

High Speed Rail (London - West Midlands) Bill - Petition of Stop HS2

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-2014

High Speed Rail (London - West Midlands) Bill

Against the Bill - 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 STOP HS2

SHEWETH as follows: -

1. A Bill (hereinafter called "the Bill") has been introduced into 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, 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.

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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.

Your Petitioners

7. Your Petitioners are the Stop HS2 campaign group, hereinafter referred to as Your Petitioners. The individuals who formed Stop HS2 became aware of HS2 in March 2010 and considered themselves directly affected by HS2. Stop HS2 was formed in June 2010, as a national grassroots campaign to represent all those deleteriously affected by the HS2 proposals. Your Petitioners are supported by over 100 local action groups, as well as numerous individuals and other groups such as Parish Councils and Residents Associations, as well as other regional and national groups, trusts and associations.
8. Your Petitioners have been recognised as representative of those deleteriously affected by HS2 by your honourable house, having been invited to appear before your honourable committee, as well as other select committees in your honourable house: the Transport Select Committee, the HS2 Hybrid Bill committee and the Environmental Audit Committee, as well as the House of Lords Standing Orders committee.
9. Your Petitioners have organised numerous demonstrations and events, supported by thousands of people overall, and are recognised as the primary national organisation representing those who are opposed to HS2, but who also accept that effective engagement will lessen the impact of HS2 on communities if it were to go ahead.
10. Stop HS2 directors, members and supporters have sought to engage with HS2 Ltd and the Department for Transport on many occasions, with little success. Your Petitioners have consistently encouraged people, organisations and communities

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affected by HS2 to take part in consultations, HS2 community forums, bilateral meetings, and engage with The Promoter through all other means. Your Petitioners, whether as representatives of local councils, as representatives of Stop HS2 or as private individuals have repeatedly had reasonable requests for information refused or delayed by the promoters. Your Petitioners note that all other organisations have had similar experiences, even where the organisation is publicly supportive of the promoters.

11. Your Petitioners wish to note that even when The Promoters have engaged with communities, there are examples of communities providing mitigation proposals which The Promoters have admitted would be better for the community, and cheaper to provide, but have still been turned down.

12. Your Petitioners are further concerned that on many occasions the promoters have treated consultation exercises as box ticking exercises. Your Petitioners note that following the 2011 consultation the promoters lost two batches of consultation responses, totalling over 1000 responses. Your petitioners also note that due to deficiencies in the information provided by the promoters, the House of Commons Standing Orders Committee and subsequently the House of Lords Standing Orders Committee both ruled on separate occasions that the Environmental Statement consultation should be extended.

13. Your petitioners are petitioning on route wide matters which affect Your Petitioners, Your Petitioners supporters and Your Petitioners members. Your Petitioners take objection to the part of the works and the provisions of the Bill that are injurious to Your Petitioners, Your Petitioners supporters, Your Petitioners members, and their rights, interests and properties, as well as taking objection to the principle of HS2 as a whole.

Concerns about unprecedented powers contained within The Bill

14. 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.

15. Your Petitioners note that Clause 39 removes the normal procedure, laid out in the Railways Act 2005, for closing any existing railway line, railway service or station if ministers deem its closure “necessary or expedient” for HS2. Given that this may result in a permanent closure (there is no requirement for re-instating the service) Your Petitioners believe this clause should be removed.

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16. 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. The current wording of Clause 50 would allow HS2 to extend Phase 1, without further referral to Parliament or the requirement for an Environmental Impact Analysis, Your Petitioners ask 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.

17. Your Petitioners note that 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.” 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.

18. Your Petitioners are concerned that rights of entry and authorisations to enter land for surveying purposes go beyond far the rights that are reasonably necessary. This permits entry to any land anywhere in Great Britain for the purpose of any high speed railway which ministers might wish to propose in the future. It is outside the long title and scope of the Bill, not being a purpose connected with HS2.

19. Clauses 51 & 52 of the Bill allow for anyone nominated by HS2 Ltd to have ‘right of entry’ to any property within 500 metres of any property near any other future high-speed line, even if no plans have been published. Refusal to admit entry could be a criminal offence. Your Petitioner requests that Clauses 51 and 52 should be deleted, as property owners of Phase 1 have mostly refused entry to property due to the attitude of HS2 Ltd, with many home and land owners having had no communications from HS2 Ltd until they wanted access to land, after the main consultation had concluded.

20. 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.

21. Your Petitioners are 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. Any land, anywhere in the country could be bought, at any time under this clause. Your Petitioner believes that this power should be removed.

Electricity Supply

22. Your Petitioners have no idea where all the electricity for HS2 is going to come from, given that a design speed has been chosen which will require far more electricity than conventional trains, and that the UK is supposedly facing challenges to meet current generation requirements. It seems that The Promoters have no idea either.

23. The requirements for generating the electricity HS2 would require have not been properly considered or costed. Given that HS2 would require more power than some UK power stations are able to produce, this seems like a major omission, both from the plans for HS2, and more notably from the costs.

24. Your Petitioners request for The Promoter to detail the power requirements HS2 would require, what and what implications and requirements this would mean for future electricity generation, and what the associated costs of any new generation infrastructure should be. Your Petitioners request that any such addition to electricity generation and transmission infrastructure should be added to the overall costs of HS2.

25. Your Petitioners require that The Promoters include more realistic projections of the power costs they would incur, as well as other more realistic running cost projections.

Concerns about the reported costs and benefits of HS2

26. Your Petitioners have no faith in any figures HS2 Ltd have ever come up with. The Promoters have demonstrated this with continually increasing estimates for the cost of HS2, and their ability to exercise budgetary control is no better demonstrated by figures showing that in February 2014, 16 'Professional Services' contracts, which were signed for a total of £101, but had a running total of £188m, 86% over budget. All 16 'Professional Services' contracts were over budget, with a range of 27% to 268%.

27. Your Petitioners find it hard to take that contracts relating to the Environmental Statement were 150% over budget, despite the fact the Environmental Statement was totally inadequate, with representatives of The Promoter admitting to the Environmental Audit Committee of your honourable house that 40% of the route had not been surveyed. Your Petitioners shudder to think how much it would have cost if they had done it properly.

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28. Your Petitioners believe that the passenger forecasts for HS2 have been completely made up to try and make the business case work. Only 5% of passengers on HS2 are projected to make modal shift from air or car, the rest are expected to move from existing rail services, or not be travelling at all until HS2 is built. Your Petitioners think this is completely unrealistic, as recent growth in Chiltern Line services from London to Birmingham at the expense of parallel Virgin services has shown that people are drawn to slower services which cost less.

29. Your Petitioners note that the National Audit Office reported that HS1 will cost taxpayers £10bn more than expected because of the increased subsidies needed, due to the grossly inflated passenger forecasts used to justify its construction never materialising. Your Petitioners feel that HS1 was a genuinely new link, as there had never been a railway under the English Channel before, whilst there are already services in place, with options in most cases for the routes HS2 is proposed to serve. It is also the case that across the world, most HSR routes have failed to attract the grossly inflated passenger forecasts used to justify their construction.

30. Your Petitioners note that in attempt to bolster the case for HS2, The Promoter paid quarter of a million pounds to KMPG (who have had contracts worth £2.25m from HS2 at the latest count) to invent a brand new untested methodology, based on completely spurious concepts, which claimed £15bn worth of benefits to the UK economy from HS2. The report from KPMG has been rubbished by independent economists, and it was notable that all instances of places which would suffer negative effects were not published, and only discovered through a Freedom of Information Request. The KMPG report itself stated: "We have adopted an approach that uses the relative importance of the different variables found in the statistical analysis to apportion the overall responsiveness of productivity to connectivity. **While we recognise that this approach does not have a firm statistical foundation**, it enables connectivity to other business and to labour, by car and rail, to be reflected in the analysis and captures."

31. Your Petitioners ask your honourable committee to order a full-scale independent appraisal of the entire business case for HS2.

Concerns about the Environmental Statement

32. Your Petitioners consider that the Environmental Statement deposited with the Bill ("the ES"), including the non-technical summary that is supposed to make it easier for people to understand, provides inconsistent and limited (often generic) information on impacts, limited and incomplete baseline information to support these impacts, fails to reflect the deprivation of the areas most affected by the proposal, includes

constant inaccuracies on what is in or out of the construction zones, provides no clarity on when the construction works will actually commence or the timeframe of construction impacts, no information on tunnelling and/or settlement impacts, nothing on what is meant by 'temporary' impacts, no assessment of the impacts on vulnerable residents, no clear works programme, no thorough assessment of noise and air impacts, and inadequate risk assessment on land disturbance. The full range of health impacts has not been properly assessed. The transport assessment in the ES is based on unreliable traffic and pedestrian baselines due to deficiencies in data collection, insufficiently substantiated estimates and inappropriate application models, resulting in a general under-estimation of impacts. Inadequate consideration has been given to the broader amenity effects that will arise through cumulative impacts.

33. The layout of the ES is such that an individual resident would find it very difficult to determine the cumulative impacts of the project on a specific site. For example, the noise, air quality and transport impacts have been reported separately and there is no spatial presentation of the information or basic description of the cumulative environmental impacts at any given location. The effect of this is that neither your Petitioners nor other interested parties are in a position to understand the scale of impact on the environment, nor assess whether the mitigation proposals are adequate at any given location.

34. Your Petitioners provided the House of Lords Standing Orders Committee with written and oral evidence of missing information on the Environmental Statement consultation which was instrumental in the House of Lords extending the consultation.

35. The Supreme Court's deliberations on the Strategic Environmental Assessment requirements showed a clear expectation that Parliament and the Hybrid Bill process would ensure that all necessary environmental investigations and assessments were performed. Your Petitioners request that the Committee ensures that the highest level of environmental protection, assessment and investigation is undertaken.

36. Your Petitioners do not believe that all the likely significant effects on the environment have been adequately described in the ES and are of the view that the mitigation measures proposed have not been adequately described. In many instances, no mitigation is offered or what little mitigation is referenced, is left to the draft Code of Construction Practice ("COCP"). That is inadequate because the COCP is in draft form and will remain as such until after the Bill has been enacted. The term, 'reasonably practicable' has been used frequently throughout the COCP but it is not clear who will decide what is 'reasonably practicable'. Your Petitioner is also concerned to ensure that the Nominated Undertaker is required to adopt the very highest standards in respect of the mitigation of the effects of noise, vibration, dirt and dust.

37. Your Petitioners are concerned that there is no measurable independent method of compliance by contractors and other organisations in relation to noise, vibration, dust and other issues. Your Petitioners require The Promoter to adequately fund local authorities along the route to monitor these issues, ensure compliance and deliver enforcement.

38. In accordance with the standing orders of your Honourable House, comments on the Environmental Statement deposited with the Bill ("the ES") were invited in the newspaper notices that were published in accordance with the standing orders of your honourable House when the Bill was deposited. Your Petitioners accordingly sent very detailed comments to the promoter of the Bill in response, and these have been the subject of a report by the independent assessor appointed by your honourable House. Your Petitioner has raised a great deal of concerns about the adequacy and accuracy of the ES. Fundamental deficiencies in the ES have been identified by your Petitioners, and some are mentioned elsewhere in this Petition. Other concerns have been raised by the Environmental Audit Committee of your honourable House and your Petitioners were very disappointed to note that the independent assessor's report commissioned for your honourable House failed to mention at all that respondents like your Petitioners raised serious points about the deficiency of the ES in terms of compliance with the law and best practice.

39. It is vital that the deficiencies in the ES identified by your Petitioners and by the Environmental Audit Committee of your honourable House are remedied by the Promoter of the Bill, whether by way of an addendum to the ES or otherwise. One reason this is so important is that the Environmental Minimum Requirements, which have been produced by the promoter of the Bill in draft, contain important obligations which will fall on the Nominated Undertaker when constructing and operating the railway, and a number of those obligations are specifically tied in to the ES and depend upon its accuracy.

40. Your Petitioners feel it is significant that the Environmental Audit Committee of your honourable House agreed with pretty much everything Your Petitioners and supporting organisations had to say to them.

41. Your Petitioners also want to make it clear that for years, whenever anyone asked a representative of The Promoters for more detail, they were told to 'Wait for the Environmental Statement'. In the vast majority of cases, people are still waiting.

General concerns about the Code of Construction in the construction phase

42. Your Petitioners note that the assessment in the Environmental Statement was on the assumption that the Code of Construction was adhered to. However there the Code of Construction has no legal status. Your Petitioners submit that the Code should be incorporated into the Bill.

43. Your Petitioners believe that the arrangement proposed by the Promoter in the Code of Construction Practice, whereby the nominated undertaker would be responsible for both the delivery and the enforcement of proper conduct by the nominated undertaker's contractors and sub-contractors, implies a conflict of interest and is inadequate. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice such as empower local parish and town councils to employ jointly an Environmental Health Officer, for the duration of the works, with the power to suspend works, should be agreed control measures be breached, and until more rigorous measures have been put in place, and your Petitioners seek an undertaking from the Promoter that all costs arising from the employment of such an Environmental Health Officer will be met by the nominated undertaker.

45. Your Petitioners note that the Bill and the Code of Construction Practice would confer powers on the Secretary of State and Local Planning Authorities for the summary approval of a wide range of matters relating to the construction of the proposed scheme. There is extensive concern that there is no requirement for the nominated undertaker and its contractors to enquire about the effects of the proposed Works on local people, and to stop, delay, or amend activities to reduce injurious effects to the lowest practicable level through a process of negotiation with local councils and amenity groups. Your Petitioners seek amendments to the provisions of the Bill and the Code of Construction Practice to ensure that the nominated undertaker and its contractors will engage with local councils and amenity groups, will attend meetings, will make available the general work plan, and will give the relevant parish or town council and amenity groups a month's notice of works before their commencement, to allow time for representations to be made.

46. Your Petitioners note that the standards in the Code of Construction are of "reasonableness" and "reasonable endeavours". Your Petitioners submit that these standards should be much higher and replaced by, for example, "best practise".

48. It is of great importance to our supporters that the Works permitted by the Bill are carried out with the best possible regard for their rights and well-being. A major consideration is the avoidance of disturbance at unsocial times of day. Your Petitioners recognise that construction work is inherently disturbing, and that some activities need to be continued outside core hours. However, the measures proposed

by the Promoter are far too loose, and your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would restrict start-up and close-down periods to 30 minutes to prevent abuse of the system, that would require local approval through the engagement process requested for activities outside core hours likely to cause undue disturbance through noise, vibration, traffic, dust, fumes, or lighting, that such work would be justified by the use of major plant or the need to avoid day-time disruption, that detailed applications for such works would be made 14 days in advance, and that Bank Holidays would be treated the same as Sundays.

49. Your Petitioners are concerned by the potential intrusion, disruption, and loss to property that could arise from inadequate site management and inappropriate choice of work sites, material dumps, and traffic routes. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require work areas to be set up, maintained, operated, cleared, and reinstated to the satisfaction of the local community through the engagement process requested, with regard especially to the mitigation of visual intrusion, protection and insulation from noise and vibration, and the positioning of vehicle routes.

50. Dust and emissions generated by the proposed construction works could injure the amenity, health, and property of residents, farmers, and businesses (particularly those with outdoor displays). Your Petitioners are aware of the damage caused by dust problems during the construction of the Channel Tunnel Rail Link. During construction, air quality will be degraded by NO₂ and PM₁₀ emissions, and by dust generated during earthmoving or blown from stockpiles. Airborne particles derived from soil, rock, cement, and the cutting of steel, plastic, and wood, constitute a real hazard to health. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the regulation and protection of air quality through the engagement process requested, that would establish objective control measures for enforcement by the Environmental Health Officers, using the latest relevant guidance, and that would ensure construction machinery conforms to the latest standards.

51. Intrusive noise from the construction works would be very disturbing for residents, businesses, and livestock. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the application of Section 61 of the Control of Pollution Act 1974, the approval of intrusive activities through the engagement process requested, the provision by the nominated undertaker of noise insulation for adjacent properties whenever continuous-equivalent noise levels of 50 dBA and above at the receptor are predicted, and the application of "Best Practicable Means" criteria when considering methods of reducing noise disturbance.

52. Your Petitioners are concerned that during the construction phase, high-intensity lighting would be used during nocturnal working, and that this would be very disruptive for residents, particularly when used on elevated sections of the route. Your Petitioners seek amendments to the Code of Construction Practice that would require strict guidelines and control criteria, as well as the regulation of working outside core hours as requested.

Concerns about water supplies

53. Your petitioner is concerned that there are potential adverse impacts on water resources. The increased risk of surface water flooding arising from the construction and operation of the works authorised by the Bill has also been inadequately assessed and has the potential to have significantly adverse impacts.

54. The Flood and Water Management Act 2010 means that Lead Local Flood Authorities have responsibility for surface water flooding, but HS2 Ltd as of yet have been ignoring this legislation and only liaising with the Environment Agency, whose competence surrounding the issue of flood risk, management and prevention has recently been demonstrated to the entire country.

55. Your Petitioner are concerned about the danger of water pollution arising from the construction and operation of the proposed high speed railway and associated development and the run-off into surrounding watercourses, as well as the expected flow rates or impact on surrounding transport

56. Your Petitioners request that throughout construction there should be sampling of surface water at different locations surrounding each construction site and these samples should be independently tested at a United Kingdom accreditation service laboratory. The results from the sampling should be shared with the Environment Agency and the relevant local authority. The results should be benchmarked against accepted water quality levels.

57. Your Petitioners are concerned that the Hybrid Bill seeks to undermine long standing and important legal safeguards concerning the safety of drinking water. Your Petitioner requests that Clause 31 and schedule 20, which override key legal safeguards that protect public water supplies be deleted from the Hybrid Bill.

Concerns about ancient woodland and trees

58. Your Petitioners are concerned about the impact of the HS2 scheme on ancient woodland. Ancient woodland has been continuously wooded for at least 400 years,

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and is an irreplaceable national resource of great importance for its wildlife, soils, recreational uses, cultural value, history and the contribution it makes to our diverse landscapes. Your Petitioners are particularly concerned about the extent of loss of ancient woodland and harm to biodiversity that will result from the Bill as currently proposed and the impacts of the construction of works and other proposed activities on ancient woodland.

59. Your Petitioners ask that the Bill should not become law unless proposals are brought forward by HS2 which significantly reduce the extent of loss of ancient woodland. Because ancient woodland is irreplaceable, its loss cannot be mitigated, only compensated for. Your Petitioners are very concerned that the compensation measures proposed by the Promoters are inadequate. Where limited loss is inevitable greater compensation should be provided and it should be guaranteed for the future.

60. Your Petitioners are also concerned about indirect effects on ancient woodland from the construction of HS2 including adverse impacts from noise, light and air pollution, and working within and adjacent to ancient woodland. Further mitigation of these impacts, such as large buffers and relocation of working sites, should be provided if the scheme goes ahead. No ancient woodland sites should be used for temporary construction sites.

61. Your Petitioners support all petitions brought by the Woodland Trust.

62. Your Petitioners are concerned that the scheme will also impact on other areas of old woodland which are not yet designated as 'ancient woodland'. Your Petitioners ask that other areas of old woodland are treated with similar concern to woodland designated as ancient woodland.

63. Your Petitioner is concerned that The Promoter has completely ignored the following statements, advice and statutes:

- a. It is a stated policy of the Defra/Forestry Commission statement on ancient woodland *Keepers of Time* that "existing areas of ancient woodland should be maintained". This implies that there should be no further losses of this habitat.
- b. The National Planning Policy Framework (NPPF) requires that loss of ancient woodland should not be permitted "unless the need for, and benefits of, the development in that location clearly outweigh the loss". No consideration of whether the HS2 proposal satisfies this test has been given in the Environmental Statement, or elsewhere.

- c. The Natural England and Forestry Commission publication *Standing Advice for Ancient Woodland and Veteran Trees* advises, in paragraph 6.1, that where proposals “seek to address issues of loss or deterioration of ancient woodland veteran trees”, measures that rely on mitigation or compensation “should be issues for consideration only **after** it has been judged that the wider benefits of a proposed development clearly outweigh the loss or damage of ancient woodland”.

Concerns about Hedgerows

64. It is noted that the proposed Works will entail damage or removal of hedgerows throughout the route, with serious implications for the complete ecosystems to which they give shelter. Your Petitioners note the intention to plant substitute lengths of hedging, but seek an undertaking from the Promoter that the replacement hedges will be planted and nurtured to maturity in appropriate locations, using species that are similar to those displaced, and that the overall scheme of planting will provide a quantity and quality of habitats equivalent to those that have been lost.

Concerns about replacement of habitats and wildlife, including plants

65. The construction and operation of the line puts at risk a large number of wildlife sites, including SSSIs. Your Petitioners seek an undertaking from the Promoter that naturalised equivalent replacement habitats will be created within the locality as part of the landscaping, that these will be developed to the satisfaction of local groups such as local Wildlife Trusts, and that they will be protected and maintained in perpetuity.

66. The Promoter has acknowledged that the proposed operation of trains at very high speeds would be a threat to birds, in particular, barn owls. The Promoters expect that barn owls would be exterminated within 1.5 kilometres of the railway, because they would be struck by trains while hunting for small mammals on the tracks. Your Petitioners would point out that this species is already under threat, and seek an undertaking from the Promoter that alternative habitats for barn owls will be created in advance of any construction works in the neighbourhood of existing habitats, that these habitats will be within the same locality and have suitable food sources, that every practicable means will be used to re-locate barn owls to these new habitats, and that assistance to sustain the re-located barn owl populations will be continued for as long as is necessary to ensure that they will thrive.

67. The Promoter has acknowledged that the proposed operation of trains at very high speeds would be a threat to bats, in particular, Bechsteins Bats. Your Petitioners would point out that this species is already under threat, and seek an undertaking from the Promoter that alternative habitats for Bechsteins Bats will be created in advance of any construction works in the neighbourhood of existing habitats, that these habitats will be within the same locality and have suitable food sources, that every practicable means will be used to re-locate bats to these new habitats, and that assistance to sustain the re-located bat populations will be continued for as long as is necessary to ensure that they will thrive.

Concerns about Light Pollution

71. Your Petitioners are concerned that aspects of the scheme will involve additional lighting during construction and operation, such as construction camps and maintenance depots and along the line of the route and on road systems. Your Petitioners note that many of the countryside areas affected by the scheme currently experience exceptionally low levels of light pollution, which is to the advantage of astronomy and wildlife. Your Petitioners note that some areas may wish the Promoters to add extra lighting in some areas. Your Petitioners do not ask for a blanket decision, but ask that lighting takes into consideration existing night time light levels and is designed to minimise light spillage.

Concerns about electromagnetic interference

73. Your Petitioners are concerned that the promoter has failed to carry out any analysis of electromagnetic interference and blockage issues affecting third parties. The high speed trains envisaged by the proposed scheme will consume several times the 5 MW peak power consumed by current trains, so there will be very heavy currents in the electrical supply system. In addition, much of the line and its overhead line equipment is proposed to be significantly elevated above the natural terrain. It is thought the UHF band is the most susceptible to blocking and multi-path interference, and this band is used heavily for cellular telephony, television, emergency services, and satellite navigation. Any impairment to signal strength or quality would cause inconvenience and financial loss, and compromise the response time from emergency services. Your Petitioners seek an undertaking from the Promoter that a full analysis will be carried out to determine the potential extent of electromagnetic signal interference and blockage, and the best way to restore acceptable signal strengths.

74. Your Petitioners are concerned that some elevated structures would block or distort electromagnetic signals, particularly those in the UHF band used for television, mobile telephones, and navigation. Residents, businesses, and service providers would suffer inconvenience, hazard, and expense if signals were blocked or distorted. In many areas, the Promoter has failed to assess whether the elevated road and railway would interfere with radio signals, nor considered whether extra repeater stations would be needed, nor where they would be located. Your Petitioners seek an undertaking from the Promoter that a prompt and proper investigation of the potential blockage of UHF signals will be carried out, that all necessary powers and funding will be provided for installing additional antennas or other means to restore full service, and that these additional devices will be attached to the elevated structures in order to reduce the impact on the landscape.

Concerns regarding the proposed speed of HS2

75. Your Petitioners do not understand why HS2 is being designed for a speed of 250mph, when these would require a significantly higher power input than conventional trains, or even Eurostar which has a maximum speed of 186mph. The 250mph design speed is responsible for a large proportion of the damage to communities and the natural environment. The 186mph design speed of HS1 allowed for more sensitive routing, and the ability of that railway to follow existing transport corridors, which brought some benefit to the natural environment, in creating new habitats in islands of land created between the railway and the M2 and M20.

76. Your petitioner does not understand why the 'Kent Principles' were abandoned by HS2, and ask that the need for a new north south railway is re-assessed, and if it is decided that a new railway should be built, ask that it is designed with a speed of a maximum of 186 mph,, which would allow more sensitive and sensible routing options, as recommended by the Environmental Audit Committee of your honourable house.

77. It is an undeniable fact that if a design speed lower than 250mph had been chosen for HS2, that many of the complaints and petitions delivered to your honourable committee simply would not have happened. HS2 Ltd dismissed intermediate stations at Coventry, Bicester and Aylesbury on the grounds that they would slow the train down too much, even though intermediate stations would be of benefit to some of the people affected by the HS2 route. Because HS2 could have been designed in a more sympathetic manner, or even been designed with a completely different route which would have delivered fewer problems, lower costs and better connectivity to more places, such as the proposals from HSUK.

Community Funds

78. Your Petitioners request that the promoters of the Bill should be required to establish a series of community funds which should be made available for the use of affected communities, other public bodies, charities and other organisations as a means to offset the environmental and other damage that will be caused. The funds should enable your Petitioners and others to provide for replacement and additional facilities, infrastructure or other mitigation. There is relevant and recent precedent for the establishment of such funds in respect of other major infrastructure projects, for example on HS1.

79. Your Petitioners suggest that local funds will be administered by a committee drawn from local parish and town councils and other relevant bodies, that the operator of the railway will be obliged by contract to contribute annually to the fund, and that the Fund will receive the proceeds from any penalty charges imposed for exceeding environmental limits.

Concerns about Archeology

80. Your Petitioners consider that the Promoters and the Nominated Undertaker must provide adequate opportunity and funding for archaeological investigation in respect of each of the construction and work sites. Your Petitioners submit that the cost of these measures should all be borne by the Promoter.

81. Your Petitioners believe that the proposals in the Code of Construction Practice for enforcement of measures to protect archaeological remains and cultural heritage assets, during the construction of the scheme, are inadequate. Example issues in this category are known or postulated assets, incidental discoveries, prospective surveys, safeguarding, documentation, preservation, and protection against looting. It is understood that about half the archaeological sites excavated during the construction of the Channel Tunnel Rail Link were unidentified prior to the project.

82. Some Local Authorities have no staff proficient in this speciality. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would empower local parish and town councils to employ jointly an Archaeological Officer, for the duration of the works, with the power to suspend works, should agreed control measures be breached, and until more rigorous measures have been put in place, and your Petitioners seek an undertaking from the

Promoter that all costs arising from the employment of such an Archaeological Officer will be met by the nominated undertaker.

83. The large-scale earthmoving required for the construction of the proposed railway would pose a major threat to archaeological traces that lie undetected. Your Petitioners seek amendments to the Code of Construction Practice that would require the principles of PPS 5 (2010) or best practise at the time to be applied to sites that could be in any way affected by the Works, that would ensure that, prior to disturbance archaeological investigations are undertaken, using best practise at the time of investigation.

General Concerns about loss of community identity

84. Your Petitioners are concerned about the casual allocation of wrong and uncharacteristic names to features of the proposed railway. Erasure of the identity of a locality is injurious to community cohesion and the amenity of the area. For example the Promoter persists in calling the structure proposed to carry the proposed railway over the Rugby and Birmingham Line at Balsall Common "the Carol Green Underbridge", despite Carol Green being a kilometre away. This structure is a part of Work No. 3/1. Your Petitioners seek an undertaking from the Promoter that names used for structures are reflective of the locality.

85. Your Petitioners ask that the local architectural styles are taken into account when choosing final designs of bridges, viaducts and other structures.

General concerns about Highways in the construction phase

86. All residents and local businesses are likely to suffer inconvenience and financial loss from the closure and diversion of roads, bridleways, and footpaths, and from the additional and diverted traffic on the routes that remain open. This will affect public transport, commuters, delivery vehicles, utility vehicles, emergency services, farm traffic, and recreation, with a particular impact on businesses that use the roads as part of their activities, such as taxis and hire cars, driver training, and horse riding establishments. Your Petitioners seek amendments to the Code of Construction Practice that would require the nominated undertaker and its contractors to give a month's advance notification of proposed heavy construction traffic flows, route closures, traffic control measures, and diversions, through the community engagement process requested, together with publicity in a form comprehensible to all users.

87. The disruption, inconvenience and loss has not been estimated fully by the Promoter, as assessments have been restricted to peak hours, although disruption will occur throughout the day. Your Petitioners seek amendments to the Code of Construction Practice that would require the nominated undertaker and its contractors to apply for the closure or diversion of carriageways, bridleways, and footpaths through the community engagement process requested, that would give the relevant parish or town council the right to refuse permission for route closures and diversions, that would empower the relevant parish or town council to regulate the time of day when heavy traffic flows and traffic control measures would be allowed, and that would require a clear procedure to ensure closures, diversions, and restrictions are properly coordinated and well signed.

General concerns about Agriculture and Ecology in the construction phase

88. As with matters of Environmental Health, Your Petitioners believe that the proposals in the Code of Construction Practice for enforcement of measures to protect agriculture, ecology, and the natural environment, during the construction of the scheme, are inadequate. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would empower local parish and town councils to employ jointly an Ecological Officer, for the duration of the works, with the power to suspend works, should agree control measures be breached, and until more rigorous measures have been put in place, and your Petitioners seek an undertaking from the Promoter that all costs arising from the employment of such an Ecological Officer will be met by the nominated undertaker.

89. It is noted that the protection of trees during construction works requires specialist knowledge. Your Petitioners assert that inadequate measures are specified in the Code of Construction Practice, and so seek amendments to the Code of Construction Practice that would require the nominated undertaker and its contractors to work through the community engagement process requested and to respond to advice from the Local Authority Tree Officers and the local Tree Wardens.

90. Your Petitioners are concerned about potential damage to the environment from the escape of industrial gasses from plant and vehicles during the construction phase. Your Petitioners seek amendments to the Code of Construction Practice that would require the application of strict control measures to the latest standards.

91. Your Petitioners would draw attention to the substantial risk to the environment from spillages of oil, fuel, hydraulic fluids, other materials from vehicles, machinery, and fixed installations, and to the harm that would be caused by contaminated run-off into the water system and by residues left on land that is returned to agriculture.

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Your Petitioners seek amendments to the Code of Construction Practice that would require the application of strict control measures to the latest standards.

92. The propagation of weeds by the movement of vehicles and the failure to control seed formation would cause inconvenience and loss to agricultural business and residential gardeners. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the nominated undertaker to provide training to contractors and sub-contractors, to carry out inspections, to destroy identified weeds, to grant access to work sites for those with a legitimate concern, and to ensure this topic is properly considered in the engagement process requested.

93. Your Petitioners consider that the significant lengths of embankments and deep cuttings in the proposed Works will have a serious impact on drainage and ground water, with implications on residential, commercial, and agricultural land use. The Promoter has not set out a procedure for reviewing hydrological issues during the groundworks. Your Petitioners seek amendments to the provisions of the Bill and to the Code of Construction Practice that would require the on-site identification of the exposed strata and hydraulic modelling to determine appropriate mitigation, and that would require the Promoter to establish a committee to review hydrological findings on a monthly basis and ensure corrective actions are carried out.

Other general concerns in the construction phase

94. Your Petitioners are concerned about the lack of detailed proposals for security fencing of the line, and the potential impacts on the landscape. It is understood that for maximum effectiveness, the noise barriers would be close to the line, and cable troughs and access tracks would result in a typical trace width, across fences, of 22 metres. Your Petitioners seek an undertaking from the Promoter that any security fences will be coloured to tone into the environment, such as olive or yellow-green in rural settings and chocolate brown or terracotta in built-up situations, and that the advice and wishes of the relevant parish or town council will be followed.

95. The Code of Construction Practice includes a Small Claims Procedure, but local councils are excluded from using it. In view of the land and property owned by parish and town councils along the route, your Petitioners seek an amendment to the Code of Construction Practice that would allow parish and town councils to seek redress through the Small Claims Procedure.

96. Your Petitioners consider that the analysis of the potential impairment of existing businesses along the route, during both construction and operation of the proposed scheme, is inadequate. The losses suffered by established businesses in, and related to, agriculture has not been quantified. There is a wide variety of full-time and

casual jobs in the diversified rural economy that will be jeopardised by disruption, environmental impacts, and the disinclination of customers to visit an area beset with large-scale construction works. Non-agricultural businesses are widespread and many will be damaged by the extended loss of their rural ambience. Your Petitioners have little expectation that many construction jobs will go to local people, based on experience with similar projects. Your Petitioners seek an undertaking from the Promoter that, before any preparation for the Works is started, a detailed breakdown of prospective job losses and reduction in available working hours will be made, analysed by employer, locality, and occupation, taking into account factors such as disruption, access difficulties, relocation, loss of premises, and customer alienation.

97. Your Petitioners are of the opinion that the construction of HS2 will constitute a “material change of circumstance” for the purpose of establishing the rateable value of local businesses. We request that HS2 Ltd fund the employment of officials to help local businesses obtain a property revaluation and to assess the damage to the local economy (by monitoring the use of local car parks, for example). Should these measures prove inadequate, we request central government support for local businesses during the construction period.

Restoration of the agricultural landscape after construction of the scheme

98. Your Petitioners wish to draw attention to the large-scale temporary use of agricultural land during the construction phase of the proposed works. The Promoter proposes to occupy very substantial areas of agricultural and forestry land for spoil heaps, work camps, and other purposes at numerous places along the route. Your Petitioners are concerned that the soil in these areas would be susceptible to damage by static compaction, by pollution, and during handling, and that the field drains will be broken. Your Petitioners seek an undertaking from the Promoter that every care will be taken to prevent these damages, that restoration will be done to a high standard and will comply with the Standard for Farmland Remediation, that field drains will be restored, and that land occupiers will be fully compensated for any failure to do this work correctly and promptly.

99. Your Petitioners are concerned that in the assessment made by the Promoter of the effect of the proposed scheme on the landscape, no account was taken of the consequential effects of the economic damage done to agricultural businesses during the construction phase. Your Petitioners anticipate that many agricultural businesses would cease to function during the construction period, and that afterwards, the reduction in land area and fragmentation will reduce the economic viability of those that continue. Your Petitioners seek an undertaking from the Promoter that an agency will be created, together with a compensation scheme, to stimulate the amalgamation of uneconomic agricultural land fragments into viable holdings.

100. Your Petitioners are also concerned that the temporary use of land during the construction phase of the scheme would be used as an argument to circumvent Greenbelt and spatial planning guidance and plans. Your Petitioners seek amendments to the Bill to disallow temporary use of the land during construction of the scheme as a material consideration in the determination of future Local Plans, Greenbelt boundaries, and planning applications, and to prohibit any change of use from agriculture for a period of 5 years after the land has been restored and returned to agricultural production.

Restoration of ecology after construction of the scheme

101. Your Petitioners note that a wide range of measures for ecological compensation has been offered by the Promoter, but there is a lack of firm action plans and clear standards. Your Petitioners seek an undertaking from the Promoter that the implementation and monitoring of bio-system replacement will be done to a high uniform standard throughout the proposed scheme, that the Promoter will follow the guidance in the National Planning Policy Framework and seek to improve the natural environment, that there will be compliance with the European Environmental Impact Assessment criteria, the UK Chartered Institute of Ecology and Environmental Management standards, and British Standard BS 8545 "Trees: from nursery to independence in the landscape", and that the creation of alternative habitats and translocation of species will be commenced as soon as reasonably practicable.

102. Trees are critical features in the landscape and need long-term planning and care due to their slow growth rate. Your Petitioners seek an undertaking from the Promoter that where tree planting is to be used as an offset, a replacement ratio of 10-for-1 will be used in order to ensure satisfactory replacement, and that advice from the relevant parish and town councils and local interest groups on species and locations will be heeded.

103. Your Petitioners ask that as soon as possible before construction, the Promoter establishes or contracts with others to establish nurseries of trees so that these will be more mature before they are planted.

Compensation

104. Your Petitioners submit that the current and proposed compensation proposals are inadequate, and expect homeowners to endure loss for no fault of their own.

105. Your Petitioners believe that compensation must be fair and proportionate; and those affected must be afforded a proper opportunity to influence the final determination. Regrettably these principles have not been observed in the current HS2 propos-

als. Your Petitioners hope that the Select Committee considers previous rulings by the CTRL Select Committee, which ordered the Nominated Undertaker to buy properties which had failed the hardship test, and the Croydon Tram Select Committee which made a ruling around the issue of negative equity. Your petitioner seeks that compensation should be paid on the sole criteria of suffering loss of value, irrespective of personal circumstances.

Concerns about listed and ancient buildings

106. Your Petitioners are concerned about the impact of HS2 on listed buildings. Whilst the promoter accepts that some listed buildings may be demolished, they have made no suggestions about their preservation. It is common for listed buildings to be moved and reconstructed for major infrastructure projects, with even an Elizabethan barn near Barford in Warwickshire being carefully taken down and reassembled to make way for the site of Junction 14 of the M40. Your Petitioner believes The Promoter should be required to take this stance in the case of all listed buildings currently scheduled for demolition.

107. Your Petitioners have little faith that some listed and ancient buildings near the route of HS2 will be viable as a result of HS2. A prime example of this is Dale House, Dalehoue Lane, Kenilworth. Whilst originally scheduled for demolition, HS2 Ltd now suggest that this Grade 2* listed building, which has no foundations, will be fine perched on the top of a deep cutting overlooking HS2. We find it hard to conceive that a property such as this would survive the construction process, let alone the operation of HS2 and call upon the committee to require the promoter to pay for independent assessments of the future viability of such ancient and listed properties.

General concerns during operation of the scheme

108. Your Petitioners are also concerned by a potential deterioration of air quality due to maintenance activities that would be required when the proposed railway becomes operational. Your Petitioners seek an undertaking from the Promoter that there will be a robust system of monitoring so that control measures can be developed.

109. The Promoter proposes that all maintenance work on the railway will be done at night, with the potential for disturbing residents with high-intensity lighting. Your Petitioners seek an undertaking from the Promoter that the operators of the railway will be required to reduce light spillage from maintenance works to the practicable

minimum, that no light source will be mounted higher than the adjacent noise wall, and that full advantage will be taken of night-vision devices and automated maintenance equipment as they become available at reasonable cost so that the need for artificial illumination is minimised.

110. The noise caused by nocturnal maintenance is also a major concern for residents. Processes to maintain track alignment and quality will be required frequently, and are known to be noisy. There will also be vehicle movements and the handling of heavy loads. Your Petitioners seek an undertaking from the Promoter that the operators of the railway will be required to keep noise barriers in place during maintenance work, and that residential properties will not be exposed to a nocturnal maximum noise level greater than 60 dBA or a continuous-equivalent noise level greater than 40 dBA.

111. Your Petitioners note that The Promoter has suggested that HS2 would not operate during the night and would not carry freight, however similar assurances were given regarding CTRL, yet HS1 now carries freight. Your Petitioners seek an undertaking from The Promoter or an amendment to the Hybrid Bill to prevent night running or 24 hour running for passenger or freight services.

112. Your Petitioners are disappointed that the Promoter has failed to offer any system to regulate operational noise and vibration levels from the trains. The desire to design a railway that can at up to 400 km/hour has dominated the choice of route and the design of the proposed works. Even if the initial running speed is not as fast, your Petitioners are concerned that in future speeds may be increased with a subsequent increase in noise levels. Nonetheless, the Promoter has taken no steps to demonstrate what disturbance this would cause to residents, visitors, businesses, and animals close to the proposed route, nor has the Promoter done any development work to reduce the noise generated by the trains to the lowest practicable level, and nor has the Promoter conducted any trials to prove the level of mitigation that might be afforded by various measures. Because train characteristics and noise mitigation measures will deteriorate over time, and will be influenced by environmental conditions, your Petitioners contend that actual measurement is the only way to control the noise nuisance. Having considered the recommendations of the World Health Organisation for acceptable noise levels in various situations, and having noted the Promoters' acceptance of the Channel Tunnel Rail Link method for the decline of noise level with distance, your Petitioners would consider that maximum outdoor noise levels of 60 dBA at 200 metres from the line, and 76 dBA at 25 metres from the line, would meet current expectations. Your Petitioners seek an undertaking from the Promoter that a mandatory maximum noise limit from the passage of a single train under standardised conditions will be set, that fixed noise monitoring stations will be installed and operated at regular intervals along the route, that a system of spot-checks using portable noise monitors will be undertaken, and

that a penalty charge will be exacted on the operator of any train that fails to comply with the noise limit.

113. It appears to your Petitioners that there should be financial incentives to encourage the operator of the railway to comply with control limits on noise, emissions, pollution, and other nuisances. A system of penalty charges has been used for many years to provide incentives to meet aviation noise limits. The operator of a train would have the ability to avoid penalties by proper maintenance and operating procedures, and could be informed in real time of the performance of each train. Your Petitioners seek an undertaking from the Promoter that future operators of the proposed railway will be obliged by contract to pay penalty charges, after impartial adjudication, for infractions of control limits placed on noise, emissions, pollution, and other nuisances into a fund for the benefit of affected communities, such as that proposed earlier.

114. Given the long-term nature of ecological effects, it would appear there would be considerable difficulty in knowing whether the mitigation and offset arrangements advanced by the Promoter have produced the desired results. Your Petitioners seek an undertaking from the Promoter that a long-term ecological monitoring programme will be established, and that the monitoring programme will be open to full involvement by councils at all levels, and relevant special-interest groups.

115. It is expected that long-term ecological monitoring would identify the need for restorative or corrective measures to bring the environmental outcomes closer to that which was intended and authorised. Your Petitioners seek an undertaking from the Promoter that future operators of the proposed railway will be obliged by contract to provide funding for, and to take, restorative ecological measures, when adverse effects appear to be developing.

116. Residents are disappointed that no compensation has been offered to local communities, as a whole, for the general loss of public amenity and facilities such as open space, landscape quality, urban green spaces, rural peace, and Public Rights of Way. Your Petitioners believe there should be an enduring and robust form of community compensation, which would distribute funds from the eventual operators of the proposed railway to community projects. A similar scheme has been operated successfully for many years by Birmingham Airport. Your Petitioners seek an undertaking from the Promoter that future operators of the proposed railway will be required by contract to maintain a Community Fund to support community projects in areas that would be adversely affected by the proposed railway, as described earlier.

Carbon

117. Your Petitioners believe that the current HS2 proposals are incompatible with the both the 2006 and 2008 Climate Change Acts.

118. The immense environmental damage HS2 causes along the route is made worse by the carbon emissions due to building it. Although initially, HS2 Ltd claimed HS2 was likely to be carbon neutral, they now say that after 60 years of operation – in 2086 – the operation of HS2 will still not have offset the carbon costs of construction. They assert over the full 120 year lifetime of the scheme - ie by around 2136 - they carbon costs of building will have been offset by carbon savings. Your Petitioners point out that over the last 120 years railways have gone from steam powered through diesel powered to electric powered. Your Petitioners would also like to note the prediction in the letter to the Times in 1894 that the streets of London would be covered in horse manure did not come to fruition, as alternative technologies made horses in London a rarity. Your Petitioners assert that assumptions about carbon savings between 2086 and 2136, should not be a factor in the case for HS2

Concerns about additional provisions

119. Your Petitioners note the possibility of additional provisions by the Promoters and reserve the right to petition on these at the appropriate times.

120. Whilst appreciating the complexity of the proposed scheme, your Petitioners are concerned about errors and omissions in the information provided by the Promoter. Because of the risk that your Petitioners may be disadvantaged by other errors and omissions that are not yet recognised, your Petitioners seek an undertaking that the Promoter will inform promptly all relevant organisations and persons of any further errors or omissions that come to light, and that the Promoter will allow them to petition for the relief of any injuries arising therefrom at no further cost.

And finally,

121. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended and undertakings given as proposed above, the provisions of the Bill, so far affecting your Petitioners, should not be allowed to pass into law.

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122. 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 provision is made to protect your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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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.

AND your Petitioners will ever pray, &c

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IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION of Stop HS2

Against the Bill - On Merits - By Counsel &c

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