

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 MR GARETH JOHN EASTMAN

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 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 Petitioner has lived in St Mary's House, Church Street, Twyford, with his wife since they purchased the property freehold in February 1987. The property is Grade 2 listed and very unique in character, dating from the 15th century and comprising unusually of two mediaeval hall houses joined together. The property is essentially a timber framed structure throughout although some walls have been brick clad and many other improvements have been carried out over the years including the recent construction of an oak framed garage and a barn.

In 2012, the house was surveyed by the Bucks Archaeological Society, Historic Buildings Group, and a report prepared and published. Following their visit, the Group recommended that the property's listing be amended to Grade 2* due to the unique nature of the double mediaeval hall configuration.

It is situated at the end of Church Street, which is a cul de sac, and occupies a plot of land of about one acre. Bordered by the Church of St Mary's to the South, it has unobstructed views to the North and East onto open, flat, farmland.

There is no passing traffic and hence a very low ambient noise level – in fact it is extremely quiet, especially at night.

The property is a very large family home of about 450m² of accommodation and it consists of 5 bedrooms, living room, library, dining room and an office.

When your Petitioner purchased the property, it was in a state of extreme disrepair and together with his wife, they have carried out a total renovation of the structure taking great care to be sympathetic to the age of the building and to maintain the mediaeval features wherever possible. Almost all the work was carried out by themselves.

Your Petitioner and his wife are now aged 67 and their three children have now left home. It was always their intention to sell the property at a suitable time to allow them to free up a significant amount of capital to fund a comfortable retirement. The property has a current unblighted market value of between £1.1 and £1.25 million. In addition, as they get older, they are finding it extremely difficult to maintain the standards of repair necessary for such an important listed structure and to keep the large garden under control.

As it passes the property, the proposed new high speed railway line will be on a nominally 3 metre high embankment with an acoustic sound barrier and an earth bund finishing approximately 5 metres above the rail line level.

Your Petitioner's property will not be demolished as a result of the Bill but it is located within 210 metres of the line.

Your Petitioner's house is more fully described in cl 4.3.25 and 4.3.26 of Volume 5, Cultural Heritage.

8. Your Petitioner and his property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
9. Your Petitioner is petitioning against the Government's bill to design, build and operate a high speed railway line for two reasons:-
 - * Increase in the level of sound
 - * Inadequate compensation

First Petition - Increase in the level of Sound

Your Petitioner's property is in a very quiet, tranquil area of countryside situated at the end of a cul de sac and with no passing traffic. As a result the ambient noise is very low. However, due to its age and style of construction, the property has very low protection against external noise. The timber framed walls are predominantly filled with expanded foam and protected with render and plasterboard which, whilst giving good thermal conductivity protection, offers very little sound protection. In addition, the windows, some of which are 15/16th century, are not double glazed.

In September 2012, a baseline sound survey was carried out at St Mary's House and

this has been allocated the "noise receptor" ID 288448.

Appendix SV002-013 Table 1, lists the results of this survey with the daytime noise level as 50.4dB and night as 39.9dB, with the highest level of 71.9dB.

Page 16, Table 3 of Volume 5, Technical appendix SV-004-013 CFA13, Calvert, Steeple Claydon, Twyford and Chetwode, Operational assessment Sound, noise and vibration, sets out the baseline noise levels as predicted at Opening Year and the expected impact on St Mary's House as the increase in noise from the Opening Year baseline to the predicted noise at baseline plus 15 year traffic. This records a daytime increase of 4dB and a night time increase of 5dB. It is further recorded that this will have an adverse effect on the receptor.

The significant effect criteria recorded in Table 3 as OSV13-CO2 is defined in Table 5 as:-

"Approximately 10 dwellings in the vicinity of Grange Close and Church Street closest to the route and their associated shared community open areas (local playing fields with clubhouse). Forecast increases in sound from the railway are likely to cause a moderate adverse effect on the acoustic character of the area around the closest approximately five properties."

The World Health Organisation (WHO) regards 50dB day time noise level as the level that should not be exceeded to protect the majority of people from being moderately annoyed during the daytime. It also says that to protect the majority of people from being seriously annoyed, the day time level should not exceed 55dB. However, the WHO guidelines refer to a steady continuous noise which HS2 certainly is not.

The WHO says that most countries in Europe have adopted 40dB as the maximum allowable for new developments whenever feasible.

The WHO states that for the primary prevention of subclinical adverse health effects related to night time noise in the population, it is recommended that the population should not be exposed to night noise greater than 40dB of L night outside the residential property during that part of the night when most people are in bed.

It is the opinion of your Petitioner from the evidence set out in the Environmental Statement that the mitigation proposals are insufficient to protect your Petitioner from the increase in noise levels that are predicted.

If further mitigation measures are not forthcoming, then your Petitioner would expect that an undertaking be given that the actual noise emissions do not exceed that which HS2 Ltd predict in SV-001.000.

Second petition – Inadequate compensation.

Your Petitioner considers that the compensation package offered to residents who are seriously affected by the proposed plans to construct a high speed rail line, but outside the 120m zone which allows for purchase by HS2, are completely inadequate.

Your Petitioner and his wife have consulted with local Estate Agents, Hamptons and Brown and Merry and have been told that they will not be able to sell the property for anything approaching unblighted market value as it is so seriously blighted. This situation is unlikely to change until a few years after the line is opened and house prices start to recover to some degree. However, this is unlikely to be until 2029 at the earliest at which point your Petitioner will be 83 years old.

Your petitioner and his wife had planned to sell the property to enhance their pension and buy a smaller more manageable property on the basis that as they grew older, they will be unlikely to be able to either afford to maintain the fabric of the structure and certainly be unable to carry out any necessary work themselves. Whilst they accept that the Government is proposing a new “Need to Sell” scheme, this appears to be appropriate to them only if they have an urgent need to sell and not as a lifestyle choice.

Your Petitioner considers that the revised compensation scheme as published on 9th April 2014 is completely inadequate to compensate him as he is so seriously affected by blight that he is unable to sell his property now or in the foreseeable future.

10. Your Petitioner objects to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and/or the Nominated Undertaker must review the construction strategy for the project and its related works by considering their cumulative impacts on the community of Twyford by reducing the proposed noise levels and proposing a fair and equitable compensation scheme. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioner, should not be allowed to pass into law.

There are remedies to the proposed high levels of noise and subsequent blight as follows:

- Move the line further away from the village of Twyford to the north. There is sufficient open farm land to allow such a diversion of the proposed route.

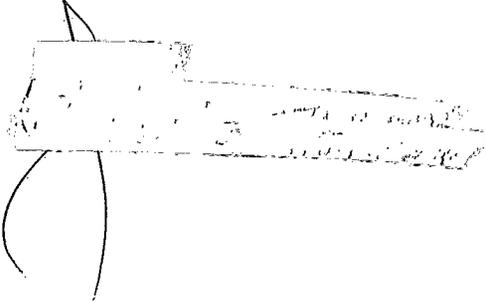
- Reduce the speed of the trains as they pass the village. Speed reduction will not only significantly reduce the noise but also allow greater route flexibility to avoid village blight.
- Increase the height of the bund to above the pantograph level. Although this will inevitably reduce the overall noise levels, Your Petitioner notes that the level of the bund is not stated in the Environment Statement but it is assumed to be the same level as the sound wall at 5 metres above track level. This is evidenced by the photomontage taken from the land adjacent to St Mary's House.
- Lower the track level. If the track level is lowered, and assuming that the bund is maintained at its proposed height, it will reach nearer to the pantograph level and hence be more effective at reducing noise.
- Purchase your Petitioner's property or offer a Property Bond. The residents of Twyford attended a meeting in September 2010 with the then Secretary of State for Transport, Philip Hammond; who told them that the affected residents would be fairly compensated. He further repeated this statement in Parliament. Your Petitioner and other seriously affected property owners in Twyford, are unable to sell their properties for anything approaching their true value due to the blight caused by the contents of the Bill. The Government should offer a Property Bond to all seriously affected residents. The Property Bond should guarantee that when they choose to sell, the resident will be compensated for any loss of sale income against unblighted value. With regard to the Compensation Scheme announced on the 9th April 2014, the amount proposed for house owners situated between 120m and 300m from the track doesn't even begin to compensate the seriously affected home owners for their loss of value and inability to sell a property.

11. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER 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 Petitioner 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

Signed, Gareth John Eastman



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