

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

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HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – [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

CHARLES BUCKLEY

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.

*Clauses of the Bill*

- 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.

*Your Petitioner*

- 7 Charles Buckley of Culworth Grounds Farm, Culworth, Banbury.
- 8 The area of concern to your petitioner runs from the Greatworth tunnel portal northwest to the Trafford Bridge location. The works include a 15m deep cutting, several embankments and a 9m high viaduct over the Lower Thorpe valley floodplain. The line emerges from this valley through a 25m deep cutting and thence traverses flatter ground to the viaduct over the Trafford Bridge floodplain.
- 9 The locality is central within the NCC defined Middleton Cheney & Woodford Halse "Landscape Character Area" (LCA) (adopted 2006) and is described as "undulating rural landscape with a series of hills creating height and a sense of elevation within the landscape". The Thorpe Valley is also identified in the South Northants Local Plan of 2007 as a Special Landscape Area with steep slopes, largely pastoral agriculture, and numerous small woodlands and shelterbelts alongside watercourses and a disused railway. The resulting landscape has a diverse and colourful character with a rural tranquillity.
- 10 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.

*Your Petitioner's concerns*

- 11 Your petitioner has sought to work with HS2 Ltd and the Government by engaging in bi-lateral meetings with representatives of HS2 Ltd, and by making various submissions, including in the Environmental Statement Consultation.  
Despite the above, substantial outstanding concerns regarding the proposed

scheme remain. These are:

- a. The impact of noise on the various residential and business activities at Culworth Grounds.
- b. Substantial degradation of the landscape and environment in the Landscape Character Area in the Thorpe Valley.

12 Each of your Petitioner's concerns is explained more fully below and solutions to its concerns identified. Your Petitioner recognises, however, that other solutions may be brought forward and, insofar as those are to be preferred, it would wish to associate itself with them,

13 Noise impacts

- a. At Culworth Grounds, the proposal appears to contain no additional noise mitigation beyond the current plan and elevation of the line. As a consequence, the proposed in-operation average noise levels (LpAeq) will be 63dB (daytime) and 53dB (night-time) in this area.
- b. The petitioner is gravely concerned that the published noise guidelines ("Noise Policy Statement For England", "Night Noise Guidelines for Europe", and "Guidelines for Community Noise") have been wrongly interpreted. Your petitioner submits that the above guidelines should be followed and that the maximum in-operation average noise levels should be 50dB daytime and 40dB night-time.
- c. Likewise, the maximum change in average noise level stemming from the operation of the proposal should be 10dB above a valid pre-existing noise level day and night.
- d. The lower value of points 13b and 13c should be the level chosen.
- e. The lack of any noise screening along the NE edge of the line in the Lower Thorpe Valley suggests that the small community in the region of Culworth Grounds Farm, has been ignored.

14 Landscape and environment

- a. Lower Thorpe Valley: Is steep-sided and predominantly pasture land with several watercourses, patches of wetland and copses. At each end of the valley there is high ground giving the valley a sense of enclosure that adds to the tranquillity. This locality is recognised for its important wildlife, especially in the Culworth Grounds Farm area: otter, bats, grass snake, newt and beetles all being noted. On the north side of the valley is a small community comprising five dwellings (including a farm) and a stables business.
- b. Your petitioner maintains that the planned railway which cuts straight through the heart of this area, will have the most serious and injurious impact on this protected landscape, in a visual, environmental and historical aspect, unless every effort is made to maintain the landscape qualities listed above.

*Conclusion*

16 Proposals

Promoter should be required to modify its design to overcome these difficulties. The Petitioner would consider the following acceptable:

- a. A "Green tunnel" or "Enclosed Embankment" in line with the proposal put forward by Culworth Parish Council to HS2 Ltd; "The mitigation of noise and visible blight from HS2 in the Culworth/Thorpe Mandeville Valley. Culworth and Thorpe Mandeville Parish Councils. March 2013". This would remove all noise intrusion from this area post construction. It would allow the Landscape Character Area to be sympathetically preserved (in a similar way to the nearby disused railway) and would provide an opportunity to enhance the local environment and amenity. Were the line to be lowered for considerations elsewhere, this scheme would benefit from a reduced footprint and cost.
- b. If proposal 13b is not approved, trackside sound screening on the northern side should be considered. Although, such screens will do nothing to remedy the substantial visual and environmental impacts, if they are of sufficient vertical and horizontal extent, the resulting noise reductions might allow the targets mentioned above (paragraphs 13.b and 13.c) to be met. Any proposal to simply mitigate internal noise levels by property insulation would be considered to be an avoidance of reasonable mitigation options along the line solely on the grounds of cost. In a tranquil rural area such as this, that would be completely unacceptable.

17 For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, clauses 1 to 36, so far affecting your Petitioners, should not be allowed to pass into law.

18 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.

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High Speed Rail( London-West Midlands) BILL  
PETITION OF Charles Buckley

AGAINST, By Counsel, &c.

[REDACTED]

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