

**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 ALAN E. W. FLINT & Mrs MARGARET A. FLINT.

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 Petitioners have lived at THE HAWTHORNS, 4 Grange Close, Twyford, since they purchased the newly built detached property, Freehold in May, 1979. The property is situated in Grange Close at the end of School Lane, which is in a cul de sac, and occupies a plot of land of about 0.2 acres. Bordered by the Church of St Mary's to the North, it has unobstructed views to the East and South onto open, flat, farmland. There is no passing traffic and hence a very low ambient noise level—in fact it is extremely quiet by day and especially at night.  
The property is a family home of approximately 177 sq. m. of accommodation and it consists of Entrance Hall, Cloakroom, Living Room, Dining Room, Kitchen/Breakfast Room, Utility Room, Master Bedroom with en suite, 3 Further Bedrooms and Family Bathroom. The Petitioners have carried out general maintenance and up dates to the property inc:- Refitting Kitchen, Utility, both Bathrooms and Cloakroom.  
You Petitioners are now aged 76 and 73 respectively and their 2 children have now left home. It was 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 £475,000 and £495,000. In addition, as they are finding it extremely difficult to maintain the standards of repair necessary and the up keep of the garden.

As it passes the property the proposed new high speed railway line will be on a nominally 3 meter high embankment with an acoustic sound barrier and earth Bund finishing approx.5 meters above the rail line level.

Your petitioners property will not be demolished as a result of the Bill but it is located within 260 meters of the line.

Your Petitioners 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 Vol. 2 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 Vol. 2 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 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 service.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 Vol. 2 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 residential 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 petitioners are 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 & LGC 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 Petitioners 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 Petitioners and their property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
9. Your Petitioners 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 Petitioners 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. The property has very low protection against external noise, although Rockwall insulated walls and high specification loft insulation, the wooden windows are not double glazed.

In September 2012, a baseline sound survey was carried out at a neighbouring property, St Mary's House, and this property has been allocated the "noise receptor" ID 288401.

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 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 6dB and a night time increase of 6dB. 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 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 Petitioners 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 Petitioners 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 Petitioners have consulted with local Estate Agents, Michael Graham and Thomas Merrifield and have been told that they will not be able to sell the property for anything approaching the current un blighted market value of £475,000 to £495,000 as it is so seriously blighted, and would only consider marketing the property at £395,000 with offers expected way below this price due to the proximity of the line. 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 Petitioners will be 92 and 89 years old

Your Petitioners took out Equity release on the property of £45,000 during 2003 for extensive up date and refurbishment, completed over the following 12/18 months. Your Petitioners, after their last child left home , consulted a local estate agent, Michael Graham early in February 2010 who stated the market value of the property at a figure in excess of £400,000, but before the property was placed on the market a private sale was agreed at £400,000. Three weeks later HS2 was announced

placing the line very close to Twyford Village ,immediately the prospective buyer withdrew his offer.

As a direct result of the Proposed Scheme your Petitioners 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 Petitioners also note that the Rural Support Zone (RSZ) is a linear area, 120 meters either side of the railway line, and does not take into account sound mapping, produced by HS2, which shows the real adverse impact of scheme on residents such as your Petitioners.

Your Petitioners consider 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 Petitioners object 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 Petitioners respectfully submits that, unless the Bill is amended as proposed above, so far affecting your Petitioners, 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 Petitioners note 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 Petitioners property at the full un blighted value should your Petitioners be unable to sell their property at full market value.
- Offer a Property Bond which covers any shortfall between achieved sale price and un blighted 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.

Your Petitioners 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 un blighted 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 Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signed, Alan & Margaret Flint.



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