

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 Michael John Gaisford, Julia Prebble Gaisford, Paul Nicholas Gaisford and Ruth Elizabeth Gaisford

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 Michael John Gaisford, Julia Prebble Gaisford, Paul Nicholas Gaisford and Ruth Elizabeth Gaisford, partners in the Layby Farm Partnership, Old Risborough Road, Stoke Mandeville. They not only own the freehold for the 1.74 hectare Layby Farm site but are also residents at 'The Willows', Michael and Julia Gaisford; and 'Hatters End', Ruth Gaisford. Your petitioners' properties and land will be injuriously affected by the Bill since they are very close to the limits of land to be acquired and used as shown on the plans deposited with the Bill, caught between the rail line and the realigned A4010. Part of the land is within 120 metres of HS2 line and the rest no more than 300m from the line.
 - 8 Layby Farm currently supports thirteen tenanted businesses- The Bucks Goat Centre & Tea Cup Cafe; Genies Fancy Dress; Obsidian Art; Chiltern Sports; Just Biscuits; J & A Stoves; BBD Leisure Buildings; By Hand Books; Risborough Fish; Immortaleye Photography; H & R Dog Groomers; Fineglaze; and one large empty unit, proving difficult to re-let due to the blight experienced as a consequence of HS2. The site is managed by your petitioners.
 - 9 The business units, which between them have a multi-million pound annual turnover, currently occupy a total area of approximately 1,560 square metres at Layby Farm and employ about 50 people, with a combined business rateable value of £55,000 and an annual rental income of approximately £90,000. It is therefore clear that your petitioners, their rights, interests and property are injuriously affected by the provisions of the Bill, and your petitioners accordingly object thereto for the reasons, amongst others, hereinafter appearing.
 - 10 Whilst your petitioners note that the Select Committee of your Honourable House cannot consider objections to the principles of the Bill, they remain opposed to the Bill and the proposals for the high speed railway between London and Birmingham. Despite this opposition, your petitioner has met with HS2 Ltd in bilateral meetings.

Construction and operational impacts

- 11 Your petitioners are concerned that overarching plans to minimise noise impacts during construction relies almost exclusively on a Code of Construction Practice that is currently only in draft form. Your petitioners believe this makes it impossible to be confident about its contents and unable to test the efficacy of its proposals. They therefore ask that once the Code of Conduct Practice is finalised it should be subject to further consultation, giving those most affected an opportunity to review protection proposed rather than accept what is 'reasonably practicable'.

- 12 Your petitioners are also extremely worried about the impacts of the construction phase on the Layby Partnership, especially as the Environmental Statement suggests that it will create significant disruption across the area. With construction activities planned on both sides of the site, to realign the A4010 and build the railway line, your petitioners do not believe that the impacts on their site have been adequately assessed or mitigated. These combined effects will create significant noise, dust and visual intrusion disturbing a currently tranquil site, the main reason why many businesses have chosen the Layby Farm Business Park.
- 13 There can be little doubt that unless the construction activities are carefully managed and planned, such major disruption will deter visitors to the site, reduce footfall for the businesses, and cause distress to the animals. Your petitioners are also concerned about potential security issues for their site during the construction period. To mitigate these damaging effects your petitioners ask that the Bill's promoter be instructed to prepare a detailed construction and traffic management plan, in consultation with your petitioners, the Parish and County Councils, to manage construction matters close to Layby Farm. Your petitioners insist that within the plan work is managed throughout to ensure that access is maintained to Layby Farm.
- 14 Even with such an agreement, your petitioners believe that their business may cease to be viable because of such significant changes to the nature and setting of their site and the long 'temporary' period needed to build both the realigned A4010 and the rail line. Layby Farm will be adjacent to at least one major construction compound, and once operational, just 150 metres from a high speed rail line generating noise levels that would upset animals and discourage visitors to the site. Your petitioners ask the Select Committee to note that the Bucks Goat Centre alone is a very popular tourist attraction with between ten and twenty thousand visitors per annum.
- 15 Your petitioners therefore request that an assurance is given that Layby Farm be given every possible assistance to remain operational and viable in business in its current location. This would include providing direct access to the site from the realigned A4010 with clear signage across the area, gifting the small triangle of isolated land south of the site and providing more effective noise screening from the railway. Your petitioners also expect the package of measures to include a programme of financial support to maintain viability.

Realignment of A4010

- 16 Your petitioners understand the reason for including the realigned A4010 in the Environmental Statement, namely to avoid unnecessary major structures, reduce traffic impacts and maintain ambulance access between Wycombe and Stoke Mandeville Hospitals. The proposal does, however, have some local impacts for your petitioners that should be noted.
- 17 The new road crosses the southwest corner of Layby Farm (see map CT-05-041 items 36 and 38) and will for, at minimum, the construction phase close the main walkway around the Bucks Goat Centre, enjoyed by so many visitors each year. Your petitioners ask that all efforts be made to maintain this route by adjusting the road's alignment and managing the construction activities carefully as suggested above. This is not seen to be an unreasonable request.

- 18 The access to your petitioners' site, Layby Farm, is currently from the A4010 Risborough Road, which will be severed as a consequence of HS2 and the realignment of the A4010. Your petitioners are concerned that without alternative arrangements this will isolate Layby Farm and further discourage visitors and customers.
- 19 Your petitioners would welcome the creation of a dedicated access from the realigned A4010, and as a further change to the current proposals, to benefit both businesses and properties in Old Risborough Road, your petitioners ask that the proposed pedestrian underpass be upgraded to a through road with height and access restrictions, for local traffic only. Your petitioners contend that if a pedestrian and cycle underpass can be created, at little extra expense, then so can a road. This would avoid isolating every property and business in Old Risborough Road from Stoke Mandeville village.

Compensation

- 20 Your petitioners believe all compensation proposals have not recognised blight for individuals, tenants or businesses owners affected by the railway. They ask the Select Committee to look again at compensation and recommend fair and reasonable alternatives.
- 21 If for whatever reason, the Bill's promoters cannot make the amendments suggested above to enable Layby Farm to remain viable your petitioners humbly submit that HS2 should purchase the complete Layby Farm site and associated residential properties at the un-blighted market value and acquire an appropriate new site within Stoke Mandeville Parish for all the present tenant businesses.

Health Impact Assessment (HIA)

- 22 Your petitioners do not believe that broader effects of the scheme have been assessed or measured. Construction will have local noise, dust, vibration, health and emotional impacts effects not addressed in the current draft Code of Construction Practice. Your petitioners note the Code of Construction Practice is draft and Local Environment Management Plans are a long way from being finalised. They ask that the Select Committee insist upon local community involvement in the development of Local Environment Management Plans.
- 23 In light of the above, your petitioners reserve the right to raise above matters, and any other matters of concern relating to the HS2 Hybrid Bill and this petition that may arise from further discussions, the publication of reports, revisions 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.
- 24 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) and for which no 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 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.

Signature of Agent for the Petitioners

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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BILL

PETITION OF Michael John Gaisford,
Julia Prebble Gaisford,
Paul Nicholas Gaisford
and Ruth Elizabeth Gaisford

AGAINST, By Counsel, &c.

Marcus Rogers
Peitho Partnerships Ltd
104 Kynaston Avenue
Aylesbury
BUCKINGHAMSHIRE
HP21 9DS
07702 490999