

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 persons on behalf of action groups against HS2 in Swynnerton, in Whitmore and in Madeley, all in Staffordshire, namely the Swynnerton HS2 Action group, the Whitmore & Baldwins Gate HS2 Action group and the Madeley HS2 Action group, and William Cash MP for Stone constituency

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 persons on behalf of action groups against HS2 in Swynnerton, in Whitmore and in Madeley, all in Staffordshire, namely the Swynnerton HS2 Action group, the Whitmore & Baldwins Gate HS2 Action group and the Madeley HS2 Action group, and William Cash MP (hereinafter referred to as 'the Petitioners'), for the Stone constituency which is located in the vicinity of the proposed route of Phase 2 of HS2. Your petitioners' constituency is directly affected as clauses 51 and 52 give right of entry to properties within your Petitioners' constituency and the principles and decisions reached in respect of Phase 1 will set standards for the Hybrid Bill for Phase 2, where it will be substantially more difficult to challenge such arrangements. Your Petitioners' interests within his constituent petitioners and their properties are therefore injuriously affected by the Bill, to which your Petitioners object for the reasons set out below.
8. Your petitioners draw attention of the Select Committee on the High Speed Rail (London - West Midlands) Bill, as nominated by the House of Commons on 29 April 2014, to the unusual and unprecedented nature of the manner in which the Bill which deals with Phase 1 will inevitably have a direct impact on the proposed future Hybrid Bill forming Phase 2 from Birmingham to Manchester. It is universally understood that Phase 1 could not be brought into effect on its own account unless there was a Phase 2 also; it is also known from notices and the literature distributed by Government and HS2 Ltd. and the acquisition of land which has already taken place along the route of Phase 2, which is within that stretch of the line between Stone, Swynnerton, Whitmore and Madeley, that Phase 2 is and will be injuriously affected by whatever is decided by the Select Committee, and by Parliament, on this Bill now before Parliament. It is therefore humbly submitted that given the scale of the operations and for all the reasons that are set out below in relation to the generic principles provided in the petitions of the individuals who have petitioned individually within the Stone constituency, that it would be unconscionable for them not to have the opportunity at this stage on Phase 1 to be heard before that Select Committee; it will be noted that every attempt has been made to achieve the greatest degree of symmetry between the petitions in order to address those matters with the maximum degree of coordination and for the convenience of the Select Committee. There are a number of matters which are included in this petition which have not been mentioned in the individual petitions but which your petitioners and this petition also wish to draw attention to the Committee and on which they hope to be heard.
9. **Access to land for surveying**
 - 9.1 Your Petitioners are concerned that rights of entry and authorisations to enter land for surveying purposes goes beyond the rights that are reasonably necessary. Your Petitioners note that these clauses are primarily designed for preparatory work to be undertaken on Phase 2 of HS2. Your petitioners submit that the powers in the Hybrid Bill are too broad and should be subject to independent oversight.

9.2 Your Petitioners request that Clauses 51 and 52 should be amended so that land can only be accessed with the landowner's and occupier's consent.

9.3 Compensation under Clause 52(5) is limited to damage to land or other property and does not include any other losses, such as the owner or occupier being deprived of the use of the land or incurring extra costs to manage the entry onto their land. The compensation provision is narrower than in other legislation (for example, section 292 of the Highways Act 1980) and if a right of entry is retained then it should be amended.

10. Compensation

10.1 Your Petitioners submit that the compensation provisions in relation to property that is not compulsory acquired and other matters would not be sufficient to compensate your Petitioners adequately for the loss and damage they incur as a result of the plan for Phase 2 of the high speed railway 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.

10.2 Your Petitioners request that the Bill should be amended to ensure your Petitioners and other persons who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation for the full amount of loss incurred due to HS2.

11. Property bond scheme

11.1 Generalised blight is a reduction in the value of land resulting from that land being in close proximity to the proposed development. This reduction in value is seen as soon as a proposal is confirmed, often many years before construction starts. Affected land owners are unable to sell their properties unless they accept a price below the un-blighted value.

11.2 A property bond scheme should be introduced to combat blight. The government would give a binding commitment to provide compensation for the difference between the blighted and un-blighted value of the property. This commitment would run with the property, so a seller could sell at reduced value and redeem the bond, or sell at the un-blighted value and pass the bond on to the buyer.

11.3 This measure would ensure that owners in close proximity to the HS2 route would be protected should they need to sell their properties. This would have the wider benefit of reducing the overall incidence of blight as the scheme would have far less impact on the property market than would be the case if there were no bond scheme.

12. Abolition of the rateable value limits

12.1 Certain owners of land subject to compulsory purchase powers (i.e. land within the limits of deviation for the scheme) are able to serve blight notices on the acquiring authority, thereby compelling the authority to acquire it. The rateable value limits restrict the right to serve a blight notice. Owner-occupiers of business premises whose rateable value exceeds the arbitrary limit of £34,800 are unable to serve blight notices. Your Petitioners request that this limit should be abolished. It is

arbitrary and unfair on the owners of property with a higher rateable value who suffer to the same degree.

13. Minimisation of land take

13.1 As a general principle, the government should look for ways to minimise land take. Your Petitioners request that compensation for land taken should be viewed as a last resort only where absolutely unavoidable, rather than being employed freely.

13.2 The government will be able to acquire compulsorily land outside the limits of deviation for the purposes of regeneration. This power clearly goes against any general principle to minimise land take. It has the potential to increase substantially the scale of land take beyond that needed actually to implement the scheme, with consequentially increased impact on landowners. Such a power is currently reserved to local authorities and is subject to controls. Your petitioners are not convinced that the case for such powers has been made.

13.3 It is clear that the government intends to purchase a large amount of land for the purposes of environmental mitigation (as evidenced by schedule 5). While the need for adequate mitigation is clear, your Petitioners request that the government should be obliged, before acquiring land compulsorily for this purpose, to demonstrate that the mitigation in question is essential, that it will be managed to maximise environmental output, and it has not been able to acquire such land by agreement.

14. Removal of loss payment ceilings

14.1 Certain landowners are entitled to 'loss payments' of 10% of the value of their interest that is compulsorily acquired, but this is subject to a cap of £47,000 (home loss) or £100,000 (other types of land). Loss payments are designed to cover the costs of moving to new premises, which are often higher in the case of higher value property. The caps are therefore unfair arbitrary limits that result in some landowners being unable to recover all their losses. Your Petitioners request that the government should undertake not to apply them in the case of property acquired for the purposes of HS2.

15. Advance compensation payable before entry

15.1 Current rules require acquiring authorities to make an advance payment of 90% of the total compensation due once they have taken possession of the land, if the landowner requests such a payment. This payment is clearly too late to be of use to landowners who will need to find alternative property prior to occupation by the acquiring authority. It is also often based on the acquirer's (often under-) estimation of the value of the claim, and there is no means of enforcing payment. Your Petitioners request that the government should undertake to pay this compensation prior to taking possession. It should implement a scheme whereby an independent party can rule on the appropriate estimate of the compensation, and adjudicate on any dispute over non-payment.

16. Compensation for affected properties where no land is taken

16.1 There will be property owners who live and operate businesses directly adjacent to the HS2, but do not have land taken as part of the scheme. Under Part 1 of the

Land Compensation Act 1973 these property owners can only claim for the physical factors caused by the use of the public works, limited to noise, vibration, smell and fumes, not what could be the substantial disturbance caused by the lengthy construction. This compensation claim can only be submitted a year after scheme has been operational – in the case of phase 1 of HS2 this might mean after 2028. Your Petitioners request that where a property or business is directly adjacent to the HS2 works and the final route those claimants could be as affected almost as much as those who suffer land take and therefore, where this is the case, they should be treated in the same way in terms of compensation. Your Petitioner's request that property owners, who's property curtilage is adjacent to the HS2 route but suffer no land take should be entitled to claim the same compensation for the market value of their loss in the same way as those who have land taken and should not have to wait until the scheme is operational for a year.

17. Provision for negative equity

17.1 In normal circumstances a mortgagor landowner, who is paid market value for the acquired property, would receive enough to clear his mortgage and purchase a new property by taking out a new mortgage. But if the mortgagor land owner is in negative equity, he may well be unable to clear his mortgage. He would remain liable to the bank for the outstanding amount and may be unable to pay it. It could also be difficult for him to access another mortgage so as to acquire a new property. Banks are also unwilling to let mortgagors transfer negative equity mortgages to new properties. Landowners in negative equity are therefore particularly affected by compulsory purchase as they can be left with no property – had the compulsory purchase not taken place, they would have had the option of staying in their property and paying the mortgage off over time, or waiting for the value to rise. This is particularly unfair given that generalised blight caused by the scheme may be the cause of, or have exacerbated the level of, negative equity. Your Petitioners request that the government should offer terms to ameliorate the position for those in negative equity.

18. On Capital Gains Tax, disposals of land normally give rise to a Capital Gains Tax (CGT) charge unless a statutory relief applies. Taxpayers in receipt of compensation for the compulsory acquisition of land may claim roll-over relief provided that the sums received are reinvested in certain types of property. This limits the ability of the taxpayer to reinvest in an investment of his choosing, such as shares in another business. In addition, the ability to claim roll-over relief is subject to the condition that the reinvestment is made within one year prior to the sale or three years after it (although the HMRC has the ability to increase these limits in individual circumstances). As such difficulties can arise where the taxpayer has specific needs as to the replacement land he wishes to reinvest in. For example, it may be difficult to find replacement land at an affordable price, of the correct quality and in a suitable location in the timescale permitted for roll-over relief because:

- land in a suitable location does not become available on the market within the timescale prescribed by the roll-over relief rules;
- an imbalance in the supply and demand of land in areas created by the large infrastructure project and the requirement to re-invest quickly (e.g. land close to

the route proposed for HS2) which forces land prices upwards making reinvestment unaffordable.

This is an acute problem for farmers who will look to acquire replacement land in close proximity to the rest of their holding. For them it would not make economic sense for their farming business to invest in land in a remote location. Competing to purchase land at inflated prices would be damaging for the long-term rural economy and result in a further uncompensated loss for that business.

As the Government's stated aim is to promote greater predictability, stability and simplicity in the tax system, your Petitioners request that the CGT rules be amended so that the limits to roll over relief start when the scheme is first announced and finish when a qualifying replacement property purchase is made. This is necessary because the sale is not at a time of the taxpayers choosing or by a willing seller. This will provide much needed simplicity and certainty for tax payers affected by compulsory purchase as they will no longer face the risk of a tax charge several years after receiving their compensation, purely because they have been unable to reinvest in affordable land.

19. Compensation for drainage losses

19.1 Drainage problems caused by the works and compulsory purchase often do not become apparent until after full and final settlement on compensation has been reached between the landowner and the acquiring authority.

19.2 In the case of HS2, your Petitioners request that the government undertake to provide further compensation or commit to undertake further works where there are additional drainage issues caused by the scheme, even if 'full and final' settlement has already been reached.

20. Voluntary schemes should be applicable to all interests

20.1 The government has agreed to implement various voluntary compensation schemes that provide compensation beyond the requirements of the law. This is welcome, but the proposed schemes are unfairly restrictive as they will, for example in the main, only apply to owner-occupiers. Your Petitioners request that the government should expand the scope of these voluntary schemes so that they apply to all property types, whether residential, agricultural or commercial regardless of whether they are owner-occupied, tenanted or even left vacant as a direct result of HS2.

21. Replacement of essential buildings

21.1 Where landowners have specialist buildings required for particular purposes, it might not be possible to replace these buildings in a place that is useful to the landowner simply by using the compensation received from the acquiring authority. In such cases the government should undertake to use its powers to secure replacement buildings. This should include measures to make sure that landowners are not frustrated by being unable to secure planning permission for replacement buildings.

22. Advance payment in respect of fees for professional advice

22.1 Landowners affected by compulsory purchase require professional advice on how to negotiate the process and ensure the protection of their interests. They may also

need advice on the long term reorganisation of their estate, businesses or affairs. While the cost of some of this advice can be recovered, there is often a considerable delay in receiving the compensation, whereas landowners need funds to pay for the advice in advance to mitigate the impact on their businesses. The government should undertake to introduce a scheme to ensure the upfront provision of professional advice to landowners at no cost to them.

23. Exemption in respect of business rates / council tax

23.1 Where premises are left empty for more than a certain period, the owner is required to pay to business rates or council tax (which would otherwise be paid by the tenant). Major schemes often make it difficult to find tenants, unfairly leaving landowners with these additional costs. Your Petitioners request that where properties are left empty as a direct result of HS2, the government should ensure that this is an additional exemption to both business rates and council tax.

24. Increase in the statutory rate of interest

24.1 The compensation code currently requires that interest is due on compensation not paid from the date of entry by the acquiring authority. However, the statutory rate of interest is '0.5% below the base rate' which in the current climate of record low interest rates means that interest is payable at zero percent. Authorities therefore have an incentive not to pay compensation promptly. Your Petitioners request that the government should undertake to pay interest at a higher rate of interest, equivalent to a commercial rate. The government could easily avoid any cost implications from this simply by paying compensation promptly.

25. A Duty of Care and fairness

25.1 A recurring problem with the current system of Compulsory Purchase and Compensation is that it is unnecessarily adversarial. Your Petitioners requests that the government should accept a general duty of care to those affected. This could be given effect through a new Code of Practice through which the government agrees to minimise land take, commit to pay fair compensation and to pay it promptly, implement the above measures (where appropriate), and to accept responsibility for the actions of its contractors.

26. Independent Person

26.1 Your Petitioners request that an Independent Person should be appointed to ensure that the duty of care is implemented by the government. The Independent Person would be able to hear and adjudicate on disputes between the government and landowners. The Independent Person should have powers to enforce some of measures proposed above, including the prompt purchase of property after acceptance of a blight notice and prompt payment of any advance compensation. The Independent Person could also rule on the value of a compensation claim for the purposes of advance payments.

27. Limits of Deviation

27.1 Your Petitioners are concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.

27.2 Your Petitioners are concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of Phase 2 of the high speed railway and associated development, for example by raising the track height to the detriment of the amenity of the landscape. These potential environmental impacts are not adequately addressed in the environmental statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce adverse environmental effects provided it does not add unreasonable cost or delay to the construction and operation.

27.3 Your Petitioners request that the provisions in the Hybrid Bill to allow deviation should be deleted.

28. Noise

28.1 Your petitioners are concerned that HS2 Ltd have not set proper noise thresholds and ignored national policy in this area and the views of the World Health Organisation. Your petitioners submit that the noise limits set for Phase 1 will determine the design parameters for rolling stock and track design which will also be used in Phase 2.

28.2 Your petitioners are concerned that the specific impacts of groundborne noise have not been properly considered or explained to impacted communities and the limit for groundborne noise does not reflect recent or practice or experience and the methodology used for predicting the impact of groundborne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

28.3 Your petitioners therefore request

28.3.1 HS2 Ltd be instructed to issue revised noise thresholds covering noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).

28.3.2 HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.

28.3.3 HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.

28.3.4 A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.

28.3.5 HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension- meaning groundborne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

28.4 Your Petitioners are concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioners are also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.

28.5 Your Petitioners request that Clause 35 and schedule 25 are deleted from the Bill.

29. **Vulnerability to Terrorism**

29.1 HS2 is planned to be an ultra high-speed, British railway system of the 21st century and will thus have high national and international visibility. Your Petitioners are gravely concerned that HS2 will, as a consequence, be a target of significant potential for terrorists to disrupt, analogous to the World Trade Centre in New York. Accordingly Your Petitioners has enquired of the Department of Transport and HS2 Ltd regarding the Prevention of such potential terrorist acts in the Design of the HS2 System. Such security system might be considered analogous to the security measures that are used at Airports, prior to passengers boarding and for their luggage. To date, communications with the Department of Transport and HS2 Ltd. have not provided satisfactory answers to this important question.

29.2 Your Petitioners are concerned that, adjacent to Your Petitioners' Property, an explosive device might be detonated by a terrorist act on an HS2 train, travelling at the maximum speed of 250 miles per hour during a peak-period and thus carrying 1,100 passengers. At about the same time, an HS2 train might be passing in the other direction, also at similar speed and passenger loading. The potential loss of life would be about 2,250 people, which is significantly more than the loss of life on all of the roads in Great Britain in a whole year.

29.3 Your Petitioners consider that in the 21st century to design a railway system for use up to 2150 AD, whereby one such incident, as described above, could cause such gross destruction is unacceptable.

29.4 Your Petitioners request that HS2 Ltd be obliged to commit to designing the ultra high speed HS2 railway system such that the hypothetical example described above, and any such similar occurrence, would be prevented.

30. **Clause 50 - Power to apply Act to further high speed rail works**

30.1 Your Petitioners have noted that there have been a number of ministerial announcements over recent weeks and months which spoke of a possible extension to Phase 1 up to Crewe. Given that the current wording of Clause 50 would allow HS2 to extend Phase 1, without further referral to Parliament, Your Petitioners asked 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.

31. **Point 62, Part C - "Phase One purposes"**

31.1 Your Petitioners have noted 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."

31.2 Your Petitioners ask 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.

31.3 For the foregoing and connected reasons your Petitioners respectfully submit that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.

32. Junction with West Coast Main Line

32.1 Your Petitioners consider that, if HS2, Phase 1, should be constructed, the junction with the West Coast Main Line at Handsacre is essential for the town of Stafford and surrounding communities to obtain any benefit from the project. Your Petitioners are content that the Bill provides for the construction of the junction, and that the select committee has been instructed that the principle of the bill includes those works. Nonetheless, your Petitioners are concerned that the junction could be authorised and then not constructed, or constructed and then not used. Your Petitioners believe that if Staffordshire is to gain any economic benefit from the scheme, the junction must be constructed in order to provide the residents and businesses within the catchment area of Stafford station with direct access to the high speed rail network. Your Petitioners seek an undertaking that Phase One of HS2 should not be open to public traffic until the junction is constructed and operational and that the junction will remain open to public traffic once Phase Two is completed and open to public traffic.

33. Code of Construction Practice

33.1 Your Petitioners are concerned that the nominated undertaker's ongoing accountability to is unspecified and that this principle, if adopted, would be highly detrimental to communities located on Phase 2 of the proposed route of HS2. The Code of Construction Practice does not identify how any lead contractors will be made to comply and the redress and appropriate action that might be taken in the event that the contractors do not comply with the Code of Construction Practice. Assessment in the environmental statement is made on the assumption that the Code of Construction Practice and the strategies will be fully effective, however, the Code of Construction Practice has no legal status.

33.2 Your Petitioners submit that the Code of Construction Practice should be incorporated into the Bill. Parliament and not the nominated undertaker should be accountable for the project. Any monitoring required under the Code of Construction Practice should involve the relevant local authority as well as independent experts with effective oversight and redress arrangements in the event of non-compliance with the Code of Construction Practice.

33.3 The standards set out in the environmental statement and the Code of Construction Practice is of "reasonableness" and "reasonable endeavours". Your Petitioners submit that this should be replaced by a higher standard, i.e. "best practical means" and the measures should be agreed with the relevant local authority. Measures should be subject to independent assessment verifiable and challengeable. This applies to noise as well as other effects that are to be addressed in the Code of Construction Practice.

34. Carbon

34.1 Your Petitioners are concerned about the impact of the high speed railway on the UK's carbon reduction commitments.

34.2 Your Petitioners request that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014 there should be an emissions monitoring system to bring transparency to the likely effect of the high speed railway on overall transport emissions and a reduced maximum speed until electricity generation has been sufficiently decarbonised to make it a marginal issue.

35. Power to acquire land, rights in land, airspace and subsoil

35.1 Your Petitioners are concerned that the powers sought in the Bill go beyond the scale of powers of what is reasonably required to achieve the construction and operation of the high speed railway and its associated development particularly in relation to the acquisition of land and rights in land, air space and subsoil. Your petitioners would be injuriously affected should such principals be adopted in Phase 2.

35.2 Your Petitioners are also concerned by Clause 47 of the Bill (compulsory acquisition of land for regeneration and relocation) which is too broad in scope and is not limited by time or distance. Your Petitioners believe that this power should be removed.

36. Ecology

36.1 Your Petitioners are concerned about the adverse impacts of the construction and operation of the high speed railway and associated development on fauna and flora. Your Petitioners are particularly concerned by the failure of the Environmental Statement for Phase 1 of HS2 to include any assessment of the in combination effects arising from the plans for Phase 2. Your petitioners are further concerned by the absence in the Hybrid Bill of any requirement for HS2 Ltd to ensure their activities result in No Net Loss of Biodiversity. Your petitioners highlight the number of sensitive sites (including Sites of Special Scientific Interest, County Wildlife Sites and Local Wildlife Sites) which would be impacted should Phase 2 of HS2 proceed.

36.2 Your Petitioners request that in accordance with the House of Commons Environmental Audit Committee Report dated 2 April 2014, a process should be established to monitor all aspects of environmental protection needed for 60 years following the start of construction and operation of the railway, including biodiversity mitigations, compensation off-set. This process must be managed by an independent body, which monitors and publicly reports progress against the "no net biodiversity loss" objective. A detailed costing should also be established for monitoring and reporting and for the environmental protection being overseen, and ring-fence these environmental protections and a separate budget for these purposes.

36.3 Your Petitioners request that other recommendations in the House of Commons Environmental Audit Committee Report dated 2 April 2014 are also followed including but not limited to the revising the environmental statement to distinguish clearly between mitigation and compensation measures in respect of biodiversity, carry out outstanding environmental surveying as soon as possible, weighting metrics for biodiversity offsetting towards production of biodiversity gains and taking explicit account of communities' wellbeing, adjusting metrics to encompass the precautionary principle, treatment of ancient woodlands should be separately from the overall biodiversity net loss calculation, re-examining scope for off-site

biodiversity compensation, research on alternative discount factors for the off-setting metric.

37. Nominated undertaker

37.1 Your Petitioners have concerns in relation to the appointment of a nominated undertaker and the associated risk of them failing to fulfil their obligations failing, and the fettering of the Secretary of State's discretion by agreement with the nominated undertaker.

37.2 Your Petitioners request that there should be a provision inserted into Clause 43 enabling enforcement against the Secretary of State in the event of the nominated undertaker failing to fulfil their obligations.

38. Environmental Statement

38.1 Your Petitioners are concerned by the absence of any specific provision to compel the nominated undertaker to implement mitigation measures identified in the Environmental Statement accompanying the Bill. Failure to include such provision would, your Petitioners submit, be contrary to the purposes of the EIA Directive and be highly damaging to communities located on Phase 2 of the route.

38.2 Your Petitioners submit that the Environmental Statement accompanying the Bill is deficient, for the reasons set out HS2AA's Environmental Statement Consultation response.

38.3 Your Petitioners request that specific provision is included to compel the nominated undertaker to implement mitigation measures identified in the Environmental Statement accompanying the Bill.

38.4 Your Petitioners request that the reasons set out in HS2AA's Environmental Statement Consultation response are acknowledged and taken note of in addressing the deficiency of the Environmental Statement accompanying the Bill.

39. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.

40. For the foregoing and connected reasons your Petitioners respectfully submit that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.

41. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioners and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 such of the clauses and provisions of the Bill as affect 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.

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Action Group

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AGAINST, By counsel, &c

WILLIAM CASH MP
HOUSE OF COMMONS
LONDON
SW1A 0AA
Telephone: 0207 219 6330

KENTH RALLS

