

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against the Bill – 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 Gordon & Harriet Raitt

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.
- 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.

*Your Petitioners*

- 6 Your Petitioners are the freehold owners of 1 Manor Cottages, Banbury Lane, Lower Thorpe, Thorpe Mandeville, Banbury, Oxon. OX17 2HP, and have been since 1985.

- 7 The proposed route of HS2 crosses the Banbury Lane on the Lower Thorpe viaduct, requiring the demolition of two of the five properties in Lower Thorpe, and passes within 90 metres to the north of your Petitioners' property, which is situated on Banbury Lane. The viaduct will be 7.9 metres high.
- 8 Your Petitioners and their interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

*Your Petitioners concerns*

- 9 Your Petitioners have taken active steps to work with High Speed 2 Limited and the Government in their development of the proposals, via emails and on-site meetings over the last four years, in an attempt to achieve a satisfactory conclusion regarding a compensation package. However, your Petitioners have to date been unsuccessful because the property lies just outside the Compulsory Purchase Zone. However, as outlined in this petition, your Petitioners have substantial outstanding concerns with the appraisal work, design and development of the project and the particular powers now proposed in the Bill and their impact on your Petitioners property.
- 10 Your Petitioners are in particular concerned that the proposed railway will render their property uninhabitable during construction and operation due to loss of community, noise, dust and emission pollution, and the impacts of construction traffic on highways in and around their property.
- 11 Your Petitioners' concerns are explained more fully below and solutions to its concerns identified. Your Petitioners recognise, however, that other solutions to these concerns may be brought forward and, insofar as those are to be preferred, it would wish to associate itself with them.

*Habitability of your Petitioner's property.*

- 12 Your Petitioners' residential property has been a family home for over 20 years, and is currently occupied by a family of four. It is located within the hamlet of Lower Thorpe, which is set in a tranquil and rural valley between Thorpe Mandeville and Culworth, and will be approximately 90 metres from the Lower Thorpe viaduct. There are five properties in the hamlet of Lower Thorpe, two of which have already been purchased by High Speed 2 Ltd under the Exceptional Hardship Scheme, and two that have been identified for compulsory purchase and demolition. Therefore, your Petitioners' property will be the only remaining privately owned property in Lower Thorpe. In addition, your Petitioners' property is in very close proximity to the Lower Thorpe viaduct satellite compound proposed to be used under the Bill. As a consequence, your Petitioners property will be subject to intolerable noise/dust/ visual impact/vibration/light pollution for two years during construction, and intolerable noise/visual impact during operation. The community of

Lower Thorpe will be untenable as a result of the proposed railway construction and operation. It has already been irretrievably broken down as a direct result of the High Speed 2 proposal.

13 Furthermore, from your Petitioners' property, your Petitioners enjoy views of the surrounding countryside (which lies within a locally designated Special Landscape Area), and a very peaceful ambience which will suffer a major adverse effect during the construction phase of two years, and once the railway authorised by the Bill is operational. This will permanently blight the beautiful rural character of this hamlet.

14 Your Petitioners are also concerned that their property is served by a shared Biodisc sewerage treatment unit, which is situated on an adjacent property (Manor Brook House). The Environmental Statement has identified an alteration of a watercourse at this location which may affect the system.

*Noise*

15 Your Petitioners are concerned that the Environmental Statement deposited with the Bill outlines that the temporary effects of construction will have a major adverse effect on residential amenity, including significant noise effects from construction traffic using Banbury Lane, and that the permanent effect is considered to be significant because of the demolition of two properties in Lower Thorpe. Moreover, the cumulative result of these combined effects are expected to give rise to a community-wide effect. This will result in a significant detriment to the quality of life for your Petitioners and their family, and is likely to cause daytime stress, sleep deprivation and subsequent health issues. Forecast increases in the sound from the proposed railway are likely to cause a major adverse effect on the acoustic character of the area around the dwellings close to the line and open areas as well.

16 Furthermore, the Environmental Statement outlines that Lower Thorpe is the only residential community which is expected to be subject to significant airborne noise during operation.

17 Your Petitioners are concerned that the noise levels proposed by High Speed 2 during operation are too high to achieve effective mitigation, and that the noise will be unbearable. Your Petitioners submit that no amount of soundproofing for the house and sound barriers will be sufficient in making the property habitable.

*Construction and construction traffic*

18 Your Petitioners are also concerned with respect to the impact of construction on their quality of life and ability to access their property and undertake day to day activities. The proposed use of Banbury Lane as a dedicated construction route providing access to the proposed Lower Thorpe viaduct satellite compound is considered by your Petitioners to be quite inappropriate. Banbury Lane is a narrow road which winds

through Thorpe Mandeville, much of it with on-street parking and in some sections without a footway. The volume of construction traffic will make pedestrian access from Lower Thorpe to Thorpe Mandeville village dangerous. In the Environmental Statement, the average traffic movements are stated as 150–220 cars/LGVs and 20–30 HGVs per day, peaking at 93 HGVs during peak construction periods. At its narrowest point, Banbury Lane is only 4.2 metres wide. Along most of the length of Banbury Lane from Thorpe Mandeville, through Lower Thorpe to the proposed satellite compound, there is not sufficient width for a car and an HGV to pass each other, and therefore certainly not enough width to accommodate two HGVs passing each other.

- 19 The closure of Banbury Lane is proposed for a period of approximately two years, and this will result in the loss of pedestrian access to two public footpaths north of the viaduct, and to Culworth village, as well as compromising your Petitioners ability to access their property.

*Remedies sought by your Petitioners*

- 20 Your Petitioners' consider their situation to be unique because of the above conditions, with particular emphasis on the permanent loss of Lower Thorpe as a tenable community. The overall result of the above points is that your Petitioners will be completely isolated as the sole freehold residents in a hamlet where the community has been decimated by the effect of the proposed railway line. Your Petitioners property will be subject to intolerable noise, traffic, dust and inconvenience during construction, and intolerable noise and visual blight during operation.
- 21 Your Petitioners therefore seek that High Speed 2 Ltd offer your Petitioners compensation equivalent to the properties which are scheduled for Compulsory Purchase.
- 22 Your petitioners' MP Andrea Leadsom has supported this solution in a letter of 29<sup>th</sup> April 2014 which includes the following "It is a ridiculous and unacceptable position Mr and Mrs Raitt find themselves in. It is surely common sense that Mr and Mrs Raitt's property should be compulsorily purchased to prevent it being the only property left in the village (which does not fall into the Compulsory Purchase Zone or has been accepted onto the Exceptional Hardship Scheme). The uncertainty Mr and Mrs Raitt have suffered up until now is completely unacceptable".

*Conclusion*

- 23 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.

[Signature of Petitioner in person, or Agent for the Petitioner]

*A. J.*  
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