

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

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

JONATHAN FRANCIS and RACHEL FRANCIS

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 Your Petitioner is the freeholder of Chumscote House, Banbury Lane, Thorpe Mandeville, Banbury OX17 2HW, a residential house located in the Culworth parish overlooking the Lower Thorpe valley from the north.
- 8 The area of concern to your petitioner runs from the Greatworth tunnel portal northwest through the Lower Thorpe valley. The works include a 15m deep cutting, several embankments and a 9m high viaduct over the Lower Thorpe valley floodplain.
- 9 We are advised that 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 participation in the Community Forum Process, and by making a submission in the Environmental Statement Consultation. Despite this, substantial outstanding concerns regarding the proposed scheme remain. These are:
- a. The impact of noise on our residential property at Chumscote House;
 - b. Substantial degradation of the landscape and its permanent loss to both wildlife habitat and the environment in addition to our outlook over 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. Your Petitioners residential dwelling at Chumscote House is located 518 metres to the north from the Lower Thorpe Viaduct and associated earthworks which is listed as comprising an embankment approximately 350m long and up to 9m high; a viaduct approximately 200m long and up to 9m high; an embankment 100m long and up to 7m high; a cutting approximately 50m long and up to 7m deep; an embankment approximately 440m long and up to 7m high; and a cutting approximately 660m long and up to 26m deep. The plans do not show any form of noise barrier to be fitted to the northern side of the viaduct.
 - b. At our location, despite the impact being assessed as "major" 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 typically be 56dB (daytime) and 47dB (night-time).
 - c. We are advised that UK and European guidelines indicate that the maximum in-operation average noise levels should be no greater than 50dB daytime and 40dB night-time.
 - d. Likewise, the maximum change in average noise level stemming from the operation of the proposal should be no greater than 10dB above a valid pre-existing noise level day and night.
 - e. The lower value of points 13c and 13d should be the level chosen.

14 Landscape and environment

- a. The Lower Thorpe Valley landscape is formed predominantly of steep-sided pasture land with several watercourses, patches of wetland and copses contained therein. The valley is enclosed at each end by high ground which adds to its sense of tranquillity. It is recognised for its importance to wildlife, especially in and around the Culworth Grounds Farm area. Otter, numerous bat species, grass snake, newt and beetles all being noted. Your petitioner's residential house forms part of a small community comprising four further dwellings (including a farm) and a racehorse equestrian business located on the north side of the valley.
- 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.

15 Compensation

- a. The compensation regime set out in the Bill is inadequate and must be improved. Under the current proposals, your Petitioner's residential property falls outside of the area covered by compensation measurements despite being substantially blighted both visually and aurally.
- b. Your Petitioner maintains that the area covered by blight provisions should be widened to a minimum of 1km.

Conclusion

16 Proposals

The Promoter should be required to modify its design to overcome the concerns highlighted in clauses 13, 14 and 15 above. The Petitioner in consultation with Culworth Parish council is aware of the proposals below and fully supports them:

- a. A "Green tunnel" or "Enclosed Embankment" to replace the Lower Thorpe Viaduct. This would have the effect of removing all noise intrusion from this area. Furthermore it would provide an opportunity to enhance the local environment and amenity whilst allowing the Landscape Character Area to be sympathetically preserved in a similar way to the nearby disused railway.
- b. Trackside sound screening of sufficient vertical and horizontal extent should be considered on the north side of the line in the Lower Thorpe Valley if this location is not able to benefit from the above design proposal (16.a). 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.

Compensation provisions should be widened to recognise the true extent of blight in order that freeholders up to 1km from the route who find themselves unable to sell their property because of the planned railway are not materially disadvantaged.

- 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.

HIGH SPEED RAIL (LONDON - WEST
MIDLANDS

PETITION

of

Jonathan Francis

And

Rachel Francis

AGAINST,

BY COUNSEL, &c.

Jonathan Francis and Rachel Francis