

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 Roger Broadbent and Gillian Broadbent

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 Petitioners Roger Broadbent and Gillan Broadbent of Maple Cottage, 8, Home Farm Court, Ingestre, Stafford, Staffordshire ST18 0PZ have lived in their home for 11 years. Ingestre is a an ancient small village pre-dating the Domesday Survey and lies in a designated Conservation Area. It is set in the ancient parkland of Lord Shrewsbury's former estate with a population of 180 people. The houses are mostly small former estate cottages and converted barns. There are nine listed buildings that cluster around Ingestre Hall Grade II* Listed and the Grade 1 Listed St Mary's Church, the only church attributed to Sir Christopher Wren outside London. Village life centres on the church, and there are no other public buildings – no public house, shop, school or Post Office. We have no public transport so those without cars rely on their family and neighbours for help with transport to shops, GPs and hospital appointments etc. The HS2 scheme will affect our lives in many ways and irreparably damage our tiny community. The quiet cross roads at the approach to the village will be re-modelled and the landscape dominated by the construction of a high and lengthy viaduct across the Trent Valley to carry high speed trains, destroying what was a Capability Brown landscape.

Roger Broadbent is a retired headteacher after 40 years in education and 24 years as a headteacher. He is a volunteer warden at Blithfield Reservoir and has carried out wildlife surveys on behalf of the British Trust for Ornithology, The Staffordshire Wildlife Trust and the West Midland Bird Club. He has submitted 10,000 records in

the last eleven years, to the data base of the Staffordshire Ecological Records. He serves on a number of committees including the Cannock Chase Area of Outstanding Natural Beauty Partnership.

Gillian Broadbent was a headteacher for 12 years before becoming one of Her Majesty's Inspectors of Schools and retired in 2005 after 38 years in public service. She is the secretary to the Parochial Church Council of the local church, a parish councillor, a Trustee of the Ingestre with Tixall Village Hall and Trustee of the charity Friends of Ingestre Orangery.

Your petitioners property will not be demolished as a result of the Bill but it is located within 600 metres of the line, or construction footprint. Your Petitioners' property is also on a residential road but there is insufficient detail to know whether or not it will be used by construction traffic during the construction of the Scheme. The bill needs to specify how road closures, re-alignments and diversions are to be managed.

8. Your Petitioners and their rights, interests and/or property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

- 9 9.1 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. Your petitioners ages are 72 years and 69 years and both suffer from cardiovascular problems, which are highly likely to deteriorate in the next 10 years. Your petitioners are fearful that the deterioration of their mental and physical health will be exacerbated during the construction phase which includes lorry movements, the creation of dust and noise, poor air quality, and 24 hour working which will also lead to sleep deprivation. This is at a time when services at Stafford Hospital are being cut.

- 9.2 When your petitioners retired their financial planning included selling their home to pay for their health care should that be needed. However, the property values of houses has fallen by 40% in the village because of blight. This has alarmed your petitioners as they will no longer be able to use their assets to provide health care and will have to rely on the State.

- 9.3 Your petitioners are very concerned about the effects on ecology during the construction and operation of HS2. They believe that the current route will have an adverse effect on Pasturefields Salt Marsh Special Area of Conservation (SAC) which is a European Union designation that reflects its high level of importance as one of the very few remaining inland salt marshes in the EU. However, HS2Ltd refuse to undertake an Appropriate Assessment of Pasturefields Salt Marsh SAC, in

accordance with the Habitats Regulations, followed, if required, by impact avoidance by design. A recent independent review by **British Geological Survey** observe that *"there is insufficient base-line data to predict the potential impact of the proposed HS2 construction along **any** of the proposed routes and that an alternative conceptual model for the hydrogeology of Pasturefields SAC should be considered."* We therefore believe that the principal justification for selecting the current route is inadequately supported and that there is a high likelihood that serious damage to the SAC will ensue.

9.4 Your petitioners object to the Bill in its present form as it does not provide adequate protection for the environment and ecology. Their recording and observations of wildlife lead them to HS2 enters a wildlife rich area in the Trent Valley but the Bill does not outline on what environmental basis a decision will be made along the proposed route or any route with regard to the connectivity of wildlife. HS2 will construct a "dead zone" along the track corridor and beyond. Details of mitigation so far mentioned have been at best pathetic and at worst totally destructive. Ancient woodland along both phases one and two will be irreparably lost. That is totally unacceptable as many woodland and farmland species are in decline anyway. There is a total ignorance of the principles of a living landscape approach. HS2 will form a barrier across the Trent Valley and hence destroy connectivity of wildlife populations. The Bill does not contain sufficient measures that counter this reckless disregard for our British and International wildlife populations. In answer to the concerns over the effect HS2 will have on Barn Owls the simple answer from HS2 has been to suggest that as mitigation they will erect more Barn Owl boxes. The real problems regarding Barn Owls relate to habitat and prey loss which will be exacerbated by HS2. The Barn Owl population in Staffordshire has been ruined by recent weather events and is currently grave concerns. The impact of HS2 will significantly hinder any long term recovery.

9.5 Your Petitioners are concerned that rights of entry and authorisations to enter land for surveying purposes go beyond the rights that are reasonably necessary. This permits entry to any land anywhere in Great Britain for the purpose of any high speed railway which ministers might wish to propose in the future. They are very concerned that the removal of their right to refuse entry to their property to anyone from HS2 Ltd who wants access, will also become a criminal offence. It is outside the long title and scope of the Bill, not being a purpose connected with HS2.

9.6 Your petitioners object to Clause 50 in the Bill ie. the Power to apply the Act to further high speed rail works'. This will create a flawed process which is undemocratic. People affected by the Phase 1 route were given the right to be consulted and to petition Parliament but their responses will then be used to affect the conditions for all subsequent routes for the entire HS2 project. This happened in the initial consultations when people in Phase 1 were asked if they agreed with HS2 being constructed. This question was never put to the Phase 2 consultees

because when challenged, HS2 Ltd said that the Phase 1 consultation was a “nationwide” consultation. This is totally undemocratic because no one else in the country was informed or asked. The answers of a few were then extrapolated to represent the rest of the population. No-one else was consulted. This is now being replicated and is totally unacceptable in the current bill.

9.7 Your petitioners object to Point 62, Part C, which states “(c) otherwise for the purposes of or in connection with Phase One of High Speed 2 or any high speed railway transport system of which Phase One of High Speed 2 forms or is to form part.” These will enable decisions taken about Phase 1 to apply to any future project without being referred to Parliament which is unacceptable and undemocratic.

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10.1 Your Petitioner requests that the Bill should be amended to ensure that persons who have experienced personal loss, injury and/or inconvenience, should be entitled to claim compensation from HS2. Your Petitioners submits that the compensation provisions are not sufficient to compensate them adequately for the loss and damage they incur as a result of the plans for HS2 and associated development, as supported by the rights of entry for survey purposes and the increased possibility of these plans being realised if Phase 1 is approved. Compensation based purely on property values takes no account of the inconvenience and severe stress that many they have experienced since the announcement of this project.

10.2 Your Petitioners requests that the Bill should be amended to ensure that persons whose property has faced loss of value should be entitled to claim compensation for the full amount of loss incurred due to HS2.

10.3 & 10.4- Your Petitioners requests that the Bill should be amended to ensure that all Appropriate Assessments for SACs or SSSIs, Ancient woodlands and other areas rich in wildlife are completed and evaluated before any route is confirmed, any ground works are undertaken or any work begun and restrictions during breeding seasons are strictly adhered to.

10.5 Your Petitioners are concerned that rights of entry and authorisations to enter land for surveying purposes go beyond the rights that are reasonably necessary. Your Petitioner requests that Clauses 51 and 52 should be amended so that land can only be accessed with the landowner’s and occupier’s consent.

10.6 Your Petitioner asks that Point 50 in the Bill be amended to clearly state that this Bill ONLY permits the building of HS2, Phase 1, as proposed and publically consulted on and

10.7 Your Petitioner asks that Part C of Point 62 be deleted, due to the clear ability it would give HS2 Limited to make decisions about or start work on Phase 2 of HS2 without any further reference to Parliament.

Your petitioners request that

11. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.
12. 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed ROGER BROADBENT

GILLIAN BROADBENT

On behalf

of.....

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Agent:

Joe Rukin