

IN PARLIAMENT

HOUSE OF COMMONS

SESSION 2013–14

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION

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 David Lambert TUCKER

SHEWETH as follows:-

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your honourable House entitled “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 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 are specified in clauses 1 and 2 of and Schedules 1 and 2 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 and Schedules 2 and 3 to the Bill.
7. Your Petitioner, aged 74 years, is the owner and occupier of the isolated thatched cottage known as Weir Cottage, Moorhall Road, Harefield, UB9 6PB and has lived in that property for over 30 years. Prior to the publication of the Bill, your Petitioner had the prospect of spending the remainder of his life in tranquil surroundings overlooking Savay Lake which is now proposed to be bisected by a viaduct carrying the railway line. Whilst your Petitioner's property will not be demolished or compulsorily acquired as a result of the Bill, it is located within 220 metres of the proposed line and may only be accessed by a private road from Moorhall Road, which will be used by construction traffic and may otherwise be affected during the construction of the Scheme.
8. Your Petitioner and his rights, interests and property are injuriously affected by the Bill, to which your Petitioner objects for reasons, amongst others, hereinafter appearing.

9. Construction:

9.1 The Bill includes powers for the Secretary of State and the Nominated Undertaker to do construction works which are estimated to take 10 years to complete and will include lorry movements, the creation of dust and noise, poor air quality, and 24 hour working. This will inevitably lead to severe sleep deprivation during this period. Your Petitioner requests that under binding mitigation measures hours of construction should be strictly limited from 08:00 to 17:00 Monday to Friday, excluding Public Holidays.

9.2 The deposited Plans show that the part of Moorhall Road from which access to your Petitioner's property is obtained will potentially be required during construction. Your Petitioner has been unable to obtain clarification from HS2 Ltd as to the nature of the proposed works. Your Petitioner does not consider that the nominated undertaker requires that part of Moorhall Road for the purposes it indicates and requests that the road should be excluded from the land that is to be temporarily required. Alternatively, your Petitioner requests that the nominated undertaker be required to give a binding undertaking that unrestricted access be available to your Petitioner's property at all times.

10. Noise:

10.1 Your Petitioner is also concerned that the operation of the high speed railway will give rise to noise. Your petitioner is concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation standards or the latest research which shows adverse health impacts from prolonged exposure to noise above World Health Organisation limits. Your Petitioner requests that HS2 Ltd be required to ensure that operation of the high speed railway does not exceed 40dB, the threshold identified by the World Health Organisation as appropriate for ensuring no long term health issues for persons living nearby.

10.2 Noise would severely impact upon the use and enjoyment of your Petitioner's property, as well as on the neighbourhood's amenity. In particular, noise travelling across Savay Lake without any shielding by trees or noise barriers is likely to be significantly higher than that projected by the surveys carried out on behalf of HS2 Ltd. Even those surveys admit that properties in Savay Lane (some 200 metres further away from the proposed railway) will suffer moderate adverse noise effects. Your petitioner requests that sound barriers to a height of 8m, screened by trees where feasible, be installed along the length of the viaduct spanning Savay Lake to reduce such noise impacts to more acceptable levels.

11. Compensation:

11.1 Your Petitioner submits that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development. Your Petitioner submits that the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where their Property is not compulsorily acquired for, among other matters, structural damage to the property, settlement impacts from noise and dust, impacts on visual amenity, interference with access, interference with supplies of services and for injurious affection caused by the construction and operation of the high speed railway and associated development. Your Petitioner requests a provision to enable such claim to be made separately from any claim for compensation in respect of the acquisition of land or interests under the powers of compulsory acquisition in the Bill.

11.2 Your Petitioner requires an indemnity from the nominated undertaker that the proposed works will not be of long term or irreversible detriment to the land and interests of your Petitioner. Such indemnity would also remedy any damage, claims, demands, proceedings, costs, damages, expenses and disruption arising from the construction and operation of the high speed railway and associated development.

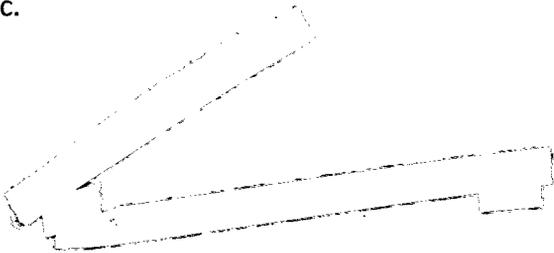
12. For the foregoing and connected reasons your Petitioner respectfully submits that, unless the Bill is amended as proposed above, the relevant clauses so far affecting your Petitioner should not be allowed to pass into law.

13. There are other clauses and provisions of the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and his rights, interests and property and for which no adequate provision is made to protect your Petitioner.

YOUR PETITIONER therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that he may be heard by his 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 Petitioner 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 Petitioner will ever pray, &c.

Signed: David Lambert TUCKER



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