

**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 NIGEL JOHN FRENCH

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 at Woodlands, Grange Close, Twyford, Buckingham, with his wife and their three children (aged 14, 12 & 10) since they purchased the property freehold in March 2000. The property is detached, was originally built in 1977 of brick under tile construction and is located in a close of 6 similar homes. The property borders the village Church of the Assumption of the Blessed Virgin Mary.

Twyford village is situated in open countryside between the towns of Bicester and Buckingham. The village has very little through traffic with very low ambient noise level – in fact it is extremely quiet, especially at night.

The property is a family home of about 3000sqft of accommodation and it consists of 4 bedrooms, 3 reception rooms, kitchen and study. Outside there is a garden of c0.2 of an acre and a detached double garage.

Your Petitioner purchased the property with his wife specifically to bring up their young family (we had one child at the time of purchase) in a village environment which was both safe and tranquil. Twyford village benefits from a school, village shop and village pub. It is a sociable village, with a strong community borne out by the fact that very few properties have come up for sale over the years. The property has a current unblighted market value of between £500,000 and £520,000.

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 300 metres of the line.

Your Petitioner's home is referred to in HS2 documents as follows:

- i) Map SV-05-028 – Operational Noise and Vibration Impacts and Likely Significant Effects – the property is highlighted as suffering from 'Moderate Adverse' (5dB to 10dB).
- ii) Book ES 3.2.1.13 Environmental Statement Vol2 Community Forum Report CFA13 – Page 91, Section 5 Community, 5.1.2. – Key issues concerning the community assessment for this study area comprise: impacts on amenity affecting some residential properties and The Church of the Assumption of the Blessed Virgin Mary in Twyford during operation.
- iii) Book ES 3.2.1.13 Environmental Statement Vol2 Community Forum Report CFA13 – Page 98, 5.5 Effects arising from operation. Assessment of impacts and effects – Twyford. 5.5.3: Approximately five residential properties in Twyford, located on Church Street and in Grange Close are predicted to experience in-combination effects arising from the operation of the Proposed Scheme: These in-combination effects are: Significant visual effects due to the visibility of the Twyford viaduct and overhead line equipment; and, Significant increases in airborne noise due to the new train services. 5.5.4. The combination of these effects will have a major adverse effect on residential amenity and this is considered to be significant.
- iv) Book ES 3.2.1.13 Environmental Statement Vol2 Community Forum Report CFA13 – Page 236 11. Sound, noise and vibration. 11.4.32 'Taking account of the avoidance and mitigation measures and the local context, the residual permanent noise effects on the acoustic character of the following areas of residential community closest to the route are considered significant: Twyford, in the vicinity of Grange Close and Church Street.
- v) Book ES 3.0.0 Non-technical summary – Nov 2013. Section 8.13 Page 102 – Community: the amenity of...a small number of residential properties and the Church of the Assumption of the Blessed Virgin Mary in Twyford closest to the route, will experience operational noise and views of the project. The

noise and visual effects arising during the operation of the project will affect...the village of Twyford.

vi) Your Petitioner is also concerned at the increased levels of construction traffic, and the likely disruption it will cause to the day to day running of family life in a rural community, including up to 2,480 HGV & LGV lorry movements per day on the nearby Perry Hill Road (ES3.2.1.13 – page 244) which is the main route into and out of the village to the south east (Aylesbury) and the north (Buckingham).

vii) Your Petitioner also notes countless other references to the village of Twyford throughout various HS2 documents which refer to the adverse impact of not only the operation of the scheme, but the period of construction with its associated noise, transport disruption, dust and light pollution, which is expected to last for 10 years from 2017.

8. Your Petitioner's property is 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 the village of Twyford situated in a cul de sac, alongside The Church of the Assumption of the Blessed Virgin Mary, with no passing traffic. As a result the ambient noise is very low.

In September 2012, a baseline sound survey was carried out at a neighbouring property, 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 maximum daytime noise level as 50.4dB and night as 39.9dB.

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 this part of the village 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 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 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 Petitioners from the increase in noise levels that are predicted.

#### 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 are outside the 120m zone which allows for purchase by HS2, are completely inadequate.

Your Petitioner and his wife have consulted with local Estate Agents Thomas Merryfield 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 by the HS2 scheme. This situation is unlikely to change until a few years after the line is opened and house prices may start to recover to some degree. However, this is unlikely to be until 2029 at the earliest at which point your Petitioner will be 65 and his wife 61 years old.

As a direct result of the Proposed Scheme your Petitioner and his wife will be unlikely to exercise any form of choice should they wish to sell their property and exercise the right to move at any time during the construction and operation of the railway. 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 also notes that the Rural Support Zone (RSZ) is a linear area, 120 mtrs either side of the railway line, and does not take into account sound mapping, produced by HS2, which shows the real adverse impact of the scheme on residents such as your Petitioner.

Your Petitioner considers that the revised compensation scheme as published on 9th April 2014 is completely inadequate to compensate them as they are so seriously affected by blight that they are unable to sell their 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, it should not be allowed to pass into law.

There are remedies which the government could implement to alleviate 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.
- Construction of a 'green tunnel' as the railway passes the village of Twyford, as an alternative to the proposed bund (which appears to offer little mitigation as currently proposed).
- Bring forward the timetable for the planting of any trees for screening (as included in the proposed scheme) so as to improve the chances of more effective noise and visual mitigation.
- 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.
- 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 at the full unblighted value should your Petitioner be unable to sell the property at full market value. Such purchase to be at any time of the Petitioner's choosing, as if the Petitioner was exercising the right to sell at a time of his choosing.
- Offer a Property Bond which covers any shortfall between achieved sale price and unblighted market value. 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.
- For the purposes of any mortgage on the property, for government to ensure that any shortfall between actual valuation and unblighted market value is covered by government so that the mortgagee is not disadvantaged in any way with regard to mortgage offers and subsequent interest rates which are based on loan to value (we have experience already of a valuation being hindered by the HS2 Scheme and a subsequent re-mortgage offer).

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.

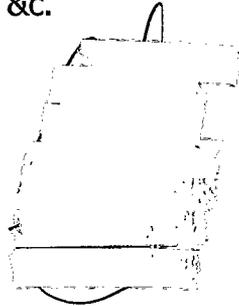
With regard to the Compensation Scheme announced on the 9th April 2014, the amount proposed for house owners situated between 120m and 300m from the track doesn't even begin to compensate the seriously affected home owners for their loss of value and inability to sell a property.

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 his rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly prays 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, Nigel John French



IN PARLIAMENT

HOUSE OF COMMONS  
SESSION 2013-14

**HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL**

PETITION OF Nigel John French

Against the Bill – On Merits – By Counsel &c

Nigel John French

[Redacted signature block]