

**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 GREAT MOOR SAILING CLUB (MR NIGEL JOHN FRENCH & MR ALAN RAND as TRUSTEES)

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 is Great Moor Sailing Club, Grebe Lake, Charndon, Buckingham, MK18 2EP. Your Petitioner is the freehold owner of Grebe Lake and all surrounding property known as Great Moor Sailing Club ("your Petitioner's property").
8. Your Petitioner's property lies within the Zone of Theoretical Visibility as shown in the maps that accompany the Environmental Statement.
9. Your Petitioner's property lies within the area shown in the Environmental Statement which will be impacted by noise from the construction and operation of HS2.
10. Your Petitioner is a regular user of Perry Hill, which is within the limits of land to be acquired and used under the Bill and is liable to be used by construction traffic during the period of construction of the works authorised by the Bill and is liable to be interfered with for the purposes of works authorised by the Bill. Your Petitioner's property is located on Perry Hill which is proposed to be used under the Bill as a route for construction traffic for over 2,400 vehicles per day.
11. Your Petitioner's property is within the limits of land to be acquired and used as shown on the plans deposited with the Bill, and the property is therefore liable to compulsory acquisition under the Bill.

12. Your Petitioner's property is adjacent to the several construction sites proposed to be used under the Bill. Therefore your Petitioner's property will be subject to intolerable noise/dust/ visual impact/vibrations for a period of up to 10 years. The Environmental Statement accompanying the Bill states that your Petitioner's property will be affected by noise, dust, traffic and vibrations.

There are remedies which the government could implement to alleviate the proposed disruption to the day to day running of Great Moor Sailing Club as follows:

I) Acquisition of land

Part of your Petitioner's land is subject to compulsory acquisition under the Bill. This action will remove part of the forestry conservation area and part of the berthing for our boats, in addition to associated buildings currently used for storage of Sailing Club equipment.

Part of your Petitioner's land is subject to compulsory acquisition under the Bill. Your Petitioner believes that the Promoters have provided no proper justification as to why all of that land is required. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight.

The acquisition of your Petitioner's land, contained within the Hybrid Bill, will have an adverse effect on the day to day running of the Sailing Club, and therefore its future viability.

Your Petitioner seeks an assurance that the Secretary of State will acquire no greater amount of its land than is reasonably required for the construction and operation of the works authorised by the Bill. Your Petitioner requests that the Bill and the deposited plans be amended to exclude land that is not required, or that the Secretary of State be required to enter into legally binding agreements with your Petitioner that land that is not required will not be compulsorily acquired. In addition, your Petitioner requests that the Bill be amended so that any land which is only required temporarily for construction purposes should be categorised as such and not subject to permanent powers of acquisition. In addition your Petitioner respectfully requests that clause 47 be removed from the Bill

If your Petitioner's land is to be acquired, then your Petitioner requests that the Bill be amended or the promoter required to give sufficient notice before taking the land. The proposals in the Bill for the giving of notice are inadequate. The proposals for compensation in the Bill are also inadequate and should be amended

Your Petitioner requests HS2 Ltd relocate the Sailing Club facilities (Club House, Boat Park, Member Car Park, Storage, Workshop and Training Buildings) elsewhere within the land owned by the Sailing Club. The club requests HS2 Ltd cover all costs associated with any relocation. Your Petitioner seeks an assurance that the forestry area will be returned to a managed forestry area on completion such that it will act as a noise barrier when the railway is in operation. In addition that resource is made available to relocate the boat berthing areas and that the day to day activities and operation of the sailing club can continue in a satisfactory manner.

II) Noise, vibration, dust and air quality - Construction

Your Petitioner is gravely concerned about the impact of the significant volume of construction traffic (2400 vehicles per day) at the front of their property along Perry Hill. The increased noise and vibration will have a serious adverse affect upon the clubhouse and training areas and the tranquillity presently enjoyed.

The noise and vibration impacts detailed within the Environmental Assessment will have an adverse effect on the day to day running of the Sailing Club. Your Petitioner is concerned about the effects of noise arising from the construction of the high speed railway and associated development including heavy lorry traffic.

Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise. Noise would severely impact upon the use and enjoyment of the Property by your Petitioner.

Your Petitioner is concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property and environmental quality of the neighbourhood.

Your Petitioner is concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.

Your Petitioner is concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development.

Your Petitioner suggests that the anticipated traffic level on Perry Hill is unsuitable for an adjacent family club. Unless an alternative route can be found, your Petitioner requests relocating your Petitioner's property to another part of their land. This would remove the problem. The location of the Club House has not been assessed or surveyed by HS2 for the adverse impacts indicated by the ES. Your Petitioner requests that HS2 undertakes this survey. Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed

railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.

Your Petitioner requests that there should be binding mitigation measures including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development. The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled HS2 and the environment thirteenth Report of Session 2013-2014 dated 7 April 2014 recommended an independent body to monitor and publicly report on all aspects of environmental protection needed for 60 years.

Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.

Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker

Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill

Your Petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the Property and there are no other adverse effects.

Your Petitioner requests that there should be binding mitigation measures including vibration and resultant damage mitigation and monitoring system in place before commencement and during construction and operation. Binding mitigation measures should include but not be limited to an express obligation to undertake specific measures to limit structural and other damage to the Property, installation of noise barriers which ensure compliance with World Health Organisation acceptable peak sound levels and the integration of full barriers into the structural design of viaducts with shallower support structures beneath track level

Your Petitioner submits that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.

Your Petitioner requests that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioner submits that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.

Your Petitioner requests that before construction there should be an air quality baseline monitoring study benchmarked against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.

Your Petitioner requests that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

Your Petitioner requests HS2 Ltd relocate the Sailing Club facilities (Club House, Boat Park, Member Car Park, Storage, Workshop and Training Buildings) elsewhere within the land owned by the Sailing Club. The club requests HS2 Ltd cover all costs associated with any relocation.

III) Noise, Vibration, Water and Settlement - Operation

Your Petitioner is concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic.

Your Petitioner is also concerned that the operation of the high speed railway will give rise to vibration. Vibration will severely impact upon the use and enjoyment of the Property by your Petitioner.

Your Petitioner is concerned about settlement effects on your Petitioner's property due to construction of the roads and associated works near and adjacent to your Petitioner's property.

Your Petitioner is concerned about the omission in the ES of an interlinking tunnel between their lake and the BBOWT nature reserve, Jubilee Lake, running beneath Perry Hill. This tunnel acts as a balance to keep the levels of both lakes the same and allows a regular overflow from a culvert out of Jubilee Lake. This fact was included in your Petitioner's compensation letter of January 2013 but has no mention in the current ES, or any of its parts. The effect of this omission is that the water and flood calculations are incorrect

Your Petitioner is particularly concerned that the projected HGV and LGV traffic of over 2400 vehicles per day on Perry Hill above this tunnel will have an impact on the tunnel's structural integrity and the road above. If this does occur then the level of water will be affected and consequently a negative impact upon the operability of the club.

Your Petitioner requests that an urgent study is undertaken to reassess the balance between the two lakes and the outflow from Jubilee Lake and its culvert underneath the railway. In addition your Petitioner would seek an assurance to be given by the undertaker on the continued operation and integrity of the interlinking tunnel and other drainage issues associated with the scheme.

Your Petitioner would like to see an effective and agreed monitoring system in place prior to construction, to measure the exact effect of any settlement on the property. This must include an agreed threshold for ground movement within the vicinity of the property, and distortions of its structure. If the threshold is exceeded, construction must stop until remedial measures are in place to minimise settlement and avoid damage to the building. A full condition survey should be undertaken both before construction, and at agreed dates thereafter during construction, to identify if any damage has been caused. Surveys must be undertaken by an independent surveyor, and all information must be made available to the Petitioner. Any costs associated with this must be paid in full by the nominated undertaker. Any damage caused by settlement must be remedied as soon as possible.

IV) Construction Traffic

Your Petitioner is concerned about the effect of the construction traffic on Perry Hill particularly the volume of HGV and LGV traffic, stated within the EA as over 2400 vehicle movements per day. The exit and entrance to their property is on a bend and is in a delimited area. Very fast traffic goes along this road and your Petitioner is concerned about the safety of its members when entering and leaving the site at times towing trailers. Your Petitioner considers this a high risk area and a danger to health.

Your Petitioner acknowledges that Perry Hill is a logical route but requests that a traffic calming and 30mph speed limit be introduced. If this is not acceptable due to the need to maintain the number of HGV movements then consideration should be given to relocating the clubhouse to another part of your Petitioner's land

V) Ecology (1)

Your Petitioner is concerned about the level of lighting from the IMD in its operational phase and its effect upon the wildlife on the site.

Your Petitioner is concerned about the impacts of the loss of woodland and vegetation at Grebe Lake on the wildlife that use this site. The loss of any wildlife habitat affects your Petitioner, whose membership regularly uses the Petitioners property to appreciate the variety of wildlife in this area.

Your Petitioner requests that all external lighting is directed solely onto the working area of the IMD site and only onto areas that are in use at that time. It is suggested that low level lighting be used in walking areas and high level only where loading or heavy lifting is taking place.

Your Petitioner requests that habitat compensation should be like-for-like, with no net loss of habitat of comparable ecological value, and that a net gain in biodiversity and habitat compensation is delivered. This must be delivered as close as possible to the site of loss, in locations which will not be further impacted. Planting mitigation should be carried out well in advance of vegetation removal, so that habitats reach their functional maturity before the original habitats are lost.

VI) Ecology (2)

Your Petitioner notes that there is no mention of fish within its property and would point out that this is an omission in the ES as it has an active fishing membership. Your Petitioner also notes that, despite the high number of HS2 Ltd surveys already conducted on Sailing Club property, the ecology baseline for birds, animals and plants is incomplete for its site as other species have been recorded during the Club's own surveys over a number of years.

VII) Lack of information

Your Petitioner wishes to express frustration when trying to find information and reference to its property. As an organisation that needs information about its water it required maps to confirm any effects. On requesting water maps they were told they were available to order online, this was unacceptable. It was also difficult to find these maps on the HS2 site, after a number of calls they were eventually told they were on the .gov site. Why were they not available through the single site, this just wastes time.

Your Petitioners' site is referred to in at least 4 ways throughout the reports (Grebe Lake, Glebe Lake, Calvert Brick Pits and Calvert Brick Pits CWS), this inconsistency has made information gathering and analysis very difficult and time consuming. Your Petitioner is concerned that there are areas which have been referred to in other ways.

We would request that there is consistency between each of the reports.

VIII) Loss of Amenity

Your Petitioner wishes to express concern at the high level of traffic noise and expected loss of tranquillity and amenity associated with the sailing club and its property. It is envisaged that this loss of amenity will adversely affect the membership numbers of the club and will therefore have a detrimental impact on the financial wellbeing and viability of this essential leisure amenity.

Your Petitioner is concerned about adverse impacts on the visual amenity of the Property and the neighbourhood during construction and operation of the high-speed railway and associated development.

Your Petitioner requests that there should be binding mitigation measures to reduce the adverse impacts on visual amenity including but not limited to screening of the construction and operation of the high speed railway and

associated development, use of deep cuttings, and ensuring new buildings blend in with the rural surroundings and are well maintained.

Your Petitioner is concerned that security fencing will adversely impact on the visual amenity of their Property and the surrounding landscape.

Your Petitioner requests that in rural settings security fences should be coloured olive or yellow green. The colour of the security fencing should be approved by the relevant local authority and the nominated undertaker should be under a binding obligation to keep it in good repair.

Your Petitioner requests HS2 Ltd relocate the Sailing Club facilities (Club House, Boat Park, Member Car Park, Storage, Workshop and Training Buildings) elsewhere within the land owned by the Sailing Club, where amenity can be re-established. The club requests HS2 Ltd cover all costs associated with any relocation.

IX) Absence of contact and information

Your Petitioner has had no direct approach from HS2 despite submitting their Compensation letter in January 2103 and the ES Comments in February 2014. Both of these documents raised the issues of noise effect upon the club and in particular the importance of the interconnection with the adjacent Jubilee Lake.

Your Petitioner wishes to express concern regarding the poor provision of information supplied by the promoter, both prior to the deposit of the Bill, and since the Bill has been deposited. The ongoing lack of information has made it particularly difficult to understand the full impacts of HS2, and therefore commenting on the project has been particularly difficult. It also raises the question as to why this information is being withheld when it has been produced.

Your Petitioner expects to be able to consult on the final version of the CoCP and any other relevant documents that are produced, prior to construction taking place. We also request that in future, all information is made available in a timely manner.

Your Petitioner requests that a direct contact is made and discussions established by HS2.

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, Trustee, Great Moor Sailing Club

Signed, Alan Duncan Rand – Trustee, Great Moor Sailing Club

HS2 - GMSC

Petition letter – Clause 7

Your petitioner, Great Moor Sailing Club, was established in 1970 and provides water activities, bird watching and conservation, fishing and training facilities for sailing, canoes, powerboats, sub aqua, triathlon, camping to all age groups and Duke of Edinburgh award training.

Your petitioner has 300 family and individual members together with a number of youth organisations, Scouts, Cadets, schools and the Royal Logistics Corps at Bicester; the total user base is in excess of 2,000. All of the members will be affected by the construction and operation of the railway authorised by the Bill and your petitioners responsibilities extend to the whole area. Your petitioners own the freehold of the lake and land bounded by East West railway line, Perry Hill, School Lane (west) and Main Street.

Great Moor Sailing Club is a recognised Training Centre by the Royal Yachting Association and by Bucks CC and AVDC as an important amenity, with no other such facilities being within a 24 mile radius.

Your petitioner's property is within the land to be acquired and used as shown on the plans deposited within the Bill and such part is therefore liable to compulsory acquisition under the Bill.

Your petitioner's objects include the recreational, educational, amenity, conservation and recreational interests which will be injuriously affected by the Bill.

Great Moor Sailing Club is adjacent to Perry Hill which is proposed to be used under the Bill as a route for construction traffic. This will deter members and visitors from visiting the site due to the noise, safety of access across a busy road and increased time to get to the site. A decline in the existing numbers of members and also in those visitors and new people seeking to join the sport and activities at the club will reduce the viability of The Club.

The proposed purchase of the land will affect the forestry conservation being undertaken and reduce the area where the boats are stored.

The increased traffic from the construction sites will have a negative impact by increasing noise and vibration in the previously tranquil area. This will result in a change in character of the area and deter members and visitors from the area and from other clubs. The vibration through the clay substrata caused by the increased heavy traffic will have an impact upon the integrity of the clubhouse, training area and workshop. The habitation of these will seriously impact on the teaching and leisure activities.

The proximity of the IMD, although not having the same impact on level of noise and vibration, will have a negative impact on background noise, night time lighting and road traffic.

The Environment Statement states that the Great Moor Sailing Club will suffer serious noise effects due to the volume of HGV movements along Perry Hill and that this will have an effect upon the amenity of the users of the Club, which is therefore significant.

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PETITION OF Great Moor Sailing Club

Against the Bill – On Merits – By Counsel &c

Great Moor Sailing Club
c/o Nigel John French – Trustee