

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON - 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 PAUL WALTER

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 a Stoke Mandeville resident living in a Grade II listed property - Old Moat Farmhouse, Marsh Lane, Stoke Mandeville, HP22 5UZ - that is approximately 300 m from the proposed HS2 railway. The petitioner's rights, interests and property are injuriously affected by the Bill. Your petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.
- 8 During the construction phase noise and dust will be created by both preparatory and construction works, and by the use of light and heavy goods vehicles for the movement of people, materials and spoil into and from construction sites. During the railway's operation noise will arise from trains passing within 300 metres from petitioner's property.
- 9 Your petitioner notes that the Environmental Statement includes proposals to mitigate the impacts of the proposed scheme, but are not satisfied that the measures and mitigation are sufficient. The area will experience change by work proposed.
- 10 Your petitioner is opposed to the Bill and plans for the railway between London and Birmingham, but have nonetheless met with HS2 Ltd in bilaterals during the engagement process to talk about and try and resolve issues in the area.

Adequacy of the Environmental Statement

- 11 Your petitioner submitted comments about the Environmental Statement, presented in a report by the independent assessor. Your petitioner has doubts about the Environmental Statement, since it includes inaccuracies that fail to determine the 'worst case scenario'. This means it is impossible to carry out a detailed assessment of the project, with baseline assumptions yet to be substantiated.
- 12 Your petitioner expects further data be submitted to support the Environmental Statement, limiting the need for 'where practicable' and 'where reasonably practicable'. This secures a commitment to better mitigation, and ensures that the acknowledged growth in traffic is reflected in an assessment of air quality.
- 13 Such deficiencies must be addressed by HS2 Ltd, as the draft Environmental Minimum Requirements include obligations for the Nominated Undertaker, charged with building and operating the railway, and many obligations are linked to the Environmental Statement.

Noise reduction and visual mitigation

- 14 Your petitioner is worried that proposals to minimise construction noise impacts are dependent on the draft Code of Construction Practice. This makes it difficult to be reassured by its contents with little ability to test the efficacy of its proposals. Once it

is in final form it should be consulted upon, giving everyone the chance to offer personal views. Measures to limit effects must never be limited on the basis of cost.

- 15 Your petitioner is concerned that the fundamental calculations needed for forecasting noise impacts, known as the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) have not been correctly identified and were set too high in the Environmental Statement, leading to material underestimation of the adverse noise and significant adverse noise impacts likely to arise from the high speed railway.
- 16 Your petitioner is concerned that the thresholds adopted in the Environmental Statement for noise limits were set above what the World Health Organisation considers acceptable. Your petitioner considers this issue is likely to become more pressing given the moves by the World Health Organisation to set new lower targets on the basis of the latest medical research on the impact of noise on human health.
- 17 Your petitioner is concerned that the specific impacts of groundborne noise have not been properly considered or explained to impacted communities and the limit for groundborne noise does not reflect recent or practice or experience and the methodology used for predicting the impact of groundborne noise is insufficiently robust and no amelioration measures have been suggested to deal with this problem.

Your petitioner therefore requests in respect of points 15, 16 and 17:

HS2 Ltd be instructed to issue revised noise thresholds covering the LOAEL and SOAEL for noise exposure, in rural and urban areas and during the day and at night-time which reflect World Health Organisation guidelines including World Health Organisation guidelines on peak noise (60db max pass-by outside, giving 45db inside).

HS2 Ltd be required to set noise limits for construction which are in line with World Health Organisation limits and local authorities be provided with enforcement powers to order the cessation of construction activities in the event such anticipated exposures are breached.

HS2 Ltd be obliged to commit to designing the high speed railway to operate in such manner that the revised noise exposures are not breached.

A binding requirement included in the Bill for noise monitoring with obligations on HS2 Ltd to introduce additional mitigation measures, including reduction in train speeds, in the event forecast noise levels are exceeded.

HS2 Ltd be required to commit to the same threshold for ground borne noise as the Northern Line Extension- meaning groundborne noise levels no greater than 25dB LpAsmax for rural areas and 30dB LpAsmax for urban areas.

- 18 Mitigation planned to manage noise effects during the operational phase is described in the Environmental Statement as both earth bunds and screening barriers. Your petitioner is concerned that barrier heights vary so much and contend that screening barriers should be the same height throughout Stoke Mandeville, as high as possible. This is particularly true for the embankment near to the petitioner's property which is shown as protected by three metre barriers. The three metre barriers do not offer sufficient noise mitigation to the petitioners property. Your petitioner would therefore request a minimum barrier height of five metres in this area.

Train speed

- 19 Your petitioner notes that noise effects from a high speed train depends upon the train speed. Noise levels and carbon emissions must be managed by ensuring trains travel at lower speeds through Stoke Mandeville Parish and across the western flank of Aylesbury. Your petitioner requests that trains to travel at no more than 320 kilometres per hour between the Wendover green tunnel and the River Thames viaduct.

Limits of Deviation

- 20 Your Petitioner is concerned that paragraph 1(2) of Schedule 1 of the Bill provides that in constructing or maintaining any of the scheduled works the undertaker can deviate vertically upwards not exceeding three metres, vertically downwards to any extent and laterally to any extent within the limits of deviation shown on the deposited plans.
- 21 Your Petitioner is concerned that these deviations could potentially make significant differences to the impacts of the construction and operation of the high speed railway and associated development, for example by raising the track height to the detriment of the amenity of the landscape. These potential environmental impacts are not adequately addressed in the environmental statement, which provides that the undertaker only has to use reasonable endeavours to adopt measures to reduce adverse environmental effects provided it does not add unreasonable cost or delay to the construction and operation.
- 22 Your Petitioner requests that the provisions in the Hybrid Bill to allow deviation should upwards or laterally be deleted.

Compensation matters

- 23 Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they will incur as a result of construction and operation of the high speed railway and associated development. The petitioner lives in the oldest building in Stoke Mandeville a Grade II listed building in a rural, tranquil position.
- 24 Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarding area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation to fully cover losses and change of situation as a direct result of the HS2 railway.

Land drainage and flooding

- 25 Your petitioner notes that the proposed scheme will result in the creation of a number of balancing ponds which are planned to deal with the run off from the scheme and high water levels arising from the watercourses in the area. This area has been subject to severe flooding following the recent adverse weather conditions and your petitioner is concerned that this is not adequately reflected in the Environmental Statement and requests that a full review of the flood provisions

should be undertaken in light of recent history and experience.

- 26 The Environmental Statement does not refer to ongoing maintenance of flood or drainage infrastructure. Your petitioner expects, at minimum, a written assurance from HS2 Ltd that they will be responsible for maintaining and upgrading these ponds in perpetuity. Your petitioner is concerned that without adequate maintenance the ponds will cease to operate effectively if neglected for any length of time.

Air Quality

- 27 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.
- 28 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.
- 29 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.

Health Impact Assessment (HIA)

- 30 Your petitioner is far from convinced that the wider impacts of HS2 have been adequately assessed or measured and suitable mitigation proposed. Construction periods will have noise, dust, vibration, health and emotional effects and these are not adequately addressed in the current draft Code of Construction Practice. There is insufficient detail about the development of Local Environment Management Plans to reassure your petitioner that these will properly address matters.
- 31 Whilst your petitioner appreciates that the Code of Construction Practice is still in draft form and therefore plans for Local Environment Management Plans have yet to be finalised, they do not feel it would be unreasonable for the Select Committee to expect local community involvement to be at the heart of their development. In this instance your petitioner requests that Local Environment Management Plans are prepared with the involvement of local community representatives. This should enable suitable mitigation to be proposed, discussed and considered.
- 32 In light of the above, your petitioner reserves the right to raise the above matters and any other matters of concern relating to the substance of the HS2 Hybrid Bill and this petition that may arise from continuing discussions, the preparation and publication of reports, any revisions that may be made to current proposals or any other matters

relevant to expressed concerns that may occur in due course and prior to representation before the Select Committee.

- 33 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) and for which no 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 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.

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PETITION OF PAUL JONATHAN WALTER

AGAINST, By Counsel, &c.

1