

IN PARLIAMENT
HOUSE OF COMMONS
SESSION 2013 - 2014

HIGH SPEED RAIL (LONDON TO 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 Hugh Smith

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", "the Proposals") 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 Hugh Smith (hereinafter referred to as 'your Petitioner'), the owner and occupier of Warren Farm House, Banbury Road, Finmere, Buckingham ('the Property').
8. The Property is located adjacent to the proposed route and to the works on the A421 Banbury Road (referred to as "London Road" in the Bill) and is bordered by the proposed railway track itself, and will be impacted by the severance of its current vehicular, pedestrian and bridleway access, and by noise, light pollution and construction traffic and other aspects of the current plans should they proceed.
9. Your Petitioner's rights, interests and property will be injuriously affected by the Bill to which your Petitioner objects for reasons amongst others hereinafter appearing.

10. **Noise**

- 10.1 Your Petitioner is seriously concerned that Work No. 2/105 to the A421 London Road which fronts your Petitioner's property makes no provision for noise mitigation. The Proposals involve the raising of the A421 road level by a ramp which will commence along the full length of your Petitioner's property to pass over the railway line at a height which is shown as being approximately 3 metres higher than current road levels. This will substantially increase vehicle tyre and engine noise affecting the Property. The works will also remove the band of mature trees and vegetation which currently provides screening of the road, further exacerbating the effect.
- 10.2 The Proposals make no reference to the adverse effect upon your Petitioner's property, livelihood and quality of life caused by increased road traffic noise from the A421 as a consequence of the raised road level proposed in the project.
- 10.3 Your petitioner therefore requests:
 - 10.3.1 That the Nominated Undertaker should be required to address the issue as it affects your Petitioner of increased road traffic noise resulting from the operation of the line if the project proceeds, and be instructed to provide noise fence barriers of 4 metres height above the level of the road on its north side from the commencement of the A421 London Road up-ramp east of the proposed line to the point to the west where line-of-sight of vehicles from your Petitioner's property is lost.
- 10.4 Your Petitioner has concerns with regard to matters of noise caused by the construction and operation of the high speed railway. In particular the proposed route immediately adjoins the Petitioner's property for a distance of about 300 metres.
- 10.5 The Proposals refer to the "direct adverse" noise effect on your Petitioner's property and immediate residential community, classifying them, after mitigation, as "significant." However it confines this assessment to "HS2-only sound levels". This is indicated as Significant Effect number OSV14-C01 at CFA Report No 14 paragraph 11.4.21 (but confusingly shown as SV14-C02 on the sound contour maps at Figure SV-01-31.)

- 10.6 Your Petitioner notes that documentation by High Speed 2 Ltd ("HS2 Ltd") refers to the provision of noise fence barriers. These are stated in CFA Report No 14 as being "approximately 3m high" at paragraph 2.2.7, but as being "4m above rail" at paragraph 11.4.8. Your Petitioner is concerned that the proposed scheme might provide noise barriers of inadequate height.
- 10.7 Your petitioner therefore requests:
- 10.7.1 That The Nominated Undertaker should be instructed to amend its plans to ensure the provision of noise fence barriers at least 4 metres high from ground level on the east side of the line for approximately 600 metres northwest of the A421. Your Petitioner is potentially prepared to consider earth bunds and planting by the Nominated Undertaker on the Property as an alternative to noise fence barriers.
- 10.8 Your petitioner is concerned that the noise thresholds chosen by HS2 Ltd do not reflect current World Health Organisation ("W.H.O.") standards or the latest research which shows adverse health impacts from prolonged exposure to noise above W.H.O. limits. In particular the noise effect on the Property shown as Significant Effect number SV14-C02 on the sound contour maps at Figure SV-01-31 indicates a daytime sound level of 50-55dB.
- 10.9 Your Petitioner requests:
- 10.9.1 That the Nominated Undertaker should be required to ensure that operation of the high speed railway does not exceed 40dB, the threshold identified by the W.H.O. as appropriate for ensuring no long term health issues for persons living nearby:
- 10.10 Your Petitioner is concerned that Clause 35 of the Bill and Schedule 25 provide that appeals against notices or against failure to give consent or the giving of qualified consent under the Control of Pollution Act 1974, section 60 (control of noise) and section 61 (prior consent for work on construction sites) may be referred to the Secretary of State for arbitration. Your Petitioner is also concerned that Schedule 25 would provide a defence to statutory nuisance for the nominated undertaker.
- 10.11 Your petitioner therefore requests:
- 10.11.1 That Clause 35 and schedule 25 are deleted from the Bill.

11. Severance of Access to the Property

- 11.1 Your Petitioner is concerned that access to the Property and the other 10 adjacent dwellings, which is currently routed across the line of the proposed railway, would be severed by the works. The Proposals include replacement of this access by a new road across your Petitioner's property. This route would sever your Petitioner's grazing land and separate much of it from the associated horse stabling, yard and riding arena. Currently there is free equestrian access between all parts of the property with no contention with road traffic users
- 11.2 Your Petitioner would also be injuriously affected by this arrangement on account of the loss of privacy and security resulting from substantial general traffic passing close to the currently secluded buildings.

- 11.3 The proposed revised access route would emerge onto the A421 London Road at the new up-ramp to the bridge over the railway line. A previous exit at this point onto what was then a B-road was required to be closed off as a condition of Planning Permission CHS.390/88 granted by Cherwell District Council in July 1988 in the interests of highway safety. Your Petitioner is concerned that the risks and safety issues which resulted in this planning condition will re-emerge, particularly with the increased vehicle volumes and speeds now prevalent on this A-road, especially endangering your Petitioner's household and the adjoining resident community as well as all other users of the A421.
- 11.4 Your Petitioner is also concerned that the current access from the Property to the bridleway network would also be severed by the project. The present arrangement is that horse riders use the existing access drive to join Bridleway 303/8 directly. The plans indicate that riders would in future be required to route down the new access route, to join the A421 London Road and to use a verge and hard strip alongside the A-road for about 400 yards until joining the bridleway network. This would render the equestrian potential of the Property virtually unusable, except by the most confident riders and the steadiest of horses.
- 11.5 Your Petitioner has engaged with HS2 Ltd with a view to resolving these issues, and has suggested either bridging the railway to follow the line of the existing access route, or alternatively making the access with its exit onto Featherbed Lane to the north.
- 11.6 Your petitioner therefore requests:
- 11.6.1 That the Nominated Undertaker should be instructed to amend its plans to provide access to the Property which: does not introduce direct access to the A412 London Road which threatens safety of all road users; includes a route for riders onto the bridleway network which has practical feasibility; avoids dividing up the equestrian operation at the Property; and does not involve the loss of seclusion and security for your Petitioner.
- 11.7 Your Petitioner is concerned that according to the maps and environmental statement, there is no provision for the reinstatement and landscaping of the previous access route to the Property which may be severed. This may therefore be left unproductive, or become derelict or attract traveller encampments.
- 11.8 Your petitioner requests:
- 11.8.1 That the Proposals should be amended to provide for full restoration of all severed access roadway, by removing and re-grassing the existing road surface and bringing the land into the neighbouring plot as appropriate and acceptable to your Petitioner and other interested parties, and providing associated fencing and hedging.

12. **Construction Traffic, Highways and Activities**

- 12.1 Your Petitioner is concerned in respect of highway Work No. 2/106 at Featherbed Lane. Your Petitioner believes that the rail and highway works will cause considerable disruption to Featherbed Lane and will result in severe difficulties for those wishing to access properties served by it and the villages of Fulwell and

Westbury. Your Petitioner regularly uses this route for leisure and recreational purposes.

12.2 Your petitioner therefore requests:

12.2.1 That during construction and operation of the high speed railway and its associated development Featherbed Lane should at all times kept open and available for use by vehicular traffic, equestrians and pedestrians.

12.2.2 That the nominated undertaker should be required under the Bill to provide detailed plans, method statements and other particulars of works including the work programmes and schedules of deliveries (in particular abnormal deliveries) occurring in proximity to the Property substantially in advance of the commencement of construction operations to the relevant highways authority.

12.3 Your Petitioner is concerned that the London Road Overbridge Compound will border the Property and will have an adverse impact on the visual amenity of the Property and the neighbourhood during construction of the high-speed railway and associated development. In particular the Proposals indicate that overnight lighting is planned for the compound.

12.4 Your petitioner therefore requests:

12.4.1 That there should be binding mitigation measures to reduce the adverse impacts on visual amenity including but not limited to screening of the compound and construction operations from the Property.

12.4.2 That the nominated undertaker should be required to operate the compound in a manner which does not generate light pollution at night.

13. Compensation

13.1 Your Petitioner submits that the compensation provisions in relation to property that is not compulsorily acquired and other matters are not sufficient to compensate your Petitioner adequately for the loss and damage he may incur as a result of construction and operation of the high speed railway and associated development.

13.2 Your petitioner therefore requests:

13.2.1 That the Bill should be amended to ensure the your Petitioner and other persons part of whose property is outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.

13.2.2 That the Voluntary Purchase Scheme announced on 9 April 2014 should be extended to properties outside the safeguarded area and further than 120 metres away from the line to a distance of 350 metres when significantly injuriously affected in rural areas.

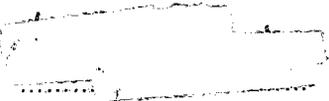
13.2.3 That the Bill should be amended to ensure that your Petitioner is entitled to claim compensation where his Property is not compulsorily acquired for, among other matters, impacts on visual amenity, interference with access, interference with supplies of services, structural damage to or settlement of the property, impacts from noise and dust, 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.

14. In light of the above, the Petitioner reserves the right to raise the above matters and any further matters of concern relating to the substance of the Bill and this Petition that may arise from continuing discussions, the preparation and publication of reports, any possible revisions that may be made to current work site proposals or any other matters relevant to his expressed concerns that may occur in due course and prior to his representation before the Select Committee.
15. For the foregoing and connected reasons your Petitioner respectfully submits that, unless clauses of the Bill are removed or amended, then the Bill should not be allowed to pass into law.
16. There are other clauses and provisions in the Bill which, if passed into law as they now stand will prejudicially affect your Petitioner and their rights, (including their human rights) interests and property and for which no adequate provision is made to protect your Petitioner and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

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 such of the clauses and provisions of the Bill as affect 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 Petitioners will ever pray, &c



SIGNED

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PETITION OF Hugh Smith

AGAINST, By counsel, &c

