

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013-14

HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – 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 Charles Taylor and Helen Taylor

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 Teresa 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 of the Bill set out how Phase 1 of the proposed high speed railway known as HS2 will be constructed. In particular, these sections of the Bill provide for powers to carry out the works required for the construction of the railway line, for the compulsory acquisition of required land, for the exclusion of rights over land and for deregulation. The remainder of the Bill deals with regulatory and miscellaneous issues raised by the Bill including railways matters, further works and statutory undertakers.
- 4 The Scheduled Works proposed by the Bill are set out at Schedule 1 to the Bill. These works may only be carried out by nominated undertakers (as defined in the Bill). Further works authorised under the Bill are set out at Schedule 2. These works together are known as the Associated Works.
- 5 Your Petitioners are Charles Taylor and Helen Taylor of Hyde Manor, Chesham Road, Hyde End, HP16 0RG. Your Petitioners are the freehold owners of Hyde Manor as well as other properties on the same land (registered under title number BM204306 and BM384857).

- 6 Your Petitioners' property is within the limits of the land to be acquired and used as shown on the plans deposited by the Bill and parts of the property are therefore liable to compulsory acquisition under the Bill. 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.
- 7 The works that are to be carried out in the vicinity of Hyde Manor are shown at Sheet 2-24 of Volume 2.1 of the deposited plans which accompany the Bill and include Scheduled Works 2/15 - 2/17B (*check this*). Two parcels of land to the south of the property (around 75 meters from the dwelling), but within your Petitioners' freehold title, are due to be acquired and your Petitioners understand will be used for a temporary material stockpile during the construction works and then will be the site of landscaped earthworks during the operation of HS2. The railway line will run through a cutting at the bottom of a hill which your Petitioners' currently overlook and then will enter the Chiltern Tunnel North Portal around 600 meters to the West of Hyde Manor. Further, Chesham Road, from which your Petitioners' access their property has been designed as a construction traffic route. The Bill will therefore have a significant effect on your Petitioners.
- 8 Your Petitioners particularly wish to highlight the uncertainty that the Bill is having on their lives and the emotional toll this continues to take on them on a daily basis. It is still unclear to your Petitioners when and exactly what parts of their property may be acquired under the Bill. As with many of those affected by the Bill, Hyde Manor is your Petitioners' major asset, purchased with the intention of spending many years enjoying the property, bringing their family up there and enjoying the beautiful countryside that surrounds them. The uncertainty created by the Bill is having a serious negative effect on your Petitioners affecting both their relationship and family life. In particular your Petitioners believe, for the reasons set out below that if the works associated with HS2 are to go ahead as proposed that they will be unable to tolerate living at Hyde Manor and it will continue to have a serious impact on their emotional and mental wellbeing. However, your Petitioners also believe that due to the intrusive nature and large scale of the works adjacent to their property that are to take place coupled with the current uncertainty surrounding the Bill that they will be unable to sell Hyde Manor for a value that will enable them to purchase a comparative property elsewhere. Your Petitioners believe their options have been significantly limited by the Bill. Compensation provisions simply cannot resolve the impasse which they now face, significantly limiting their options for the next stage of their and their children's lives.

*Landscape and visual impact*

- 9 The view from Hyde Manor is currently of rolling hillside falling away from the property, providing open views across the Misbourne Valley. This view, under the proposals in the Bill, will now be bisected by the trainline and obstructed by earthworks fill. The height of this fill has not been made clear but evidently it will need to rise above ground level closing off the view from the property and effectively causing one of the main reasons that your Petitioners purchased Hyde Manor to vanish. The work will run against the general lie of the

land and the natural topography. This mounding will introduce a distinctly artificial change in this section of the valley in order to offer some mitigation of the major impacts resulting from the scheme.

10 Further, although the plans which accompany the Bill show that the earthworks will be landscaped during the operational phase of HS2, during the construction phase your Petitioners' understand that their view will be blocked by presumably unsightly material stockpiles. Your Petitioners are also concerned about the time that it will take any landscaping to mature and are therefore currently facing an uncertain, but undoubtedly long, period with views of earthworks in some form or another.

11 The area of your Petitioner's property which the Bill indicates may be compulsorily acquired is currently an orchard which your Petitioner's planted and enjoy. A landscaped garden borders this orchard. This garden is currently heavily used by your Petitioner's young children, who play outside on a daily basis, as well as by others such as the local scouts group and charities who host fundraisers in the garden. Your Petitioners are left in no doubt that if that if the land indicated in the Bill is acquired the garden will become unusable and a significant benefit of their property will be lost. Further, the view over the orchard and into the valley below is the only long distance view from the property (all other views being onto woodland) and this view is one of the most attractive features of the property. This view will be lost throughout the construction phase of HS2,

*Noise and vibration*

12 Your Petitioners are concerned about the noise and vibration caused by high speed trains passing close to Hyde Manor. Your Petitioners note that currently the noise mapping which has been made available only shows predicted average noise levels over the 8hr night time and 16hr day time periods during the operation of HS2. It does not show the effect of maximum noise levels for individual trains passing, nor does it show the sonic effect of noise from the trains exiting or entering the tunnel portal. In addition, the maximum gradient of the line at this point is as it leaves the tunnel and then it continues up slope in open cutting at a slightly slacker gradient to the summit approximately 1km further north, means the tractive effort and hence engine power of each northbound train (up to 18 times per hour) will need to be at or close to maximum to achieve the desired operational speeds. This will result in the highest maximum noise level on the line.

13 The change in average noise level with the earthwork mounding in place is assessed as 5dB to 10dB (Moderate adverse). The simplicity of this assessment does not take account of the maximum noise level which, as noted above, is almost certain to be at its highest at this location, and the effect of the tunnel portal. These potential effects are noted within the Environmental Statement that accompanied the Bill but are not quantified. It is likely that the impacts will be major adverse and your Petitioners believe that no solution is yet available to mitigate this known but unquantified effect. Your Petitioners therefore believe that their quiet

enjoyment of their property and subsequently their quality of life will be severely affected by the operation of HS2.

*Construction effects*

14 Hyde Manor lies within 100m of the proposed construction area and will therefore be subject to disturbance, dust and noise from the construction itself, associated plant and machinery as well as construction traffic. The draft Code of Construction Practice sets out intended measures to be adopted for mitigation of the effects of the construction of the surface route, tunnel portal and extensive drainage work required, as well as the Chesham Road diversion to build the South Heath Green Tunnel in this locality.

15 Your Petitioners believe that a generalised conclusion that the Code of Construction Practice is sufficient to mitigate these effects is inadequate as the cumulative effects of all the works and construction traffic on access routes around this property will be significant. Despite the mitigation, the work in this location will have a significant effect on the property and others in the locality over an extensive period of time and the impacts will be very significant. Your Petitioners have four young children who spend much of their time playing outside who will be significantly affected by construction dust and noise. Increased traffic and road closures will also affect your Petitioners' daily lives, for example by disrupting the school run and it will become more difficult for your Petitioners to travel from their property. In particular, your Petitioners currently use Hyde Lane to access the A413. As a result of road closures associated with the works set out in the Bill, Hyde Lane will provide an even more important link and no adequate explanation has been given as to how this issue is to be addressed.

16 Your Petitioners believe that insufficient consideration has been given to the direct and the cumulative effects of all the HS2 works occurring in the area

*Effect on the AONB*

17 Objection is also taken to the works proposed to be undertaken in the Chilterns Area of Outstanding Natural Beauty ("AONB"). These works include the building of the railway line, the construction of green tunnels, cuttings, embankments, viaducts and access roads, the diversion of existing roads, the removal of woodland and the demolition of listed buildings.

18 Your Petitioners support the petition made by Conserve the Chilterns and Countryside ("CCC") regarding the significant damage that will be caused to the AONB by the Bill. In particular, your Petitioners are concerned about the effect of the construction and operation of HS2 on the landscape, ecology, economy and cultural heritage of the Chilterns AONB as well as the noise, traffic and segregation of the local area which will arise.

19 **Mitigation**

20 Your Petitioners support the CCC Petition and argues that the only acceptable form of mitigation to the issues outlined above is a continuous tunnel under the Chilterns AONB.

21 In the absence of a continuous tunnel your Petitioners conclude that the harmful effects of the works outlined in paragraph 9 to 16 above cannot adequately be mitigated. The following mitigation would be required as an absolute minimum:

- (a) Your Petitioners request an additional provision in the Bill, or an assurance from the Secretary of State, confirming that their property be acquired. Your Petitioners believe that if any part of their property is compulsorily acquired, or if the Associated Works take place as proposed in the Bill, the amenity and convenience of Hyde Manor will be seriously affected and it will be untenable for them to continue living there. Your Petitioners argue that the current compensation package proposed by the Government is inadequate. Despite the huge impact that the proposals in the Bill would have on their lives, there is no certainty as to the extent to which your Petitioners would qualify for compensation at this stage and/or whether they would be able to move from their property given the blighting effect that the proposal is having.
- (b) During the construction work, temporary material stockpiles adjacent to the property are to be seeded with grass and maintained as grass covered mounds for the period they are in place. Furthermore, the shape, height, profile and planting of the permanent mounding is to be agreed with your Petitioners as early as possible in the works programme. The agreed permanent mounding is to be finished on the side facing the property, and the temporary stockpile removed, as soon as possible in the programme to minimise disruption and enable the final work to become established quickly. The permanent finished side facing the property is to be grassed over in the earliest season possible and maintained thereafter. This will limit the extended effect of this major impact on the property and allow permanent establishment as early as possible.
- (c) A continuous noise attenuation barrier be erected on the northern side of the construction access track from Hyde Heath Road before it is used for construction work and maintained for the duration of its use for construction work. It is to be removed and the land reinstated on completion of the works.
- (d) A continuous noise attenuation barrier be erected on the property boundary with Hyde Lane before it is used for construction work and maintained for the duration of the construction work. It is to be removed and the land reinstated to the satisfaction of your Petitioners on completion of the works.
- (e) Your Petitioners are to be informed of the potential construction noise levels and working hours prior to work commencing and have the right to require agreement as to the mitigation measures to be adopted and the monitoring of those noise levels. Works between Mantles Wood and B485 Chesham Road inclusive are not to take place during weekends and public holidays unless agreed in advance with your Petitioners.

- (f) Additional woodland planting is to be agreed at locations within the property to provide screening where the mounding is insufficient. This planting is to be undertaken as soon as possible to allow the early establishment to be effective.
- (g) The Environmental Statement suggests that the noise levels resulting from the tunnel portal will be mitigated but that designs are not yet done. There is therefore no certainty as to the effectiveness of the hood to mitigate the high noise levels likely to occur at the portal. Therefore, the full details of the performance of the tunnel portal hood with respect to noise attenuation are to be provided and the likely maximum noise levels at the dwelling façade and in the main external amenity spaces of the property, for trains operating in each direction and also passing concurrently. The further mitigation measures needed to reduce the impacts to an acceptable level (in accordance with current British Standards) in all habitable rooms in the dwelling are to be designed in detail for agreement with your Petitioners and installed by the nominated undertaker. Any such agreement will not negate consideration of the loss of amenity and convenience of the property with respect to its current setting, as the impacts of the noise from each passing train cannot be mitigated sufficiently to preserve the existing amenity of the property.
- (h) Further detail regarding lighting effects from either static installations, particularly around the tunnel portal, or on the trains themselves are to be provided or mitigation of the effects to be defined. The locality is largely unaffected by light pollution. HS2 and its associated infrastructure will introduce light sources which will reduce the amenity of the property.

22 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, Schedule 1: Scheduled Works 2/15 – 2/17B so far affecting your Petitioners, 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 it 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.

Simon Ricketts, Agent for the Petitioner

BACKSHEET:

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