

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2014-15

High Speed Rail (London – West Midlands) Bill

Against the Bill – on Merits – Praying to be heard by counsel, etc.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF MRS MARION CLAYTON

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 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 Secretary Patrick 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, 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 compulsory acquisition, the extinction and exclusion of rights over land, the temporary possession and use of land, planning permission and deregulation in connection with, inter alia, heritage and environmental matters. Clauses 37 to 52 deal with railway matters, nominated and statutory undertakers, regeneration and reinstatement and further high speed rail works. Clauses 53 to 65 contain miscellaneous and general provisions.
4. The nominated undertaker (defined in the Bill and hereinafter referred to as “the nominated undertaker”) is authorised by the Bill to construct and maintain the works specified in Schedule 1 to the Bill being works for the construction of Phase One of High Speed 2 and works consequent on or incidental to such works. These works are called “the scheduled works”.

5. Your petitioner (hereinafter referred to as “the Petitioner”) lives at 11 Pound Street, Wendover, HP22 6EJ,

6. This Petition refers to your Petitioner’s property at 16 Ellesborough Road, Wendover, HP22 6EL which is let to a long-standing residential tenant.

7. Your Petitioner has owned this property in Wendover for 25 years, and lived there for approximately five years, and again for a period of 18 months from June 1999. She is 73 years of age. This is the only property owned by your Petitioner.

8. Your Petitioner’s property is shown on map CT-05-038 in ES 3.2.2.10. The distance between the proposed downline, being the furthest line away from the property, and your Petitioner’s property is approximately 70 metres. It lies well within the current Voluntary Purchase Zone. However the provisions for compensation for the loss of property value within the Voluntary Purchase Zone currently only apply to owner/occupiers. Thus your Petitioner is not entitled to compensation for the loss in value of her property.

9. The inability to sell the property because of the proximity of HS2 means that your Petitioner would be unable to move home when necessary, either because of increasing age or because of the need to be nearer her daughter who has a potentially serious medical condition.

10. Your Petitioner and her interests are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

11. Your Petitioner has been the recipient of letters and information from HS2 Ltd, which indicate that it considers that her property is affected by the Bill.

12. Objection is taken to both the construction and operation of certain of the scheduled works proposed to be undertaken in Wendover. These works consist, among other works, of a green tunnel running underneath Ellesborough Road, Wendover within approximately 70 metres of your Petitioner’s property. As a resident of Wendover, objection is also taken to other works proposed to be undertaken in and near Wendover between Little Missenden and Stoke Mandeville including an embankment between Hartley Farm and Road Barn Farm; Small Dean viaduct; and an embankment between the northern end of the Small Dean viaduct and the southern end of the Wendover green tunnel. They include ancillary works such as satellite compounds, auto-transformer stations, balancing ponds and portal buildings.

13. Your Petitioner’s main objectives are

a. to persuade your Honourable House to amend the Property Compensation proposals to give full and fair compensation provision to all property owners within the current Voluntary Purchase Zone rather than only to owner/occupiers and

b. to persuade your Honourable House to lower the line into a fully-bored tunnel as it passes through Wendover.

Problems caused by the construction process of the scheduled works

14. Your Petitioner avers that during construction of the scheduled works there would be the following effects:

15. Noise and visual disturbance during demolition of properties in close proximity to your Petitioner's property.

16. Potential damage to your Petitioner's property (a Victorian terrace cottage) caused by vibration from HGVs accessing the site and the tunnelling process.

17. Noise from machines digging the green tunnel, moving spoil, constructing embankments and viaducts and traffic connected therewith, leading to inability to concentrate during the day, and inability to sleep at night.

18. Disruption of traffic and substantial delays along the approaches to your Petitioner's property during the construction of an access road to the rear of the property and during the whole of the construction phase.

19. Disruption to power supplies caused by the need to move the electricity pylons near the line.

20. Light over the construction area and the access road causing light pollution. Your Petitioner's property lies in an area where there is little artificial lighting, so this incursion of light would be very noticeable.

21. Loss of amenity caused by the access road to the rear of the property across agricultural land and a cricket pitch.

22. All of the above (paras 15 - 21) will lead to a further significant reduction in value of your Petitioner's property, for which there is no provision to compensate her under present proposals which apply only to owner-occupiers.

23. The above also has the effect of making it impossible to sell the property at a fair value, which may become necessary in the foreseeable future due to the potential need to move home to care for a family member.

Problems caused by the operation of HS2

24. Your Petitioner avers that the operation of HS2 following the completion of the proposed scheduled works would have the following permanent effects:

25. Noise and vibration from train operations. The current intention is to run 36 trains every hour, which would mean that the noise would be virtually continuous. Current noise studies show only average noise levels, rather than the peaks that will occur as trains run through the tunnel.

26. The value of your Petitioner's house has already been adversely affected, and will continue to be so on a permanent basis, thus meaning that your Petitioner is unable to achieve a true value of the property to enable her to move home if that should become necessary in the foreseeable future either through increasing age or to care for her daughter.

27. Your Petitioner proposes that the Property Compensation provisions should be amended to include all property owners whose property is adversely affected by HS2, rather than only owner/occupiers. This would be in line with the principle that no individual should be disadvantaged financially by the HS2 proposals.

28. Your Petitioner also proposes that part of the scheduled works be replaced by a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover. This would avoid most of the disadvantages set out in paragraphs 12-18 above and would reduce all the disadvantages set out in paragraphs 22-24 above.

29. Chiltern Ridges Action Group has proposed such a fully-bored tunnel in a report by Peter Brett Associates, and HS2 Ltd has confirmed that from an engineering and construction point of view it is feasible.

30. HS2 Ltd has said that such a tunnel would cost £330 million more than the present proposal. However, it has refused to divulge any detail of this figure, or even the tender documents on which it was based, and there is considerable evidence that the figure is seriously exaggerated.

31. Moreover, it seems that HS2 Ltd has not taken into account the value of the benefits which a fully-bored tunnel would bring, such as the money saved by not having to compulsorily purchase properties and land, or move electricity pylons, and not damaging the environment. These benefits are valued at over £500 million.

32. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended by

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- a. improvements to the Property Compensation arrangements to include all property owners affected by the proximity of HS2, rather than restricting compensation to owner/occupiers and by an arbitrary distance criterion, and
 - b. the inclusion of a fully-bored tunnel from Little Missenden to the end of the AONB to the north of Wendover

then the Bill should not be allowed to pass into law.

Improvements to the Property Compensation Package

33. A fair and proportionate compensation scheme should be adopted to reflect the reality of a restrictive situation that property owners now face because of HS2.

34. Based on the principle that no individual should suffer personal financial loss caused by the proposals for HS2, your Petitioner proposes that the compensation scheme be amended to include full and fair compensation to all property owners affected by proximity to HS2 and should not be restricted to owner-occupiers.

35. Further, the compensation scheme should not be based on an arbitrary distance criteria, but should reflect the real and permanent harm that HS2 will inflict on property values and the ability of property owners, whether owner/occupiers or not, to realise the true value of their property in order to retain their freedom to move home.

36. The compensation should provide for the full pre-HS2 announcement value of the property, plus an increment to allow for the increase in property values generally since the initial announcement, and the reasonable expenses incurred in selling the property and buying a replacement.

Mitigation for construction of a fully-bored tunnel

37. If a fully-bored tunnel is included in the Bill, your Petitioner proposes that appropriate mitigation measures, as set out in the Petition submitted by Wendover HS2 and others, should be legally enforceable to reduce the damaging impact on residents throughout Wendover and its surrounding communities.

Mitigation for construction of the present proposal

38. However, if the proposal for a fully-bored tunnel is rejected your Petitioner proposes the following mitigation:-

39. Based on the principle that no individual should suffer personal financial loss caused by the proposals for HS2, your Petitioner proposes that the compensation scheme be amended to include full and fair compensation to all property owners affected by proximity to HS2 and should not be restricted to owner-occupiers or by an arbitrary distance criterion.

40. The compensation should provide for the full pre-HS2 announcement value of the property, plus an increment to allow for the increase in property values generally since the initial announcement, and all reasonable expenses incurred in selling the affected property and buying a new one.

41. The existing proposed green tunnel should be extended to the south and north of Wendover.

42. That the mitigation as set out in paragraph 32 above be adopted.

YOUR PETITIONER therefore prays your Honourable House that the Bill may not be allowed to pass into law as it now stands and that she may be heard by Counsel, Agent and witnesses in support of the allegations of this Petition against such of the clauses and provisions of the Bill as affect the rights and interests of your Petitioner and in support of such other clauses, amendments or provisions as may be necessary or expedient for her protection, or that such other relief may be given to your Petitioner as your Honourable House may deem meet.

AND your Petitioner will ever pray, etc.

PETITIONER

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PETITION OF MRS MARION CLAYTON

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Against the Bill – On Merits – By Counsel &c