

**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 NICHOLAS BARTMAN and VICTORIA MARY BARTMAN

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 reside at Thornbrook House, Risborough Road, Stoke Mandeville HP22 5UT. The property has been in the family for nearly 70 years and your Petitioners bought the property in 1999. The Petitioner Nicholas Bartman was born and brought up at the property. The proposed HS2 runs the other side of a small stream which forms the property boundary which is 50 meters from the centre line of HS2. The said centre line of HS2 is 120 meters from your Petitioners' garden; the house will have a panoramic view of HS2. Your Petitioner's 87 year old mother lives in the grounds and she also will have a panoramic view of HS2. Your Petitioners are semi-retired and heavily reliant upon the asset value of Thornbrook House and two other houses nearby on the Risborough Road all of which have lost considerable value due to blight since the announcement of HS2. This is their only asset and care in old age, as well as the care of your Petitioner's elderly mother which HS2 is now depriving them of. Your Petitioners use part of the property to stable 20 quality horses and during the construction phase and the running of the train this income will be lost. Your Petitioners have been informed by HS2 Ltd that a part of the garden of Thornbrook House will be permanent land take. Your Petitioners can see from the map that this will not be part of the actual railway line but do not know why it is required. This land take will cause your Petitioners significant inconvenience and disruption.
8. Your Petitioners and their interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

## **9. Noise, Vibration, Dust and Dirt**

9.1 Your Petitioner is majorly concerned about the impact of noise and vibration on your Petitioners' property at the intersection of HS2 and the A4010 in Stoke Mandeville. There is totally insufficient noise and visual barriers to protect Thornbrook House and other houses in the vicinity.

9.2 Your Petitioners propose the line should be lowered into a cutting in the entire area where it intersects the A4010 in Stoke Mandeville. If it cannot be lowered into a cutting then your Petitioners propose grass banking should be positioned at that intersection and be of sufficient length and height to totally shield Thornbook House and the other houses of the village of Stoke Mandeville.

9.3 Your Petitioners are concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation standards or the latest research which shows adverse health impacts from prolonged exposure to noise above World Health Organisation limits.

9.4 Your Petitioners request that HS2 Ltd be required to ensure that operation of the high speed railway does not exceed 40dB, the threshold identified by the World Health Organisation as appropriate for ensuring no long term health issues for persons living nearby.

9.5 Your Petitioners are concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property.

9.6 Your Petitioners request that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioners' Property and vicinity. Your Petitioners submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioners for the additional expense caused by dust and dirt.

## **10. Code of Construction Practice**

10.1 Your Petitioners are concerned that the nominated undertaker's ongoing accountability to is unspecified. 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.

10.2 Your Petitioners submit that the Code of Construction Practice should be incorporated into the Bill of 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.

10.3 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 and Community Forum Area. 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.

10.4 Your Petitioners submit that a specific construction management plan should be produced to manage and co-ordinate the operation of construction camps which should clearly outline the phases of activity and a co-ordinated management of their interaction, and a framework for enforceable measures. A construction management plan should be available to each Community Forum Area showing the timetables and community impact, as well as mitigation measures

10.5 Your Petitioners submit that clear and easy to follow enforcement mechanisms for local communities and local authorities should be included in the Bill. This will provide a commitment to rectify or compensate for environmental impacts.

## **11. Highways**

11.1 Your Petitioners request that hours for the movement of constructions traffic are limited to 08.00 to 17.00 Monday to Friday, and there are limits to the number of vehicle movements, limits to the size of the vehicles and other miscellaneous related matters.

11.2 Your Petitioners are aware that the A4010, which runs outside their house on the Risborough Road, Stoke Mandeville HP22 5UT will be stopped off. However, this will cause a considerable inconvenience and extra travel time to your Petitioners and many villagers as this will result in considerable further drive north and through the village centre for any access to places south of the village, county and beyond. Your Petitioners have noted on the map that an HS2 underpass is to be built but it does not specify whether this is pedestrian or vehicular. Your Petitioners therefore request the underpass is made as a single track sufficiently wide for a vehicle no larger than 3.5 tonnes to pass through. Your Petitioners and residents of the village

and those of the Old Risborough Road will not then be inconvenienced when travelling southwards.

## **12. Compensation**

- 12.1 Your Petitioners submit that the proposed compensation for the compulsory or temporary acquisition and other matters is not sufficient to compensate your Petitioners adequately for the loss and damage they may incur as a result of compulsory acquisition. Furthermore, if the compulsory acquisition powers are not exercised following the enactment of the Bill, your Petitioners would suffer significant blight.
- 12.2 Your Petitioners request that further provisions should be made within the Bill to cover all loss and damage suffered as a result of compulsory acquisition including but not limited to blight.
- 12.3 Your Petitioners request that to minimise the blight on your Petitioners' Property the provisions for extending the time limit for exercising compulsorily acquisition powers and extending the time limit for the deemed grant of planning permission should be deleted.
- 12.4 Your Petitioners request that the Bill should be amended to ensure your Petitioners and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation immediately.
- 12.5 Your Petitioners have been advised that part of their garden and field are to be permanently taken for ancillary HS2 works, but because the area does not represent over 25% of your Petitioners' property they are not eligible for a Statutory Blight Claim and they must wait for some 15 years to bring a claim for compensation. Your Petitioners submit this is wholly and morally wrong and any land take of your Petitioners property in such close proximity to the track should automatically trigger Statutory Blight. Part of your Petitioners' field taken is 50 metres from the centre of the railway line and your Petitioners garden and house is 120 metres from the line, with a panoramic view of HS2 which is also raised well above ground level. Your Petitioners submit that given the circumstances they should be granted full Statutory Blight compensation.
- 12.6 Your Petitioners use part of their property to keep 20 quality horses and during the construction phase and after the train is running your Petitioners will lose a significant part of their income as horse owners will not want to keep their animals at the property, there being plenty of land available from other land owners for such use that does not have HS2 running past. Your Petitioners submit that HS2 Ltd should full compensate for this loss of valuable income.

13. In light of the above, the Petitioners reserve 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.
14. 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.
15. 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 as of this date the 15<sup>th</sup> May 2014



NICHOLAS BARTMAN



VICTORIA MARY BARTMAN

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