

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 KENNETH LAURENCE COOPER

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House intituled “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 ("the Authorised Works") are specified in clauses 1 and 2 of and Schedule 1 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 the Bill.
7. Your petitioner is the joint freehold owner of Chetwode Priory. The nearest part of land attached to the Priory is 100 metres from the land to be acquired and the property will be severely affected by the construction and the operation of the proposed railway.
8. Your petitioner's rights, interests and property will be injuriously affected by the provisions of the Bill, and your petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.
9. Your petitioner favours a cut and cover ("Green") tunnel banked and landscaped over the top, starting to the south of the village of Chetwode and continuing through the high ground past Manthorne Farm, the Church of St Mary and St Nicholas, Chetwode village and School End to avoid the many injurious effects in the parish of Chetwode. Your petitioner understands that the residents of Chetwode enjoy the full support of their District and County Councils in petitioning for such a change to the construction of the scheme, and would respectfully point out that a tunnel on the alignment proposed by the Promoter would relieve many of the injuries to residents of Chetwode, the Conservation Area, the Grade I listed Church and the local environment identified in the Environmental Statement. Accordingly, your petitioner seeks an undertaking from the Promoter that the railway, will be placed in a cut and cover tunnel to minimise the local environmental impact, that corresponding changes will be made to all the subsidiary Works, and that the relevant Plans and Sections will be amended accordingly.
10. Your petitioner is concerned by the possibility of land in Chetwode being acquired permanently for a temporary purpose and considers it inappropriate for the Bill to contain compulsory purchase powers in respect of its land when the nominated undertaker's requirement is for a temporary use only. We propose the Promoter make temporary arrangements to satisfy their conservational requirement, and that thereafter appropriate covenants and management agreements can ensure the continued stewardship, whilst ownership remains with the existing land owner.
11. Your petitioner is concerned about the powers to acquire land and rights in land compulsory set out in clauses 4 of the Bill, and believes that the powers sought go beyond what is required to achieve implementation of HS2. The powers under clause 47 to acquire land for regeneration and other purposes are unprecedented, unnecessary and only serve to create additional blight.

Your petitioner seeks an assurance that the Secretary of State will acquire no greater amount of 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 land owners saying that land that is not required will not be compulsorily acquired. Your petitioner respectfully requests that clause 47 be removed from the Bill.

12. Your petitioner proposes to your honourable House that the Promoter should be required to undertake that it will seek to agree with your petitioner a suitable specification for security and prevention of light pollution from the Chetwode cutting satellite compound and the Chetwode autotransformer station.
13. Your petitioner is 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 petitioner seeks 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.
14. Your petitioner is concerned about the landscape and visual impacts of the Chetwode autotransformer station and overhead power lines, which introduce new infrastructure into a very rural landscape. Your petitioner seeks an undertaking from the Promoter that there will be no above-ground wires or cables to the autotransformer Station, and that the future operator of the autotransformer Station will be required to place underground any future wires or cables to the autotransformer Station. Your petitioner also requests that a sensitive design is used for the autotransformer station building. The design of the station should be produced in consultation with the local community, and it must be designed to fit in with the character of the area.
15. Your petitioner is likely to suffer inconvenience from the closure and diversion of roads 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 petitioner seeks 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 a meaningful community engagement process, together with publicity in a form comprehensible to all users.
16. Your Petitioner is concerned that noise barriers are not proposed by the Promoter at all locations along the proposed railway through Chetwode Parish. Although the railway would largely be in a cutting, it is critical that there are effective noise barriers because of the closeness of the proposed railway to properties including at The Priory, Manthorne Farm, The

Hermitage, The Burrows, Sunflower Farmhouse, Rosehill Farmhouse, Rosehill Barn, Old Stable Cottage, the properties at School End and other properties in Chetwode. Your petitioner seeks an undertaking from the Promoter that noise barriers will be provided to ensure that the maximum noise level from the passage of a train will not exceed 60 dBA at a distance of 200 metres from the line, that properties exposed to a high noise level will be provided with sound insulation and air-conditioning to reduce the interior maximum noise level from the passage of a train to no more than 45 dBA, and that the Promoter will certify that noise levels are safe for the riding and leading of horses.

17. The proposed railway will pose a major severance issue for wildlife, due to the long stretch of cutting, but also due to the security fencing that will be installed along most of the planned route. The Chetwode cut and cover Tunnel proposed by your petitioner would provide some relief to this by allowing the migration of local resident species such as muntjac, roe deer, barn owls and badger.
18. Your petitioner is 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. It is anticipated that, were the noise barriers to provide insufficient security, steel palisade fencing will be fitted on the crest of cuttings. Your petitioner seeks 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 that the advice and wishes of the parish will be followed.
19. Trees are critical features in the landscape and need long-term planning and care due to their slow growth rate. Your petitioner seeks an undertaking from the Promoter that where tree planting is to be used as an offset, a replacement ratio of 5-for-1 will be used in order to ensure satisfactory replacement, and that advice from Chetwode parish, land owners and local interest groups on species and locations will be heeded.
20. It is noted that the proposed Works will entail damage or removal of hedgerows throughout the parish of Chetwode, with serious implications for the complete ecosystems to which they give shelter. Your petitioner notes 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.
21. 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 petitioner seeks 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 Buckinghamshire

County Council, the local parish, and relevant special-interest groups. 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 petitioner seeks 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 affects appear to be developing.

22. Your petitioner is concerned about the impact of the Bill on broadband in the area. Your petitioner lives in Chetwode, where slow broadband is available. Broadband is vital for your petitioner and this will become more important as construction activities increase vehicles on the road, making road travel more difficult. Your petitioner requests that as compensation for disturbances in the area, high speed broadband is provided for all residents of Chetwode to improve rural access to the internet. Furthermore, it is imperative that broadband connection is not reduced or limited at any time during construction.
23. Very high noise levels from the operation of HS2 are predicted for over 10% of residential properties in Chetwode after the mitigation currently proposed by the Promoter. The Promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for further, more effective mitigation against the noise impacts. Over 30% of properties in Chetwode are predicted to experience in-combination effects of significant visual and noise effects which, it is stated in the Environmental Statement, would have a major adverse effect. Current proposed mitigation of earthworks and discontinuous noise barriers is not sufficient. The Promoter should undertake further mitigation in the form of a cut and cover tunnel, banked and landscaped over the top. A cut and cover tunnel would be consistent with numerous Government statements of intent to minimize impact on communities and the environment.
24. The Environmental Statement predicts that the Grade I listed Church of St Mary and St Nicholas in Chetwode will have its setting permanently changed by the movement of trains and the associated increase in noise. The Promoter or the Nominated Undertaker should, at a very early stage, seek to agree a specification for further, more effective mitigation against the impacts to the Church and its setting.
25. Your petitioner is concerned about the effects that construction traffic will have on the single track country lanes currently proposed as a construction route. These lanes are not suitable for HGVs and are popular with dog walkers, cyclists and horse riders. There are no passing places and it is unsafe to take large amounts of construction traffic past the homes at School End where children live and play. Your petitioner regularly uses these roads and therefore will be directly affected by these issues. Your petitioner requests that School End is not used by HGVs at any time in order to decrease the negative impacts of construction. Your petitioners suggest that an alternative temporary construction route is created along the trace of HS2. During construction, the nominated undertaker must maintain the quality of the roads in Chetwode parish, and after construction, the roads must be returned

to their original size and character (no road widening, curb stones or urbanization of this rural parish), and all damage must be repaired by the nominated undertaker. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed in a reasonable length of time.

26. Your petitioner is concerned that the temporary closure of School End Overbridge will result in considerable delays and disruption to traffic. Your petitioner proposes that a temporary bridge is provided for local and farm traffic during construction.
27. The construction of the Authorised Works will necessitate the permanent diversion of footpath CHW/18. The promoters have proposed this footpath is diverted over the Overbridge at The Green and then looped back through the working farmyard at Manthorne Farm. This is illogical from a practical and Health and Safety perspective. This footpath should run along the outside of the farm buildings on the Western edge of the farmyard.
28. Your petitioner is concerned about the landscape and visual impacts of the new Overbridges at The Green and School End, which will be clearly visible from rights of way and residential properties in Chetwode, and which introduce new infrastructure into a very rural landscape. Your petitioner requests that, in order to minimise the impact of the proposal, the design of the bridges should be produced with meaningful consultation with the local community, and they must be designed to fit in with the surrounding environment and character of the area, using materials that mirror local buildings and materials. Visual screening must also be put in place and this must be maintained to a high standard.
29. The noise of the trains could be a hazard for people riding or leading horses across the proposed Overbridges at School End and The Green, due to the high sound level and its rapid onset. Barriers will need to be fitted to protect equestrians from noise and air blast. Your petitioner seeks an undertaking from the Promoter that the Overbridges will be furnished with barriers to reduce noise to a safe level, and will certify that the noise level is safe for the riding or leading of horses.
30. Your petitioner is disappointed that no compensation has been offered to the local community, as a whole, for the general loss of public amenity and facilities such as open space, landscape quality, 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. 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 the parish of Chetwode that would be adversely affected by the proposed railway, that the fund will be administered by a committee drawn from the local parish and other relevant bodies, that the operator of the railway will be obliged by contract to contribute £100,000 annually to the fund, and that the Fund will receive the proceeds from any penalty charges imposed for exceeding environmental

limits.

31. Your petitioner has set out in the preceding paragraphs numerous harms that would befall residents, land owners, businesses, visitors, and the environment were the scheme to be constructed as proposed currently by the Promoter. Although these harms might be moderated to a degree by the undertakings sought herein from the Promoter, they would be alleviated further by constructing the entire section as a cut-and-cover tunnel, banked and landscaped over the top to prevent the requirement of lowering the route.
32. 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 Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

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KENNETH LAURENCE COOPER

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BILL

PETITION OF Kenneth Laurence Cooper

AGAINST, By Counsel, &c.

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