

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013–14

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 BURTON GREEN CHURCH OF ENGLAND PRIMARY SCHOOL

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 the Burton Green Church of England Primary School, representing the whole school community including pupils and their families, staff and volunteers, and the long term value of the school's contribution to its wider community which it serves. Your petitioner is negatively affected by the proposed railway, through its impact on our children and their families in their homes in Burton Green, during their daily travel to and from the School, and whilst they are on School premises during the school day. The railway and its construction will sever the School from the community it serves, and construction traffic will compromise the teaching and learning provision in the classroom and outdoor spaces. Furthermore, the financial impact of children being withdrawn from the School as a result of the construction of HS2 threatens the School's long-term viability.
- 8 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.

Introduction

- 9 Your petitioners aver that Burton Green Church of England Primary School is unreasonably and unnecessarily affected by the HS2 railway current design, as described in the Bill and in the supporting documents including the Environmental Statement.
- 10 Burton Green Church of England Primary School is of major importance within the village, and indeed to residents in the wider area from which many pupils are currently drawn. The School attracts families to the village, hence strengthening and rejuvenating the community, and was cited in a recent survey by the Residents' Association as one of the village's most valuable assets. The average number on roll for the four years before the plans for HS2 were announced in 2010 was 98.75. This has now fallen to 97 in 2011 and 2012 and 95 at present. The drop in pupil numbers is directly attributable to the effect of the HS2 plans, with families already moving away from the village and others seeing the school as less desirable or its future as uncertain.
- 11 Your petitioners note that the current proposals for HS2 are so detrimental to the School and its community that the School's future sustainability is at risk, and that closure of the School would be an unacceptable consequence of the construction of HS2 by anyone's reckoning.

Financial impacts

- 12 Small schools are unable to benefit from economies of scale, and funding-formulas based on pupil numbers have always led to small schools existing on a financial knife-edge. As a school with up to 100 pupils, Burton Green C of E Primary School falls into this category. Any reduction in the number of children on roll has a significant and disproportionate effect on the School's budget and our ability to fund core educational and welfare activities.
- 13 Your petitioners note that the HS2 proposals directly result in the reduction of the number of pupils on roll at the School. A combination of families being forced to leave the village due to compulsory purchase and Burton Green no longer being seen as a desirable village for families will be detrimental to the school's financial position. As the School has always been well-respected, over-subscribed and is consistently rated as a "good" school by Ofsted, we are confident that there is a direct link between unfilled places and the HS2 plans.
- 14 A recent example of the extent of the financial loss is provided in the relocation of a family with two children at the School as a result of HS2 Ltd's compulsory purchase of their home. Each pupil currently brings an income of £2,638 per year to the school, and the children

leaving are in year 1 and year 3. The child in year 1 would have spent another 5 years at school and the child in year 3 another 3 years, and so the total loss is eight times the yearly income, which comes to £21,104. This is a loss that the School cannot bear, and it jeopardises the quality of the provision for the remaining children.

- 15 In the past, vacant school places have been filled by incoming families when households leave the area for work or other reasons. With the blight of HS2 on the village, this is much less likely to be achieved. Your petitioners note that if pupil numbers drop by more than 2% for any period of time, it would be highly likely that the School would become financially unviable and be forced to close. This would be a permanent and major adverse impact on the village.

Construction impact

- 16 The village school is located at one end of the village on one of the main construction haul routes. Hob Lane is a narrow road and completely unsuitable for heavy goods vehicles at any time of day, not just during peak pick-up / drop-off times for school children. We would remind your honours that the Code of construction practise agreed in 2013 clearly states that HS2 construction traffic will “avoid schools and running past schools”.
- 17 Your petitioners observe that as the School lies on a construction route there will be a significant negative impact on the education of our children. Increased traffic, noise and vibration from heavy construction traffic will create disruption affecting education and learning in the classrooms and outside spaces, as well as safety concerns for young children on their way to and from school. Our concern is that noise from the construction or operation of the railway should not disrupt the education and welfare of our pupils either in school or at their homes. In particular, we ask that HS2 Ltd notes that the noise limits in classrooms is 35 - 40dB(A) Leq, set by the DfES in its Building Bulletin 93 Acoustic Design in Schools 2003. We request that this limit is adhered to both during construction and operation of HS2.
- 18 Your petitioners also have concerns about the severance of the village such that the School will lie on one side of the proposed railway, with the main village on the other, separated by seven years' worth of road works and disruption. This will make access to the School a daily difficulty for the community and will also lead to families withdrawing their children and placing them in unaffected schools elsewhere, with financial loss faced by Burton Green School, as detailed in paragraphs 12-15.
- 19 Your petitioners are equally concerned about the effects of construction noise and dust, and the loss of amenity (both public and private), on sleep and options for outdoor play for pupils at the school and indeed other children and youths living within Burton Green. These effects will seriously impact health and well-being, and also brings into focus again that seven year construction periods are not temporary as for some residents these will represent the majority of their lives in the village.
- 20 Your petitioners request that the construction traffic route along Hob Lane past the school be relocated with regard to safe routes to school. Access to the Cromwell Lane compound should be made using access from the autotransformer site. We also request funding of a school crossing keeper for the top of Red Lane during the construction period.

Village Hall replacement proposal

- 21 Your petitioners note that in the Environmental Statement the proposed site for a replacement

village hall for Burton Green is on part of the School grounds. This is an inappropriate site not least because of the detrimental effect on the School's ability to deliver a full curriculum including outdoor learning if the land is removed from the School's footprint, but also because of access, parking and space issues in that location. An alternative location for the relocation of the village hall should be found.

Noise impact

- 22 Your petitioners note that there is a considerable body of research on the effect of noisy environments on the learning powers and health of children, and we request that this be understood and addressed by HS2 Ltd in making its plans for Burton Green and other villages along the route.
- 23 We particularly draw your attention to the findings of the World Health Organisation, studies on the detrimental effects of environmental noise on children's learning abilities and on how the disturbance of sleep leads to cognitive learning power disruption in children, and research into the psychological and physiological effects of noise on both children and adults.

Mitigation

- 24 Your petitioners request that a binding commitment from the proponents of the bill to maintain the financial viability of the school should be put in place with immediate effect. A commitment to replace any missing funds should cost very little but would provide welcome reassurance to the school that it can maintain its current high standards of teaching and learning through adequate pupil-related income, and to the village as a whole that at least this major institution will be maintained.
- 25 Your petitioners request that the School is fully compensated for every pupil removed from the school roll as a direct cause of HS2, until the place is filled by new pupils, or until the place moves out of the school cycle. Equally, we request that for every reception year place which is unfilled after an announcement that HS2 will go ahead, the School be compensated likewise.
- 26 Your petitioners request that the proposed construction route is reviewed and redesigned to completely avoid Hob Lane and the School so as not to disrupt the learning environment with the noise of construction traffic. It would be insufficient only to ask construction HGVs to avoid the area during school start / end times, not least for the reason that Hob Lane is narrow and winding such that access will be difficult for the construction vehicles themselves.
- 27 Your petitioners note that the most effective way to fully mitigate the impact of HS2 on the School would be to construct a bored tunnel under Burton Green, such as the Tunnel F proposal. Not only would this remove the need for the specific mitigation measures outlined above for the School, it would remove the severance effects of construction, the vast majority of road changes, the need to relocate the village hall, and the noise and disruption in our area. As this will mitigate in full almost all of the issues stated we wholeheartedly recommend that this design is made part of the Bill schedules and works.
- 28 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.


Thea Gibbs
Chair of Governors
Burton Green Church of England Primary School

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PETITION of BURTON GREEN CHURCH OF
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AGAINST, By Counsel, &c.

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