

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 ROBERT IAN MEAKIN and CATHERINE LUCY MORGAN

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 are Robert Ian Meakin and Catherine Lucy Morgan who since 2001 have owned and resided in the freehold property known as South Hurst Cottage, Crackley Lane, Kenilworth, Warwickshire, CV8 JW, in the parish of Burton Green and the Town of Kenilworth. The property lies over 120 metres from the centre of the planned line of HS2, but only some 85 metres from the construction footprint of the scheme. The property is a Grade II listed building and is known to have been in existence pre 1597, being a typical Warwickshire agricultural timber and brick residence of that time. Part of South Hurst Farm until 1992, it has been restored over time and now sits as an individual property within approximately 8 acres of land that belong to the property. There are two other dwellings on the farm, one owned and let out by the non-residential farmer, the other owned by another individual. The cultural heritage value of the property is in very large part understood and appreciated within its setting - "it sits within a landscape of fields and hedges which contributes strongly to the significance of the asset" (Vol 5 Technical Appendices CFA18 Baseline Report 4.3.15) – that being Greenbelt land between Coventry and Kenilworth and Burton Green, sitting within a farm setting, having Broadwells Wood, an Ancient Woodland to its rear, Rough Knowles Wood within near sight, Crackley Woods within walking distance, and open vistas over fields to the Greenway a national public footpath, cycleway and bridlepath. Access to and from the property is via a narrow adopted road , Pools Road, that leads into a country lane, Crackley Lane, which is the main route for the property to Burton Green, Kenilworth, Coventry and beyond. Two other small lanes are usable by single file traffic – Blind Lane and Cryfield Grange Lane. There is no public transport that travels these

routes. Your petitioners have lived in the property for over 12 years, have maintained and developed it in keeping with its heritage. Your petitioners, born in 1949 (aged 64) and 1956 (aged 57) respectively, have always understood that this property forms part of their financial planning for retirement. The potential sale value of the property is already hugely affected by the planned impact of HS2 on its setting, and will be more so by both the construction and operation phases if the plans in the Hybrid Bill as proposed are passed. As residents of Burton Green and Kenilworth your petitioners' way of life is also affected by the planned alteration of a public footpath that runs through the farmyard adjacent to the property, and the diversion of the Greenway, much used by the community for commuting and recreation, and lying within sight of the property to the South. The impact of construction and operation of the proposed cut and cover tunnel for the village, the bisection of the village, and the disruption caused by construction will have a devastating impact on routine daily lives of your petitioners amongst many others.

8. Your petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your petitioners assert that they are unreasonably and intolerably affected by the current design for HS2 in both its construction and operational phases, and that the setting of their property, South Hurst Cottage, a grade II listed cultural heritage asset will be irreparably damaged and will be increasingly blighted should the plans as proposed be implemented. The Environmental Statement Volume 5 Technical Appendix – Cultural Heritage CFA 18 Impact Assessment acknowledges that the rural setting of this cultural heritage asset will be degraded in both phases, that there will be high adverse noise effect in operation, that the combined permanent construction and operational impacts will adversely alter some aspects of this property and result in a high adverse impact. Volume 2 Community Forum Area Report, 6.5.15, page 118 – “There will be views of the trains and an increase in noise during the operation of the proposed scheme. This will result in a high adverse operational impact. There will also be a high adverse permanent construction impact. The combined presence and operation of the scheme will adversely alter several key characteristics of the rural setting of this asset, resulting in a high adverse impact and a major adverse impact.”
10. Your petitioners assert that insufficient recognition of the nature of the environment of Kenilworth and Burton Green, of this particular rural location, and of the particular and special assets, such as the Greenbelt designation, the Ancient Woodland that is Broadwells Wood, other woodlands, the Greenway, the cultural heritage asset that is South Hurst Cottage, the sparsity of dwellings in the area, the

productive farmland, the absence of sight or sound of public transport, and the community and its assets that is Burton Green, has been taken into account in the current design for HS2 in this area.

11. Your petitioners assert that the design which sees the train running to the south of the property, on a raised embankment within clear sight and sound with associated fencing and overhead cabling, also within clear sight and sound will both visually destroy the rural setting of the property and severely damage the extraordinary peace, tranquillity and quiet enjoyment of this area, which forms part of the setting within which your petitioners' property is understood and appreciated and your petitioners' lives, and those of others are conducted.
12. Your petitioners assert that the creation of an overbridge over Crackley Lane within sight of the property, and the temporary road diversion will further damage the visual aspect of the landscape, and the property's setting.
13. Your petitioners assert that the creation of a satellite overbridge construction compound for said build between the line and their property within near sight some 80 metres away will alter the landscape, will cause safety and security concerns for your petitioners, will cause noise, vibration and dust problems and will be a constant intrusion on their way of life for an unacceptable period of time.
14. Your petitioners assert that the establishment of temporary materials stockpiles between their property and the line and within near sight will further damage the setting and cause safety and security concerns for your petitioners.
15. Your petitioners assert that the taking of part of the land to the south of their property for said satellite compound, may render the remaining land, which is nearest to South Hurst Cottage, unusable for farming purposes, and that therefore this may fall into disuse and impact adversely both upon their property and their daily lives. Additionally, were this land to be planted then the open vista this property enjoys will no longer exist.
16. Your petitioners assert that their daily lives will be intolerably affected because all routes surrounding their property, including the access lane are marked as potentially required during construction, and some during operation for maintenance. Such lanes are Crackley Lane, Cryfield Grange Road, Blind Lane and the access road, Pools Road, being, in the most part narrow, hedged, single track country lanes which are not suitable for the volume and size of construction and maintenance vehicles. In effect South Hurst Farm and the 3 dwellings on or adjacent to it will be encircled.

17. Your petitioners assert that the construction phase will cause untold damage to the lanes and pathways and the surroundings of their home. In effect South Hurst Cottage will be encircled by construction traffic and construction work.
18. Your petitioners assert that their lives and their property will be damaged by both construction and operational phases of HS2. This includes noise, emissions, dust, vibration, and volume of traffic which will increase enormously in an area where there is extraordinary peace, quiet and clean air. This will result in your petitioners no longer being able to host family and grandchildren in the way they have always been able to nor anyone else likely to be affected by noise, fumes or dust.
19. Your petitioners assert that their property, which does not benefit from the standards of modern day builds may be damaged by the construction and operation phases of the scheme – in particular, but not limited to the effects of vibration.
20. Your petitioners assert that the use of their access lane, Pools Road, as a maintenance route will ruin the current lane, will destroy their peace and quiet, will reduce safety and security of their property and lives and will damage the property's setting.
21. Your petitioners assert that the devastation to the Ancient Woodland, Braodwells Wood, behind South Hurst Farm, will cause irreparable damage to long established flora and fauna and wildlife and will also affect the setting of this property and the way of life inhabitants, visitors and others enjoy.
22. Your petitioners assert that the disruption to The Greenway, and local public footpaths visibly within sight, will impact upon daily life of your petitioners and others who use the route for recreation or commuting.
23. Your petitioners assert that the construction of a cut and cover tunnel through the village of Burton Green, and associated works will further add to the impossibility that will be daily life to all residents and visitors to the area.
24. Your petitioners assert that their right and ability to manage the course of their lives has already been and will continue to be unjustly affected by HS2 and that it is not acceptable that as compensation proposals stand they will have no right to compensation, since proposals do not take account of the overall impact and evidential blight that is caused, rather they are driven by proximity to the line. As compensation proposals stand, your petitioners are not eligible by right for any compensation either by Compulsory Purchase or by Voluntary Purchase, because it is

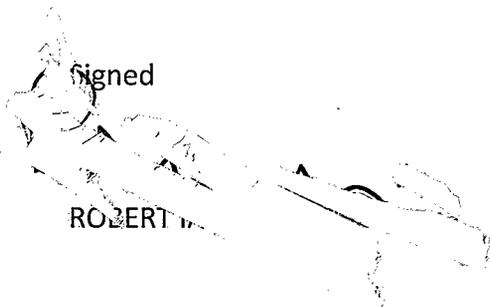
beyond the 120 metres required for such compensation. It is evident that the property is blighted and your petitioners' lives have already been placed on hold for 4 years.

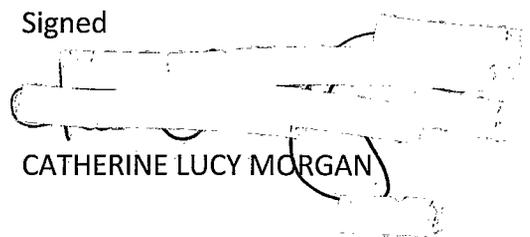
25. Your petitioners request that the current design of the line in this area be replaced by a Deep Bored Tunnel, commencing just north of Crackley Woods and extending to Marlowes, as proposed by Burton Green and described as Option F in Community Forum Area 18 Volume 2, section 2.6.13. Said tunnel would in the long term alleviate most of the impact that HS2 as planned will have in this area. It would better protect potential eroding of valued Green belt land, would permit land and woodland to continue to be used and farmed, landscapes to be unaltered, vistas to be unimpaired, Ancient Woodland life to continue, and Burton Green to remain a viable and cohesive community.
26. Your petitioners also request that in assessing the benefit of said tunnel, full account is taken of all costs in current design that would not be necessary and the huge social, cultural and environmental benefits that such investment would reap.
27. Your petitioners request that the particular impact of the construction and operation of HS2 on assets that are of national value, whether cultural, environmental, dwellings, land or woodland, wildlife, are required to be assessed by those experts qualified to do so, and that HS2 Limited and the nominated undertaker be required to adhere to any advice that is given in respect of construction or operation.
28. Your petitioners request that they be indemnified for any structural damage, settlement impacts, interference with access and supplies, that may be caused as a result of construction and operation.
29. Your petitioners requests that the use of the lanes mentioned above be reviewed and that alternative routes be found, if this is not possible, then mitigation measures be put in place and requirements for damage to be made good be made binding upon binding upon HS2 and the nominated undertaker.
30. Your petitioners request that construction hours be limited to Monday to Friday, 08.00 to 17.00 and that construction traffic be strictly controlled and planned in association with the local council.
31. Your petitioners request that the current compensation proposals be reviewed and amended to enable circumstances of evidential blight such as described herein to be compensated for by right, and that the assessment based on proximity to line in operation be removed.

32. Alternatively your petitioners request that an additional scheme be put in place to ensure circumstances such as those they are placed in, are by right fully compensated for so that the lives and plans of your petitioners, and others in such circumstances, are not ruined for a project which may be in the national interest, but which brings no benefit to them and does bring real and unjust harm to the course of their lives and their right and ability to manage their lives as they would wish.
33. In short, your petitioners simply request that their lives no longer be on hold and that they are placed back in a position where they can plan and enact their own future – as they were before the announcement of the planned HS2.
34. 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.
35. 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

ROBERT

Signed

CATHERINE LUCY MORGAN

