

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 KENNETH ROY SEARLE and MARY MARGARET SEARLE

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 in 'Lime Cay', Grange Close, Twyford since they purchased the property freehold in July 1996. They have two sons, Cameron and Joseph, who are both pupils at the Royal Latin Grammar School in nearby Buckingham, 7 miles away and who travel to and from school by bus. Buckingham and Bicester are the nearest towns of any significant size to Twyford. Your Petitioners' property was built in 1978 of traditional brick in a corner plot at the junction of School Lane and Grange Close. It is not of any particular architectural significance but is a traditional family home, consisting of 4 bedrooms, living room, dining room, kitchen and utility room and an external garage. Your Petitioners have worked hard in the public sector for most of their working lives and by careful budgeting now have no mortgage on the property. The family decision many years ago was to focus on buying their family home as the best means of investing for their future in older age and to provide their family with financial stability and security.

Having lived in both urban and rural environments, your Petitioners both decided that a home in the countryside was what they wanted, in order to obtain the best quality of life for themselves and any family they might have. Twyford is a relatively

remote village and the surrounding countryside is unspoilt and peaceful and these were very important ingredients in your Petitioners' decision to move there. In its report on Twyford in 2011 the Buckinghamshire Archaeological Society describes the village as "tranquil" and adds: "However the village, unlike many, could not be described as a 'dormitory' since it retains a strong communal spirit, with numerous village events"

Your Petitioners were familiar with Twyford from their association with the local Morris dance side and when an opportunity came up to buy a property in the village they did not hesitate.

Your Petitioners also knew first-hand that Twyford had, and still has, a very strong sense of community. It is very much a can-do, self-sufficient village that remains positive and cohesive in the face of adversity, as evidenced by its successful battle to relieve the Post Office service and to establish what has become one of the country's most successful volunteer-run community shops. It is also a community under siege, under pressure not only from HS2 but from the East/West rail project and energy-from-waste incineration projects to the east and west of the village.

Twyford village is blessed with local facilities in that it has:

- A superb Village Hall
- Twyford community shop
- The Crown village pub
- Bi-weekly Post Office services
- Twyford C of E School which caters for Reception Year to year 6
- St Mary's Church and a Baptist Chapel

Your Petitioners' home is situated in Grange Close, which is a cul-de-sac at the northern end of School Lane in the village where they and their family can enjoy views past the cricket pavilion to the recreation ground to open meadows beyond. They enjoy having immediate access to peaceful countryside by means of the local network of footpaths.

Being a cul-de-sac at the end of a no-through road, there is no passing traffic and hence noise levels are consistently very low. At night time the area around the house is virtually silent.

Since your Petitioners purchased the property, they have refurbished it throughout and they continue to work hard to maintain their home in good repair.

It was always a likely eventuality for your Petitioners to sell the property at a suitable time, probably when their children have left home, to down-size or relocate to a less expensive area and allow them to free up a significant amount of their capital to fund a comfortable retirement without being a drain on any state resources.

The Petitioners' family home will not be demolished as a result of the Bill but it is located approximately 320 metres from the centreline of the proposed route.

Where the proposed high-speed line passes to the north of the property, it will be on an embankment about 3 metres high. According to revised proposals there will be an acoustic sound barrier and an earth bund finishing approximately 5 metres above the rail line level. It is noted that this bund will still be well below the level of the train pantographs, which your Petitioner understands to be one of the main sources of noise.

- Your Petitioners home is referred to in HS2 documents including:
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)
- 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.
- 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.”
- 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.

- 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.
- 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.

8. Your Petitioner and his property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.

Your Petitioner is petitioning against the Government’s bill to design, build and operate a high speed railway line for the following reasons:-

- * Increase in the level of sound and other disturbances
- * Inadequate compensation

9. **First Petition - Increase in the level of sound and other disturbances**

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.

In the autumn of 2012, baseline sound surveys were carried out at Lime Cay. The results of these surveys have been published in several documents, and predict the impact of noise relative to the baseline levels for the period when the line is being constructed and when the railway comes into operation. Despite asking HS2 for the raw data from the baseline measures, it has not been provided to the Petitioners so an independent check and advice on their conclusions and calculations has not been possible.

Your Petitioners are certainly not experts in any way on the subject of acoustics. However to a lay person it is reasonably clear from the noise measurement documentation that their home will be significantly and adversely affected by increased noise levels, both while the railway is being built and once it comes into operation. For example the maximum level of noise predicted for School Lane is

shown as 71.2 decibels and this derives from night-time operation of the line. During construction it is predicted the noise level will exceed 50 Decibels.

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 certainly is not. Your Petitioners note that some of the projections made by HS2 for operational noise levels refer to the ‘arithmetic average’. Given that the noise from operations of the line will occur in peaks as the train approaches, passes and recedes your Petitioners feel that it is likely that the HS2 documents underestimate the noise levels as it they will be experienced in practice.

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.

Furthermore the World Health Organisation says that most countries in Europe have adopted 40dB as the maximum allowable noise impact for new developments whenever this is feasible. Your Petitioners believe strongly that, given the tranquil rural nature of the landscape through which HS2 will pass, that the line should be designed to cap noise intrusion to these European limits.

If further mitigation measures are not forthcoming, then your Petitioners would expect that an undertaking be given that the actual noise emissions do not exceed that which HS2 Ltd predict in SV-001.000.

In terms of construction activity, whilst it is understood that the impact will be temporary your Petitioners believe it will be severe and that they will be prejudiced by it because of factors including noise intrusion, light pollution, dust, road closures and congestion resulting from the proposed number of goods vehicle movements.

Your Petitioners are concerned at the proposals for a dramatic increase in the levels of construction vehicle traffic, and the likely disruption it will cause to the day-to-day running of family life in a rural community, including the regular journeys made to Buckingham for school, retail and leisure purposes. The proposals estimate that up to 2,480 additional HGV & LGV lorry movements **per day** will take place 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). Such congestion and disruption will have a major effect on many local services including school buses, regular buses and the response capabilities of the emergency services. Ambulances currently have to reach Twyford from Aylesbury and Fire & Rescue services would come from the Aylesbury or Buckingham direction – both routes in and out of the village are likely to be diverted with additional journey distance and/or journey times.

The likely congestion caused by goods vehicle movements and road closures is also likely to make access to Steeple Claydon much more difficult. This is the nearest town with medical facilities and, like many residents of Twyford, your Petitioners are long-standing patients of the Health Centre there. Disruption to, or compulsory relocation of, those services would be a serious issue.

Your Petitioners also note many 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.

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 and other disturbances that are predicted.

Second petition – Inadequate compensation.

The compensation package offered to residents who are seriously affected by the proposed plans to construct a high speed rail line, but whose properties lie outside the 120m zone which allows for purchase by HS2, are in the view of the Petitioners wholly inadequate and unfair.

Your Petitioners have consulted with local Estate Agents, Hamptons in Buckingham and Michael Crouch in Bicester about the market conditions should they decide they

wished to sell their home. They have been told that they will not be able to sell the property for anything approaching un-blighted market value as it is so seriously blighted. Indeed the view of both agencies was that they would be unlikely to sell it at all. This situation is unlikely to change in the foreseeable future until sometime after the line comes into operation. Locally the HS2 project is regarded by Estate Agents as a 'bad neighbour' and indeed some agencies are charging substantial upfront, non-refundable fees before they will even accept an instruction to sell.

Because of the severe impact on the local property market ever since the proposal to build HS2 was unexpectedly announced, your Petitioner's right to free movement and lifestyle choice has been curtailed to the point of being removed entirely without any prospect of compensation or redress. Your Petitioners consider this to be grossly unjust and the loss of a fundamental freedom. It feels to your Petitioners like Government and HS2 Ltd are riding roughshod over the rights and interests of people adversely affected by the proposal in order to bulldoze the scheme through without recognising their responsibilities. Unless your Petitioners accept a massive reduction in the value of their home (which represents their life savings) they are effectively prisoners in the property until well into old age.

Your Petitioners attended a meeting in September 2010 at which the then Secretary of State for Transport, Philip Hammond, offered assurances that residents affected by the HS2 proposals would be fairly compensated. He further repeated this statement in Parliament. These assurances have come to nothing.

Under the current Government proposals for compensation the lack of any compensation mechanism, other than for home-owners with an 'urgent need to sell', will continue throughout the construction period 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 82 and 63 years old.

Your Petitioners had always recognised that they would be likely to want to sell the property to release some of the equity and to buy a smaller, more manageable property on the basis that as they grew older they would no longer require a four-bedroom detached house with its associated maintenance and cost demands.

Your Petitioners accept that after further consultation the Government is proposing a new "Need to Sell" scheme. However, this appears to be applicable only if the house owner has an urgent need to sell and would not apply if your Petitioners want to move as a lifestyle choice or simply to exercise their freedom to choose where they want to live.

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 submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

11. Remedies

There are remedies to the proposed high levels of noise and subsequent blight which could include the following options:

Noise and other disturbances:

- 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 and this was proposed by Arup as an optimal engineering solution anyway.
- Lower the track bed and enclose the line in a 'green tunnel' where it passes the village.
- Reduce the speed of the trains as they pass the village. Speed reduction will not only significantly reduce the noise and reduce some of the environmental damage but also allow greater route flexibility to avoid village blight. Indeed your Petitioners strongly believe that a conventional, rather than a high speed, line would solve many of their objections as well as the probable concerns of other Petitioners and adoption of this option would solve many of the objections to HS2 up and down the proposed route. The current Government position is that building HS2 is about providing increased 'capacity', the arguments for any modest savings on journey times being discredited

some time ago. If this is the real reason, your Petitioners feel that a conventional railway would have major advantages over a high-speed line including:

- Significantly reduced cost
 - Greater flexibility of route
 - Reduced environmental impact
 - Provision of intermediate stations would provide benefit to communities along the route
 - The opportunity could be taken to provide an intersection station at Calvert with the East/West route currently under construction. This would provide much greater connectivity and bring substantial benefits to rail passengers and the local community
- Limit the hours of operation of railway to avoid times when people may be expected to be in bed (eg 22.00hrs to 0700hrs)
 - Increase the height of the bund to above the pantograph level. While the current bund will inevitably reduce the overall noise levels to some extent, your Petitioners note that the level of the bund is not stated in the Environment Statement. It is assumed to be the same level as the sound wall at 5 metres above track level. This is evidenced by the photomontage produced by HS2 Ltd which shows the land to the north of the village.
 - 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.
 - Ensure that sound-absorbing green planting is either done with mature specimens, or early enough that the planting has become mature and functional by the time trains begin to run.
 - Limit construction activities in the vicinity of the village to normal working hours to prevent night-time disruption. If any work is unavoidable after dark, ensure that this is minimal and ensure that light-screening measures are in place. Your Petitioners ask HS2 Ltd for an assurance in these areas.
 - Conduct a review with the relevant emergency services to reassure the Petitioners regarding response times, and implement a remedial strategy if response capability is significantly impacted during the construction phase.
 - Dramatically reduce the number of commercial construction HGV and LGV movements by:
 - Utilising the HS2 route itself to move materials to site

- Utilising rail, ie Chiltern Line to Calvert and Oxford line to Calvert, rather than road to move bulk loads of materials

Inadequate compensation

- HS2 Ltd should offer to purchase your Petitioners' property at the un-blighted price at any time or preferably offer a Property Bond solution. 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. While several properties in Twyford have been sold to HS2 by owners who met the stringent conditions of the Emergency Hardship scheme 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 HS2 proposal and the subsequent Bill. The Hardship sales to HS2 show the extent to which the property market in Twyford has stagnated. Your Petitioners strongly believe that it is fair and just that the Government should offer a Property Bond to all seriously affected residents regardless of whether they live inside or outside some arbitrary boundary around the line. The Property Bond should guarantee that when they choose to sell, the resident will be compensated for any loss of sale income compared with the un-blighted value of their property.

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 is almost negligible compared with the loss of value and inability to sell a property experienced by seriously affected home owners and there is no meaningful compensation available to owners whose property lies (just) outside the arbitrary 300m boundary. The principle of compensation should be (as Philip Hammond specified) that the 'polluter pays' and should be fair and equitable. If it is shown that an individual is seriously and adversely affected by the HS2 proposal they should have their pre-HS2 position restored regardless of where they live in terms of 'metres from the track'.

12. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, interests and property and for which no adequate provision is made to protect your Petitioner.

IN PARLIAMENT

HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF KENNETH ROY SEARLE AND MARY MARGARET SEARLE

Against the Bill – On Merits – By Counsel &c

Kenneth Roy Searle and Mary Margaret Searle

Lib

AKL