

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 RUSSELL RAYNSFORD

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 regular user of the A413 which is liable to be used by construction traffic during the period of construction of the works authorised by the Bill, and of the B485 Chesham Road and Frith Hill which are liable to be interfered with for the purposes of works authorised by the Bill. Your petitioner's property is also located in close proximity to the A413.
- 8 Your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons amongst others, hereinafter appearing.
- 9 Your Petitioner is concerned about adverse impacts on the visual amenity of the Property and the neighbourhood during construction and operation of the high-speed railway and associated development.
- 10 Your Petitioner requests that there should be binding mitigation measures to reduce the adverse impacts on visual amenity including but not limited to screening of the construction and operation of the high speed railway and associated development, use of deep cuttings, and ensuring new buildings blend in with the surroundings
- 11 Your Petitioner requests that before construction the relevant local authority should be consulted on the design of structures and buildings and their views taken into account in designing such structures.
- 12 Your Petitioner is concerned that the green tunnel proposed at South Heath and the embankment/cutting section between here and the north end of the Chiltern Tunnel does not adequately mitigate noise and visual impact. Your Petitioner requests that that the Chiltern Tunnel should be extended to the north of Wendover to mitigate the potential the noise and visual impacts.
- 13 Your Petitioner is concerned that the nominated undertaker will be permitted to make changes during construction to the designs of the South Heath Green Tunnel, Chiltern Tunnel and other mitigation measures in this area, without reference to any other bodies. Your petitioner therefore requests that any deviations from the plans as agreed at commencement of the building of the project can only go ahead with the agreement of all relevant local authorities
- 14 Your Petitioner is also concerned that the construction and operation of the high speed railway will give rise to noise. Noise would severely impact upon the use and enjoyment of the Property by your Petitioner as well as on the neighbourhood's amenity.
- 15 Your petitioner is concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation standards or the latest research which shows adverse health impacts from prolonged exposure to noise above World Health Organisation limits.
- 16 Your Petitioner requests that HS2 Ltd be required to ensure that neither construction nor operation of the high speed railway is allowed to exceed 40dB, the threshold identified by the World Health Organisation as

appropriate for ensuring no long term health issues for persons living nearby.

- 17 Your petitioner requests that should acceptable noise levels be breached during construction, that construction must be stopped
- 18 Your petitioner requests that should acceptable noise levels be exceeded in operation, the nominated undertaker be compelled to take whatever action is necessary to reduce the noise below 40 dB, including slowing down the trains.
- 19 Your petitioner requests that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.
- 20 Your Petitioner requests that there should be binding mitigation measures including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.
- 21 The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons Environmental Audit Committee's report entitled HS2 and the environment thirteenth Report of Session 2013-2014 dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.
- 22 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State or arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker. Your Petitioner requests that Clause 35 and schedule 25 are deleted from the Bill.
- 23 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.
- 24 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 provided to the relevant local authority.
- 25 Your Petitioner requests that the local authority should be provided with funding and if necessary legal authority to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available
- 26 Your petitioner considers suspension of safety standards on drinking water

during construction to be completely unacceptable and requests that normal safety standards continue to be monitored and enforced including stopping construction works where water quality has breached standards.

- 27 Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are wholly inadequate to compensate Your Petitioner for the loss and damage he may incur as a result of construction and operation of the high speed railway and associated development.
- 28 Your Petitioner requests that the Bill should be amended to ensure your Petitioner and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.
- 29 Your Petitioner requests that the voluntary purchase announced on 9 April 2014 should be extended to all properties outside of the safeguarded area and should not be limited to rural areas.
- 30 Your Petitioner requests that the home owner cash payments should be extended to all areas within the vicinity of the proposed high speed railway line and the payment should be calculated so that all diminution in value is compensated.
- 31 Your Petitioner submits that the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where his Property is not compulsorily acquired for, among other matters, structural damage to the property, settlement impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operation of the high speed railway and associated development. Your Petitioner requests a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill.
- 32 Your Petitioner is concerned that the construction of the high speed railway and associated development at South Heath and on the wider area will impact significantly upon the quiet enjoyment of the Property and the neighbourhood by way of noise, disturbance, visual intrusion and traffic increases.
- 33 Your Petitioner is concerned about the use of unsuitable highways by large vehicles delivering equipment and supplies, and removal of spoil during the construction works as well as use of highways by other vehicles. The disruptive effect of these vehicle movements will be compounded by long hours of operation. The use and routing of large vehicles within the vicinity of the Property is also a matter of concern to your Petitioner.
- 34 Your Petitioner requests that hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, and limits on the size of vehicles.
- 35 Your Petitioner requests that large vehicles as well as other construction traffic must be strictly controlled, having regard to the particular sensitivities of the area. Your Petitioner therefore requests that the nominated undertaker

should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and the relevant local authority.

- 36 Your Petitioner requests that binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforced by environmental health officers
- 37 Your Petitioner is concerned about the wear and tear, and degradation to the highways as a result of construction traffic.
- 38 Your Petitioner requests that appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re instatement of highways required as a result of use by construction traffic
- 39 In respect of highway works at South Heath Your Petitioner believes that the highway works will cause considerable disruption to the B486 Chesham Road, and Frith Hill and result in severe difficulties for those wishing to travel between Great Missenden (which has very limited Local Amenities) and Chesham (one of the nearest towns with shops). These routes are important to Your Petitioner also for access to family members in South Heath and for travel via Luton Airport on business. Your Petitioners therefore request that during construction and operation of the high speed railway and its associated development B486 Chesham Road and Frith Hill should at all times kept open and available for use by vehicular traffic and pedestrians.
- 40 Your Petitioner further requests that the nominated undertaker should be required under the Bill to provide detailed plans, method statements and other particulars of works including the work programmes and schedules of deliveries (in particular abnormal deliveries) occurring in proximity to the Property substantially in advance of the commencement of construction operations to the relevant highways authority.
- 41 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 PETITIONER therefore humbly prays 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.

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013-14

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(LONDON-WEST MIDLANDS)
BILL

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AGAINST, By Counsel, &c.

