

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 John Robert Jakobi of Stoke House, Stoke Mandeville

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 petitioner, John Robert Jakobi, is the freehold owner of and resident at Stoke House and Stoke House Farm in Stoke Mandeville, Buckinghamshire (your petitioner's property). The property and land will be injuriously affected by the Bill since they are required to accommodate the railway line and maintenance loops.
- 8 From your petitioner's property, there are views across open fields on the southern side of Stoke Mandeville village. These will be spoilt forever during both the construction and operational phases of the railway as a consequence of the Bill. Your petitioner and his rights, interests and property are therefore injuriously affected by the provisions of the Bill, and your petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.
- 9 Whilst your petitioner recognises that the Select Committee of your Honourable House cannot consider cases that object to the principles of the Bill, he remains implacably opposed to the Bill and the proposals for the high speed railway between London and Birmingham. Your petitioner believes that the business case for HS2 is far from robust and represents poor value for money for taxpayers.
- 10 Despite such opposition your petitioner has met with HS2 Ltd in bilateral meetings since receiving notice of the compulsory acquisition of their property in November 2013 and at Community Forum Area meetings and during numerous consultations to discuss, share and resolve his particular issues.

Adequacy of the Environmental Statement

- 11 Your petitioner is concerned about the adequacy and accuracy of the Environmental Statement deposited with the Hybrid Bill and does not believe that it presents, as it should, an assessment of the 'worst case scenario'. Your petitioner requests that all deficiencies are addressed by the Bill's promoter, since the draft Environmental Minimum Requirements include obligations for the Nominated Undertaker responsible for constructing and operating the railway, many of which are linked to the Environmental Statement and depend upon its accuracy.

Concerns about the Hybrid Bill

- 12 Your petitioner has grave concerns about four clauses in the Hybrid Bill that allow the Bill's promoter to circumvent, overlook or otherwise ignore obstacles that are seen to delay planning, development or construction of the rail line. In short, the clauses can override legal safeguards to protect water supplies, close any railway station or line at a Minister's behest, allow for compulsory purchase orders with no spatial or time limits if there is an 'opportunity for development', and establish a new 'right of entry'

for HS2 Ltd to enter any property within 500 metres of the line, with refusal to provide entry a criminal offence.

- 13 The specific clauses are Clause 31, schedule 20; Clause 39; Clause 47 and Clause 51. Your petitioner strongly objects to all these clauses since they give powers that are unprecedented in the history of infrastructure projects. These must not be allowed to pass into law.

Noise and visual intrusion

- 14 Your petitioner is very concerned about the visual and sound impacts upon his land and property created by the rail line during both the construction and operational phases, which will undoubtedly affect his quality of life. The proposed alignment of the railway on an embankment in clear sight of his house, exacerbated by a valley between, is such that even the most optimistic assessment in the Environmental Statement has to rate the impact as high.
- 15 The visual and noise impacts are further increased because of the proposed inclusion of maintenance loops through your petitioner's property to a point just before the route crosses Risborough Road (approximately chainage 57,600). The maintenance loops provide two sidings, alongside the proposed high speed line, for stabling maintenance trains. These change the nature of the railway in this area, as the sidings increase the footprint and require additional infrastructure like access and lighting.
- 16 Your petitioner is still not convinced that the maintenance loops are needed and if they are whether this is the best site, considering how close it is to the Infrastructure Maintenance Depot at Calvert. If it is essential for the operation of the railway your petitioner suggests it could be more easily provided with much less impact at Old Oak Common, the proposed interchange station with Crossrail.
- 17 If the Bill's promoter can demonstrate the need for the loops as proposed, your petitioner seeks assurances that the visual and sound impacts are properly assessed and mitigated. To date concerns have not been sufficiently addressed, and although the Environmental Statement notes that local impacts are adverse it offers little to reduce impacts or mitigate their effects.
- 18 Your petitioner believes that the sound barrier currently proposed for the maintenance loops is inadequate and should be raised to the height of other barriers, i.e. five metres. They must also be screened effectively with appropriate landscaping, including tree planting. Your petitioner also expects any lighting provided for the maintenance loop to be designed to minimise night time light pollution and in use only when needed.
- 19 Your petitioner further asks for a comprehensive tree planting scheme, completed at the earliest opportunity to ensure that the visual impacts of the scheme as soon as possible. Your petitioner not unreasonably seeks effective screening along the full length of the line, particularly important where no mitigation has been suggested. He also seeks the restoration and relocation of a tree copse planted under a DEFRA CSS scheme in 2005, which lies directly on the line of route.

Realignment of A4010 and demolition of 30 Lower Road

- 20 Reference to the realigned A4010 or Stoke Mandeville bypass by Mr Secretary McLoughlin in your Honourable House, is testament to the work of your petitioner and others in meetings with the Bill's promoters. The proposal, now included in the Environmental Statement, is supported by your petitioner as it avoids the need for a high embankment and bridge or flyover indicated in the original design.

Protection of the Chilterns

- 21 Your petitioner supports the proposal within petitions submitted by the Chilterns Conservation Board, Aylesbury Vale District, Chiltern District and Buckinghamshire County Councils for a fully bored tunnel through the Chilterns. The Peter Brett and Associates report published on 25 April 2014 shows a new line for the railway that moves the alignment away from your petitioner's property on a line from the new north portal to the existing safeguarded route.

Health Impact Assessment (HIA)

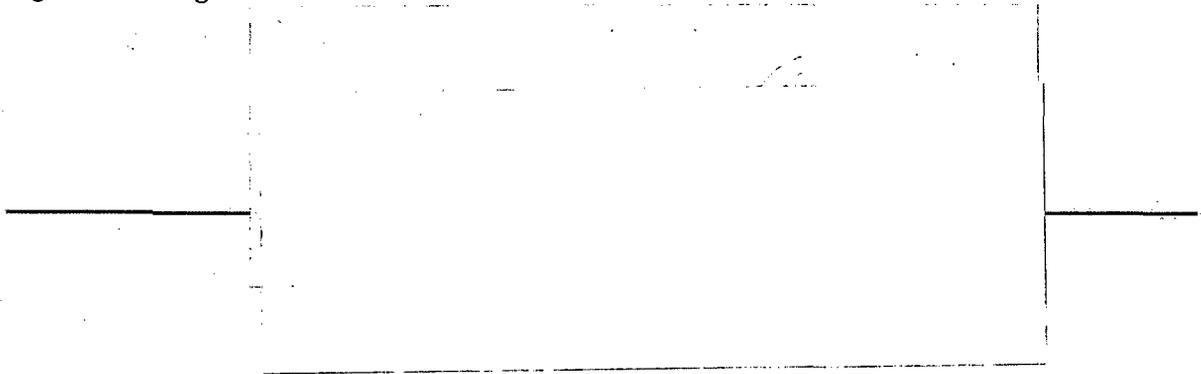
- 22 Your petitioner is not convinced that the broader effects of HS2 have been assessed or measured and believes that insufficient mitigation is planned. Construction will have noise, dust, vibration, health and emotional effects not addressed in the current draft Code of Construction Practice and there is too little information about Local Environment Management Plans to reassure your petitioner that these will adequately address local matters.
- 23 Your petitioners ask the Select Committee to instruct the promoter to carry out comprehensive and meaningful consultation on the Code of Construction Practice once it is finalised and include local community involvement in the preparation of Local Environment Management Plans. This should enable suitable practices to be adopted and sufficient mitigation to be proposed, discussed and considered.
- 24 In light of the above, your petitioner reserves the right to raise the above matters and any other matters of concern relating to the substance of the HS2 Hybrid Bill and this petition that may arise from ongoing discussions, the publication of further reports, any revisions that may be made to current proposals or any other matters relevant to expressed concerns that may occur in due course and prior to representation before the Select Committee.
- 25 There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your petitioner and their rights (including their human rights) and for which no provision is made to protect your petitioner, and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONER therefore humbly prays 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.

Signature of Agent for the Petitioner



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PETITION OF John Robert Jakobi

AGAINST, By Counsel, &c.

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