

IN PARLIAMENT
HOUSE OF COMMONS
SESSION (TO BE CONFIRMED) 2014/15

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 Boddington Parish Council

HEREWITH 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.

Who the Petitioner is:

Your Petitioner is Boddington Parish Council. Your Petitioner represents a population of 741 people with 604 electors many of whom will be affected by the works proposed under the bill. This includes land and properties subject to compulsory acquisition, land and properties suffering changes to access, highways that will be used as major construction routes, footpaths that will be moved, areas of green space that will be lost, land to be used for ancillary plant buildings and a maintenance loop, land to be used for construction sites, noise during construction and operation, visual impacts during construction and operation, temporary closure of roads, temporary closure of footpaths and bridleways, re-routing of roads and changes to junctions, damage to local businesses and property blight (already for 4 ½ years now). The provisions of the Bill will injuriously affect most of the area for which your Petitioner is the local parish council, and your Petitioner accordingly objects thereto for the reasons, amongst others, hereinafter appearing.

The proposed route of Phase 1 of HS2 passes through the parish of Boddington from the neighbouring parish of Aston le Walls to the neighbouring parish of Wormleighton. This part of the parish of Boddington comprises an almost flat plain with views of several miles over an open and rural landscape and is designated as a "Special Landscape Area". Your petitioner is gravely concerned that the proposed preliminary designs jars considerably with the existing undisturbed low-lying agricultural land and the level of visual impact that this raised section of railway will have. The current proposal shows the line exiting a cutting at Aston le Walls on a viaduct 9m high and 140m long. Thereafter the line uses an embankment 7 m high and 400m long gradually reducing in height as it crosses the parish and leaves the parish at the Wormleighton parish boundary in a shallow cutting. The current proposal shows a maintenance loop sited within this cutting. As currently proposed the railway and its maintenance loop will have a permanent adverse effect on the rural character of the area through which the route passes by introducing a predominantly raised, linear, urbanising feature, the screening of which through embankments and tree planting is also out of character with the local landscape. As such the character of the parish of Boddington will be permanently and negatively affected

Your Petitioner's concerns:

There are clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their parishioner's rights, interests and property for which no adequate provision is made to protect persons and businesses concerned. Your Petitioner has sought at every opportunity to work with HS2 Ltd in the development of their proposals for the HS2 railway but HS2 Ltd have failed to address any of the issues raised by Boddington Parish Council. As outlined in this petition your Petitioner still has substantial outstanding concerns relating to:

- a) The impacts of noise on the parish of Boddington both during the construction and operational phases of the proposed railway.
- b) The visual impact of the proposed railway on the parish of Boddington.
- c) The siting of a maintenance loop within the parish of Boddington with its associated visual impact and proposals for night time working and security lighting.
- d) The Construction Code of Practice which would allow unrestricted working hours as currently proposed.
- e) The use of the B road through Lower Boddington as a main construction route for HGVs with the associated traffic congestion, noise and potential damage to the road and adjacent homes and buildings.
- f) The introduction of a potentially dangerous road junction.

g) The closure of roads and lanes during construction.

Noise Issues:

- 7 Your Petitioner is concerned that the noise levels used by the Promoter to determine the need for mitigation are significantly in excess of the Baseline noise levels recorded for the rural areas of Northamptonshire in the Environmental Statement. The noise levels proposed by HS2 are too high to achieve effective mitigation for recipients of the parish of Boddington. In your Petitioner's opinion HS2 have yet to carry out an adequate and detailed background noise survey in Lower Boddington; a number of residents in the quieter parts of Lower Boddington have been paid by HS2 Ltd for the siting of noise measurement equipment but no measurements have taken place. Your Petitioner is gravely concerned about the impact of noise on the residents of Lower Boddington. The lack of activity on noise measurement in Lower Boddington seems to be to avoid acknowledging the exceptionally quiet nature of the surroundings through which HS2 will pass in the parish of Boddington.
- 8 Your Petitioner requests that a comprehensive noise survey is completed in the village of Lower Boddington and that these results are used for an improved mitigation proposal. Your Petitioner further requests that the results of the survey and the revised proposed mitigation are the subject of further consultation with Boddington Parish Council and its parishioners.

Visual Impacts

- 9 Your Petitioner is gravely concerned about the visual impact the proposed railway will have on the parish of Boddington particularly the presence of the new infrastructure and high speed trains which will result in a radical and lasting change to the rural setting of the villages of Upper and Lower Boddington and the surrounding area. The ES report outlines that there will be a significant impact on the residents of Lower Boddington and in some places there will still be a moderately adverse effect after 60 years, and in some places a major adverse effect (Spella House, Spella Barn, Spella Orchard and Hill Farm). The latest design proposed by HS2 Ltd includes a long viaduct up to 9m high and 140m long and an embankment up to 7m high for a distance of 400m, both of which are much higher than previous iterations of the designs published by HS2. Your petitioner remains unconvinced that a satisfactory mitigation has been proposed to integrate the viaduct, embankment and 8m high overbridge into the landscape to avoid having an adverse impact on the rural setting despite continued calls from the community to do so. Your Petitioner is further concerned that the limits of deviation contained in Schedule 1 of the Bill allow the vertical elevation of the route to be increased by up to 3 metres beyond that considered in the Environmental Statement so there could be significant additional unidentified impacts.
- 10 Your Petitioner requests that the vertical alignment of the line from the Aston le Walls cutting to the further boundary of the parish of Boddington be substantially lowered. Your Petitioner's preference is for the proposed railway to be at or below the Existing Level (of the land) across the parish of Boddington. If this is not possible your petitioner requests that the following changes be made to the design of the proposed railway:

Drawing Number	Location Reference	Proposed Vertical Alignment	Proposed Height Above Existing Level	Requested Maximum Vertical Alignment	Requested Maximum Height Above Existing Level
C222-ATK-CV-DPP-020-000014	112-900	116.1	+ 9.0m	112.1	+ 5.0m
C222-ATK-CV-DPP-020-000014	113-800	112.7	- 0.9m	108.7	- 4.9m
C222-ATK-CV-DPP-020-000014	115-100	122.6	+ 2.3m	118.7	- 1.7m

Lowering the line and lowering or dispensing with the viaduct would mean that the earthworks could be raised by the soil generated and would then be sufficient to completely hide the line without raising the height of the earthworks as currently proposed. Your Petitioner further requests that schedule 1 be amended so that the vertical elevation may be increased by no more than 1 metre above the final design value.

Your Petitioner further requests that a higher parapet noise fence, mentioned by HS2 but not shown in the latest design, is employed on the Highfurlong Brook viaduct, to reduce the noise impact from the train, this would be especially useful as the line goes through Washbrook Farm.

Maintenance Loop

- 11 Your Petitioner is concerned that, after extensive previous meetings and consultations, HS2 Ltd have moved most of the proposed maintenance loop into the parish of Boddington without the opportunity for consultation. The maintenance loop is an extremely large and intrusive feature of the railway. The proposal for security lighting and night time maintenance activities using diesel powered locomotives and equipment makes it even more intrusive at night. The maintenance loop was previously sited in a deep cutting mostly in the neighbouring parish of Wormleighton and we were assured by HS2 that, because of the depth of the cutting, the loop would not be visible from Boddington and there would be no noise or visual impact. This decision to move the maintenance loop was taken in the neighbouring CF who did not involve us in their discussions and the responsible HS2 design engineer has refused to meet Boddington Parish Council to discuss the new proposal. There is insufficient information to fully assess this major change to the railway within the parish of Boddington. The exact profile of the cutting and the mitigating earthworks is not clear but it would appear that as it starts just past the Claydon Road, the depth of the cutting will be much shallower than the original design and so the loop will be much more visible and the traffic associated with it, the lighting and night time noise will be very intrusive. The new position of the loop within our Parish has a major effect on the properties of Spella

Orchard, Spella House, Spella Barn, Hill Farm, the thriving businesses there, and the village of Upper Boddington.

- 12 Your Petitioner requests that the maintenance loop be moved back to its original position in a deep cutting in the neighbouring parish of Wormleighton. This change would also avoid the need for an expensive road deviation (400m of new road) and an expensive new road junction. It would also preserve 2 thriving businesses and woodland at Foxes Covert all of which will be lost with the current design. If this is not possible your Petitioner requests that the maintenance loop be moved to a more suitable location or be redesigned to reduce the visual impact and level of noise in the parish. If the vertical alignment of the line through the parish were lowered, as requested above, much of the adverse visual impact of the cutting would be mitigated reducing the need for additional mitigation action and its associated cost.

Your Petitioner would like to point out that selecting the location of maintenance loops based on equal distances along the railway can lead to bizarre outcomes. Located near to Boddington or Wormleighton the loop can only be accessed via narrow country lanes and siting the loop in a cutting will make emergency evacuation of trains particularly hazardous. This loop would be better sited adjacent to a main road such as the nearby A423 or closer to Southam because of improved access to major roads and other amenities. In these locations the maintenance loop would not be in the vicinity of any village as there are several miles of railway running through open countryside. Emergency evacuations would be on level ground and straight onto a main public highway with easy access for the emergency services.

Provision of information by HS2

- 13 The photomontage from the edge of Upper Boddington Village is misleading. The view in this direction from the village extends for over 5 miles, and the published panoramic view means that most of the distant detail is lost, suggesting the trains, embankment and trackside infrastructure will not impact on the view. We do not believe this to be the case.
- 14 Your Petitioner requests that a new photomontage be produced when the final design of the railway is produced. We further request that Boddington Parish Council and the local residents be consulted meaningfully before construction work commences. Your Petitioner requests that, regardless of any other decision, that the earth banks are always high enough to completely conceal the railway from the parish of Boddington including the overhead lines and their supporting structures.

Construction Code of Practice

- 15 Your Petitioner is concerned about the inadequacy of the Construction Code of Practice. Two construction camps are planned for our small rural parish. The duration of these camps has been extended to 3 years and 6 years from the original 18 months. Boddington parish is located between a cutting and a green tunnel, there are 2 bridges, a viaduct and extensive earthworks for sound and visual barriers to be built, so the proposed civil works in the parish are extensive. The code of construction allows so many exceptions to the working hours that we think that the activity from the two camps will be very intrusive.
- 16 Your Petitioner requests that HS2 Ltd provide the rationale for having two construction camps within the parish of Boddington instead of one combined site; your Petitioner would prefer to have one camp. Your Petitioner requests that any construction camp(s) are fully screened from the parish of Boddington before any work on the construction of the railway commences. Your Petitioner further requests that working hours in the evening and weekend are curtailed to ensure that the site

does not operate 24 hours a day. Work should start no earlier than 7am and cease no later than 7pm and there should be no weekend working. Should any work be required outside these core hours this should be at the discretion of the relevant local authority (South Northants Council). Justification as to why work must be carried out outside of core hours will be required and decisions should be made on a case by case basis.

- 17 Your Petitioner is gravely concerned about the impact of workers accessing the two construction camps. Your Petitioner and the constituents we represent are regular users of roads in the area surrounding the proposed construction camps and there is concern that increased traffic will produce additional risk to the safety and wellbeing of parishioners, create significant congestion and increase pollution in the surrounding area.
- 18 Your Petitioner requests that HS2 Ltd provide buses for the workers at the two construction camps for the duration of the construction phase of the line.
- 19 The parish of Boddington is split into the two villages of Upper and Lower Boddington joined by a single road. Amenities within the parish are shared between the two villages and include a school, a farm shop, two pubs, a playing/sports field and a village hall with post office two days a week. The residents of both villages need to maintain access to all of the available amenities. There is no mention of excluding construction traffic from the road joining Lower and Upper Boddington. This road is exceptionally narrow, has a steep hill and severe hairpin bend and passes the village school at its narrowest point, only 3.3m wide, where there is no pavement and children and parents to walk along the road.
- 20 Your Petitioner requests that the road between Upper and Lower Boddington be closed to all construction and worker traffic to preserve access to village amenities and to avoid the potential for road traffic accidents on a narrow, twisty and hazardous country lane.
- 21 Your Petitioner is concerned about the use of the Banbury Road as a main construction route as the road is not wide enough to accommodate two HGVs passing each other. There are also two very narrow bridges on blind bends, one over the disused railway as the road leaves Aston Le Walls and the other over High Furlong brook where there is also a blind road junction; the use of HGVs would create significant traffic hazards on this otherwise quiet road. The tables in the ES show only limited increase in HGV traffic but this cannot be the case given the extensive civil works within the parish. In fact it is impossible to work out the level of HGV traffic from the information provided in the ES because of errors in the documentation provided. This is a serious omission; this information is an essential part of any Environmental Impact Assessment. HS2 must have assessed the level of HGV traffic as being high as residents have been advised of improvements being needed at the junction of Banbury Rd and Claydon Lane, immediately opposite the Carpenters Arms public house, and compulsory purchase notices are in place to allow the construction of a roundabout at this location. Such improvements would not be necessary for a small number of HGVs.
- 22 Your Petitioner requests that HS2 Ltd must be forced to provide full details of HGV and worker traffic to any construction camps within the parish and this should be the subject of further consultation as this has not been possible with the information provided to date. Your Petitioner also requests that HS2 Ltd should consider using the railway trackbed itself or the A423 as the preferred haul route into the construction camp(s).

- 23 Parishioners who live along Banbury Road in Lower Boddington are gravely concerned about any increase in traffic, especially heavy vehicles. Many of the older houses, including conversion of former farm buildings, were built with traditional foundations and are likely to suffer structural damage from a significant increase in HGV traffic.
- 24 Your Petitioner requests that full structural surveys are undertaken on these properties before construction of the railway commences. Your Petitioner further requests that ground vibration monitoring equipment be installed along Banbury road for the duration of the construction process and that property owners are fully compensated for any damage caused by the frequent passage of HS2 related construction traffic.
- 25 Claydon Lane is very narrow and has a narrow bridge adjacent to the grain dryer. The lane and the bridge are likely to be destroyed by any significant increase in HGV traffic. Other roads in the parish are likely to be degraded by significant increases in HGV traffic. We need comprehensive information on the likely frequency of HGV traffic and how the roads lane and the bridge will be improved and maintained to cope with the extra traffic.
- 26 Your Petitioner requests that, during construction, the nominated undertaker must maintain the quality of all the roads being used by construction and worker traffic, and after construction, the roads must be returned to their original size and character, and all damage repaired by the nominated undertaker. A hotline should be set up allowing road users to report any damage to the road, and the highway authority should have access to all reports, to ensure these are addressed within a reasonable length of time.

Proposed New Road Junction

- 27 Your Petitioner is concerned that the new road layout at the point where Warwick Road meets Banbury Road, before crossing the new bridge over the line, is dangerous. Figures from the County Council Highways department show that most traffic comes from Upper Boddington and the lorries using Hill Farm.
- 28 Your Petitioner requests that the new junction with Banbury Road should be a straightforward junction for traffic from Upper Boddington and Hill Farm and a slightly offset junction for cars coming from the direction of Priors Hardwick. Alternatively, the traffic from Priors Hardwick should be provided with an additional bridge over the proposed railway as suggested by Warwickshire County Council.

Road Closures and Traffic Diversions

- 29 Your Petitioner is concerned that the traffic diversions to be put in place during construction, do not take into account the use made of these roads by local farmers. Both Claydon Lane and Claydon Road have high humpback bridges which are difficult for stock and farm vehicles to negotiate. Parishioners also use Banbury Rd for access to a doctor's surgery and shops in Fenny Compton as well as access to the main shopping centre in Banbury. Parishioners are concerned about long and lengthy diversions and the potential random nature of these.
- 30 Your Petitioner requests that the closure of Banbury Road is as short as possible and that Claydon Road and Claydon Lane are not to be closed at the same time. Residents need access to the A423 Banbury to Southam road to access amenities such as doctor's surgeries. Banbury is also the main shopping centre for the parish. Your Petitioner requests that all diversions are notified in a timely manner and that they are subject to maximum diversion distances.

Farm Access

- 31 Your Petitioner is concerned that the previously planned under-bridge leading to Cedar Farm has been dispensed with and a new drive to the farm will come from Claydon Road. The inhabitants of Cedar Farm were not informed of this change and no reason was given for it. The farmhouse would be cut off from Banbury Road and that part of their farm on the other side of the line. The new drive from Claydon Road is unsympathetic to the needs of the farm and appears to go over the corner of farm buildings.
- 32 Your Petitioner requests that access to Cedar Farm from Banbury Road is retained, either by reverting to the previous design or by other suitable means.

Consultation with HS2

- 33 Your Petitioner wishes to express concern regarding the poor provision of information supplied by the Promoter, both prior to the deposit of the Bill, and since the Bill has been deposited. The evolutionary nature of the railway's design over the last 4 ½ years has meant that much of the information provided by HS2 Ltd over time has become obsolete and has caused much wasting of time by people and organisations wishing to comment on the project. HS2 Ltd has continually failed to provide necessary paperwork prior to meetings as requested. Information presented by HS2 Ltd has often been inadequate and conflicting and changes to the design of the railway have not been explained. In particular there has been no explanation of decisions taken which are contrary to changes requested by Boddington Parish Council in CF and other meetings. Vital information, such as Plan and Profile maps and GIS layers, were made available on 24th January 2014, the day that consultation was due to end. The Code of Construction Practise appears to be in draft form only. The ongoing lack of information has made it particularly difficult to understand and comment on the full impacts of HS2.
- 34 Your Petitioner requests that full consultation takes place on the final version of the CoCP and any other relevant documents that are produced prior to any construction work taking place. We also request that in future, all information is made available in a timely manner.
- 35 Even if all of the mitigation measures requested by your Petitioner are put in place the implementation of HS2 will result in permanent adverse impacts for the parish of Boddington. For example the railway will have a permanent adverse effect on the character and the rural nature through which the route passes by introducing a predominantly raised, linear, urbanising feature, the screening of which through embankments and tree planting is also out of character with the local landscape. As such the character of the parish of Boddington will be permanently and negatively affected.
- 36 Your Petitioner requests that measures be implemented to provide compensation to the wider community in relation to these permanent unmitigated effects of HS2 through the establishment of a "Community Fund", the form of which should be discussed and agreed with local authorities.

Conclusion

- 37 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the Bill should not be allowed to pass into law.

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.

Margaret Thiel
Chair, Boddington Parish Council


19th May 2014

IN PARLIAMENT
HOUSE OF COMMONS
SESSION [To be confirmed]

HIGH SPEED RAIL
(LONDON-WEST MIDLANDS)
BILL

PETITION OF Boddington Parish Council

AGAINST, By Counsel, &c.

Frederick Joseph Dumbleton

Lower Boddington