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IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

P E T I T I O N

Against the Bill – 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 NICHOLAS AND VERONICA WARD

SHEWETH as follows:

1. A Bill (hereinafter referred to as “the Bill”) has been introduced into 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 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.

Who your Petitioners are

7. Your Petitioners are Nicholas and Veronica Ward, who are the freehold owners of Bacon House, Greatworth, Banbury, OX17 2DX. Bacon House is a Grade II listed building and is in the Greatworth Conservation Area; the oldest part of the house is thought to be some 450 years old. Your Petitioners have lived there for 32 years, since 1982. Your Petitioners also own the freeholds of Cherry Tree Cottage and Lane Cottage, two old stone houses on The Lane, Greatworth, also in the Conservation Area. These cottages, which adjoin the Bacon House property, have in the past been lived in by members of the family of your Petitioners and are currently let on assured shorthold tenancies. The north end of The Lane is some 0.5 miles from the proposed line of Phase One of HS2. In common with most old properties in the area, these three houses are all built on clay and have very little in the form of foundations.
8. Your Petitioners are frequent users of the two roads out of the village to the north, Helmdon Road and the Dump Road, and are users of the network of bridleways and public footpaths in South Northamptonshire, particularly those to the north and east of Greatworth, which your Petitioners consider an important amenity for the village. Nicholas Ward also frequently cycles in the South Northamptonshire/North Buckinghamshire area and thus uses many of the small roads affected by Phase One of HS2.
9. Nicholas Ward was a Public Member of Network Rail from November 2011 to November 2013, when he resigned. Network Rail is a company limited by guarantee and has approximately 40-50 Public Members, each of whom has one £1 share in the company. The Secretary of State for Transport is also a Member. The Public Members, who are unpaid, play a role similar (but not identical) to that of shareholders in a listed company and, inter alia, vote on the adoption of the Annual Report and Accounts and the appointment and re-appointment of directors. In his capacity as a Public Member of Network Rail, Nicholas Ward

participated in a number of meetings at which there was discussion between the Public Members and the Network Rail Board about the impact that Phase One of HS2 was having on Network Rail.

10. Veronica Ward is a member of Greatworth Parish Council and in that capacity has had several meetings with HS2 Ltd with a view to trying to find ways of mitigating the damage that will be caused by Phase One of HS2 to the village.
11. Your Petitioners allege that they and their property, rights and interests in the Greatworth area and in the wider South Northamptonshire/North Buckinghamshire area would be injuriously and prejudicially affected by the provisions of the Bill if passed into law in its present form. Your Petitioners also allege that the undertaking of Network Rail will be damaged if the Bill is passed into law in its present form. Accordingly, your Petitioners object to the Bill for the reasons, amongst others, hereinafter appearing.

Noise standards

12. As people who live in South Northamptonshire and who hugely cherish the tranquillity of Greatworth village and of the wider South Northamptonshire/North Buckinghamshire countryside, your Petitioners are gravely concerned about the impact of noise on the tranquillity of the area. South Northamptonshire Council has carried out local noise monitoring and has evidence that the local dBA level is typically between 25 and 30, measured at six locations in the district within 200m of the proposed line, a mere fraction of what it will be once the proposed railway line is constructed.
13. The current guidance is that noise mitigation is not considered necessary where average Decibel levels are below 50dBA. In short, an urban area will receive mitigation where noise levels are anticipated to rise from, for example 45dBA to 51dBA, whereas a rural area, such as South Northamptonshire, could see levels rise from 25dBA to 49dBA without any mitigation.

14. Your Petitioners request that the Promoter or Nominated Undertaker be required to provide mitigation to reduce the nuisance where ambient dBA noise levels are set to increase by more than 10 dBA.
15. Further, your Petitioners request that as the main driver for the proposed railway is apparently no longer speed, and as noise is directly related to speed, the night-time running speed of the railway in rural areas should be limited to no greater than 200km/h during the last two hour of operation in the evening (anticipated to be from 10.00pm till midnight).

Visual impact of rail infrastructure

16. Your Petitioners attach great importance to the countryside of South Northamptonshire and North Buckinghamshire and are therefore gravely concerned about the visual impacts of the anticipated urban design nature of infrastructure such as road bridges, viaducts, culverts, green tunnel mouths and vents. These structures will be clearly visible from many points accessible to the public in an unspoilt ancient landscape. The designs shown in HS2 Ltd's own visual interpretations will not fit in with the surrounding environment. This will have a significant negative impact on the landscape, and ruin the aesthetics of the local environment.
17. In order to minimise the impact of the proposal, your Petitioners request that prior to construction, the Promoter or the Nominated Undertaker be required to consult with South Northamptonshire Council, the neighbouring Parish Councils and local residents on the detailed drawings and plans for bridges, viaducts, culverts and green tunnel mouths and vents, which your Petitioners believe must be designed to fit in with the surrounding environment, respect the local vernacular and be maintained to a high standard. Visual screening must be put in place, and this must also be maintained to a high standard.
18. Your Petitioners request that the design of infrastructure should be appropriate to a rural setting, in that the structures, construction materials and surface finishes are ones that complement the

surrounding. Your Petitioners request that, where possible, structures that will be visible should be faced in brick similar to that used extensively in the construction of the Great Central Railway, the last major railway to be built in the country, which was closed some 60-70 years after it was opened in circa 1900. The bricks used on the Great Central Railway fit very well into the South Northamptonshire/North Buckinghamshire countryside and your Petitioners earnestly request that similar bricks be used in facing as many as possible of the new HS2 structures, especially the portals and other structures at the mouth of the green tunnel by Greatworth.

Impact on public roads, bridleways, public footpaths and other rights of way

19. As frequent users of the road network in South Northamptonshire and North Buckinghamshire, your Petitioners are gravely concerned about the effects that construction traffic will have on B roads and other minor roads within the District due to their lack of suitability for HGVs and the popularity of local routes with cyclists, horse riders and pedestrians.
20. Your Petitioners are also gravely concerned about the use of inappropriate rural lanes for relatively high volumes of traffic.
21. Your Petitioners request that roads below a B classification are avoided where at all possible by HGVs in order to minimise the negative impacts of construction. Where routes other than A or B category roads are required, designated haul roads should be considered in discussion with the Local Highways Authorities, the relevant District Councils and the relevant Parish Councils as well as residents. During construction, the Promoter or Nominated Undertaker must maintain the quality of the highways on which it is the predominant user, and after construction, roads and footpath, cycleway and bridleway disturbed by construction work must be returned to their original size, and character, and all damage sympathetically restored by the Promoter or Nominated Undertaker.

22. Your Petitioners drive frequently between Greatworth and Chipping Warden, where their daughter, son-in-law and grandchildren live. As such, your Petitioners make frequent use of Culworth Road in Chipping Warden. Your Petitioners are gravely concerned at the proposal that Culworth Road Chipping Warden should be closed not just during the construction phase but on a permanent basis. Culworth Road is approximately 1.0 miles long and the shortest alternative route between the two ends of that road would be more than twice this distance at 2.3 miles, of which 1.1 miles would be along the heavily used and dangerous A361. Your Petitioners believe that Culworth Road, Chipping Warden is too valuable to be lost and that the alternative route is too long and too dangerous to be viable. Your Petitioners therefore request that every effort be made to find a way of keeping Culworth Road open on a permanent basis so that it is only closed for a short period during construction.
23. As frequent users of the network of bridleways and footpaths in the South Northamptonshire/North Buckinghamshire area, your Petitioners believe that the opportunity of the HS2 project should be used to bring improvements to existing bridleways and public footpaths, where this can be done at relatively little cost. Your Petitioners request that the Promoter or Nominated Undertaker should be required to engage in discussions with Local Authorities and the relevant statutory consultees and local residents along the route to see where inexpensive improvements can be made to the present right of way infrastructure. One example of this in the Greatworth area would be to have a link on the south side of the HS2 line between Bridleway AN14 and Bridleway AN37. At present, the only way that anyone wishing to ride from one of these bridleways to the other is along the very dangerous B4525 Welsh Lane and your Petitioners believe it would be possible to create a new link to the south of the HS2 line at very little cost and without the need to acquire any further land. Your Petitioners request that the Promoter or Nominated Undertaker be required to provide such a link.

Unnecessary loss of ancient woodland

24. As people who regularly walk in the area of ancient woodland at Halse Copse near Greatworth, your Petitioners object specifically to the loss of this piece of ancient woodland and, indeed, to any loss of woodland associated with the HS2 project. As HS2 itself admits, ancient woodlands are irreplaceable.
25. Your Petitioners request your Honourable House to require that no ancient woodland will be lost in South Northamptonshire, and that the alignment of the railway will be modified to ensure this is the case, or green tunnels are used to prevent loss of ancient woodland. As ancient woodland is irreplaceable, there is no mitigation for the loss of this resource.

Planting with appropriate species

26. Your Petitioners are gravely concerned that the impact on the unspoilt rural landscape will be exacerbated by the use of alien species of planting and that species used for mitigation purposes such as visual screening and reducing the effects of noise may be 'generic' along the route.
27. Your Petitioners request that the Promoter or Nominated Undertaker be required to ensure that the species used are those that will resist climate change, and be complementary to the local habitat and that the species to be used in South Northamptonshire should be agreed with all appropriate agencies including South Northamptonshire Council, local Parish Councils, the Woodland Trust, the Wildlife Trust and local residents.

Impact on clay and on structures built on clay

28. Your Petitioners are gravely concerned that no work has been carried out on the possible effects of vibration from the high speed trains on the local topography – more specifically the underlying Boulder Clay in the

Northamptonshire Uplands which covers much of the area through which HS2 will pass in South Northamptonshire.

29. Your Petitioners are concerned that where liquefaction of ground may occur, works may be required to stabilise historic buildings, which will almost certainly have an impact on their significance.
30. The houses owned in Greatworth by your Petitioners are built on clay and Bacon House suffered severely as a result of "heave" arising from the extensive drought in 1976. Your Petitioners are aware that there are a number of ancient springs arising in the fields north and east of Greatworth, along the line of the HS2 route, and are very concerned that insufficient consideration has been given to what effect, if any, the HS2 project may have on these springs, on the water table in the Greatworth area and on the consistency of the clay upon which many of the older houses in Greatworth are built.
31. Your Petitioners request your Honourable House that the Promoter and Nominated Undertaker be required to carry out a detailed study of all sections of the route passing through clay in the Greatworth area to ensure that, where a risk of liquefaction is possible, or where there is a risk that diversion of springs may adversely impact on the clay on which older houses are built, measures are put in place to avoid such occurrences.
32. Your Petitioners also request that the Promoter or Nominated Undertaker be required to acknowledge that mitigation may be required for properties that lie outside the Limits within which protective works can be carried out under the Bill.

Impact on Network Rail

33. Based on the experience of Nicholas Ward as a Public Member of Network Rail, your Petitioners believe that the management of the HS2 project as an enterprise entirely separate from Network Rail has led to significant inefficiencies, waste of public money and damage to Network

Rail, diverting people and resources away from Network Rail to the HS2 project. Your Petitioners believe that if the HS2 project is to be kept separate from Network Rail, then such damage can only continue and increase. Your Petitioners request that responsibility for the HS2 project should be given to Network Rail as the Nominated Undertaker so that the HS2 project can be managed alongside other important projects upon which the management of Network Rail is engaged.

34. Your Petitioners are concerned that there are no clauses in the Bill which deal with the governance of the Nominated Undertaker. Your Petitioners request that appropriate clauses should be added to the Bill specifying how the Nominated Undertaker is to be managed and how proper governance is to be provided.
35. Based on Nicholas Ward's experience as a Public Member of Network Rail, your Petitioners believe that the Public Member model is not an effective way of providing secondary governance of an organisation such as Network Rail to the standard needed for such an important undertaking. Your Petitioners request that the role of Public Member of Network Rail be abolished and that this model should not be used in the governance of the Nominated Undertaker, whoever that may be.

General

36. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your Petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 be heard by themselves, 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 amendments as may be necessary and proper for their protection, or that

such other relief may be given to your Petitioners in the premise as your Honourable House should deem meet.

AND YOUR PETITIONERS will ever pray, &c.

Nicholas Ward

Veronica Ward

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of

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AGAINST,

BY COUNSEL, &c.

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