conditions. The dust created by the construction of HS2 will have an extremely adverse effect on the Petitioners health.

10. Your Petitioner opposes the Bill in principle. Whilst Your Petitioner acknowledges that the principle of the Bill is established at second reading, your Petitioners' views on the subject are so strong, they must be recorded in this petition. 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. And they need to suggest necessary changes from the results of that review before works design and construction strategies have been finalised or construction contractors employed.

11. Your petitioner is concerned about the validity of the Environmental Statement. After HS2 Ltd stated that HS2 would 'only' go through 19 ancient woodlands, The Woodland Trust who believe the figure to be 27 (with a further 22 suffering secondary effects) asked them to provide a list of these woods, Crackley Woods was not included, despite the fact it is not only an ancient woodland, but a nature reserve. In all incarnations of the proposed route for HS2, maps have shown HS2 going through Crackley Woods, which a highly utilised recreational amenity. In the information provided to the Woodland Trust, Roughknowles Wood, which is across the road from Crackley Woods was missed off from the list of those woods which would be faced with secondary impacts, despite the fact it will be impacted by the proximity of construction works.

12. Your Petitioners do not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("COCP"). That is inadequate because the COCP is in draft form and will remain as such until after the Bill has been enacted. The term, 'reasonably practicable' has been used frequently throughout the COCP but it is not clear who will decide what is 'reasonably practicable'. Your Petitioner is also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust.

13. It is vital that the deficiencies in the ES identified by the Environmental Audit Committee of your honourable House, amongst others, are remedied by the Promoter of the Bill, whether by way of an addendum to the ES or otherwise. One

reason this is so important is that the Environmental Minimum Requirements, which have been produced by the promoter of the Bill in draft, contain important obligations which will fall on the Nominated Undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.

14. Your petitioners are concerned that there are potential adverse impacts on water resources. The increased risk of surface water flooding arising from the construction and operation of the works authorised by the Bill has also been inadequately assessed and has the potential to have significantly adverse impacts, especially with regard to the proposed diversion of Canley Brook. The Flood and Water Management Act 2010 explains that Lead Local Flood Authorities have responsibility for surface water flooding, but HS2 Ltd as of yet have been ignoring this legislation and only liaising with the Environment Agency.

15. Your Petitioner objects to the adverse noise and intrusive impacts which will be injurious across the area. Your petitioner believes that HS2 Ltd have significantly under-estimated the impact of noise generated by HS2 on Kenilworth, and notes that HS2 Ltd have rather conveniently projected that noise impacts end just where houses start. Your petitioner find this hard to accept, firstly because Kenilworth is a tranquil area where any increase in noise will be felt, and secondly because HS2 is placed at the base of a valley through the Crackley Gap, noise will transmit and be amplified. Your petitioner believes that the use of a sixteen hour day time LAeq masks the significance of impacts generated by the project. There is a lack of detail on noise mitigation in the COCP, and Your Petitioner is also concerned that clear accountability and enforcement protocols are not defined in the COCP. Your Petitioner asks your honourable House to require the Promoters to address these issues. No proper information has been made available to your Petitioners about the design of noise barriers. Your petitioners have a particular concern about this, because whilst barriers can be an effective way of mitigating noise, they can also be visually intrusive.

16. Your petitioner's home and land lie within the The Crackley Gap and has significant concerns about this area, which is the 600 yard green belt separating Kenilworth and Coventry. This is one of the smallest green belts in the country, and HS2 threatens the viability of Milburn Grange Farm, which makes up the green belt on the eastern side of the A429. Your petitioner is concerned that this land would be used for

development if it cannot economically be farmed in the future. Your petitioner requests that undertakings are made to prevent further development in this area.

17. Your petitioner believes that compensation must be fair and proportionate; and those affected must be afforded a proper opportunity to influence the final determination. Regrettably these principles have not been observed in the current HS2 proposals. Your petitioner hopes that the Select Committee considers previous rulings by the CTRL Select Committee, which ordered the Nominated Undertaker to buy properties which had failed the hardship test, and the Croydon Tram Select Committee which made a ruling around the issue of negative equity. Your petitioner seeks that compensation should be paid on the sole criteria of suffering loss of value, irrespective of personal circumstances.
18. Your Petitioners are greatly concerned by the Promoter's plans for the temporary use of the Kenilworth Greenway by heavy vehicles during construction of the railway. This would create a major loss of amenity for Greenway users, and risk irreparable damage and loss in terms of the structure, flora and fauna of the Greenway. We request that a Your petitioner requests that if the tunnelling option is discounted, HS2 Ltd should ensure the Kenilworth Greenway remains viable after the construction of HS2, and that it should be enhanced, by connecting the northern end to Berkswell Station.
19. Your Petitioner requests your honourable House to require the Promoters to consider the benefits that would arise the provision of a tunnel, starting just south of the A46, and ending north of Berkswell Station. This option was proposed in bilateral meetings with HS2 Ltd by the Kenilworth Stop HS2 Action Group, and no reasons for dismissing this option were ever provided by the promoter. These provisions would provide protection to the community, protection to the local economy during construction, save the Kenilworth Greenway in its entirety, and mean that Crackley Woods, and Broadwell Wood, both areas of ancient woodland would also be saved.
20. 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.
21. 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 MS. VICTORIA ANNE SHANKS

