

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 Stephen Mark Green and Lorraine Lesley Green

SHEWETH as follows:-

- I. 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”
- II. 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.
- III. 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.

- IV. Clauses 37 to 42 of the Bill deal with the regulatory regime for the railway.
- V. 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.
- VI. 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.
- VII. YOUR PETITIONERS live at 4 Sibleys Rise South Heath HP16 9QQ and have been resident in the house for 22 years.
- VIII. YOUR PETITIONERS and their property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- i. Your Petitioners are concerned about the impact of the construction and operation of a high speed railway and its associated development including but not limited to construction compounds, storage compounds, overhead cranes the use of overhead cranes, construction compounds at South Heath, Potter Row, Hunts Hill and Hyde Heath.
 - ii. Your Petitioners request that the nominated undertaker is subject to binding mitigation measures to mitigate the impacts of the works from Mantles Wood Hyde Heath through the village of South Heath, thereon through Potter Row to Hunts Hill. These binding mitigation measures should include but not be limited to restrictions on noise, dust, vibration construction hours, vehicle movements, operating hours, design of structures. Monitoring compliance with these restrictions and enforcement of these restrictions. The nominated should also mitigate the impact of noise, noise, dust, vibration and impacts on visual amenity through measures such as noise insulation and barriers, sheeting of haulage vehicles, dust dampening, hand piling, and sympathetic design in keeping with the surrounding area.
- IX. SOUTH HEATH and neighbouring villages reside in an Area of Outstanding Natural beauty as designated under the provisions of the 1949 National Parks and Access to the Countryside Act. Such protection was created in order to secure their permanent protection against development that would damage their special qualities. Specifically, the object of the Act was to conserve the natural beauty of the Chilterns,

a protection which will be permanently compromised by the construction of the High Speed Rail project, which will create significant noise pollution and will render permanent damage to ancient woodland and agricultural land along its course. A bored tunnel will solve many of these issues, as long as the area is not subjected to widespread dumping of tunnel spoil.

- i. Your Petitioners are concerned about the use of unsuitable highways by large vehicles delivering equipment and supplies, and removal of spoil during the construction works as well as use of highways by other vehicles. The disruptive effect of these vehicle movements will be compounded by long hours of operation. The use and routing of large vehicles within the vicinity of the Property is also a matter of concern to your Petitioner.
- ii. Your Petitioners request that hours for the movement of construction traffic are limited to 08:00 to 17:00 Monday to Friday, and there are limits on the number of vehicle movements, limits on the size of vehicles, and other miscellaneous related matters.
- iii. Your Petitioners request that large vehicles as well as other construction traffic must be strictly controlled, having regard to the particular sensitivities of the area. Your Petitioner therefore requests that the nominated undertaker should be subject to binding mitigation measures in relation to the control of all construction traffic, assessment of suitability of roads for construction traffic, routing of lorries and other vehicles in accordance with a list of routes to be agreed with the nominated undertaker and the relevant local authority.
- iv. Your Petitioners request that binding mitigation measures should include traffic management plans to be agreed between the nominated undertaker, the relevant local authority and the relevant highway authority to be monitored and enforced by environmental health officers.
- v. Your Petitioners are concerned that the construction of the high speed railway and associated development at South Heath and on the wider area will impact significantly upon the quiet enjoyment of the Property and the neighbourhood by way of noise, disturbance, visual intrusion and traffic increases.
- vi. Your Petitioners are concerned about the risk to public safety posed by the large, heavy lorries and articulated vehicles, especially in light of the fact that the roads are narrow.
- vii. Your Petitioners are also concerned about the access leaving and entering the construction site(s).
- viii. Your Petitioners request submits that risk assessments should be completed by the nominated undertaker, relevant statutory undertakers and emergency services in relation to the access and transport issues raised by construction activity for each Community Forum Area.
- ix. Your Petitioners request that the results the risk assessment should be available to the public.
- x. Your Petitioners are concerned about the wear and tear, and degradation to the highways as a result of construction traffic.

- xi. Your Petitioners request that appropriate funding should be provided by the nominated undertaker to the highway authority for the maintenance, repair and re instatement of highways required as a result of use by construction traffic. Your Petitioners are also concerned about the risk to health and safety by presence of mud and other debris on the highways as a result of the construction traffic.
- xii. Your Petitioners request that there are binding mitigation measures including detailed measures for wheel washing of all vehicles exiting the site(s) onto the highway network and a clear protocol is defined within the Local Environmental Management Plan, enforced and communicated to all employees of the nominated undertaker, contractors and visitors. The person(s) with overall responsibility for ensuring that the protocol is put into practice on sites should be clearly identified. The local highways authority that have responsibility for monitoring compliance with and enforcement of the protocol and should be clearly identified in the protocol.
- xiii. Your Petitioners are concerned about the impact of construction traffic on South Heath where your Petitioners' Property lies. The increased traffic in this small rural village will have significant negative impacts on the character and setting of the village, and result in your Petitioner's Property being subject to intolerable noise, vibrations and visual impacts in addition to causing long delays to road users.
- xiv. Your Petitioners are concerned about the impact of construction traffic on South Heath and surrounding areas. The South Heath area is not suitable for construction traffic because it is accessed solely by narrow lanes, many of which are designated cycle ways. The increased traffic will poses a risk to health and safety of other road users and pedestrians and will have significant negative impacts on the character and setting of the area.
- xv. Your Petitioners request that all construction traffic is fully prohibited from using Kings Lane or Frith Hill (South Heath Leg) and instead construction traffic is routed by B485 (Chesham Road) to minimise impacts on the area and, in particular, the impact of construction vehicles. The alignment and design of any alternative route must be agreed [following consultation] with the local community and the local highways authority in order to minimise landtake and ensure it is appropriate for the location. When the road is no longer required for construction traffic your Petitioner request that it should be reinstated to the former land use.
- xvi. Your Petitioners are concerned about the closure of Frith Hill. Your Petitioners use this road daily as there are few facilities in the village. Therefore closure of this road would cause serious disruption to your Petitioners and increase time and loss of connectivity with other areas.
- xvii. Your Petitioners are concerned that Frith Hill will be severed by the construction and operation of the high speed railway and associated development. This will cause traffic congestion, inconvenience and extended travelling time for your Petitioner.
- xviii. Your Petitioners are concerned, in respect of highway works at South Heath. Your Petitioners believe that the highway works will cause considerable disruption to the Frith Hill and Kings Lane and result in severe difficulties for those wishing to travel to neighbouring villages and towns as well as risks to

health and safety. Your Petitioners therefore request that during construction and operation of the high speed railway and its associated development Kings Lane and Frith Hill should at all times kept open and available for use by vehicular traffic and pedestrians

xix. Your Petitioners further request 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.

xx. Your Petitioners are concerned that having regard to the residential nature of the Property and the neighbourhood, the construction of the high speed railway and its associated development is likely to create considerable disruption.

xxi. Your Petitioners request that under binding mitigation measures hours of construction should be strictly limited from 08:00 to 17:00 Monday to Friday.

X. YOUR PETITIONERS wish it to be known that since the announcement that the high speed rail link would pass through the village of South Heath, the estimated value of property in the area has plummeted and rendered many properties unsaleable.

XI. YOUR PETITIONERS wish it to be known that the very declaration of an intent to build the High Speed Rail line through the chosen route (ROUTE TWO), has caused significant and irreversible blight on the value and prospect of sale, of all properties adjacent to the afore mentioned route and significantly beyond that described by the current compensation framework. YOUR PETITIONERS wish it to be known that blight would continue to have a significant devaluing effect upon land and property values along the chosen route, both during the proposed construction period and potentially for an even longer period, should the project be delayed or mothballed.

- I. Your Petitioners submit that the proposed compensation for compulsory or temporary acquisition and other matters is not sufficient to compensate your Petitioner adequately for the loss and damage they may incur as a result of compulsory acquisition. Furthermore, if the compulsory acquisition powers are not exercised following the enactment of the Bill, your Petitioners would suffer significant blight.
- II. Your Petitioners request that further provisions should be made within the Bill to cover all loss and damage suffered as a result of compulsory acquisition including but not limited to blight.
- III. Your Petitioners request that to minimise the blight on your Petitioner's Property the provisions for extending the time limit for exercising compulsorily acquisition powers and extending the time limit for the deemed grant of planning permission should be deleted.
- IV. Your Petitioners submit that the compensation provisions in relation to property that is not compulsory acquired and other matters are not sufficient to compensate your Petitioners adequately for the loss and damage they may incur as a result of construction and operation of the high speed railway and associated development.
- V. Your Petitioners request that the Bill should be amended to ensure your Petitioners and other persons outside the safeguarded area who are injuriously affected and adversely affected by loss of value should be entitled to claim compensation.

- VI. Your Petitioners request that the voluntary purchase announced on 9 April 2014 should be extended to all properties outside of the safeguarded area and should not be limited to rural areas.
- VII. Your Petitioners request that the home owner cash payments should be extended to all areas within the vicinity of the proposed high speed railway line and the payment should be calculated so that all diminution in value is compensated.
- VIII. Your Petitioners submit that the Bill should be amended to ensure that Your Petitioners are 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 Petitioners request 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.
- IX. Your Petitioners are also concerned that the operation of the high speed railway will give rise to noise. Noise would severely impact upon the use and enjoyment of the Property by your Petitioner as well as on the neighbourhood's amenity as trains enter and emerge from the tunnel beneath Frith Hill (South Heath Leg).
- X. Your Petitioners are 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.
- XI. Your Petitioners request 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.
- XII. Your Petitioners request that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no noise can be felt in the Property and there are no other adverse effects.
- XIII. Your Petitioners request that there should be binding mitigation measures including an effective noise mitigation and monitoring system in place before commencement and during construction and operation of the high speed railway and associated development.
- XIV. The binding mitigation and monitoring measures should be decided by a panel of independent experts on the basis of independent expert evidence. For example the House of Commons *Environmental Audit Committee's* report entitled *HS2 and the environment* thirteenth Report of Session 2013-2014 dated 7 April 2014 recommended an independent body to monitor and publically report on all aspects of environmental protection needed for 60 years. Binding mitigation measures should include but not be limited to full noise barriers and noise insulation for buildings and re-housing. The trigger levels at which point noise mitigation becomes necessary should be reduced.
- XV. Your Petitioners are 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 or arbitration. Your Petitioners are also concerned that Schedule 25 would provide a defence to *statutory nuisance for the nominated undertaker*.
- XVI. Your Petitioners request that Clause 35 and schedule 25 are deleted from the Bill.
- XVII. Your Petitioners are concerned by the noise impacts of the high speed railway.

- XVIII. Your Petitioners are concerned about the impact of noise on the village of South Heath as the trains pass beyond the village. Your Petitioner's Property is in the village and your Petitioner also uses many of the public rights of way in the area to enjoy the peace and tranquillity. Noise from passing trains will directly impact on your petitioner's property and when using the public rights of way.
- XIX. Your Petitioners request that the alignment of the railway is lowered between South Heath and Hunts Hill in order to alleviate noise impact on your Petitioner's Property and the surrounding public rights of way and that sound barriers of at least 9 metres in height are erected.
- XX. Your Petitioners are concerned about the effects of vibration arising from the construction of the high speed railway and associated development including heavy construction traffic. Your Petitioners are also concerned that the operation of the high speed railway will give rise to vibration. Vibration will severely impact upon the use and enjoyment of the Property by your Petitioner as well as on the neighbourhood's amenity.
- XXI. Your Petitioners request that the nominated undertaker should be compelled to use best available techniques in the construction and operation of the high speed railway and its associated development to ensure that no vibration can be felt in the Property and there are no other adverse effects.
- XXII. Your Petitioners request that there should be binding mitigation measures including vibration and resultant damage mitigation and monitoring system in place before commencement and during construction and operation. Binding mitigation measures should include but not be limited to an express obligation to undertake specific measures to limit structural and other damage to the Property, installation of noise barriers which ensure compliance with WHO acceptable peak sound levels and the integration of full barriers into the structural design of viaducts with shallower support structures beneath track level.
- XXIII. Your Petitioners are concerned about dust and dirt produced during construction and operation of the high speed railway and associated development and the effects of this on their Property and environmental quality of the neighbourhood.
- XXIV. Your Petitioners are concerned that there are no binding mitigation measures in relation to emissions, especially in light of the siting of the sustainable placement areas for spoil, prevailing wind direction and the amount of earth to be moved.
- XXV. Your Petitioners submit that in relation to dust there should be a precise, comprehensive and binding management plan, with a clearly defined authority for the monitoring of its implementation.
- XXVI. Your Petitioners request that the nominated undertaker provides forecasts showing the *quantity and type of emissions* that the construction will create based on the Guidance on the planning for mineral extraction in plan making and the application process issued 6 March 2014.
- XXVII. Your Petitioners request that there is a requirement to carry out additional mitigation if dust becomes a nuisance to your Petitioner's Property and the neighbourhood. Your Petitioners submit that provisions should be made to ensure that the nominated undertaker takes responsibility for the reimbursement of your Petitioner for additional expense caused by dust and dirt.
- XXVIII. Your Petitioners are concerned about the potential adverse impacts on air quality as a result of the construction and operation of the high speed railway line and associated development.
- XXIX. Your Petitioners request that before construction there should be an air quality baseline *monitoring study benchmarked* against the Air Quality Standards Regulations 2010 and a copy of this report should be provided to the relevant local authority.

XXX. Your Petitioners request that the local authority should be provided with funding to undertake responsibility, compliance and enforcement for the monitoring of air quality in accordance with binding mitigation plans and that the results of monitoring are made publicly available.

XII. YOUR PETITIONERS object to the powers that are proposed to be provided by the Bill to the Secretary of State and the Nominated Undertaker and respectfully submit that the Bill should be amended or undertakings should be required so that HS2 Limited, the Secretary of State and Nominated Undertaker must review the construction strategy for the project and its related works by *considering the cumulative impacts* on communities and that full and proper compensation be implemented for those unfortunates that are directly affected by the construction of the high speed rail link. Furthermore YOUR PETITIONERS respectfully submit that the Bill should be amended to accept the greater recognition of actual damages to their rights, interests and property.

XIII. For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, so far affecting your Petitioners, should not be allowed to pass into law.

XIV. 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.

Signed STEPHEN MARK GREEN and LORRAINE LESLEY GREEN

IN PARLIAMENT

HOUSE OF COMMONS
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HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

PETITION OF STEPHEN MARK GREEN and LORRAINE LESLEY GREEN

Against the Bill – On Merits – By Counsel &c

STEPHEN MARK GREEN and LORRAINE LESLEY GREEN of