

HIGH SPEED RAIL (LONDON TO WEST MIDLANDS) BILL

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 C and Mrs R Halvorsen*

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. This petition is made on behalf of Mr C and Mrs R Halvorsen hereinafter known as The Petitioner. It is a legal partnership running a farming and farm shop business at Versions Farm, Turweston Road, Brackley, NN13 5JY.
 - 7.1 Your Petitioner is concerned that the construction and operation of the high speed railway and associated development at Turweston poses a serious risk to the commercial and employment activities undertaken by Mr C and Mrs R Halvorsen. The current plans for HS2 mean activities will be significantly disrupted due to land take, noise, visual impact, dust and air pollution, construction traffic, loss of convenient access and signage, loss of access to the countryside for horse riding, and lack of guaranteed compensation for businesses.
8. Land Take
 - 8.1 Your petitioner runs a livestock farm, the produce from which is sold in a farm shop and café on the farm which trades as Rachel's Farm Shop. HS2 will need up to 7.513 hectares of 47.57 hectares farmed. In addition, it is feared that during construction, access to a further 10h the other side of the line will be impossible. Since the farm is organic and already stocked at full capacity, some of the cattle would have to be sold. The shop has a reputation for organic longhorn beef, reared on the farm and the business will no longer be viable if it cannot be supplied by the farm.
 - 8.2 Your petitioner would like a guarantee that convenient, daily access to the 10h of organic land the other side of the line will be maintained even during construction. This will allow cattle to be visited, checked and brought back to the farm if required.
 - 8.2.2 Your Petitioner would also like measures to be put in place under the viaduct to make it easy for cattle to be driven through such as a funnel of high sided fencing, ideally metal so it cannot be broken or jumped.
 - 8.2.3. There is currently a double set of gates on the concrete bridge over the river, allowing cattle to be penned in and sorted there. Your Petitioner requests a similar facility for use during and after construction.
 - 8.2.4 A new bridge over the river about 200 m to the south is also requested, to allow access to the field between the river and mill stream, as the current bridge area is being compulsory purchased.
 - 8.2.5 Your Petitioner would like to be able to buy the section of the point to point course on the south-west side of the line and incorporate it into the farm. In this way it could remain sustainable. Without this, it is hard to see how the farm and shop can survive. The current owner will be wanting a high price for the land as it will be subject to capital gains tax (and he has no possibility of buying other land to roll it over). Your Petitioner requests that HS2 Ltd provides the extra 40% to enable the deal to take place.
 - 8.2.5.1 One portion of this land is being purchased by HS2 anyway and turned into 'an ecology grassland mitigation area on the west side of the Proposed Scheme, south of the existing A43 Oxford Road' para 2.2.13 volume 2 CFA 14 Newton Purcell to Brackley.

Your Petitioner asks that it be sold back to her and that the land is made available as soon as possible to avoid stock having to be sold.

9 Noise

- 9.1 The shop has a café and outdoor seating area which is quiet except for birdsong. Many customers take a peaceful walk up the avenue drive, visit the piglets and lambs and have a quiet drink and snack in the café which is on the border between a 50-55 and 55-60db area. This will no longer be possible especially during the construction phase a mere 250m away with rock being ground up in the mobile processing units, a viaduct going up and the Turweston Cutting being forged. Para.11.4.30 of the CFA 14 report admits *'Taking account of the avoidance and mitigation measures and the local context, the residual permanent noise effects on the acoustic character of the communities at Finmere, Turweston and Radstone closest to the Proposed Route are considered significant.'*
- 9.1.2 The petitioners also run a small horse livery business and riding lessons are given in the riding arena which is expected to have 55-60db of noise on average, which will obviously a lot higher when a train goes past i.e. every 1.5 minutes. The attraction of keeping a horse on the property will be severely diminished by the fact that riding instructors will find it hard to make themselves heard, and the previously peaceful environment will be ruined. There is evidence that horses have a particularly bad reaction to some of the soundwaves caused by high speed trains. This will affect not only grazing horses and the livery business but the ability of riders to cross the line even should bridle road bridges be built. The A43 curls round the petitioner's property on one side making it impossible to ride in that direction. In future, HS2 will prevent or at least severely curtail riding the other side.
- 9.1.3 Your Petitioner also rents out a bungalow which faces out to the viaduct and line of HS2 which will be severely affected by noise, not to mention visual impact. This will reduce the rental value of the property and make it harder to find tenants, who are usually people who enjoy the tranquillity of the countryside and keep their horse at the property as well.
- 9.2 The noise contour map SV-05-033 shows that the noise contours are significantly improved by the noise barriers on the viaduct. Your Petitioner proposes that the 4m parapet barrier be extended in a north westerly direction to where the 3m barrier is currently proposed to end and a 3m barrier is built beyond that, as far as the Whitfield Auto-transformer station.
- 9.3 Your Petitioner would like it to be feasible to ride a horse under the viaduct bearing in mind that horses can react dangerously to frightening noises. A 4m fence barrier on the North East side of the line on top of the viaduct would help ensure that the burst of noise as a train comes along was less frightening. Additionally there could be a noise proofed tunnel under the viaduct with a funnel of fencing going into it about 10m out into the field on each side so animals would be alarmed as little as possible. There would of course need to be planting so that such barriers blend in with the landscape.
- 9.3.1 Your Petitioner would also like to be able to ride a horse over *'an overbridge approximately 9m above existing ground level, a replacement of Bridleway AX16 and accommodation track'* para 2.2.13 volume 2 CFA 14 Newton Purcell to Brackley. The 9m would have to be a gentle ramp rather than steps and a 2m noise barrier either side of the bridge on the bridleway AX16, which extended about 10m into the field either side is also requested and also that the bridge be 3m wide so as horses don't feel too claustrophobic. The ends of the barriers would have to be tapered down and curved out to look less stark, with planting to hide them as far as possible.

9.4 Your Petitioner is also concerned about noise during construction and requests that there are strict time limits within which construction can take place, avoiding weekends which is a busy time for the café and for people wanting to take a peaceful walk up the drive. These time limits would need to be strictly enforced with high penalties for infringement by the contractor.

10. Visual Impact

10.1 The visual impact will reduce the rental value of the bungalow, which faces the line. It will also reduce the amenity of farm shop visitors who enjoy walking up the drive, northwards towards the A43 to see the pigs which live in the woods to the side of the drive. Looking right beyond the pigs, instead of open countryside, they will see a train track with trains whizzing by every 1 minute 40 seconds on average, or in the short term, bulldozers and cranes.

10.2 Although it is hard to obscure a 10m high viaduct (14m including parapet noise barrier and 18m including electrical wires), the petitioner would like a line of fast-growing evergreen trees planted to the south west of the line from the viaduct to beyond the Whitfield Auto-transformer Station to obscure the line and viaduct as much as possible, and also to obscure the Whitfield Auto-transformer Station. The trees should also run south from the viaduct to shield the property from the line where it comes out of Turweston cutting

10.3 A 17m high structure (21m including electrical wires) would obviously be even worse and therefore Your Petitioner requests that the provisions in the Hybrid Bill to allow upwards deviation of the track by 3m should be deleted.

11. Dust and air pollution

11.1 The petitioners are concerned that visitors to the outside café will find their tables, food and drink showered with dust making it less attractive for them to eat and drink there.

11.2 The fields close to the line may become dust covered, giving a lower grass yield, affecting the possible stocking density of the farm. The organic status of the land may be affected if it becomes badly polluted with dust from non-organic sources. The business would no longer attract the £30/hectare ongoing payment for being organic and customers who come to the shop specifically for organic produce would go elsewhere. Natural England may retract the grant received for Higher Level Stewardship if the species they are trying to protect no longer thrive.

11.3 Customers are attracted to the shop because they can buy meat they know has been reared organically on site and grass fed. They enjoy seeing the animals grazing on either side of the drive. Seeing dust covered fields and animals with bulldozers in the background is unlikely to enhance its appeal.

11.4 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 made public. Your petitioner submits that thresholds for air quality and an air quality mitigation plan should be produced for each Community Forum Area, to apply both during construction and operation of HS2.

- 11.5 Your Petitioner requests that the local authority should be provided with powers to monitor air quality in accordance with binding mitigation plans and in the event air quality thresholds are breached, your Petitioner submits that the Bill should be amended to enable the local authority to require the cessation of construction activities until such point as air quality thresholds are complied with.
- 11.6 Should the organic status of the land and or the Higher Level Stewardship agreement be affected by dust on the fields Your Petitioner requests to be fully compensated.
- 12 Construction Traffic
- 12.1 Construction traffic around Brackley will be particularly congested. Adding together the average expected daily traffic for the Brackley Road overbridge, Turweston Green overbridge, Brackley South cutting and Whitfield auto transformer, it comes to up to 3700 movements per day. Assuming a day is an 8 hour period, that's over 7 per minute. The petitioner fears that Brackley will be avoided by potential shop customers who will only go there if the absolutely have to. This is the case on Silverstone Race days when farm shop business is minimal. Furthermore, the two employees for the business both live in Banbury and journeys to work will potentially be much less convenient.
- 12.2 Your Petitioner requests that the nominated undertaker makes a binding commitment to effective travel planning for the construction and operation of the high speed railway and associated development including agreeing a travel plan with the relevant local authority for community organisations in the area.
- 13 Loss of convenient Access and Signage
- 13.1 Customers can currently access the shop directly from the A43 to the North of the farm. Approximately half the customers come in this way and the sign on the A43 is vital in attracting new business and reminding old ones of its existence. Once the A43 is realigned, access will be off the roundabout where the petitioner will not own land on which to put up a sign, notwithstanding it will be a less convenient entrance for customers as it will take longer to get to the shop from there.
- 13.2 The petitioner asks to be guaranteed that permission will be given to put up a similar sized sign (approx. 2m x 1m) on the new entrance, on the roundabout in a similarly commanding position.
- 14 Loss of access to the countryside for horse riding
- 14.1 The small livery business relies on horse owners having access to the countryside to ride their horses on. At the moment they have permission to cross the river and go up the hill across Mrs Laing's land onto the circular ride and the various bridle roads in that direction. During the construction phase in particular (estimated at five and a half years) it will be hard to take a horse anywhere.
- 14.2 The petitioner requests a guarantee that access for horse riding under Turweston Viaduct be maintained during construction.
15. Lack of guaranteed compensation for businesses.

- 15.1 It is clear that the farming/farm shop/livery/bungalow rental business carried out by your Petitioner will be severely affected by HS2, both during construction and once the line is operational. This is making investment plans, cattle breeding plans and staff motivation very difficult.
- 15.2 Your Petitioner needs to be guaranteed full compensation to the business for any loss caused by both the construction phase and the operational phase of HS2 especially if the business is forced to close.
16. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to our expressed concerns that may occur in due course and prior to our representation before the Select Committee.
17. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
18. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c

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SIGNED

IN PARLIAMENT
HOUSE OF
COMMONS
SESSION
2013-2014

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AGAINST, By counsel, &c

Mr C and Mrs R Halvorsen

