

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-2014

## HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

Against - on Merits - Praying to be heard By Council. &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of Andrew Peter Darby and Myrtle Elizabeth Darby

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.

### 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 Petitioners**

- 7 Your Petitioners are the owners of a property in Helmdon Road, Greatworth which will be adversely affected by the construction and operation of the project outlined in the Bill. Furthermore, the Petitioners' rights, interests and property are injuriously affected by the Bill to which your Petitioners object for reasons amongst others, hereinafter appearing.

#### **Your Petitioners' Concerns**

- 8 SUMMARY: Your Petitioners have numerous concerns related to noise, light, dust, vibration, visual impact, proposed mitigation, location of the Greatworth Satellite Compound, traffic issues, working hours and compensation. These concerns are detailed below.
- 9 Your Petitioners are concerned about –noise levels both during construction and during operation. The Promoters consider that noise mitigation is not necessary where average noise levels are below 50 decibels. Your Petitioners believe that in rural areas, where the background noise level is typically much lower than in an urban area, 50 decibels could be as much as 20 – 25 decibels above the background noise level. It is unreasonable to set the same noise level for mitigation in a rural area as in an urban area. Therefore, your Petitioners request that additional mitigation is provided at a specified increase above background noise level (e.g. 10 decibels) instead of at a specific level. As decibels are a logarithmic scale, an increase of 10 decibels represents double the noise level.
- 10 Your Petitioners are concerned that the suggested night-time maximum noise levels are at a level which may provoke sleep disruption. Therefore, your Petitioners request that the night-time maximum noise level is set lower.

- 11 Your Petitioners are concerned about the visual impacts of the Greatworth Satellite Compound and of works authorised by the Bill including the temporary storage of earth works during construction. Your Petitioners request that tree planting is carried out prior to any construction to ensure that screening is effective to some extent prior to construction. Your Petitioners are concerned about the visual impacts of the Greatworth Tunnel portal buildings and the Greatworth auto transponder. As shown on the Zone of Theoretical Visibility maps accompanying the Environmental Statement, the construction activity and the operational use of the railway will be visible from your Petitioners' property and from public Rights of Way regularly used by your Petitioners.
  
- 12 Your Petitioners are concerned about the height of the line in the proximity of Greatworth. At the time the Greatworth green tunnel was proposed, the height of the line and the length of the green tunnel offered reasonable mitigation to the Petitioners and those living nearby. However, in January 2012, the design was changed including raising the height of the line by 8 metres and as a result, the green tunnel had to be shortened and the level of a length of Helmdon Road raised.  
Your Petitioners believe that reverting to the previous line height and the previous green tunnel length would reduce significantly many of the concerns of noise, vibration and visual impact. Thus, your Petitioners request that the height of the line, the height of Helmdon Road and the length of the green tunnel revert to the pre-January 2012 design or an alternative design that would match or exceed the resulting mitigation so that they can be shielded from much of the on-going operational effects.
  
- 13 Your Petitioners support the construction of the Greatworth green tunnel as proposed by the Bill. This would alleviate a number of concerns that your Petitioners have if it was restored to its original height and length. Therefore, your Petitioners request that the Greatworth green tunnel remains part of the Bill.
  
- 14 Your Petitioners are concerned that the current proposals restrict horizontal changes to the line, but vertical changes (i.e. changes to the height of the line) are unrestricted. In support of earlier sections, the Petitioners request that restrictions on the variation of the height of the line be introduced once the height of the line has been agreed. Your Petitioners request a cap of 3 metres on height variation for the section affecting the Greatworth Green Tunnel.
  
- 15 Your Petitioners are concerned about the impact of the proposed Greatworth Satellite Compound located just outside the village. Your Petitioners believe that the open space and Public Rights of Way will be subjected to intense construction activity and will be seriously affected by noise, vibration and dust. There will also be severe visual impacts for the Residents of Greatworth, particularly those living in

Astral Row and Helmdon Road, and businesses at Greatworth Hall and Greatworth Park. As a result, there will be a significant reduction in the quality of life for your Petitioners and those living nearby as well as a reduction in viability for the businesses located at Greatworth Hall and Greatworth Park. Also, it will make teaching more difficult for the staff and pupils of both Greatworth Primary School and Greatworth Pre-School and reduce enjoyment for users of the open space and Public Rights of Way.

- 16 Your Petitioners request that the Greatworth Satellite Compound be moved further from the village. However, should it be decided not to relocate the Compound, your Petitioners request that the effects of noise, dust and vibrations both during construction and operation are minimised. Furthermore, your Petitioner requests that noise, dust and vibration monitoring equipment is installed at Greatworth (suggested sites are the primary school and either Astral Row or Helmdon Road) for the duration of construction, and a monitoring programme agreed with South Northants District Council. If monitoring shows that any of the noise, dust or vibration thresholds are exceeded, works should stop immediately until noise mitigation can be installed.
- 17 Your Petitioners are concerned about the impact of construction workers accessing the Greatworth Satellite Compound site and the impact this will have on the local road network. As up to 235 workers are expected to work from the site during 6 years of construction and projected construction traffic of 280-400 cars/LGVs plus 160-240 HGV journeys per day for 54 months, your Petitioners are concerned that increased traffic will produce additional risk, create significant congestion and increase pollution in the surrounding area. Your Petitioners request that all construction traffic, HGV, LGV and workers associated with the construction of HS2, use specified routes avoiding passing through the village of Greatworth and that this be strictly enforced.
18. Your Petitioners object strongly to the working hours set out in the draft Code of Construction Practice. During construction of the green tunnel, the Bill allows work to continue 24 hours a day and 7 days a week. Your Petitioners and other residents of Greatworth will be subjected to non-stop exposure to noise, dust, lighting and vibration from the construction work. This could continue for many years and may result in long-term sleep deprivation or sleep disruption as well as reduce enjoyment of simple things such as sitting in the garden. Your Petitioners request that construction working hours be reduced to avoid night-time work and curtailed in the evenings and weekends.
- 19 Your Petitioners object to the inadequacy of the compensation scheme. The property of your Petitioners has clearly been devalued due to the proximity of the high speed rail line. Your Petitioners request that compensation be paid to any property owner who can demonstrate a

devaluation in their property directly as a consequence of this Bill. Although your Petitioners property lies within 300 metres of the centre of the line, and therefore qualifies for compensation under the proposed home owner payment scheme, your Petitioners consider the proposed level of compensation to be inadequate and would not cover the loss in value of their property.

- 20 Your Petitioners are concerned at the lack of detailed risk assessments of potential derailments close to populated areas. The Greatworth green tunnel is close to the Petitioners' property and should a derailment occur at the entrance/exit portal of the green tunnel, the Petitioners wish to know what mitigation will be in place to protect the local community. Also, the Petitioners wish to know what emergency procedures are in place for evacuation of passengers in the event of derailment or breakdown within the green tunnel.
- 21 Your Petitioners wish to express concern and disappointment at the poor provision of information supplied by the promoter. Prior to the deposit of the Bill and since the Bill has been deposited, the Promoter has continually failed to provide necessary paperwork and parts of the Environmental Statement were missing during the consultation stage. Information presented has often been inadequate and conflicting and at meetings there has been a lack of understanding of local conditions. This latter point is of concern with regard to noise levels, construction traffic routes and mitigation measures. Supplementary information such as the Code of Construction Practise has remained in draft form. It is difficult for a lay person to fully understand all the information, particularly the technical information, and therefore commenting on the project has been particularly difficult. Your Petitioners request the right to consult and comment on the final version of the CoCP and any other relevant documents that are produced, prior to construction taking place. We also request that in future, all information is made available in a timely manner.

### **Conclusion**

- 22 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, the Bill should not be allowed to pass into law.
- 23 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 Petitioners in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

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Andrew Peter Darby

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Myrtle Elizabeth Darby

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AGAINST, By Counsel, &c.